

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
VOLUME 5 OF 18 – Pages 862 to 1049

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CHRONOLOGICAL INDEX

Description	Page
VOLUME 1 OF 18 – Pages 1 to 221	
Complaint, Filed February 7, 2012	1
Summons [Amended Complaint], Filed March 20, 2012	22
Affidavit of Service [Summons], Filed April 4, 2012	28
Answer to Amended Complaint, Filed July 24, 2013	32
Plaintiff’s Early Case Conference Disclosures, Filed October 9, 2013	37
Order Setting Civil Non-Jury Trial and Calendar Call, Filed December 5, 2013	46
Amended Order Setting Civil Jury Trial and Calendar Call, Filed October 1, 2014	49
Plaintiff’s First Supplement to and Amendment of Initial 16.1 Disclosures, Filed March 16, 2015	52
Plaintiff’s Second Supplement to Initial 16.1 Disclosures, Filed March 18, 2015	70
Plaintiff’s Initial Expert Disclosures, Filed April 13, 2015	90
Exhibit 1	93
Plaintiff’s Third Supplement to Initial 16.1 Disclosures, Filed June 12, 2015	128
Defendant’s Motion for Summary Judgment, Filed July 13, 2015	150
Exhibit 1	162
Exhibit 2	179
Exhibit 3	181
Exhibit 4	195
Plaintiff’s Fourth Supplement to Initial 16.1 Disclosures, Filed July 14, 2015	200

VOLUME 2 OF 18 – Pages 222 to 430

Plaintiff’s Opposition to Defendant’s Motion for Summary Judgment, Filed July 27, 2015	222
Exhibit 1	238
Exhibit 2	283
Exhibit 3	308
Exhibit 4	353
Exhibit 5	358
 Plaintiff’s Errata to Opposition to Defendant’s Motion for Summary Judgment, Filed August 11, 2015	 361
Exhibit 6	364
 Defendant’s Motion in Limine [#1] to Exclude Purported Expert Witness Gary Presswood, Filed August 13, 2015	 398
Exhibit 1	410
Exhibit 2	412
Exhibit 3	426
(EXHIBITS CONTINUED IN VOLUME 3)	

VOLUME 3 OF 18 – Pages 431 to 640

Defendant’s Motion in Limine [#1] to Exclude Purported Expert Witness Gary Presswood, Filed August 13, 2015 (EXHIBITS CONTINUED FROM VOLUME 2)	
Exhibit 4	431
Exhibit 5	470
Exhibit 6	571
 Plaintiff’s Amended Fourth Supplement to Initial 16.1 Disclosures, Filed August 27, 2015	 574
 Plaintiff’s Opposition to Wynn’s Motion in Limine [#1] to Exclude Purported Expert Witness Gary Presswood, Filed August 27, 2015	 596
Exhibit 1	602
Exhibit 2	607
Exhibit 3	611
Exhibit 4	613
Exhibit 5	616
 Reply in Support of Defendant’s Motion for Summary Judgment, Filed September 10, 2015	 619
 Reply in Support of Defendant’s Motion in Limine [#1] to Exclude Purported Expert Witness Gary Presswood, Filed September 10, 2015	 636

VOLUME 4 OF 18 – Pages 641 to 861

Reply in Support of Defendant’s Motion in Limine [#2] to Exclude Unrelated Medical Conditions; Opposition to Plaintiff’s Motion for Sanctions, Filed September 10, 2015	641
Exhibit 1	650
Exhibit 2	698
Recorder’s Transcript re: Defendant’s Motion for Summary Judgment, District Court – Clark County, Nevada, Before the Honorable Carolyn Ellsworth, Date of Proceedings: September 17, 2015 (Filed On: January 11, 2017)	701
Plaintiff’s Fifth Supplement to Initial 16.1 Disclosures, Filed September 18, 2015	706
Plaintiff’s Sixth Supplement to Initial 16.1 Disclosures, Filed September 28, 2015	727
Transcript of Proceedings re: Defendant’s Motions In Limine and Plaintiff’s Omnibus Motions In Limine, District Court – Clark County, Nevada, Before the Honorable Carolyn Ellsworth, Date of Proceedings: October 1, 2015 (Filed On: October 12, 2015)	749
Order Denying Defendant’s Motion for Summary Judgment, Filed October 9, 2015	805
Notice of Entry of Order Denying Defendant’s Motion for Summary Judgment, Filed October 12, 2015	807
Order Denying Defendant’s Motion for Summary Judgment	809
Defendant’s Supplemental Brief to Exclude Plaintiff’s Treating Physician Expert Witnesses, Filed October 27, 2015	811
Exhibit 1	818
Exhibit 2	839
(EXHIBITS CONTINUED IN VOLUME 5)	

VOLUME 5 OF 18 – Pages 862 to 1049

Defendant’s Supplemental Brief to Exclude Plaintiff’s Treating Physician Expert Witnesses, Filed October 27, 2015 (EXHIBITS CONTINUED FROM VOLUME 4)	
Exhibit 3	862
Exhibit 4	885
Exhibit 5	916
Plaintiff’s Brief as to Doctor Tingey’s Testimony at Trial, Filed October 27, 2015	946
Exhibit 1	956
Exhibit 2	979

Defendant Wynn Las Vegas, LLC d/b/a Wynn Las Vegas' Proposed Verdict Forms, Filed October 27, 2015	983
Defendant Wynn Las Vegas, LLC d/b/a Wynn Las Vegas' Proposed Voir Dire Questions, Filed October 27, 2015	988
Plaintiff's Proposed Verdict Forms, Filed October 28, 2015	993
Plaintiff's Proposed Voir Dire Questions, Filed October 28, 2015	997
Defendant's Proposed Jury Instructions, Dated October 28, 2015	1001

VOLUME 6 OF 18 – Pages 1050 to 1271

Defendant's Proposed Jury Instructions (Without Citations), Dated October 28, 2015	1050
Transcript of Proceedings re: Plaintiff's Emergency Motion to Continue Trial and for Sanctions on Order Shortening Time: Supplemental Brief on Motion In Limine, District Court – Clark County, Nevada, Before the Honorable Carolyn Ellsworth, Date of Proceedings: October 29, 2015 (Filed On: January 12, 2016)	1098
Order Granting Defendant's Motion in Limine [#1] to Exclude Purported Expert Witness Gary Presswood, Filed November 2, 2015	1137
Order Denying Without Prejudice Defendant's Motion In Limine [#2] to Exclude Unrelated Medical Conditions; Opposition to Plaintiff's Motion for Sanctions, Filed November 2, 2015	1139
Transcript of Proceedings – Jury Trial – Day 1, District Court – Clark County, Nevada, Before the Honorable Carolyn Ellsworth, Date of Proceedings: November 4, 2015 (Filed January 12, 2016)	1142

VOLUME 7 OF 18 – Pages 1272 to 1470

Notice of Entry of Order, Filed November 5, 2015	1272
Order on Plaintiff's Omnibus Motions In Limine	1274

Notice of Entry of Order, Filed November 5, 2015	1277
Order Granting Defendant’s Motion in Limine [#1] to Exclude Purported Expert Witness Gary Presswood	1279
Notice of Entry of Order, Filed November 5, 2015	1281
Order Denying Without Prejudice Defendant’s Motion In Limine [#2] to Exclude Unrelated Medical Conditions; Opposition to Plaintiff’s Motion for Sanctions	1283
Transcript of Proceedings – Jury Trial – Day 2, District Court – Clark County, Nevada, Before the Honorable Carolyn Ellsworth, Date of Proceedings: November 5, 2015 (Filed January 12, 2016)	1286
Jury List, Filed November 9, 2015	1408
Defendant’s Bench Brief Regarding Future Pain and Suffering, Dated November 9, 2015	1409
Defendant’s Bench Brief Regarding Exclusion of Plaintiff’s Treating Physician Testimony Solely Based on Plaintiff’s Self-Reporting, Dated November 9, 2015	1412
Exhibit 1	1415
Plaintiff’s Brief as to Testimony Regarding Future Pain and Suffering, Filed November 9, 2015	1423
Exhibit 1	1429
Exhibit 2	1433
Exhibit 3	1438
Plaintiff’s Brief Regarding Causation Testimony by Drs. Dunn and Tingey, Filed November 9, 2015	1464

VOLUME 8 OF 18 – Pages 1471 to 1691

Transcript of Proceedings – Jury Trial – Day 3, District Court – Clark County, Nevada, Before the Honorable Carolyn Ellsworth, Date of Proceedings: November 9, 2015 (Filed January 12, 2016)	1471
Defendant’s Bench Brief Regarding Future Pain and Suffering, Dated November 10, 2015	1612
Defendant’s Bench Brief Regarding Exclusion of Plaintiff’s Treating Physician Testimony Solely Based on Plaintiff’s Self-Reporting, Dated November 10, 2015	1615
Exhibit 1	1618

Transcript of Proceedings – Jury Trial – Day 4, District Court – Clark County, Nevada, 1626
Before the Honorable Carolyn Ellsworth,
Date of Proceedings: November 10, 2015 (Filed January 12, 2016)
(TRANSCRIPT CONTINUED IN VOLUME 9)

VOLUME 9 OF 18 – Pages 1692 to 1912

Transcript of Proceedings – Jury Trial – Day 4, District Court – Clark County, Nevada,
Before the Honorable Carolyn Ellsworth,
Date of Proceedings: November 10, 2015 (Filed January 12, 2016)
(TRANSCRIPT CONTINUED FROM VOLUME 8)

Amended Jury List, 1883
Filed November 12, 2015

Plaintiff’s Brief as to Constructive Notice, 1884
Filed November 12, 2015

Defendant’s Bench Brief Regarding Expert Medical Testimony to 1891
Apportion Damages,
Filed November 12, 2015

Transcript of Proceedings – Jury Trial – Day 5, District Court – Clark County, Nevada, 1895
Before the Honorable Carolyn Ellsworth,
Date of Proceedings: November 12, 2015 (Filed January 12, 2016)
(TRANSCRIPT CONTINUED IN VOLUME 10)

VOLUME 10 OF 18 – Pages 1913 to 2133

Transcript of Proceedings – Jury Trial – Day 5, District Court – Clark County, Nevada,
Before the Honorable Carolyn Ellsworth,
Date of Proceedings: November 12, 2015 (Filed January 12, 2016)
(TRANSCRIPT CONTINUED FROM VOLUME 9)
(TRANSCRIPT CONTINUED IN VOLUME 11)

VOLUME 11 OF 18 – Pages 2134 to 2353

Transcript of Proceedings – Jury Trial – Day 5, District Court – Clark County, Nevada,
Before the Honorable Carolyn Ellsworth,
Date of Proceedings: November 12, 2015 (Filed January 12, 2016)
(TRANSCRIPT CONTINUED FROM VOLUME 10)

Transcript of Proceedings – Jury Trial – Day 6, District Court – Clark County, Nevada, 2228
Before the Honorable Carolyn Ellsworth,
Date of Proceedings: November 13, 2015 (Filed January 12, 2016)

Verdict Form, 2277
Filed November 16, 2015

Jury Instructions, Filed November 16, 2015	2278
Verdict(s) Submitted to Jury But Returned Unsigned, Filed November 16, 2015	2321
Transcript of Proceedings – Jury Trial – Day 7, District Court – Clark County, Nevada, Before the Honorable Carolyn Ellsworth, Date of Proceedings: November 16, 2015 (Filed January 12, 2016)	2323
Judgment on Verdict, Filed December 15, 2015	2338
Notice of Entry of Judgment on Verdict, Filed December 15, 2015	2340
Judgment on Verdict	2342
Order on Supplemental Briefing Relating to the Proposed Testimony of Dr. Dunn and Dr. Tingey, Filed December 23, 2015	2344
Notice of Posting Supersedeas Bond, Filed December 23, 2015	2347

VOLUME 12 OF 18 – Pages 2354 to 2543

Notice of Entry of Order, Filed December 28, 2015	2354
Order on Supplemental Briefing Relating to the Proposed Testimony of Dr. Dunn and Dr. Tingey	2356
Defendant Wynn Las Vegas, LLC’s Renewed Motion for Judgment as a Matter of Law, or, Alternatively, Motion for New Trial or Remittitur, Filed December 30, 2015	2359
Exhibit 1	2387
Exhibit 2	2403
Exhibit 3	2419
Exhibit 4	2429
Exhibit 5	2449
Exhibit 6	2462
Exhibit 7	2475
Exhibit 8	2477

(EXHIBITS CONTINUED IN VOLUME 13)

VOLUME 13 OF 18 – Pages 2544 to 2764

Defendant Wynn Las Vegas, LLC’s Renewed Motion for Judgment as a Matter of Law, or, Alternatively, Motion for New Trial or Remittitur, Filed December 30, 2015 (EXHIBITS CONTINUED FROM VOLUME 13)	
Exhibit 9	2544
Exhibit 10	2595
Plaintiff’s Opposition to Defendant’s Renewed Motion for Judgment as a Matter of Law and Motion for New Trial, Filed January 19, 2016	2631
Exhibit 1	2657
(EXHIBITS CONTINUED IN VOLUME 14)	

VOLUME 14 OF 18 – Pages 2765 to 2985

Plaintiff’s Opposition to Defendant’s Renewed Motion for Judgment as a Matter of Law and Motion for New Trial, Filed January 19, 2016	
Exhibit 1 (EXHIBITS CONTINUED FROM VOLUME 13)	
Exhibit 2	2799
(EXHIBITS CONTINUED IN VOLUME 15)	

VOLUME 15 OF 18 – Pages 2986 to 3206

Plaintiff’s Opposition to Defendant’s Renewed Motion for Judgment as a Matter of Law and Motion for New Trial, Filed January 19, 2016	
Exhibit 2 (EXHIBITS CONTINUED FROM VOLUME 14)	
Exhibit 3	3057
(EXHIBITS CONTINUED IN VOLUME 16)	

VOLUME 16 OF 18 – Pages 3207 to 3432

Plaintiff’s Opposition to Defendant’s Renewed Motion for Judgment as a Matter of Law and Motion for New Trial, Filed January 19, 2016	
Exhibit 3 (EXHIBITS CONTINUED FROM VOLUME 15)	
Defendant Wynn Las Vegas, LLC’s Reply in Support of Renewed Motion for Judgment as Matter of Law, or, Alternatively, Motion for New Trial or Remittitur, Filed January 28, 2016	3391
Notice of Related Authorities in Support of Defendant Wynn Las Vegas, LLC’s Renewed Motion for Judgment as a Matter of Law, or, Alternatively, Motion for New Trial or Remittitur, Filed March 3, 2016	3408
Exhibit 1	3411

VOLUME 17 OF 18 – Pages 3433 to 3638

Minutes from Docket [All Pending Motions], Dated March 4, 2016	3433
Transcript re: Hearing: All Pending Motions, Eighth Judicial District Court – Civil/Criminal Division – Clark County, Nevada, Before the Honorable Carolyn Ellsworth, Date of Proceedings: March 4, 2016 (Filed September 13, 2016)	3444
Order Denying Defendant’s Renewed Motion for Judgment as Matter of Law or Alternatively for a New Trial or Remittitur, Filed May 24, 2016	3472
Notice of Entry of Order Denying Defendant’s Renewed Motion for Judgment as Matter of Law or Alternatively for a New Trial or Remittitur, Filed May 25, 2016	3486
Order Denying Defendant’s Renewed Motion for Judgment as Matter of Law or Alternatively for a New Trial or Remittitur	3488
Notice of Appeal, Filed June 8, 2016 [June 16, 2016]	3502
Case Appeal Statement	3505
Case Summary	3510
Civil Cover Sheet	3523
Judgment on Verdict	3524
Notice of Entry of Judgment on Verdict	3526
Order Denying Defendant’s Renewed Motion for Judgment as a Matter of Law or Alternatively for a New Trial or Remittitur	3530
Notice of Entry of Order Denying Defendant’s Renewed Motion for Judgment as a Matter of Law or Alternatively for a New Trial or Remittitur	3544
Court Minutes [Various Dates]	3560
Plaintiff’s Proposed Exhibits	3595
Wynn’s Proposed Exhibit List	3597
Joint Stipulated Exhibits of the Parties	3602

DEFENDANT’S TRIAL EXHIBITS

Defendant’s Trial Exhibit No. B-1 – University Medical Center – Ambulatory Care Medical History Form [Record [Pages 54 and 55]	3606
Defendant’s Trial Exhibit No. E-1 – Clinical Neurology [Pages 1 and 2]	3608
Defendant’s Trial Exhibit No. G-1 – Patient Health Questionnaire – PHQ [Page 1 Only]	3610
Defendant’s Trial Exhibit No. I – Southern Nevada Pain Center [Pages 1 to 4]	3611
Defendant’s Trial Exhibit No. P-1 – Andrew M. Cash, M.D. Report	3615
Defendant’s Trial Exhibit No. R – Report Taken February 17, 2010 [Pages 1 to 6]	3620
Defendant’s Trial Exhibit No. Y – Yvonne S. O’Connell Patron Information	3626
Defendant’s Trial Exhibit No. Z – Wynn Atrium Log	3629

VOLUME 18 OF 18 – Pages 3639 to 3770

Defendant’s Motion In Limine [#2] to Exclude Unrelated Medical Conditions and Damages Claimed by Plaintiff, Filed August 13, 2015	3639
Exhibit 1	3653
Exhibit 2	3655
Exhibit 3	3685
Exhibit 4	3692
Exhibit 5	3699
Exhibit 6	3704
Exhibit 7	3714
Exhibit 8	3719
Plaintiff’s Opposition to Wynn’s Motion Motion In Limine [#2] to Exclude Unrelated Medical Conditions and Damages Claimed by Plaintiff and Motion for Sanctions for Violation of HIPPA Protected Information, Filed August 27, 2015	3742
Exhibit 1	3748

ALPHABETICAL INDEX

Affidavit of Service [Summons], Filed April 4, 2012	28
Amended Order Setting Civil Jury Trial and Calendar Call, Filed October 1, 2014	49
Answer to Amended Complaint, Filed July 24, 2013	32
Complaint, Filed February 7, 2012	1
Defendant Wynn Las Vegas, LLC d/b/a Wynn Las Vegas' Proposed Verdict Forms, Filed October 27, 2015	983
Defendant Wynn Las Vegas, LLC d/b/a Wynn Las Vegas' Proposed Voir Dire Questions, Filed October 27, 2015	988
Defendant Wynn Las Vegas, LLC's Renewed Motion for Judgment as a Matter of Law, or, Alternatively, Motion for New Trial or Remittitur, Filed December 30, 2015	2359
Exhibit 1	2387
Exhibit 2	2403
Exhibit 3	2419
Exhibit 4	2429
Exhibit 5	2449
Exhibit 6	2462
Exhibit 7	2475
Exhibit 8	2477
Exhibit 9	2544
Exhibit 10	2595
Defendant Wynn Las Vegas, LLC's Reply in Support of Renewed Motion for Judgment as Matter of Law, or, Alternatively, Motion for New Trial or Remittitur, Filed January 28, 2016	3391
Defendant's Bench Brief Regarding Exclusion of Plaintiff's Treating Physician Testimony Solely Based on Plaintiff's Self-Reporting, Dated November 9, 2015	1412
Exhibit 1	1415
Defendant's Bench Brief Regarding Exclusion of Plaintiff's Treating Physician Testimony Solely Based on Plaintiff's Self-Reporting, Dated November 10, 2015	1615
Exhibit 1	1618

Defendant’s Motion for Summary Judgment, Filed July 13, 2015	150
Exhibit 1	162
Exhibit 2	179
Exhibit 3	181
Exhibit 4	195
Defendant’s Motion in Limine [#1] to Exclude Purported Expert Witness Gary Presswood, Filed August 13, 2015	398
Exhibit 1	410
Exhibit 2	412
Exhibit 3	426
Exhibit 4	431
Exhibit 5	470
Exhibit 6	571
Defendant’s Motion In Limine [#2] to Exclude Unrelated Medical Conditions and Damages Claimed by Plaintiff, Filed August 13, 2015	3639
Exhibit 1	3653
Exhibit 2	3655
Exhibit 3	3685
Exhibit 4	3692
Exhibit 5	3699
Exhibit 6	3704
Exhibit 7	3714
Exhibit 8	3719
Defendant’s Bench Brief Regarding Future Pain and Suffering, Dated November 9, 2015	1409
Defendant’s Bench Brief Regarding Future Pain and Suffering, Dated November 10, 2015	1612
Defendant’s Proposed Jury Instructions (Without Citations), Dated October 28, 2015	1050
Defendant’s Proposed Jury Instructions, Dated October 28, 2015	1001
Defendant’s Supplemental Brief to Exclude Plaintiff’s Treating Physician Expert Witnesses, Filed October 27, 2015	811
Exhibit 1	818
Exhibit 2	839
Exhibit 3	862
Exhibit 4	885
Exhibit 5	916

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Defendant’s Trial Exhibit No. B-1 – University Medical Center – Ambulatory Care Medical History Form [Record [Pages 54 and 55]	3606
Defendant’s Trial Exhibit No. E-1 – Clinical Neurology [Pages 1 and 2]	3608
Defendant’s Trial Exhibit No. G-1 – Patient Health Questionnaire – PHQ [Page 1 Only]	3610
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Defendant’s Trial Exhibit No. Y – Yvonne S. O’Connell Patron Information	3626
Defendant’s Trial Exhibit No. Z – Wynn Atrium Log	3629
Jury List, Filed November 9, 2015	1408
Minutes from Docket [All Pending Motions], Dated March 4, 2016	3433
Notice of Appeal, Filed June 8, 2016 [June 16, 2016]	3502
Case Appeal Statement	3505
Case Summary	3510
Civil Cover Sheet	3523
Judgment on Verdict	3524
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Order Denying Defendant’s Renewed Motion for Judgment as a Matter of Law or Alternatively for a New Trial or Remittitur	3530
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Notice of Entry of Judgment on Verdict, Filed December 15, 2015	2340
Judgment on Verdict	2342
Notice of Entry of Order, Filed December 28, 2015	2354
Order on Supplemental Briefing Relating to the Proposed Testimony of Dunn and Dr. Tingey	Dr. 2356
Notice of Entry of Order, Filed November 5, 2015	1272
Order on Plaintiff's Omnibus Motions In Limine	1274
Notice of Entry of Order, Filed November 5, 2015	1277
Order Granting Defendant's Motion in Limine [#1] to Exclude Purported Expert Witness Gary Presswood	1279
Notice of Entry of Order, Filed November 5, 2015	1281
Order Denying Without Prejudice Defendant's Motion In Limine [#2] to Exclude Unrelated Medical Conditions; Opposition to Plaintiff's Motion for Sanctions	1283
Notice of Entry of Order Denying Defendant's Motion for Summary Judgment, Filed October 12, 2015	807
Order Denying Defendant's Motion for Summary Judgment	809
Notice of Entry of Order Denying Defendant's Renewed Motion for Judgment as Matter of Law or Alternatively for a New Trial or Remittitur, Filed May 25, 2016	3486
Order Denying Defendant's Renewed Motion for Judgment as Matter of Law or Alternatively for a New Trial or Remittitur	3488
Notice of Posting Supersedeas Bond, Filed December 23, 2015	2347
Notice of Related Authorities in Support of Defendant Wynn Las Vegas, LLC's Renewed Motion for Judgment as a Matter of Law, or, Alternatively, Motion for New Trial or Remittitur, Filed March 3, 2016	3408
Exhibit 1	3411
Order Denying Defendant's Motion for Summary Judgment, Filed October 9, 2015	805
Order Denying Defendant's Renewed Motion for Judgment as Matter of Law or Alternatively for a New Trial or Remittitur, Filed May 24, 2016	3472

Order Denying Without Prejudice Defendant’s Motion In Limine [#2] to Exclude Unrelated Medical Conditions; Opposition to Plaintiff’s Motion for Sanctions, Filed November 2, 2015	1139
Order Granting Defendant’s Motion in Limine [#1] to Exclude Purported Expert Witness Gary Presswood, Filed November 2, 2015	1137
Order on Supplemental Briefing Relating to the Proposed Testimony of Dr. Dunn and Dr. Tingey, Filed December 23, 2015	2344
Order Setting Civil Non-Jury Trial and Calendar Call, Filed December 5, 2013	46
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Exhibit 2	1433
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Exhibit 6	364
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Exhibit 2	283
Exhibit 3	308
Exhibit 4	353
Exhibit 5	358
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Exhibit 1	2657
Exhibit 2	2799
Exhibit 3	3057
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Exhibit 1	602
Exhibit 2	607
Exhibit 3	611
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Exhibit 1	3748
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Plaintiff's Proposed Voir Dire Questions, Filed October 28, 2015	997
Plaintiff's Second Supplement to Initial 16.1 Disclosures, Filed March 18, 2015	70
Plaintiff's Third Supplement to Initial 16.1 Disclosures, Filed June 12, 2015	128
Recorder's Transcript re: Defendant's Motion for Summary Judgment, District Court – Clark County, Nevada, Before the Honorable Carolyn Ellsworth, Date of Proceedings: September 17, 2015 (Filed On: January 11, 2017)	701

Reply in Support of Defendant’s Motion for Summary Judgment, Filed September 10, 2015	619
Reply in Support of Defendant’s Motion in Limine [#1] to Exclude Purported Expert Witness Gary Presswood, Filed September 10, 2015	636
Reply in Support of Defendant’s Motion in Limine [#2] to Exclude Unrelated Medical Conditions; Opposition to Plaintiff’s Motion for Sanctions, Filed September 10, 2015	641
Exhibit 1	650
Exhibit 2	698
Summons [Amended Complaint], Filed March 20, 2012	22
Transcript of Proceedings – Jury Trial – Day 1, District Court – Clark County, Nevada, Before the Honorable Carolyn Ellsworth, Date of Proceedings: November 4, 2015 (Filed January 12, 2016)	1142
Transcript of Proceedings – Jury Trial – Day 2, District Court – Clark County, Nevada, Before the Honorable Carolyn Ellsworth, Date of Proceedings: November 5, 2015 (Filed January 12, 2016)	1286
Transcript of Proceedings – Jury Trial – Day 3, District Court – Clark County, Nevada, Before the Honorable Carolyn Ellsworth, Date of Proceedings: November 9, 2015 (Filed January 12, 2016)	1471
Transcript of Proceedings re: Defendant’s Motions In Limine and Plaintiff’s Omnibus Motions In Limine, District Court – Clark County, Nevada, Before the Honorable Carolyn Ellsworth, Date of Proceedings: October 1, 2015 (Filed On: October 12, 2015)	749
Transcript of Proceedings re: Plaintiff’s Emergency Motion to Continue Trial and for Sanctions on Order Shortening Time: Supplemental Brief on Motion In Limine, District Court – Clark County, Nevada, Before the Honorable Carolyn Ellsworth, Date of Proceedings: October 29, 2015 (Filed On: January 12, 2016)	1098
Transcript re: Hearing: All Pending Motions, Eighth Judicial District Court – Civil/Criminal Division – Clark County, Nevada, Before the Honorable Carolyn Ellsworth, Date of Proceedings: March 4, 2016 (Filed September 13, 2016)	3444

EXHIBIT 3

EXHIBIT 3

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ELECTRONICALLY SERVED
 07/14/2015 11:01:59 AM

DISTRICT COURT
 CLARK COUNTY, NEVADA

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

15 vs.

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

20 Defendants.

CASE NO. A-12-655992-C

DEPARTMENT NO. V

PLAINTIFF'S FOURTH SUPPLEMENT
 TO INITIAL 16.1 DISCLOSURES

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 Fourth Supplement to Early Case Conference Disclosures pursuant to NRCP 16.1,
 24 as follows (**supplemented documents are in bold**):

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

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

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

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

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

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

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

Phone: (702) 732-6000

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

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

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

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

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

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 9. Christopher Milford, M.D., P.C. and/or
11 Person Most Knowledgeable/Custodian of Records
12 Silver State Neurology
13 9811 W. Charleston Blvd., Ste. 2-357
14 Las Vegas, NV 89117
15 Phone: (702) 256-3637

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.

- 25 10. Person Most Knowledgeable/Custodian of Records
26 Edwin Suarez Physical Therapy
27 4955 S. Durango Dr. #100
28 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. Edson Erkulvrawatr, M.D. and/or
Person Most Knowledgeable/Custodian of Records
Southern Nevada Pain Center
6950 W. Desert Inn Rd., Ste. 110
Las Vegas, NV 89117
Phone: (702) 259-5550

15 This individual is expected to testify as a treating physician and as an expert regarding
16 the injuries sustained, past present and future medical treatment and impairment, prognosis,
17 disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of
18 all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records
19 and bills. Pursuant to Nev.R.Civ.P. 16.1 (2)(b), the said witness, being an expert witness who is
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.

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

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.

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 This individual is expected to testify as a treating physician and as an expert regarding
27 the injuries sustained, past present and future medical treatment and impairment, prognosis,
28 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

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.

- 19 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

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

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

NETTLES LAW FIRM

1389 Galleria Drive Suite 200

Henderson, NV 89014

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

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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 Orthopaedic 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

NETTLES LAW FIRM

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

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
Tyrce 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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24
25
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CERTIFICATE OF SERVICE

Pursuant to NEFCR 9, NRCR 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.
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 4

EXHIBIT 4

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 SIXTH SUPPLEMENT
TO INITIAL 16.1 DISCLOSURES

Plaintiff, YVONNE O'CONNELL, by and through her attorneys of record BRIAN D. NETTLES, ESQ. and CHRISTIAN M. MORRIS, ESQ. of the NETTLES LAW FIRM, hereby submits her Sixth Supplement to Early Case Conference Disclosures pursuant to NRCP 16.1, as follows (**supplemented documents are in bold**):

I. WITNESSES

Pursuant to NRCP 16.1 (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

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 5. Person Most Knowledgeable/Custodian of Records
12 UMC Quickcare
13 1800 West Charleston Blvd.
14 Las Vegas, NV 89102
15 Phone: (702) 383-2000

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
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25 other incidents having relevance to this action. The facts and opinions to which the expert is
26 expected to testify include any and all facts and opinions in the said medical records, and that the
27 medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
28 set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
any party in this action that contradict the same.

- 24 6. Person Most Knowledgeable/Custodian of Records
25 Matt Smith Physical Therapy
26 9499 W. Charleston Blvd., Suite 220
27 Las Vegas, NV 89117
28 Phone: (702) 933-9394

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,

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
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11 medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
12 set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
13 any party in this action that contradict the same.

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

15 This individual is expected to testify as a treating physician and as an expert regarding
16 the injuries sustained, past present and future medical treatment and impairment, prognosis,
17 disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of
18 all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records
19 and bills. Pursuant to Nev.R.Civ.P. 16.1 (2)(b), the said witness, being an expert witness who is
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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.

23 8. John A. Thompson, M.D. and/or
24 Person Most Knowledgeable/Custodian of Records
25 Desert Oasis Clinic
26 6316 S. Rainbow Blvd., Suite 100
27 Las Vegas, NV 89118
28 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

1 all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records
2 and bills. Pursuant to Nev.R.Civ.P. 16.1 (2)(b), the said witness, being an expert witness who is
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9 expected to testify include any and all facts and opinions in the said medical records, and that the
10 medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
11 set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
12 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

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

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.

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

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

11 13. Andrew Cash, M.D. and/or
12 Person Most Knowledgeable/Custodian of Records
13 Nevada Institute of Spine Care
14 9339 W. Sunset Road, Ste. 100
15 Las Vegas, NV 89148
16 Phone: (702) 630-3472

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
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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
29 medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
30 set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
31 any party in this action that contradict the same.

32 14. Lee Wittenberg, DPM and/or
33 Person Most Knowledgeable/Custodian of Records
34 Apache Foot & Ankle Specialist LLC
35 9710 W. Tropicana Ave., Ste. 115
36 Las Vegas, NV 89147
37 Phone: (702) 362-2622

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

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

10
11 15. Suresh Prahbu, M.D. and/or
12 Person Most Knowledgeable/Custodian of Records
13 Ascent Primary Care
14 653 N. Town Center Dr., Ste. 217
15 Las Vegas, NV 89144
16 Phone: (702) 545-0751

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
29 medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
30 set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
31 any party in this action that contradict the same.

32 16. Person Most Knowledgeable/Custodian of Records
33 University Medical Center
34 1800 West Charleston Blvd.
35 Las Vegas, NV 89102
36 Phone: (702) 383-2000

37 This individual is expected to testify as a treating physician and as an expert regarding
38 the injuries sustained, past present and future medical treatment and impairment, prognosis,
39 disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of
40 all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records
41 and bills. Pursuant to Nev.R.Civ.P. 16.1 (2)(b), the said witness, being an expert witness who is
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17. Thomas Dunn, M.D.
Craig T. Tingey, M.D.
Andrew S. Martin, M.D. and/or
Person Most Knowledgeable/Custodian of Records
Desert Othopaedic Center
2800 East Desert Inn Road, Suite 100
Las Vegas, NV 89121-3609
Phone: (702) 731-1616

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

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

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

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

1 medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
2 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.

3 19. Scott Manthei, M.D. and/or
4 Person Most Knowledgeable/Custodian of Records
5 Nevada Eye and Ear
6 2598 Windmill Pkwy.
Henderson, NV 89074

7 This individual is expected to testify as a treating physician and as an expert regarding
8 the injuries sustained, past present and future medical treatment and impairment, prognosis,
9 disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of
10 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
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,
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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
any party in this action that contradict the same.

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

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

21. Troy Valdez -- brother
4 Starling Lane
Aliso Viejo, CA 92656
(949) 254-4550
(949) 228-0959

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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
(805) 838-7187

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

13 33. Person Most Knowledgeable/Custodian of Records
14 Las Vegas Radiology
15 7500 Smoke Ranch Road, Suite 100
16 Las Vegas, Nevada 89128
17 (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
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.

27 34. Person Most Knowledgeable/Custodian of Records
28 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.

- 1 3. Medical Records and Billing Statement
2 UMC Quickcare
3 1800 West Charleston Blvd.
4 Las Vegas, NV 89102
5 Bate numbered PLTF000034 through PLTF000289 and attached hereto.
- 6 4. Physical Therapy Records and Billing Statement
7 Matt Smith Physical Therapy
8 9499 W. Charleston Blvd., Suite 220
9 Las Vegas, NV 89117
10 Bate numbered PLTF000290 through PLTF000374 and attached hereto.
- 11 5. Medical Records and Billing Statement
12 Timothy Trainor, M.D.
13 Advanced Orthopedic & Sports Medicine
14 8420 W. Warm Springs Rd.
15 Las Vegas, NV
16 Bate numbered PLTF000375 through PLTF000396 and attached hereto.
- 17 6. Medical Records and Billing Statement
18 John A. Thompson, M.D.
19 Desert Oasis Clinic
20 6316 S. Rainbow Blvd., Suite 100
21 Las Vegas, NV 89118
22 Bate numbered PLTF000397 through PLTF000407 and attached hereto.
- 23 7. Medical Records and Billing Statement
24 Christopher Milford, M.D., P.C.
25 Silver State Neurology
26 9811 W. Charleston Blvd., Ste. 2-357
27 Las Vegas, NV 89117
28 Bate numbered PLTF000408 through PLTF000431 and attached hereto.
8. Physical Therapy and Billing Statement
Edwin Suarez Physical Therapy
4955 S. Durango Dr. #100
Las Vegas, NV 89113
Bate numbered PLTF000432 through PLTF000443 and attached hereto.
9. Medical Records and Billing Statement
Edson Erkulvrawatr, M.D.
Southern Nevada Pain Center
6950 W. Desert Inn Rd., Ste. 110
Las Vegas, NV 89117
Phone: (702) 259-5550
Bate numbered PLTF000444 through PLTF000526 and attached hereto.

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1389 Galleria Drive Suite 200

Henderson, NV 89014

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

10. Medical Records and Billing Statement
Leo Germin, M.D.
Clinical Neurology Specialists
1691 W. Horizon Ridge Pkwy., Ste. 100
Henderson, NV 89012
Bate numbered PLTF000527 through PLTF000535 and attached hereto.
11. Medical Records and Billing Statement
Andrew Cash, M.D.
Nevada Institute of Spine Care
9339 W. Sunset Road, Ste. 100
Las Vegas, NV 89148
Bate numbered PLTF000536 through PLTF000584 and attached hereto.
12. Medical Records and Billing Statement
Lee Wittenberg, DPM
Apache Foot & Ankle Specialist LLC
9710W. Tropicana Ave., Ste. 115
Las Vegas, NV 89147
Bate numbered PLTF000585 through PLTF000598 and attached hereto.
13. Medical Records and Billing Statement
Suresh Prahbu, M.D.
Ascent Primary Care
653 N. Town Center Dr., Ste. 217
Las Vegas, NV 89144
Bate numbered PLTF000594 through PLTF000598 and attached hereto.
14. Medical Records
Thomas Dunn, M.D. and/or
Desert Othopaedic Center
2800 East Desert Inn Road, Suite 100
Las Vegas, NV 89121-3609
Bate numbered PLTF000599 through PLTF000627 and attached hereto.
15. Medical Records and Billing Statement
Yakov Shaposhnikov, M.D. and/or
Gastrointestinal and Liver Diseases
2020 Goldring Avenue
Las Vegas, NV 89106
Bate numbered PLTF000628 through PLTF000649 and attached hereto.
16. Medical Records and Billing Statement
Enrique Lacayo, M.D.
2020 Goldring Avenue
Las Vegas, NV 89106
Bate numbered PLTF000650 through PLTF000677 and attached hereto.

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1389 Galleria Drive Suite 200
Henderson, NV 89014
(702) 434-8282 / (702) 434-1888 (fax)

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

29. C.V., Fee Schedule and Trial History of

Thomas Dunn, M.D. -- Desert Orthopedic Center

Bate numbered PLTF000753 through PLTF000756 are attached hereto.

30. C.V., Fee Schedule and Trial History of

Craig T. Tingey, M.D -- Desert Orthopedic Center

Bate numbered PLTF000757 through PLTF000764 are attached hereto.

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

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

III. COMPUTATION OF DAMAGES

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

...

...

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 Prabhu, M.D. Ascent Primary Care	\$ 270.00
Thomas Dunn, M.D. Desert Orthopaedic Center	\$ 1,640.00
Yakov Shaposhnikov, M.D. Gastrointestinal and Liver Diseases	\$ 828.00
Enrique Lacayo, M.D.	\$ 175.00

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

B. ADDITIONAL DAMAGES:

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

IV. INSURANCE POLICY

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

Plaintiff is unaware of any insurance agreement(s).

DATED this 28th day of September, 2015.

NETTLES LAW FIRM



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

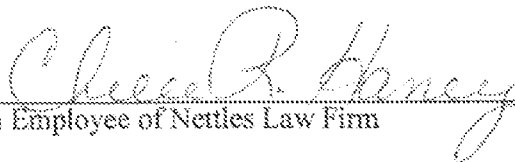
NETTLES LAW FIRM

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

CERTIFICATE OF SERVICE

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I certify that on this 28th day of September, 2015, I served the foregoing *Plaintiff's Sixth Supplement To Initial Disclosures* to the following parties by electronic transmission through the Wiznet system:

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


An Employee of Nettles Law Firm

CRAIG T. TINGEY, M.D.

BOARD CERTIFIED ORTHOPAEDIC SURGEON

ORTHOPAEDIC SURGERY PRACTICE

- ♦ Private practice in Orthopaedic Surgery, 2005-current. Specializing in Sports Medicine/Arthroscopy, Joint Replacement, and Orthopaedic Trauma with emphasis on shoulder, hip, and knee surgery.
- ♦ Partner, Desert Orthopaedic Center 2009-current.
- ♦ Partner, Orthopaedic Specialists of Nevada, 2005-2009
- ♦ Board Certified with the American Board of Orthopaedic Surgeons
- ♦ Fellow of the American Academy of Orthopaedic Surgeons
- ♦ Chief of Orthopaedic Surgery, Mt. View Hospital 2009-2011
- ♦ Staff Privileges at Mountain View Hospital, San Martin Hospital, Centennial Hills Hospital, Specialty Surgery Center, Institute of Orthopaedic Surgery
- ♦ Member of Trauma Orthopaedic Surgical Services, providing Orthopaedic Trauma care at University Medical Center, a Level I Trauma Center, 2005-2013
- ♦ Team Physician, Gorman High School, 2005-2007

EDUCATION

- ♦ Orthopaedic Surgery Resident, Loma Linda University School of Medicine, 2000-2004
- ♦ General Surgery Internship, Loma Linda University School of Medicine, 1999-2000
- ♦ M.D., Wake Forest University School of Medicine, 1999
- ♦ B.S., Human Biology, Brigham Young University, 1995

RESEARCH EXPERIENCE

- ♦ *Biomechanical Comparison of Unipedicular Versus Bipedicular Kyphoplasty*, Published in *Spine* 30(2):201-205, January 15, 2005; 1st place award at 12th Annual Orthopaedic Research Seminar, Loma Linda University, 2004
 - ♦ *Independent Index Finger Extension After EIP Transfer: Excision of Junctional Tendonum in the Cadaver*; 2nd place award at 11th Annual Orthopaedic Research Seminar, Loma Linda University, 2003
 - ♦ *The Effect of Botulinum-A Toxin Injections on the Natural History of Equinus Foot Deformity in Pediatric Cerebral Palsy Patients*; Podium presentation at Oscar Miller Day Symposium on Pediatric Orthopaedics, 1997
-

PLTF000757

**HONORS AND
AWARDS**

- ♦ *Medical Student Ethical Experience—A Follow-up Study*; 1998
- ♦ Leonard Marmor award for “Excellence in Orthopaedic Surgery”, Loma Linda University, 2004
- ♦ 96th percentile national score on United States Medical Licensing Exam, Step I
- ♦ National Institutes of Health Medical Student Research Fellowship, 1997
- ♦ President of Medical School Class, Wake Forest University, 1998
- ♦ Academic Scholarship, Brigham Young University, 1989-1995

**VOLUNTEER
WORK**

- ♦ Medical missions to Dominican Republic and Haiti; Perform orthopaedic surgeries at mission hospital, 2001, 2003, 2005, 2008, 2009, 2011, 2013
- ♦ Missionary for LDS Church to Brazil, 1990-1992
- ♦ Member of committee that developed the Honor Code System for Wake Forest University School of Medicine, 1998

LANGUAGES

- ♦ English, Spanish, and Portuguese

**PERSONAL
INTERESTS**

- ♦ Four children
 - ♦ Basketball, mountain biking, piano, woodworking, skiing, hiking
-

2015

PLTF000758

**CRAIG T. TINGEY, M.D.
DESERT ORTHOPAEDIC CENTER
MEDICAL / LEGAL FEE SCHEDULE
2015**

Prepayment or deposit required for all services

Base Fee for IME \$1500.00

Fees Relating to Record Reviews/IMEs:

Review of records/creation of abstract	\$500 per ½ hour
Surgery Cost Letters	\$500
Extensive interview/examination (prolonged examination/complex case)	\$600 per hour
Phone Conference	\$1000 per hour
Arbitration	\$2000 per hour
Deposition One hour minimum	\$1500 per hour
Video Depositions	\$2500 per hour
Pre-Deposition Meeting	\$1000 per hour
Meeting with Attorney One hour minimum with Dr. pre-approval	\$1000 per hour

Refund Policy for above services:

Full refund only if canceled 7 calendar days prior
½ refund if canceled more than 48 hours prior
No refund if canceled less than 48 hours prior

Court Appearance:

½ day \$5,000
Whole day \$10,000

Retainer fee of \$5,000 for court appearance due 7 calendar days in advance of appearance date

No refunds given for cancellation within 7 calendar days of appearance date.

Sincerely,
Kristy Waggerman
Tel: (702) 697-7297
Fax: (702) 732-1695
KWaggerman@dochy.com

revised 01/15/14

PLTF000759

MEDLEGAL CASES
DR. TINGEY

	A	B	C	D	E	F	G	H	I	J
	DATE	1	Arbi	DEPO	TRIAL	PLAINTIFF	V	DEFENSE	XPRO/ TREAT	CASE #
1									4P/D	
2										
3	09/01/09			X		Harigan, Eleanor	v	Foerster, Ryan; Larkin, Cynthia	T	07A542003
4	10/06/09			X		Willis, Deborah	v	unavailable	T	unavailable
5	11/03/09			X		Robinson, Walter	v	Cadle, Brigitte	T	07A554305
6	12/02/09			X		Denton, Marie	v	Albertson's LLC; Jewel Food Stores, Inc.	T	08A580129
7	08/03/10			X		Beitran DeMunillo, Elvia	v	King Ranch Markets, Inc.	T	08-A-573231
8	06/17/10			X		Neal, Loren	v	Richard Brown; AstraZeneca Corp.	T	State of Georgia
9	07/15/10			X		Freij, Adil	v	Patricia Kenny	T	A567729
10	07/26/10			X		Haris, Julia	v	Smith's Food & Drug Centers, Inc.	T	08-A-563182
11	07/29/10			X		Miller, Ruth	v	Wal-Mart Stores	T	A-09-591500-C
12	07/30/10				X	Robinson, Walter	v	Cadle, Brigitte	T	07A554305
13	08/02/10			X		Spain-Miller, Zaskary	v	Earline Joy Arnold	T	A603337
14	08/27/10			X		Brandani, Deveta	v	LaQuinta Int; KCC International	T	TX Court: 2009-59284
15	08/30/10			X		Gonzalez, Pedro	v	Maningo, Lance	T	A608049
16	09/20/10			X		Lau, Patricia	v	David Wong; Wong Family Trust; Aloha Patio Covers & Landscaping	T	A582480
17	10/04/10			X		Piccollella, Anthony	v	Avis Rent-a-Car; Kathryn Ashley	T	A571500
18	10/15/10			X		Mendoza, Louisa	v	Hall, Jason	T	A543091
19	10/18/10			X		Morgan, Stacey	v	Wal-Mart Stores	T	A609854

PLTF000760

MEDICAL CASES
DR. TINGEY

	A	B	C	D	E	F	G	H	I	J
20	02/10/11			X		Barrera, Lynda	v	Western United Ins. Co.	T	A602234
21	06/30/11			X		Noel, Loren	v	Richard Brown; AstraZeneca Corp.	T	State of Georgia
22	08/10/11				X	Cole, Brian	v	Caudle, Brian	T	A595408
23	08/12/11			X		Vialpando, Dorothy	v	Stryker Corp.; Stryker Sales Corp.	T	State of California
24	09/26/11			X		Ence, Janeen	v	AAA Nevada	T	A633939
25	09/29/11			X		Azelline, Melissa	v	Steven Gazday; Larry Swain	T	A615128
26	10/17/11			X		Gale, Andrea	v	David Rabin; Pacific Life Ins Co	T	A596311
27	11/14/11			X		Nasso, Chris	v	Davis Freight Systems LLC; Oak Harbor Freight Lines Inc	T	A535711
28	12/09/11			X		Villalobos, Liana	v	Wal-Mart Stores, Inc	T	A628967
29	12/29/11			X		Escobar, Sr., Felix	v	Rafael Barragan-Oseguera; Baja Construction Co., Inc.	T	A599977
30	01/09/12			X		Kravtchenko, Katia	v	Albert Werner; CRS Logistics Inc	T	A612349
31	01/19/12			X		Rovere, Richard	v	James K. Patillo	T	A629274
32	03/19/12			X		Wilson, Maurice	v	Commercial Services Int'l; Terrible's Hotel & Casino	T	A623718
33	04/02/12			X		Guenra, Betsy	v	American Family Mutual	T	A625795
34	04/11/12				X	Escobar, Sr., Felix	v	Rafael Barragan-Oseguera; Baja Construction Co., Inc.	T	A599977
35	04/19/12			X		Maxwell, Toni	v	Allied Property And Casualty	T	A01661
36	05/03/12			X		Lizarraga, Martha	v	Phyllis F. Rich	T	A-10-627420-C
37	05/07/12			X		Garnier, Shannon	v	Marilyn Bloch	T	A-10-623506-C

PLTF000761

MED/LEGAL CASES
DR. TINGEY

	A	B	C	D	E	F	G	H	I	J
36	05/25/12			X		Mendez, Angela	v	New Albertsons, INC	T	A-10-811576-C
39	08/02/12			X		Murguia, Charles	v	Raymond H. Young	T	A636826
40	08/06/12			X		Valle, Maria	v	MGM RESORT	T	A-11-642767-C
41	10/01/12			X		Sanchez, Maria	v	Kroger Group	T	A-833412
42	10/04/12			X		Petiolelli, Maridy	v	Rio Properties, INC	T	A638461
43	10/08/12			X		Richardson, James	v	Charleston Station, LLC	T	A632985
44	10/15/12			X		Erikson, Barbara	v	Newton Hawkins	T	A-11-632975-C
45	10/18/12			X		Mercado, Patrick	v	Gail Perry	T/P	A-11-6462484-C
46	10/18/12			X		Onofre-Huizar, Angelica	v	Simeon Aquino	T	A-623460
47	10/22/12			X		Friedman, Marc	v	Colorado Casualty Insurance	T	2:11-cv-01041-JCM
48	10/29/12			X		Roberts, Carolyn	v	Tony Rigby	T	110501322-Utah
49	12/17/12			X		Quintanal, Silvia	v	Aria Resort & Casino	T	A659457
50	01/31/13			X		Mercer, Tolene	v	Eptiana Fernandez	T	A-10-625502
51	02/01/13			X		Najera, Victor	v	Roy Mocraken	T	A-11-652483
52	02/08/13			X		Sloan, Lucia	v	Country Preferred Insurance	T	2:12CV0185
53	02/14/13			X		Cueva, Ana	v	William Rowan	T	A-11-653709-C
54	02/22/13			X		Garcia, Gabriel	v	Joyce Laverne King	T	A-11-653053-C
55	02/28/13			X		Brooks, Amy	v	Joe's Crab Shack	T	A024404

PLTF000762

MED/LEGAL CASES
DR. TINNEY

	A	B	C	D	E	F	G	H	I	J
56	03/07/13			X		O'Dowd, Robert	v	George Kellogg	T	A-648908
57	05/13/13				X	Quezada, Veronica	v	Korey Robinson	T	A-612452
58	05/15/13		X			Azelino, Melissa	v	Steven Gazlay, Larry Swain	T	A-615128
59	07/08/13			X		DeLeon, Linda	v	Jack May	T	A-800797
60	09/06/13			X		Holt, James	v	Harrah's Imperial Palace Corp & Schindler Elevator Corp	T	A-11-852088-C
61	09/11/13				X	Garcia, Gabriel	v	Joyce Laverne King	T	A-11-853053-C
62	09/13/13			X		Miller, Babette	v	Lakeview Company DBA Hacienda Hotel & Casino	T	A-11-843993-C
63	10/21/13			X		Sax, Sandra	v	Rance Bordenave	T	A-12-880292-C
64	10/28/13			X		Gonzalez, Jose M.	v	Wood Resources of Nevada Inc. & Shawn Patrick McGraw	T	A-12-862140-C
65	11/14/13			X		Garcia, Susana	v	Circus Circus Casinos, Inc. DBA Circus Circus Hotel and Casino	T	A-12-858270-C
66	11/18/13			X		Bato, Sandra	v	Rance Bordenave	T	A-12-880292-C
67	01/02/14			X		Vidrio-Michel, Cristian	v	Rickie Lee Rochelle	T	A-12-885816-C
68	01/13/14			X		Kimber, Merisa	v	Brian Keith Steehler	T	A-12-881637-C
69	03/14/14				X	Lizarraga, Marsha	v	Phyllis F. Rich	T	A-10-827420-C
70	04/07/14			X		Rivera, Isabel	v	Thomas Milnac	T	A-12-889711-C
71	04/10/14			X		Infante, Ana	v	Lisa Roberson	T	A-13-874755-C
72	05/30/14			X		Cordova, Andrew	v	American Family Veolia Trans. Services Inc. McCourtain, Gary Max; Campos, Rafael De Jesus Santos, etc.	T	2:13-CV-01111-APG-VCF
73	06/03/14			X		Cruz, Joeverne	v		T	A-12-871188-C

MEDICAL CASES
DR. TINGEY

	A	B	C	D	E	F	G	H	I	J
74	06/12/14			X		Seales, Karen	v	Freight Transport Delivery Services Inc.; George Jerome Williamson	T	A-13-674758-C
75	06/16/14			X		Bahaj S. Ghai	v	Angela Morisseau	T	A-13-675469-C
76	07/07/14			X		Perta Arias	v	American Family	T	A-13-682075-C
77	07/12/14			X		Maira Juarez-Paez	v	Eilea Herpacio & Julieta Guevara	T	A-13-680714-C
78	08/08/14			X		Patricia Boggs	v	Vel Olivia: The Estate of Vel Olivia	T	A-14-698871-C
79	08/08/14				X	Ladin, Jeffrey	v	Leslie Thompson	T	A-12-652586-C
80	10/27/14			X		Aiello, Joseph	v	Nevada Checker Cab Corporation;	T	A-13-679644-C
81	10/30/14			X		Alexander, Cindy	v	Michil Indanar; Devon Garfield	T	2:13-cv-00214-DS
82	11/07/14				X	Shakespeare, Kayleen	v	Chip Brox; CJ5 Enterprises, Inc.	T	2:12-cv-01064
83	11/13/14			X		Delgado, Richard	v	DBA Chip's Grand Tire	T	A-13-681108-C
84	11/24/14			X		Sanchez, Claudia	v	Wal-Mart Stores, Inc. DBA Wal-mart Store #2837	T	2:14-cv-00803-APG-PAL
85	12/19/14			X		Vanderbur, Frederic	v	Jeffery Edwards	T	A-13-887103-C
86	12/22/14			X		Avakian, Arsen	v	Wal-Mart Stores, Inc.	T	A-13-6898373-C
87	01/05/15			X		Farnum, Gerald	v	Jesse Parinya Jia; Brian Jia; Arturo Brandon Rosales Acevedo	T	A-13-677979-C
88	01/26/15			X		Buono, Michael	v	Vega Western Cab Inc; Noshawan Raja; Fries Holding Company	T	A-13-681683-C
89	02/13/15			X		Rivera, Dawn M.	v	Travis Richard Coon; Justin David Brunty	T	A-13-681688-C

EXHIBIT 5

EXHIBIT 5

Thomas Dunn, M.D.
Desert Orthopaedic Center

PLTF000599

MEDICAL RECORDS REQUEST

2742716

Fax completed form to: (702) 734-4900

Submission date: 12-2-14

Purpose: This form is used for an individual's request to inspect and/or obtain copies of the patient's protected health information or records in our designated records sets or the designated record sets of our business associates.
Please provide a legal document.

SECTION A: Patient Name.

Name: YVONNE O'CONNELL

Also known as or previous legal name:

Address:

Telephone:

Social Security:

DOC Practitioner: DR DUAN + DR MARTIN

Last Seen: 10-13-14

SECTION B: To the Patient - Please read the following and complete the information requested.

You have the right to inspect and obtain a copy of your protected health information in designated record sets we or our business associates maintain. You are not, however, entitled to inspect or obtain a copy of any psychotherapy notes we may have; any information we may have compiled in anticipation of or for use in any civil, criminal, or administrative action or proceeding; any information not subject to disclosure to you under the Clinical Laboratory Improvements Amendments of 1988 (42 U.S.C. § 263a) and certain other records. To exercise your right of access, please complete this Section B.

Records You Wish to Inspect or Obtain Reproductions:

Paper Records in Chart ALL Images including X-Ray, MRI, CT films, etc. ALL No

Do you wish to: Inspect these records? Obtain copies of these records? YES
We will charge you .60¢ per page to copy paper records and \$15 per film or CD for medical images.

What office address would you like to pick up the records at?

Desert Inn Office Centennial Office Horizon Ridge Office Fort Apache Office X

Do you want us to mail the copies? NO - pickup We will charge you for the postage. Please call when ready.

Please list the name and address of each person, including yourself or your personal representatives, for whom you want us to make and/or mail copies.

YVONNE O'CONNELL

If you want to provide access to or copies of your records to any person other than you or your personal representative, you must provide us with a signed authorization. We can supply you with the appropriate authorization form.

SIGNATURE OF PATIENT OR PERSONAL REPRESENTATIVE:

Yvonne O'Connell Date: 12-2-14

If this request is by a personal representative on behalf of the patient, complete the following:

Personal Representative's Name:

Relationship to Patient:

YOU ARE ENTITLED TO A COPY OF THIS REQUEST.

(PID: for internal use only)

12/02/2014 1:26PM (GMT-08:00)

PLTF000600

Desert Orthopaedic Center

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

Page 1
Office Visit

Yvonne Louise O'Connell

Female DOB: [REDACTED]

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

Clinical List(s) Reviewed

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

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

History of Present Illness

Referred by: Andrew Cash MD

Previous Studies: X-rays, CT scan, MRI

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

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

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

The patient is retired.

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

Allergies

ANTIBIOTICS (Moderate)

PLTF000601

Desert Orthopaedic Center

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

Page 2
Office Visit

Yvonne Louise O'Connell

Female DOB: [REDACTED]

Medications

Past Medical History

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

Past Surgical History

Patient denies any problems related to previous surgery

Family Medical History

There is a reported family history of cancer

Social History

Tobacco use: never smoker

Alcohol Use: (never)

Does patient live alone: yes

Drug Use: (no)

Marital Status: widowed

Number of children: none

Occupation: retired

Work Status: retired

Review of Systems

General: fatigue

Cardiovascular: denies fainting, ankle swelling, leg swelling, shortness of breath with exercise or murmur

Respiratory: cough

Ears/Nose/Throat: dizziness

Gastrointestinal: nausea

Skin: denies rash, itching, dryness, mole changes, jaundice, hives or abnormal pigmentation

Neurologic: weakness numbness headache

Genitourinary: night time urination

Endocrine: cold intolerance

Heme/Lymphatic: denies abnormal bruising, bleeding, enlarged lymph nodes

Allergic/Immunologic: denies hives, persistent infections, HIV exposure

Psychiatric: anxiety depression difficulty sleeping

Musculoskeletal: stiffness joint pain or swelling back pain weakness

Pregnant: no

Physical Exam

Vital Signs

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

Constitutional:

PLTF000602

Desert Orthopaedic Center

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

Page 3
Office Visit

Yvonne Louise O'Connell

Female DOB: [REDACTED]

General appearance: moderate distress

Comments: Complaining of neck pain.

Cardiovascular:

Pedal pulses: pulses 2+, symmetric

Periph. circulation: no cyanosis, clubbing or edema

Skin:

Skin Inspection: no rashes, lesions in area of examination

Skin Palpation: no subcutaneous nodules or induration in area of examination

Neurologic:

Cranial nerves: II-XII grossly intact

Reflexes grossly intact, symmetric

Sensation: intact to touch

Psychiatric:

Orientation: oriented to person, place and time

Mood and affect: no depression, anxiety

Lumbar Spine Exam

Coordination/balance: normal

Posture: standing erect

Assistive Device: walker

Tenderness to palpation: bilateral

Radiates down: left

Facet tenderness: none

Spasms: mild

Spurling Test: negative

L'Hermitte Sign: negative

Hoffman's Sign: negative

Cervical ROM

Flexion: decreased

Extension: decreased

Rotation: Right: decreased Left: decreased

Lateral Flexion: Right: decreased Left: decreased

Sensation to touch is normal from C2-C8. Motor function is normal in the deltoid, elbow flexors, elbow extensors and finger flexors. Reflexes intact and symmetrical in the biceps, triceps and supinator.

Positive Tinel's at the wrist bilaterally.

Examination of the anterior chest over the area of the patient indicates that the source of the pain demonstrates tenderness to the costal manubrial joints on the right.

Magnetic Resonance Imaging cervical was performed on 05/08/2010

Cervical spondylosis C4-C7 without significant neural compression.

Magnetic Resonance Imaging lumbar was performed on 04/08/2010

Degenerative disc disease with collapse at L3-4 and moderate at L4-5 and L5-S1

RAD Spine Cervical Complete Min 4 Views [72050]

PLTF000603

Desert Orthopaedic Center

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

Page 4
Office Visit

Yvonne Louise O'Connell

Female DOB: [REDACTED]

There is severe disc space narrowing at C4-5, C5-6, and C7-T1. There is severe facet joint arthritis at C4-5, C5-6, and C6-7.

RAD Spine LS w/Bending Views [72114]

There is severe disc space narrowing at L3-4 and L5-S1. There is severe facet joint arthritis at L3-4 and L5-S1.

Lumbar Spine Exam

Coordination/balance: normal

Posture: normal

Assistive Device: walker

Tenderness to palpation: bilateral Radiates down: right Facet tenderness: bilateral Pain to straight leg raise: none

Femoral stretch test: none

Weakness: no

Heel Walk: yes

Toe Walk: yes

Faber Test: negative

Babinski: negative

Clonus: negative

Lumbar ROM

Flexion: decreased

Extension: decreased

Rotation: Left: decreased

Lateral Flexion: Left: decreased

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

Full ROM of hips, knees, and ankles.

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

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

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

Impression

degenerative disc disease of the cervical spine, and cervical radiculopathy, and lumbar disc disease, and sciatica

Bilateral carpal tunnel syndrome per history

Plan

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

PLTF000604

Desert Orthopaedic Center

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

Page 5
Office Visit

Yvonne Louise O'Connell

Female DOB [REDACTED]



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

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

Follow up

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

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

PLTF000605

Desert Orthopaedic Center

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

Page 1
Office Visit

Yvonne Louise O'Connell

Female DOB: [REDACTED]

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

Clinical List(s) Reviewed

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

Physical Exam

Vital Signs

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

History of Present Illness

Yvonne O'Connell presents for result of MRI cervica, lumbar. Test was performed at Open Sided MRI of Las Vegas on 06/27/2014.

She complains of neck pain radiating down right arm and lower back pain radiating down both legs.

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

Allergies

ANTIBIOTICS (Moderate)

Medications

LOVAZA 1 GM CAPS (OMEGA-3-ACID ETHYL ESTERS) Take 2 tablets twice a day

Last Refill: #120 x 5, 07/14/2014, Thomas Dunn MD

Past Medical History

Past medical history noted by patient includes diabetes, depression

She states she had a mini-stroke 2 days after the slip and fall.

Problems recorded as Dx. codes:

SCIATICA (ICD-724.3)

DEGEN LUMBAR/LUMBOSACRAL INTERVERTEBRAL DISC (ICD-722.52)

BRACHIAL NEURITIS OR RADICULITIS NOS (ICD-723.4)

DEGENERATION OF CERVICAL INTERVERTEBRAL DISC (ICD-722.4)

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

PLTF000606

Desert Orthopaedic Center

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

Page 2
Office Visit

Yvonne Louise O'Connell

Female DOB: [REDACTED]



Past Surgical History

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

Family Medical History

There is a reported family history of cancer

Social History

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

Marital Status: widowed
Number of children: none

Physical Exam

Vital Signs

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

Constitutional:

General appearance: moderate distress

Cardiovascular:

Periph. circulation: no cyanosis, clubbing or edema

Neurologic:

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

No acute changes

Cervical

No acute changes.

Magnetic Resonance Imaging-Cervical was performed on 06/27/2014

Open-sided MRI

Mild central canal stenosis at C3-C4

Mild central canal stenosis C4-C5 with severe bilateral neuroforaminal stenosis.

Moderate central canal stenosis at C5-C6 with severe bilateral neuroforaminal stenosis

Mild central canal stenosis at C6-C7 with mild bilateral neuroforaminal stenosis

Magnetic Resonance Imaging-Lumbar was performed on 06/27/2014

Open-sided MRI

PLTF000607

Desert Orthopaedic Center

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

Page 3
Office Visit

Yvonne Louise O'Connell

Female DOB: [REDACTED]

Mild left neuroforaminal stenosis L4-L5.

Lumbar

No acute changes.

Impression

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

Plan

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

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

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

Follow up

The patient was advised to return if symptoms worsen.

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

PLTF000608

Desert Orthopaedic Center

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

Page 1
Office Visit

Yvonne Louise O'Connell

Female DOB: [REDACTED]

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

Clinical List(s) Reviewed

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

Chief Complaint right hip and right knee**History of Present Illness****Referred by:** Andrew Cash MD**Previous Studies:** X-rays, CT scan, MRI

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

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

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

Allergies

ANTIBIOTICS (Moderate)

Medications

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

Past Medical History

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

PLTF000609

Desert Orthopaedic Center

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

Page 2
Office Visit

Yvonne Louise O'Connell

Female DOB: [REDACTED]

Problems recorded as Dx. codes:

DIABETES (ICD-250.00)

SCIATICA (ICD-724.3)

DEGEN LUMBAR/LUMBOSACRAL INTERVERTEBRAL DISC (ICD-722.52)

BRACHIAL NEURITIS OR RADICULITIS NOS (ICD-723.4)

DEGENERATION OF CERVICAL INTERVERTEBRAL DISC (ICD-722.4)

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

Past Surgical History

Patient denies any problems related to previous surgery

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

Family Medical History

There is a reported family history of cancer

Information obtained by patient via web portal: diabetes connective tissue disorder cancer

Social History

Tobacco use: never smoker

Alcohol Use: (never)

Does patient live alone: yes

Drug Use: (no)

Marital Status: widowed

Number of children: none

Work Status: retired

Review of Systems

General: fatigue

Cardiovascular: denies fainting, ankle swelling, leg swelling, shortness of breath with exercise or murmur

Respiratory: cough

Ears/Nose/Throat: dizziness

Gastrointestinal: nausea

Skin: denies rash, itching, dryness, mole changes, jaundice, hives or abnormal pigmentation

Neurologic: weakness numbness headache

Genitourinary: night time urination

Endocrine: cold intolerance

Heme/Lymphatic: denies abnormal bruising, bleeding, enlarged lymph nodes

Allergic/Immunologic: denies hives, persistent infections, HIV exposure

Psychiatric: anxiety depression difficulty sleeping

Musculoskeletal: stiffness joint pain or swelling back pain weakness

Pregnant: no

Physical Exam

Vital Signs

PLTF000610

Desert Orthopaedic Center

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Page 3
Office Visit

Yvonne Louise O'Connell

Female DOB: [REDACTED]



Body Mass Index: 23.65

Right Knee Exam

Pain/Tenderness:

diffuse, medial joint line, with range of motion

Neurovascularly intact

Active Range of Motion

Flexion: 130

Extension: 0

Crepitus with range of motion

Stability

Medial/MCL: normal

Lateral/LCL: normal

Ext Rotation Dial Test:

Meniscus

Flexion McMurray Test: positive

Patella

Patellofemoral Crepitus: yes

Right Knee X-ray

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

There is moderate tricompartmental arthritis noted.

Right Hip Exam

Inspection

Pain/Tenderness: greater trochanter

Gait: with walker

Neurovascularly intact

Passive ROM

Abduction: normal

Adduction: normal

Flexion: normal

Extension: normal

Internal rotation: normal

External rotation: normal

Impression

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

PLTF000611

Desert Orthopaedic Center

2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
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Page 4
Office Visit

Yvonne Louise O'Connell

Female DOB: [REDACTED]

Plan

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

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

Activities/Work status

The patient may continue protected activity.

Follow up

Patient was instructed to follow up after receiving their MRI.

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

PLTF000612

Desert Orthopaedic Center

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

Page 1
Office Visit

Yvonne Louise O'Connell

Female DOB: [REDACTED]

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

Clinical List(s) Reviewed

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

Physical Exam**Vital Signs**

Body Mass Index: 23.65

History of Present Illness

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

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

Allergies

ANTIBIOTICS (Moderate)

Medications

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

Past Medical History

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

Problems recorded as Dx. codes:

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

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

PLTF000613

Desert Orthopaedic Center

2800 East Desert Inn Road Suite 100 Las Vegas, NV 89121-3609
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Page 2
Office Visit

Yvonne Louise O'Connell

Female DOB: [REDACTED]

Past Surgical History

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

Family Medical History

There is a reported family history of cancer

Social History

Tobacco use: never smoker

Alcohol Use: (never)

Does patient live alone: yes

Drug Use: (no)

Marital Status: widowed

Number of children: none

Physical Exam

Vital Signs

Body Mass Index: 23.65

Constitutional:

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

Eyes:

External: conjunctivae and lids normal

Ears/Nose/Throat:

External ears: normal, no lesions or deformities

External nose: normal, no lesions or deformities

Pharynx: tongue normal, protrudes midline, posterior pharynx without erythema or exudate

Neck:

Neck: supple, no masses, trachea midline

Respiratory:

Auscultation: no rales, rhonchi or wheezes

Cardiovascular:

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

Gastrointestinal:

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

Lymphatic:

Neck: no cervical adenopathy

Skin:

Skin Inspection: no rashes, lesions in area of examination

PLTF000614

Desert Orthopaedic Center

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

Page 3
Office Visit

Yvonne Louise O'Connell

Female DOB: [REDACTED]

Neurologic:

Sensation: intact to touch

Psychiatric:

Orientation: oriented to person, place and time

Right Knee Exam**Pain/Tenderness:**

diffuse, patella, medial joint line, with range of motion

Neurovascularly intact

Active Range of Motion

Flexion: 130

Extension: 0

Crepitus with range of motion

Stability

Medial/MCL: normal

Lateral/LCL: normal

Ext Rotation Dial Test:

Meniscus

Flexion McMurray Test: positive

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

2. Chondromalacia patellae

3. Mild osteoarthritic changes

Left Knee Exam**Inspection****Pain/Tenderness:**

diffuse, patella

Neurovascularly intact

Active Range of Motion

Flexion: 130

Extension: 0

Crepitus with range of motion

Stability

Medial/MCL: normal

Lateral/LCL: normal

Ext Rotation Dial Test:

Patella

PLTF000615

Desert Orthopaedic Center

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Page 4
Office Visit

Yvonne Louise O'Connell

Female DOB: [REDACTED]

Patellofemoral Crepitus: yes

Impression

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

Plan

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

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

Activities/Work status

The patient may gradually return to activity as tolerated.

Follow up

Patient was instructed to follow up after receiving their MRI.

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

PLTF000616

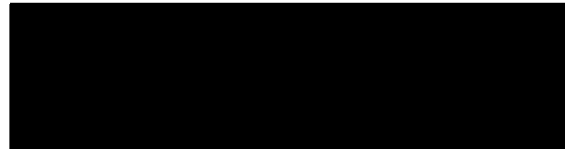
Desert Orthopaedic Center

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Page 1
Office Visit

Yvonne Louise O'Connell

Female DOB: [REDACTED]



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

Clinical List(s) Reviewed

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

History of Present Illness

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

Allergies

ANTIBIOTICS (Moderate)

Medications

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

Past Medical History

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

Problems recorded as Dx. codes:

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

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

Past Surgical History

Patient denies any problems related to previous surgery

PLTF000617

Desert Orthopaedic Center

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

Page 2
Office Visit

Yvonne Louise O'Connell

Female DOB: [REDACTED]

Information obtained by patient via web portal: Tonsillectomy [REDACTED]

Family Medical History

There is a reported family history of cancer

Social History

Tobacco use: never smoker

Alcohol Use: (never)

Does patient live alone: yes

Drug Use: (no)

Marital Status: widowed

Number of children: none

Physical Exam

Vital Signs

Height: 64 in **Weight:** 155 lb **Body Mass Index:** 26.70

Constitutional:

General appearance: moderate distress

Cardiovascular:

Pedal pulses: pulses 2+, symmetric

Periph. circulation: no cyanosis, clubbing or edema

Neurologic:

Cranial nerves: II-XII grossly intact

Reflexes grossly intact, symmetric

Sensation: intact to touch

Psychiatric:

Orientation: oriented to person, place and time

Mood and affect: no depression, anxiety

Cervical

No acute changes. Neuro intact.

Impression

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

PLTF000618

Desert Orthopaedic Center

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Page 3
Office Visit

Yvonne Louise O'Connell

Female DOB: [REDACTED]

sciatica

Bilateral carpal tunnel syndrome per history

Plan

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

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

Follow up

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

Lumbar

No acute changes.

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

PLTF000619

Las Vegas Radiology

TOMORROW'S RADIOLOGY IMAGING... TODAY

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

Exam Date: September 22, 2014

REFERRED BY

ANDREW SCOTT MARTIN,

PATIENT INFORMATION

Patient: OCONNELL, YVONNE

MRN: 165910-1 Accession #: 330564

Exam: MRI LT KNEE W/O

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

History: Question of meniscus tear.

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

Anterior cruciate and posterior cruciate ligaments appear intact.

Medial and lateral collateral ligaments show no abnormality.

No joint effusion is visible.

No popliteal cyst is visible.

No joint effusion is present.

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

OCONNELL, YVONNE MRN: 165910-1 Exam Date: September 22, 2014 (page 1 of 2)

09/29/2014 9:21AM (GMT-07:00)

PLTF000620

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

I can identify no meniscal tears in the meniscal remnants.

Impression:

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

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

OCONEILL, YVONNE MRN: 165910-1 Exam Date: September 22, 2014 (page 2 of 2)

09/29/2014 9:21AM (GMT-07:00)
PLTF000621

Las Vegas Radiology

TCMORROW'S RADIOLOGY IMAGING... TODAY

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

Exam Date: August 29, 2014

REFERRED BY

ANDREW SCOTT MARTIN,

PATIENT INFORMATION

Patient: OCONNELL, YVONNE

MRN: 165910-1 Accession #: 326768

Exam: MRI RT KNEE W/O

Procedure: MRI right knee without contrast

Clinical history: Medial meniscal tear

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

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

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

Impression: Tear of the posterior one third of the medial

OCONNELL, YVONNE MRN: 165910-1 Exam Date: August 29, 2014 (page 1 of 2)

meniscus.

2. Chondromalacia patellae

3. Mild osteoarthritic changes

Electronically signed by:

JAMES BALODIMAS, MD

Date:

Sep 02, 2014

Time:

10:16

CONNELL, YVONNE MRN: 165910-1 Exam Date: August 29, 2014 (page 2 of 2)

09/02/2014 10:20AM (GMT-07:00)
PLTF000623

Desert Orthopaedic Center

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

August 13, 2014

Dear Nanjunda Subramanyam MD

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

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

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

The patient may continue protected activity.

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

Patient was instructed to follow up after receiving their MRI.

Thank you.

Signed
Thomas Dunn MD

PLTF000624

06/28/2014 SAT 10:26 FAX 17029322739 OPENSIDED MRI

001/003

2742716

Opensided
MRI of
Las Vegas630 S. Rancho, Suite G
Las Vegas, Nevada 89106
(702) 932-2740 • Fax (702) 932-2739
www.osmri.comPatient: OCONNELL YVONNE
X-Ray #: 10006581
DOB: [REDACTED]
Outside Mrno: F00R24152PMI2M
Referring Doctor: THOMAS DUNN MDExam Date: 06/27/2014
Accession #: 10008773**PROCEDURE: MRI C-SPINE WITHOUT CONTRAST****EXAMINATION: MRI CERVICAL SPINE WITHOUT CONTRAST****HISTORY:** History of injury 2010. Neck pain radiating down to both upper extremities.**COMPARISON:** None**TECHNIQUE:** The following sequences were performed on an open Tesla magnet: Sagittal T1 and T2. Axial T2.**FINDINGS:** There is no acute fracture or pathologic osseous lesions. There is disc desiccation noted throughout the cervical spine. Disc height loss is seen extending from C3/C4-C6/C7. No prevertebral soft tissue swelling.

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

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

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

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

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

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

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

IMPRESSION:

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

06/28/2014 SAT 10:27 FAX 17029322739 OPENSIDED MRI

002/003

OpenSided
MRI of
LAS VEGAS630 S. Rancho, Suite G
Las Vegas, Nevada 89106
(702) 932-2740 • Fax (702) 932-2739
www.osmri.comPatient: OCONNELL YVONNE
X-Ray #: 10006581
DOB: [REDACTED]
Outside Mno: F00R24152PMI2M
Referring Doctor: THOMAS DUNN MDExam Date: 06/27/2014
Accession #: 10008773

PROCEDURE: MRI C-SPINE WITHOUT CONTRAST

Dictated By: Scott Chang M.D. at 2014-06-28 07:53

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

Professionally interpreted by Radiology Associates of Nevada

06/28/2014 SAT 10:27 FAX 17029322739 OPENSIDED MRI

0003/003

2742716

OpenSided
MRI of
Las Vegas

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

Patient: OCONNELL YVONNE
X-Ray #: 10006591
DOB: [REDACTED]
Outside Mrno: P00R24152PMI2M
Referring Doctor: THOMAS DUNN MD

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

PROCEDURE: MRI L-SPINE WITHOUT CONTRAST

EXAMINATION: MRI LUMBAR SPINE WITHOUT CONTRAST

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

COMPARISON: None

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

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

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

L1/L2: Normal.

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

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

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

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

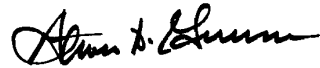
IMPRESSION:

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

Dictated By: Scott Chang M.D. at 2014-06-28 07:59

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

Professionally interpreted by Radiology Associates of Nevada



CLERK OF THE COURT

1 BRIAN D. NETTLES, ESQ.
Nevada Bar No. 7462
2 CHRISTIAN M. MORRIS, ESQ.
Nevada Bar No. 11218
3 NETTLES LAW FIRM
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8 Attorneys for Plaintiff

9
10 DISTRICT COURT

11 CLARK COUNTY, NEVADA

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

15 vs.

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

20 Defendants.

CASE NO. A-12-655992-C

DEPARTMENT NO. V

**PLAINTIFF'S BRIEF AS TO DOCTOR
TINGEY'S TESTIMONY AT TRIAL**

21
22 Plaintiff, Yvonne O'Connell, by and through her counsel, Brian D. Nettles, Esq. and
23 Christian M. Morris, Esq., of the Nettles Law Firm, submits *Plaintiff's Brief as to Dr. Tingey's*
24 *Testimony at Trial.*

25

26

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

4 DATED this 27th day of October, 2015.

5 NETTLES LAW FIRM

6
7  #13991 for
8 BRIAN D. NETTLES, ESQ.

Nevada Bar No. 7462

9 CHRISTIAN M. MORRIS, ESQ.

Nevada Bar No. 11218

10 1389 Galleria Drive, Suite 200

11 Henderson, Nevada 89014

12 Attorneys for Plaintiffs

13
14
15 **MEMORANDUM OF POINTS AND AUTHORITIES**

16 **I.**

17 **INTRODUCTION**

18 The present case arises out of an incident on or about February 8, 2010, where Plaintiff
19 Yvonne O'Connell was a customer and invited guest of Defendant Wynn Las Vegas at their
20 hotel and casino located at 3131 Las Vegas Boulevard South, Las Vegas, Nevada. Plaintiff was
21 at the location on that day for purposes of gambling and dining. When Plaintiff was passing
22 through the Atrium Walkway, an area with a high amount of foot traffic, she slipped and fell in a
23 pool of liquid present on the multi-colored tile floor. As a result of the fall the Plaintiff sustained
24 injuries.

25 The pool of liquid which caused the fall was approximately seven (7) feet long and had
26 been on the floor long enough that it had begun to dry. The portion that was dry was sticky and
27 have visible footprints in it. The substance was observed by Plaintiff and multiple employees of
28

1 Wynn. Following Plaintiff's fall, Defendant Wynn's employee(s) observed the liquid, but
2 cleaned the area without first taking photographs.

3 **II.**

4 **ARGUMENT**

5 **A. Production of Dr. Tingey's records and identification as a witness was timely**
6 **after documents were received by Counsel**

7 Plaintiff is still treating for her injuries suffered in the subject incident. Included in her
8 medical records are records from treatment by Dr. Tingey on May 11, 2015, one month before
9 the close of discovery. However, Plaintiff did not receive them until after the close of discovery.
10 Plaintiff thereafter produced the documents in her 4th Amended 16.1 disclosure on July 14,
11 2015. **See Exhibit 1.** Though production of these records came after the close of discovery, their
12 production should be considered proper for several reasons: (1) production was consistent with
13 Plaintiff's duty to supplement under NRCP Rules 16.1 and 26(e); (2) Plaintiff was justified in the
14 delay; and (3) Defendant has not been prejudiced.

15 Initially, Plaintiff had treated with Dr. Martin for her knee-related injury. However in or
16 about May 2015, Dr. Martin left the practice because of an unrelated criminal matter and Dr.
17 Tingey became Plaintiff's treating physician. Plaintiff had already disclosed Dr. Dunn and the
18 "person most knowledgeable" from Desert Orthopaedic Center in her 16.1 disclosures, but did
19 not specifically list Dr. Tingey until after the close of discovery. Though listing Dr. Tingey was
20 untimely it was justified consideration the situation and did not harm Defendant.

21 Moreover, Defendant knew Plaintiff was still treating at the close of discovery. This as
22 evidenced by Defendant's 9th supplement to its 16.1 disclosures, produced on May 29, 2015,
23 that included records from the office where Dr. Tingey worked, Desert Orthopaedic Center. **See**
24 **Defendant Wynn's 9th Supplement to its 16.1 disclosures attached as Exhibit 2.** Notably,
25 Plaintiff signed a HIPAA authorization that gave Defendant the right to access her medical
26 records from Dr. Tingey and thus Defendant had equally available access as Plaintiff.

27 Lastly, it is clear Dr. Tingey's medical records were not available to any party as of May
28 29, 2015 because Defendant itself had not received them.

1 *i. Plaintiff fully complied with NRCP 26's duty to supplement because she*
2 *provided Dr. Tingey's records within a reasonable time*

3 Rule 16.1 requires a party to disclose, without awaiting a discovery request, a copy of all
4 documents that are in its possession which are discoverable under Rule 26(b). NRCP
5 16.1(a)(1)(B). A party then has an ongoing "duty to supplement" its 16.1 disclosures "at
6 appropriate intervals." NRCP 26(e)(1). The duty does not terminate at the close of discovery and
7 supplementation is required when a party learns its disclosures are incomplete. NRCP 26(e)(1).

8 Here, Plaintiff was still treating when discovery closed. The records of Dr. Tingey's
9 treatment of Plaintiff originated on the treatment date, May 11, 2015, less than one month before
10 discovery closed. When Plaintiff's counsel became aware of additional treatment, she acted to
11 supplement the prior 16.1 disclosures. Thus, Plaintiff was appropriately supplementing pursuant
12 to her duty under NRCP.

13 Because Plaintiff was currently treating when discovery closed and Dr. Tingey's records
14 were produced within a reasonable time after treatment, the supplementation should be
15 considered proper.

16 *ii. Plaintiff was substantially justified for the delay because Plaintiff was*
17 *still treating, production was made within a reasonable time, and*
18 *changes in physician staffing had recently occurred without Plaintiff's*
19 *knowledge*

20 Discovery sanctions are inappropriate when delayed production of documents was
21 substantially justified. NRCP 37(c). Here, the timing of the production of documents and listing
22 of Dr. Tingey as a witness was justified because (1) Plaintiff was still treating up until the close
23 of discovery, (2) treatment by Dr. Tingey occurred one month before the close of discovery, (3)
24 the medical provider sent copies to Plaintiff six days after the close of discovery, (4) Plaintiff
25 supplemented soon after receiving the documents on July 14; and (5) treatment had recently
26 shifted from Dr. Martin, a disclosed witness, to Dr. Tingey, after Dr. Martin left the practice.

27 There is typically a "lag time" between when medical records are generated during
28 treatment and when they are produced by the medical provider. For example, though Defendant

1 produced medical records from Dr. Tingey's office, Desert Orthopaedic Center, on May 29,
2 2015, more than two weeks after the May 11, 2015 visit, Defendant's supplement did not include
3 the May 11 visit. When it comes to treating physicians, plaintiffs and defendants have little
4 control over how quickly medical records are produced and should not be punished when slight
5 delays result.

6 Plaintiff's delay in production was also justified because her treatment had recently
7 shifted from Dr. Martin to Dr. Tingey. In or around May 2015, Dr. Martin stopped practicing at
8 Desert Orthopaedic Center. At that time, Dr. Tingey was named as Plaintiff's replacement
9 treating physician. Plaintiff had already disclosed Dr. Martin as a potential witness and added Dr.
10 Tingey to the list soon after the transition. Notably, this was not a change that Plaintiff sought,
11 rather it was forced on her by virtue of Dr. Martin leaving his practice at Desert Orthopedic
12 Center.

13 iii. *Defendant was not prejudiced because the production came four months*
14 *before trial, included only 15 pages of medical records, and concerned*
15 *treatment of injuries which were noted throughout the medical record*

16 Discovery sanctions are inappropriate when delayed production was harmless. NRCP
17 37(c). Here, production one month after the close of discovery was harmless because (1)
18 defendant already knew of the injuries for which Dr. Tingey treated Plaintiff, (2) production
19 occurred four months before trial, and (3) Defendant knew Plaintiff was still treating and should
20 have anticipated additional medical records.

21 Defendant already knew of the injuries for which Dr. Tingey treated Plaintiff. On August
22 13, 2014, Plaintiff presented to Dr. Andrew Martin, Desert Orthopaedic Center, for pain in her
23 hip and knee. In fact, records of this treatment were included by Defendant Wynn in its 16.1
24 productions. **See Exhibit 2.** Thus, the production of Dr. Tingey's records were not a "surprise"
25 to Defendant because they already knew of the injury and its expert reviewed the prior records
26 and came to an opinion regarding her care.

27 Lastly, this Court has already ruled that Dr. Klausner, the Defendants expert, may sit
28 through the trial and listen to all the testimony provided by Plaintiff's medical expert and treating

1 physicians. Therefore, there is no prejudice in Defendant's inability to depose Dr. Tingey during
2 discovery.

3 **B. Treating physicians may testify as to injury causation when the opinion was**
4 **formed during the scope of treatment**

5 A treating physician is an expert that can provide testimony based on her specialized
6 knowledge and training when her testimony would be helpful to the jury. NRS 50.275. Unlike a
7 "retained" expert, a treating physician is not required to provide the 16.1(a)(2)(b) "retained
8 expert" disclosure when she testifies only as to opinions formed "during the course of
9 treatment." FCH1, LLC v. Rodriguez, 130 Nev. ___, ___, 335 P.3d 183, 189 (2014) (quoting
10 Goodman v. Staples the Office Superstore, LLC, 644 F.3d 817, 826 (9th. Cir. 2011)). This
11 exception to the "report rule" serves several purposes including (1) to prevent the overburdening
12 of treating medical providers by requiring a lengthy report to be prepared when medical records
13 are available, (2) to prevent disincentives to treating persons involved in litigation, and (3) to
14 prevent prejudice to a litigant who does not have the same control over a treating physician as
15 she might have over a retained expert. Also, although in FCH 1, LLC the standard adopted from
16 Goodman v. Staples does not require submittal of a CV, fee schedule, or trial testimony list to be
17 disclosed, Plaintiff did disclose this information to Defendant.

18 Testimony by a treating physician can reach causation and need not be limited to
19 diagnosis and prognosis. A treating physician can opine on any topic for which she is qualified,
20 provided either (1) the opinion was reached during the scope of treatment, or (2) a "retained
21 expert disclosure" is provided. FCH 1, LLC, 130 Nev. at ___, 335 P.3d at 189. Thus, when an
22 treating physician develops "opinions as to the cause of an injury, based on [her] examination of
23 the patient," that testimony is proper and does not require prior disclosure of 16.1(a)(2)(b) report.
24 Ghiorzi v. Whitewater Pools & Spas, Inc., 2011 U.S. Dist. LEXIS 125329 at *18-*21, 2011 WL
25 5190804 (D. Nev. Oct. 28, 2011) (cited approvingly in FCH 1, LLC, 130 Nev. at ___, 335 P.3d
26 at 189) (citation omitted). Thus, when a treating physician's opinion as to injury causation was
27 developed during the scope of treatment, it is proper and does not require the "retained expert"
28 disclosure. See FCH 1, LLC, 130 Nev. at ___, 335 P.3d at 189.

i. FCH 1 stands for the proposition that a treating physician must file a report before she testifies regarding the appropriateness of other doctors' treatment

In FCH 1, LLC v. Palms, the Nevada Supreme Court found certain testimony from treating physicians was improper because it exceeded the scope of their treatment when they discussed what **other doctor's had done**. 130 Nev. at ___, 335 P.3d at 189–190. Stated another way, the testimony from the treating physicians was improper because they opined as to the actions of other doctors based on reviews not made during the scope of the testifying doctor's actual treatment of the plaintiff.

For example, in FCH 1 the Court determined that the testimony of Dr. Schifini was improper because he offered opinions across many different medical specialties and was vague as to the reasons for his review of “thousands of pages of documents”¹ from **other** medical providers. Id. The Court also indicated testimony was improper from Dr. Kidwell, who testified regarding the treatment and opinions of **another** doctor, and Dr. Shannon, who testified whether **another** doctor's treatment was causally related to the plaintiff's initial injury. Id. at ___, 190.

The Court also cited Goodman v. Staples and Ghiorzi v. Whitewater, two federal cases that came to similar conclusions. For example, in Goodman the Ninth Circuit found the testimony of treating physicians improper because the opinions expressed were based on reviews of the medical record generally, not merely on the scope of treatment of the plaintiff. 644 F.3d 817, 826. The doctors' testimony exceeded that allowed without a report because, outside the actual treatment of plaintiff, they had reviewed medical records from other physicians and developed opinions therefrom—opinions that were not developed for the purpose of treatment. Id. The testimony was considered improper, but only as to the “additional opinions” — that is, the opinions as to information the physician did not actually consider during their treatment of the plaintiff. Id.

¹ Notably, though, the Court indicated that Dr. Schifini would be able to testify as to opinions he formed of these documents if he had reviewed them during the scope of treatment. Id. at ___, 189.

1 In Ghiorzi, the federal district court rejected testimony to be proffered by the same Dr.
2 Schifini from FCH 1, LLC. Ghiorzi v. Whitewater Pools & Spas, Inc., 2011 U.S. Dist. LEXIS
3 125329 at *18–*21, 2011 WL 5190804. The district court found the proposed testimony was
4 based on an extensive review of medical records from other providers that were obtained
5 following an independent medical examination. Id. at *22–*23. Thus the court limited testimony
6 to opinions developed during the single examination and from certain diagnostic tests ordered at
7 that time. Id. However, the district court made it clear that testimony as to causation was
8 appropriate for a treating physician when the opinion was reached during the scope of treatment.
9 It is common place for a treating physician during, and as part of, the course of treatment of a
10 patient

11 ii. *FCH 1 stands for the proposition that a treating physician may opine as to*
12 *causation when her opinion was reached during the course of treatment*

13 In FCH 1, LLC v. Palms, the Nevada Supreme Court did not expressly discuss when a
14 treating physician could testify as to causation without submitting a report. This question was not
15 at issue. Nevertheless, the Court seemed to make clear, by its selection of federal case law, that
16 opinion testimony as to injury causation is proper from a treating physician when the opinion
17 was reached during the course of treatment. As discussed above, the Court cited two federal
18 cases, Goodman v. Staples and Ghiorzi v. Whitewater. Both of these cases make clear that
19 treating physicians may testify as to causation (without submitting an expert report) when the
20 opinion was reached during treatment.

21 For example, in Goodman, the Ninth Circuit wrote approvingly of a Sixth Circuit case
22 that allowed causation testimony from a treating physician because the physician “had formed
23 his opinion as to causation during the course of treatment.” 644 F.3d at 825 (citation omitted).
24 The court went on to “join” its sister circuits in holding that a treating physician may testify to
25 opinions formed during the course of treatment without an expert report. Id. at 826.

26 Next the Nevada Supreme Court cited Ghiorzi (an unpublished federal district court
27 decision) which contained even clearer language. The Ghiorzi court quoted a decision in which
28

1 the court rejected a defendant's argument that testimony as to causation by a treating physician
2 required an expert report:

3 It is common place for a treating physician during, and as part of, the
4 course of treatment of a patient to consider things such as the cause of the
5 medical condition, the diagnosis [and] the prognosis.

6 2011 U.S. Dist. LEXIS 125329 at *19, 2011 WL 5190804 (citation omitted). The district court
7 also cited a second decision for the same proposition:

8 [T]reating physicians can appropriately have opinions as to the cause of an
9 injury, based on their examination of the patient.

10 2011 U.S. Dist. LEXIS 125329 at *20, 2011 WL 5190804 (citation omitted). By selecting these
11 cases the Nevada Supreme Court seemingly made clear that testimony as to causation by a
12 treating physician is appropriate without an expert report when the opinion was formed during
13 the course of treatment.

14 In this case, Plaintiff is only presenting Dr. Tingey to opine as to the diagnosis, care, and
15 treatment of Plaintiff and opinions he came to during the course of treatment.

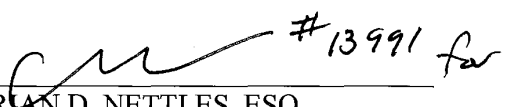
16 **III.**

17 **CONCLUSION**

18 Based on the foregoing law, facts, and analysis, Plaintiff respectfully requests this Court
19 to Brief as to Dr. Tingey's Testimony at Trial.

20 DATED this 27th day of October, 2015.

21 NETTLES LAW FIRM

22
23  #13991 for
24 BRIAN D. NETTLES, ESQ.
25 Nevada Bar No. 7462
26 CHRISTIAN M. MORRIS, ESQ.
27 Nevada Bar No. 11218
28 1389 Galleria Drive, Suite 110
Henderson, Nevada 89014
Attorneys for Plaintiffs

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1389 Galleria Dr. Suite 200
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CERTIFICATE OF SERVICE

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I certify that on this 27th day of October, 2015, I served the foregoing ***Plaintiff's Brief as to Doctor Tingey's Testimony at Trial*** to the following party by electronic transmission through the Wiznet system:

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

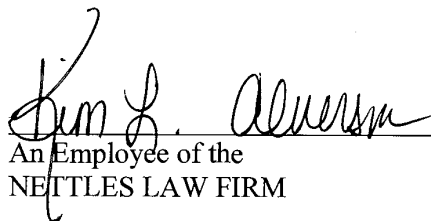

An Employee of the
NETTLES LAW FIRM

EXHIBIT 1

NETTLES LAW FIRM

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

YVONNE O'CONNELL, an individual,

Plaintiff,

vs.

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

Defendants.

CASE NO. A-12-655992-C

DEPARTMENT NO. V

PLAINTIFF'S AMENDED FOURTH
SUPPLEMENT TO INITIAL 16.1
DISCLOSURES

Plaintiff, YVONNE O'CONNELL, by and through her attorneys of record BRIAN D. NETTLES, ESQ. and CHRISTIAN M. MORRIS, ESQ. of the NETTLES LAW FIRM, hereby submits her Amended Fourth Supplement to Early Case Conference Disclosures pursuant to NRCP 16.1, as follows (**supplemented documents are in bold**):

I. WITNESSES

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

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

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

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

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

21 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.

- 27 4. Person Most Knowledgeable/Custodian of Records
28 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

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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
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7 testimony will not be submitting a C.V., Fee Schedule, Report or Trial History. If you disagree,
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13 medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
14 set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
15 any party in this action that contradict the same.

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

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
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29 medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
30 set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
31 any party in this action that contradict the same.

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

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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
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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.

- 10 9. Christopher Milford, M.D., P.C. and/or
11 Person Most Knowledgeable/Custodian of Records
12 Silver State Neurology
13 9811 W. Charleston Blvd., Ste. 2-357
14 Las Vegas, NV 89117
15 Phone: (702) 256-3637

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
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27 medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
28 set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
any party in this action that contradict the same.

- 25 10. Person Most Knowledgeable/Custodian of Records
26 Edwin Suarez Physical Therapy
27 4955 S. Durango Dr. #100
28 Las Vegas, NV 89113
Phone: (702) 489-9785

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1389 Galleria Drive Suite 200

Henderson, NV 89014

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

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13 medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
14 set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
15 any party in this action that contradict the same.

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

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

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

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

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
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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.
Craig T. Tingey, M.D.
Andrew S. Martin, M.D. and/or
 Person Most Knowledgeable/Custodian of Records
 Desert Orthopaedic 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

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7 medical treatment the Plaintiff received was reasonable, necessary, and caused by the incident
8 set forth in the Complaint, and would rebut any opinions rendered by any witness disclosed by
9 any party in this action that contradict the same.

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

16 This individual is expected to testify as a treating physician and as an expert regarding
17 the injuries sustained, past present and future medical treatment and impairment, prognosis,
18 disability, pain and suffering, disfigurement, causation, and the reasonableness and necessity of
19 all care and billing as it relates to the Plaintiff, and to authenticate and verify the medical records
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28 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 20. Tyree Carr, M.D. and/or
21 Person Most Knowledgeable/Custodian of Records
22 Nevada Institute of Ophthalmology
23 2800 N. Tenaya Way, #102
Las Vegas, NV 89128

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 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.

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

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Henderson, NV 89014
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- 1 Southern Nevada Pain Center
2 6950 W. Desert Inn Rd., Ste. 110
3 Las Vegas, NV 89117
4 Phone: (702) 259-5550
5 Bate numbered PLTF000444 through PLTF000526 and attached hereto.
- 6 10. Medical Records and Billing Statement
7 Leo Germin, M.D.
8 Clinical Neurology Specialists
9 1691 W. Horizon Ridge Pkwy., Ste. 100
10 Henderson, NV 89012
11 Bate numbered PLTF000527 through PLTF000535 and attached hereto.
- 12 11. Medical Records and Billing Statement
13 Andrew Cash, M.D.
14 Nevada Institute of Spine Care
15 9339 W. Sunset Road, Ste. 100
16 Las Vegas, NV 89148
17 Bate numbered PLTF000536 through PLTF000584 and attached hereto.
- 18 12. Medical Records and Billing Statement
19 Lee Wittenberg, DPM
20 Apache Foot & Ankle Specialist LLC
21 9710 W. Tropicana Ave., Ste. 115
22 Las Vegas, NV 89147
23 Bate numbered PLTF000585 through PLTF000598 and attached hereto.
- 24 13. Medical Records and Billing Statement
25 Suresh Prahbu, M.D.
26 Ascent Primary Care
27 653 N. Town Center Dr., Ste. 217
28 Las Vegas, NV 89144
Bate numbered PLTF000594 through PLTF000598 and attached hereto.
14. Medical Records
Thomas Dunn, M.D. and/or
Desert Orthopaedic 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

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

...

...

NETTLES LAW FIRM

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

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 Prabhu, 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

B. ADDITIONAL DAMAGES:

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

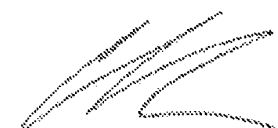
IV. INSURANCE POLICY

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

Plaintiff is unaware of any insurance agreement(s).

DATED this 24th day of August, 2015.

NETTLES LAW FIRM


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

NETTLES LAW FIRM

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

CERTIFICATE OF SERVICE

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

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


An Employee of Nettles Law Firm

EXHIBIT 2

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

DISC

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

Email: ljs@semenzalaw.com

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

Email: cdk@semenzalaw.com

LAWRENCE J. SEMENZA, III, P.C.

10161 Park Run Drive, Suite 150

Las Vegas, Nevada 89145

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 NINTH
SUPPLEMENTAL DISCLOSURES
PURSUANT TO NRCP 16.1**

Pursuant to Nev. R. Civ. P. 16.1, Defendant Wynn Las Vegas, LLC d/b/a Wynn Las Vegas ("Wynn") hereby submits the following Ninth Supplemental Disclosures.

B. DOCUMENTS

Wynn is producing and/or are identifying, the following for disclosure on the enclosed disc:

1. Nevada Heart & Vascular Center Medical Records, Custodian of Records Affidavit and bill -- Documents numbered WYNN-O'CONNELL01249 - WYNN-O'CONNELL01295;

2. Desert Orthopedic Center Medical Records, Custodian of Records Affidavit and bill -- Documents numbered WYNN-O'CONNELL01296 - WYNN-O'CONNELL01328;

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

1 3. Yvonne O'Connell Patron Records from Rampart Casino and Custodian of
2 Records Affidavit - Documents numbered WYNN-O'CONNELL01329 - WYNN-
3 O'CONNELL01427;

4 4. Affidavit of Custodian of Records for Enrique Lacayo, M.D. - Documents
5 numbered WYNN-O'CONNELL01428 - WYNN-O'CONNELL01429;

6 5. Affidavit of Custodian of Records for Nevada Eye & Ear - Documents numbered
7 WYNN-O'CONNELL01430 - WYNN-O'CONNELL01432;

8 6. Affidavit of Custodian of Records for Yakov Shaposhnikov, M.D.,
9 Gastrointestinal and Liver Diseases - Documents numbered WYNN-O'CONNELL01433 -
10 WYNN-O'CONNELL01435.

11 Wynn reserves the right to supplement this list of witnesses and documents to add
12 additional documents and names of persons who may have relevant information, including
13 expert witnesses, if subsequent information and investigation so warrant. Wynn also reserves the
14 right to call any witness or use any document identified by the Plaintiff.

15 DATED this 28th day of May, 2015.

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

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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

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 28th day of May, 2015, I sent via U.S. Mail at Las Vegas, Nevada, a true and correct copy of the above and foregoing **DEFENDANT'S NINTH SUPPLEMENTAL DISCLOSURES PURSUANT TO NRCP 16.1** in a sealed envelope upon which first class postage was prepaid to:

Brian D. Nettles, Esq.
Christian M. Morris, Esq.
NETTLES LAW FIRM
1389 Galleria Drive, Suite 200
Henderson, Nevada 89014

Attorneys for Plaintiff

/s/ Olivia A. Rodriguez

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


CLERK OF THE COURT

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

7 Attorneys for Defendant Wynn Las Vegas, LLC
d/b/a Wynn Las Vegas
8

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

11 YVONNE O'CONNELL, individually,
12 Plaintiff,

13 v.

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

17 Defendants.
18

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

**DEFENDANT WYNN LAS VEGAS,
LLC D/B/A WYNN LAS VEGAS'
PROPOSED VERDICT FORMS**

19 Defendant Wynn Las Vegas, LLC d/b/a Wynn Las Vegas, by and through its undersigned
20 counsel, hereby submits its proposed Verdict Forms for use in this case.

21 DATED this 27th day of October, 2015.

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

23 
24

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

28 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 hereby certify that I am an employee with Lawrence J. Semenza, III, P.C., and that on the 27th day of October, 2015, I caused to be sent through electronic transmission via Wiznet's online system, a true copy of the foregoing **DEFENDANT WYNN LAS VEGAS, LLC D/B/A WYNN LAS VEGAS' PROPOSED VERDICT FORMS** to the following registered e-mail addresses:

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

Attorneys for Plaintiff

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

DISTRICT COURT
CLARK COUNTY, NEVADA

YVONNE O'CONNELL, individually,

Plaintiff,

v.

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

VERDICT FORM

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.

We, the jury in the above entitled action, find for the Plaintiff Yvonne O'Connell ("Plaintiff") and against Defendant Wynn Las Vegas, LLC d/b/a Wynn Las Vegas ("Defendant") and, without reduction for Plaintiff's comparative negligence, if any, assess the total amount of the Plaintiff's damages at \$ _____, which are assessed as follows:

Past medical expenses \$ _____

Past pain and suffering \$ _____

Future medical expenses \$ _____

Future pain and suffering \$ _____

Having found for the Plaintiff and against the Defendant, we further find:

1. The percentage of negligence on the part of the Plaintiff, which was a proximate cause of the Plaintiff's injury was _____%

2. The percentage of negligence, on the part of the Defendant, which was proximate cause of the Plaintiff's injury was _____%

TOTAL 100%

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Based upon the foregoing, we the jury find that the Plaintiff is entitled to recover the net
sum of \$_____.

DATED this ____ day of November, 2015.

FOREPERSON

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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.

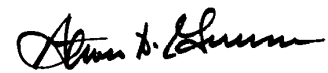
Case No. A-12-655992-C
Dept. No. V

VERDICT FORM

We, the jury in the above entitled action, find for Defendant Wynn Las Vegas, LLC d/b/a
Wynn Las Vegas and against the Plaintiff, Yvonne O'Connell.

DATED this ____ day of November, 2015.

FOREPERSON



CLERK OF THE COURT

VOIR

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

Email: ljs@semenzalaw.com

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

Email: cdk@semenzalaw.com

LAWRENCE J. SEMENZA, III, P.C.

10161 Park Run Drive, Suite 150

Las Vegas, Nevada 89145

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 WYNN LAS VEGAS
LLC D/B/A WYNN LAS VEGAS'
PROPOSED VOIR DIRE QUESTIONS**

Defendant Wynn Las Vegas, LLC d/b/a Wynn Las Vegas ("Wynn"), by and through its undersigned counsel, submits the following proposed Voir Dire questions for the Court's consideration. These questions are in addition to the customary questions that are asked relating to a juror's bias and ability to serve. In addition, these questions do not include potential follow up questions based on the information revealed by each prospective juror.

1. Are you currently employed?
2. Where are you employed?
3. Are you retired?
4. Do you have any medical or legal training?

- 1 5. Have you participated in organized dancing classes, such as swing or ballroom
- 2 dancing?
- 3 6. Have you or any of your family members worked for a hotel? If so, in what
- 4 capacity?
- 5 7. Have you or any of your family members ever worked for a casino? If so, in what
- 6 capacity?
- 7 8. Have you ever been to the Wynn Las Vegas or the Wynn Encore?
- 8 9. Have you ever had a negative experience at any of Wynn's properties?
- 9 10. Do you have any feelings towards Wynn that would affect your ability to
- 10 impartially sit on the jury in this case?
- 11 11. Under the law, an LLC is entitled to be treated the same as a private individual.
- 12 Would you have any difficulty accepting this principle and treating Wynn as the
- 13 same as a private individual?
- 14 12. Do you have any negative attitudes, prejudices or ill feelings towards gaming
- 15 companies, casinos or gambling generally?
- 16 13. Do you have any negative attitudes, prejudices or ill feelings towards security
- 17 guards? Have you ever had a negative experience with a security guard at a
- 18 casino?
- 19 14. Have you, or a family member, ever had arthritis?
- 20 15. Have you, or a family member, ever had mobility issues?
- 21 16. Have you, or a family member, ever utilize a cane or walker?
- 22 17. Have you, or a family member, ever had knee pain?
- 23 18. Have you, or a family member, ever had chronic pain?
- 24 19. Have you, or a family member, ever had fibromyalgia?
- 25 20. Have you, or a family member, ever had back or abdominal pain?
- 26 21. Have you, or a family member, ever had anxiety or stress disorder?
- 27 22. Have you, or a family member, ever had Marfan Syndrome?
- 28 23. Have you, or a family member, ever had Ehler Danlos syndrome?

- 1 24. Have you, or a family member, ever suffer from fatigue, sleep, memory or mood
2 issues?
- 3 25. Have you, or a family member, ever suffer from carpal tunnel syndrome?
- 4 26. Have you, or a family member, ever been diagnosed with symptom magnification
5 syndrome?
- 6 27. Have you, or a family member, ever had surgery on one of your limbs?
- 7 28. Have you ever been a party to a lawsuit? If so, what were the circumstances?
- 8 29. Do you have any family members that have been parties to a lawsuit? If so, what
9 where the circumstances?
- 10 30. Have you, or a family member, ever had a slip and fall outside of the home?
- 11 31. Have you, or a family member, ever been injured as a result of a slip and fall?
- 12 32. Have you, or a family member or friend, ever brought a personal injury lawsuit?
- 13 33. The law says that if Wynn was not negligent, or if that if the Plaintiff was more
14 negligent than Wynn, the Plaintiff cannot not be awarded damages/money. Do
15 you feel that a Plaintiff should not be sent away empty handed even if the law
16 dictates that result?
- 17 34. The law is that you must decide this case on the facts, and not be swayed by any
18 sympathy, or passion. Is there anyone who could not put aside his or her sympathy
19 for a person who was injured, and decide the case solely on the facts?
- 20 35. Do you think a business should be liable to a plaintiff merely because a liquid
21 substance was spilled on its property even though the business did not know of the
22 spill or had reason to know of the spill?
- 23 36. The law says that a plaintiff must exercise reasonable care for his or her own safety
24 when walking. If a plaintiff was not exercising reasonable care for his or her own
25 safety and slipped and fell, would you be able to rule in the favor of the business
26 where the slip and fall took place and against the plaintiff?
- 27 37. Do you know the Plaintiff Yvonne O'Connell?
- 28 38. Do any of your family members know the Plaintiff Yvonne O'Connell?

- 1 39. Do you have any feelings towards Plaintiff Yvonne O'Connell that would affect
2 your ability to impartially sit on the jury in this case?
- 3 40. Do you have any negative attitudes, prejudices or ill feelings towards Plaintiff
4 Yvonne O'Connell?
- 5 41. Do you believe generally that you should look where you are walking?
- 6 42. Have you, or a friend of family member, ever received medical treatment from
7 Desert Orthopedic Center?
- 8 43. Have you, or a friend of family member, ever received medical treatment from Dr.
9 Craig Tingey?
- 10 44. Have you, or a friend of family member, ever received medical treatment from Dr.
11 Thomas Dunn?

12 DATED this 27th day of October, 2015.

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

14 

15
16 Lawrence J. Semenza, III, Esq., Bar No. 7174
17 Christopher D. Kircher, Esq., Bar No. 11176
18 10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145

19 Attorneys for Defendant Wynn Las Vegas, LLC
20 d/b/a Wynn Las Vegas
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CERTIFICATE OF SERVICE

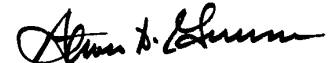
Pursuant to Nev. R. Civ. P. 5(b) and NEFCR 9, I hereby certify that I am an employee with Lawrence J. Semenza, III, P.C., and that on the 27th day of October, 2015, I caused to be sent through electronic transmission via Wiznet's online system, a true copy of the foregoing

DEFENDANT WYNN LAS VEGAS LLC D/B/A WYNN LAS VEGAS' PROPOSED VOIR DIRE QUESTIONS to the following registered e-mail addresses:

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

Attorneys for Plaintiff

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


CLERK OF THE COURT

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

8
9 **DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

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

CASE NO. A-12-655992-C

DEPARTMENT NO. V

14 vs.

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

**PLAINTIFF'S PROPOSED VERDICT
FORMS**

19 Defendants.

20
21 Plaintiff Yvonne O'Connell ("Plaintiff"), by and through her attorneys, Brian D. Nettles,
22 Esq. and Christian M. Morris, Esq. of the Nettles Law Firm, hereby submits her proposed verdict
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NETTLES LAW FIRM
1389 Galleria Drive, Suite 200
Henderson, NV 89014
(702) 434-8282 / (702) 434-1488 (fax)

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forms.

DATED this 28th day of October, 2015.

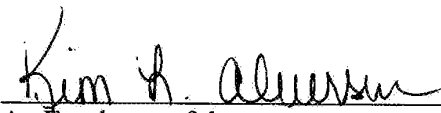
NETTLES LAW FIRM

 #13991 for
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
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I certify that on this 28th day of October, 2015, I served the foregoing *Plaintiff's Proposed Verdict Forms* to the following party by electronic transmission through the Wiznet system:

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


An Employee of the
NETTLES LAW FIRM

DISTRICT COURT
CLARK COUNTY, NEVADA

YVONNE O'CONNELL, an individual,
 Plaintiff,

CASE NO. A-12-655992-C

DEPT NO. V

vs.

VERDICT FORM

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.

We, the jury in the above entitled action, find for the Plaintiff, Yvonne O'Connell, and
 against the Defendant, Wynn Las Vegas, LLC d/b/a Wynn Las Vegas, and assess the total
 amount of Plaintiff's damages at \$ _____, which is assessed as:

Past pain and suffering \$ _____

Future pain and suffering \$ _____

Dated this _____ day of November 2015.

 FOREPERSON

DISTRICT COURT
CLARK COUNTY, NEVADA

YVONNE O'CONNELL, an individual,
Plaintiff,

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

VERDICT FORM

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.

We, the jury in the above entitled action, find for the Defendant, Wynn Las Vegas, LLC
d/b/a Wynn Las Vegas Plaintiff, and against the Plaintiff, Yvonne O'Connell.

Dated this ____ day of November 2015.

FOREPERSON


CLERK OF THE COURT

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 briannettles@nettlawfirm.com
11 christianmorris@nettlawfirm.com
12 *Attorneys for Plaintiff*

9 DISTRICT COURT
10 CLARK COUNTY, NEVADA

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

14 vs.

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

20 Defendants.

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

**PLAINTIFF'S PROPOSED VOIR DIRE
QUESTIONS**

21 Plaintiff Yvonne O'Connell ("Plaintiff"), by and through her attorneys, Brian D. Nettles,
22 Esq. and Christian M. Morris, Esq. of the Nettles Law Firm, hereby submits the following
23 proposed Voir Dire questions for this Court's consideration. These questions are in addition to
24 the customary questions that are asked relating to a juror's bias and ability to serve. In addition,
25 these questions do not include potential follow-up questions based on the information revealed
26 by each prospective juror.

- 27 1. Does everyone like the Wynn Casino?
28 2. Does everyone think the Wynn Casino is a beautiful place?

- 1 3. Has anyone ever eaten at the buffet at the Wynn Casino?
- 2 4. Does anyone frequent the Wynn casino?
- 3 5. Has anyone ever walked in the atrium near the south entrance at the Wynn
- 4 casino?
- 5 6. Does anyone have a distrust of gamblers?
- 6 7. Does anyone distrust casinos?
- 7 8. Does anyone distrust Steve Wynn?
- 8 9. Does anyone like to play slot machines?
- 9 10. Has anyone ever gambled at the Rampart or Suncoast?
- 10 11. Has anyone ever worked as a dental hygienist?
- 11 12. Has anyone gone to Dental School?
- 12 13. Has anyone ever thought about attending Law School?
- 13 14. Has anyone ever heard of the book "Remedies In a Nutshell"?
- 14 15. Has anyone ever worked as a cleaning person in the public areas of a casino?
- 15 16. Has anyone ever worked as a cleaning or maintenance person in a business?
- 16 17. Does anyone think people should be able to recover money for pain?
- 17 18. Has anyone ever worked in a business where a customer or guest injured
- 18 themselves?
- 19 19. Has anyone ever worked in a business where they were given a camera to
- 20 document any incident when someone was injured?
- 21 20. Has anyone ever worked as a security guard?
- 22 21. Has anyone ever played Rummikub?
- 23 22. Does anyone like to walk the strip and "people watch" for amusement?
- 24 23. Does anyone enjoy swing dancing?
- 25 24. Has anyone ever watched or participated in swing dancing at the Rampart or
- 26 Suncoast?
- 27 25. Is anyone widowed?
- 28 26. Has anyone ever been involved in litigation as a plaintiff or defendant?

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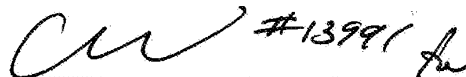
- 1 27. Has anyone heard of "tort reform."
- 2 28. Does anyone think people should not sue for accidents?
- 3 29. Does anyone think there are too many lawsuits?
- 4 30. Does anyone distrust personal injury/plaintiff's attorneys?
- 5 31. Does anyone think the defendant is the real victim for being sued?
- 6 32. Does anyone think people should not receive money verdicts for being injured?
- 7 33. Has anyone heard of the McDonald's hot coffee case?
- 8 34. Does anyone think our civil justice system is broken?
- 9 35. Would anyone judge someone for getting divorced?
- 10 36. What do you think about major age differences between couples in a marriage, for
- 11 example, a woman who marries a man who is significantly older?
- 12 37. Has anyone ever bought a franchise business or had a family member buy one?
- 13 38. Has anyone ever been a small business owner?
- 14 39. Does anyone know someone who suffers from fibromyalgia?
- 15 40. Has anyone ever heard of Marfan's Syndrome?
- 16 41. Does anyone know what malingering means?
- 17 42. Has anyone ever had a torn meniscus?
- 18 43. Has anyone ever been asked to fill out a "0-to-10" pain scale in a doctor's office?
- 19 44. Has anyone ever gone to a doctor's office and been asked to circle a face to
- 20 express their pain?
- 21 45. Has anyone ever had injections in their spine to treat pain?
- 22 46. Has anyone ever suffered from carpal tunnel?
- 23 47. Has anyone ever suffered from trigger finger?
- 24 48. Has anyone ever had a cervical or lumbar fusion?
- 25 49. Has anyone or a family member ever had a slip and fall?
- 26 50. Has anyone ever owned a parrot?
- 27 ///
- 28 ///

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51. Has anyone ever owned a pet they considered a great companion?

DATED this 28th day of October, 2015.

NETTLES LAW FIRM

 #13991 *fu*

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Nevada Bar No. 7462

CHRISTIAN M. MORRIS, ESQ.

Nevada Bar No. 11218

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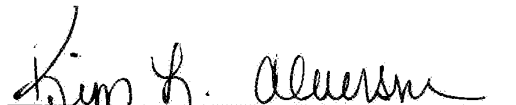
Henderson, Nevada 89014

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I certify that on this 28th day of October, 2015, I served the foregoing *Plaintiff's Proposed Voir Dire Questions* to the following party by electronic transmission through the Wiznet system:

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



An Employee of the
NETTLES LAW FIRM

INST

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

DISTRICT COURT

CLARK COUNTY, NEVADA

YVONNE O'CONNELL, individually,

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

Plaintiff,

v.

**DEFENDANT'S PROPOSED
JURY INSTRUCTIONS**

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.

Defendant Wynn Las Vegas, LLC d/b/a Wynn Las Vegas ("Defendant") hereby submits the following jury instructions for the Court's consideration. References to the Nevada Pattern Jury Instructions, Civil 2011 (Nev. J.I.), the Eighth Judicial District Court Civil Jury Instructions (EJDC CJI) and the California Jury Instructions Civil by Charles A. Loring (7th ed. 1986) (BAJI)

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Las Vegas, Nevada 89145
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are abbreviated as indicated.

DATED this 28th day of October, 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

JURY INSTRUCTION NO. ____

GENERAL INSTRUCTION 1GL4:

ORDER OF TRIAL

The trial will proceed in the following order:

1. First, the parties have the opportunity to make opening statements.

The plaintiff makes the first opening statement. Then the defendant will be given an opportunity to make an opening statement. What is said by the attorneys in their opening statements is not evidence. The statements simply serve as an introduction or guide for you so you will know what to look for as the witnesses testify. Whether or not the attorneys present the evidence which they say they will in their opening statements will be for you to determine.

2. After the opening statements, each side will be given the opportunity to present evidence. The plaintiff goes first. Evidence presented by the plaintiff in support of the plaintiff's complaint is called the plaintiff's "case in chief."

3. After the plaintiff presents evidence, the defendant may present evidence but is not obligated to do so. This is the defendant's case in chief.

4. If the defendant does present evidence, the plaintiff may then present rebuttal evidence.

5. If the plaintiff presents rebuttal evidence the defendant may then present surrebuttal evidence.

1 6. After the evidence is concluded, I will instruct you on the law that
2 applies in this case. You must not be concerned with the wisdom of any rule of law
3 stated in my instructions. Regardless of any opinion you may have as to what the
4 law ought to be, it would be a violation of your oath to base a verdict upon any
5 other view of the law than that given to you by the court.
6

7 7. After the instructions on the law are read to you, each party will have
8 the opportunity to present closing arguments. Just as what is said by the attorneys
9 in their opening statements is not evidence, what is said in closing arguments is not
10 evidence. However, unlike opening statements, during their closing arguments the
11 attorneys are permitted to argue to you what they think the evidence has shown,
12 what witnesses should be believed and what inferences they think you should draw
13 from that evidence. The plaintiff has the right to both begin and end closing
14 arguments.
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20 NRS 16.090.
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JURY INSTRUCTION NO. ____

GENERAL INSTRUCTION IGI.9:

DISCUSSION OF TRIAL AND MEDIA COVERAGE

1. Do not talk to each other or anyone else about it or about anyone who has anything to do with it until the end of the case when you go to the jury room to decide on your verdict.

2. "Anyone else" includes members of your family and your friends. You may tell them that you are a juror in a civil case, but don't tell them anything else about it until after you have been discharged as jurors by myself.

3. Do not let anyone talk to you about the case or about anyone who has anything to do with it. If someone should try to talk to you, please report it to me immediately by contacting the bailiff/marshal.

4. Do not read any news stories or articles or listen to any radio or television reports about the case or about anyone who has anything to do with it.

This instruction is similar to the requirement in criminal cases. See NRS 175.401.

JURY INSTRUCTION NO. ____

GENERAL INSTRUCTION IGL.8:

NO TRANSCRIPT AVAILABLE TO JURY

The jury will not have a transcript to consult at the close of the case. However, the jury will be furnished note pads and pencils and will be allowed to take notes. I caution you, however, not to allow copious notetaking to interfere with your ability to consider the evidence as it is presented.

If you cannot hear a witness, please raise your hand as an indication. Also, if you need to go to the restroom or if you feel ill, please also raise your hand as an indication. I tend to take a short break every few hours or so, along with a lunch break of at least an hour.

NRS 16.130.

JURY INSTRUCTION NO. _____

MEMBERS OF THE JURY:

It is my duty as judge to instruct you in the law that applies to this case. It is your duty as jurors to follow these instructions and to apply the rules of law to the facts as you find them from the evidence.

You must not be concerned with the wisdom of any rule of law stated in these instructions. Regardless of any opinion you may have as to what the law ought to be, it would be a violation of your oath to base a verdict upon any other view of the law than that given in the instructions of the court.

Nev. J.I. 1.00.

JURY INSTRUCTION NO. _____

If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

NEV. J.I. 1.01 (1986).

JURY INSTRUCTION NO. _____

The Masculine form as used in these instructions, if applicable as shown by the text of the instruction and the evidence, applies to a female person or a limited liability company.

NEV. J.I. 1.02 (1986).

JURY INSTRUCTION NO. _____

The evidence which you are to consider in this case consists of the testimony of the witnesses, the exhibits, and any facts admitted or agreed to by counsel.

Statements, arguments and opinions of counsel are not evidence in the case. However, if the attorneys stipulate as to the existence of a fact, you must accept the stipulation as evidence and regard that fact as proved.

You must not speculate to be true any insinuations suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

You must disregard any evidence to which an objection was sustained by the court and any evidence ordered stricken by the court.

Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

NEV. J.I. 1.03 (1986).

JURY INSTRUCTION NO. _____

You must decide all questions of fact in this case from the evidence received in this trial and not from any other source. You must not make any independent investigation of the facts or the law or consider or discuss facts as to which there is no evidence. This means, for example, that you must not on your own visit the scene, conduct experiments, or consult reference works for additional information.

NEV. J.I. 1.04 (1986).

JURY INSTRUCTION NO. _____

Although you are to consider only the evidence in the case in reaching a verdict, you must bring to the consideration of the evidence your everyday common sense and judgment as reasonable men and women. Thus, you are not limited solely to what you see and hear as the witnesses testify. You may draw reasonable inferences from the evidence which you feel are justified in the light of common experience, keeping in mind that such inferences should not be based on speculation or guess.

A verdict may never be influenced by sympathy, prejudice or public opinion. Your decision should be the product of sincere judgment and sound discretion in accordance with these rules of law.

NEV. J.I. 1.05 (1986).

JURY INSTRUCTION NO. _____

One of the parties in this case is a limited liability company. A limited liability company is entitled to the same fair and unprejudiced treatment as an individual would be under like circumstances, and you should decide the case with the same impartiality you would use in deciding a case between individuals.

NEV. J.I. 1.06 (1986).

JURY INSTRUCTION NO. _____

If, during this trial, I have said or done anything which has suggested to you that I am inclined to favor the claims or position of any party, you will not be influenced by any such suggestion.

I have not expressed, nor intended to express, nor have I intended to intimate, any opinion as to which witnesses are or are not worthy of belief, what facts are or are not established, or what inferences should be drawn from the evidence. If any expression of mine has seemed to indicate an opinion relating to any of these matters, I instruct you to disregard it.

NEV. J.I. 1.08 (1986).

JURY INSTRUCTION NO. _____

Certain testimony may have been read into evidence from a deposition. A deposition is testimony taken under oath before the trial and preserved in writing.

You are to consider that testimony as if it had been given in court.

NEV. J.I. 2.03 (1986).

JURY INSTRUCTION NO. _____

The credibility or "believability" of a witness should be determined by his or her manner upon the stand, his or her relationship to the parties, his or her fears, motives, interests or feelings, his or her opportunity to have observed the matter to which he or she testified, the reasonableness of his or her statements and the strength or weakness of his or her recollections.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of this testimony which is not proved by other evidence.

NEV. J.I. 2.07 (1986).

JURY INSTRUCTION NO. _____

Discrepancies in a witness's testimony or between his testimony and that of others, if there were any discrepancies, do not necessarily mean that the witness should be discredited. Failure of recollection is a common experience, and innocent misrecollection is not uncommon. It is a fact, also, that two persons witnessing an incident or transaction often will see or hear it differently. Whether a discrepancy pertains to a fact of importance or only to a trivial detail should be considered in weighing its significance.

NEV. J.I. 2.08 (1986).

JURY INSTRUCTION NO. _____

GENERAL INSTRUCTION IGL.1:

PURPOSE OF THE TRIAL

The purpose of the trial is to ascertain the truth.

NRS 50.115(1)(a).

JURY INSTRUCTION NO. ____

GENERAL INSTRUCTION IGL.2:

ADMONITION

You are admonished that no juror may declare to a fellow juror any fact relating to this case as of his or her own knowledge, and if any juror discovers during the trial or after the jury has retired that he, she or any other juror has personal knowledge of any fact in controversy in this case, he or she shall disclose such situation to myself in the absence of the other jurors.

This means that if you learn, during the course of the trial, that you were acquainted with the facts of this case or the witnesses and you have not previously told me of this relationship, you must then declare that fact to me. You communicate to the court through the bailiff/marshal.

During the course of this trial, the attorneys for both sides and court personnel, other than the bailiff/marshal, are not permitted to converse with members of the jury. These individuals are not being anti-social; they are bound by ethics and the law not to talk to you. To do so might contaminate your verdict. You are admonished, additionally, that you are not to visit the scene of any of the acts or occurrences made mention of during this trial, unless specifically directed to do so by the court.

1 Do not undertake any investigation of the case on your own, or endeavor to
2 research legal or factual issues on your own.
3

4
5 NRS 16.100; NRS 175.121. The first sentence of the first paragraph is taken from
6 NRS 175.121, a criminal procedural statement. However, it is appropriate for use
7 in civil cases as well.
8

JURY INSTRUCTION NO. ____

GENERAL INSTRUCTION IGL.3:

PLEADINGS

This is a civil case commenced by:

Yvonne O'Connell, the plaintiff, against Wynn Las Vegas, LLC d/b/a Wynn Las Vegas, the defendant. The case is based upon a Complaint to which the defendant has filed a response, which we call an Answer.

Court: Does counsel for the plaintiff or defendant desire to have the Complaint and Answer read?

(If the pleadings are read:)

Court: Ladies and gentlemen, you should distinctly understand that the pleadings in this case are not in any sense evidence of the allegations that they contained. Each party has the burden of proving their respective claims or defenses by preponderance of the evidence. The purpose of the trial is to determine whether they will meet the burden.

NRS 16.090.

JURY INSTRUCTION NO. ____

GENERAL INSTRUCTION IGI.5 (MODIFIED):

EVIDENCE, STATEMENTS OF LAWYERS AND RULINGS

Your purpose as jurors is to find and determine the facts. Under our system of civil procedure, you are the sole judge of the facts. You determine the facts from the testimony you hear and the other evidence, including exhibits introduced in court. It is up to you to determine the inferences which you feel may be properly drawn from the evidence. It is especially important that you perform your duty of determining the facts diligently and conscientiously, for ordinarily, there is no means of correcting an erroneous determination of facts by the jury.

The parties may sometimes present objections to some of the testimony or other evidence. It is the duty of a lawyer to object to evidence which he or she believes may not properly be offered and you should not be prejudiced in any way against the lawyer who makes objections on behalf of the party he or she represents. At times I may sustain objections or direct that you disregard certain testimony or exhibits. You must not consider any evidence to which an objection has been sustained or which I have instructed you to disregard.

Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

1 Statements, arguments and opinions of counsel are not evidence in the case.
2
3 However, if counsel for the parties have stipulated to any fact, you will regard that
4 fact as being conclusively proved as to the party or parties making the stipulation.

5 You must not speculate to be true any insinuations suggested by a question
6 asked the witness. A question is not evidence and may be considered only as it
7 supplies meaning to the answer.
8

9 No statement, ruling, remark or comment which I may make during the
10 course of the trial is intended to indicate my opinion as to how you should decide
11 the case or to influence you in any way in your determination of the facts. At times,
12 I may even ask questions of witnesses. If I do, it is for the purpose of bringing out
13 matters which I feel should be brought out and not in any way to indicate my
14 opinion about the facts or to indicate the weight I feel you should give to the
15 testimony of the witness. I may, during the trial, take notes of the witness'
16 testimony. You are not to make any inference from that action. I am required to
17 prepare for legal arguments of counsel during this trial and, for that reason, I may
18 take notes.
19
20
21

22 You must not be influenced in any degree by any personal feeling of
23 sympathy for or prejudice against the plaintiff or defendant. Both sides are entitled
24 to the same fair and impartial consideration.
25
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JURY INSTRUCTION NO. ____

GENERAL INSTRUCTION IGL.7 (MODIFIED):

EVIDENCE; BURDEN OF PROOF; PREPONDERANCE OF EVIDENCE

There are two kinds of evidence, direct and circumstantial. Direct evidence is proof of a fact, such as testimony of an eyewitness. Circumstantial evidence is indirect evidence; that is, proof of a chain of facts from which you could find that another fact exists, even though it has not been proved directly. You are entitled to consider both kinds of evidence. The law permits you to give equal weight to both, but it is for you to decide how much weight to give to any evidence. It is for you to decide whether a fact has been proved by circumstantial evidence.

Whenever in these instructions I state that the burden, or the burden of proof, rests upon a certain party to prove a certain allegation made by him, the meaning of such an instruction is this: That unless the truth of the allegation is proved by a preponderance of the evidence, you shall find the same to be not true.

The term "preponderance of the evidence" means such evidence as, when weighed with that opposed to it, has more convincing force, and from which it appears that the greater probability of truth lies therein.

Plaintiff is seeking damages based upon her claims. Plaintiff has the burden of proving by a preponderance of the evidence all of the facts necessary to establish her claims.

1 In determining whether a party has met this burden, you will consider all the
2 evidence, whether produced by the plaintiff or defendant.

3
4
5 Metropolitan Stevedore Co. v. Rambo, 521 U.S. 121, 117 S.Ct. 1953 (1997);
6 DirecTV, Inc. v. Webb, 545 F.3d 837 (9th Cir. 2008).

7
8 See, MANUAL OF MODEL CIVIL JURY INSTRUCTIONS FOR THE NINTH
9 CIRCUIT (April 2007), Instruction 1.6: "What is Evidence"; see also, Deveroux v.
10 State, 96 Nev. 388, 610 P.2d 722 (1980); Crawford v. State, 92 Nev. 456, 552 P.2d
11 1378 (1976) (circumstantial evidence alone may sustain a conviction).

12
13 RESTATEMENT (SECOND) OF TORTS § 433B (Burden of Proof); Spaulding v.
14 United States., 455 F.2d 222, 225-226 (9th Cir. 1972).

15
16 See CA BAJI 2.60; see also, Seaman v. McKesson Corp., 109 Nev. 8, 846 P.2d
17 280 (1993) (disease caused by the occupational environment); Corbin v. State, 111
18 Nev. 378, 892 P.2d 580 (1995) (regarding entrapment: "Preponderance of the
19 evidence means such evidence as, when weighed with that opposed to it, has more
20 convincing force and the greater probability of truth."); also see Deiss v. Southern
21 Pac. Co., 56 Nev. 169 (1936).

JURY INSTRUCTION NO. ____

EVIDENCE INSTRUCTION 2EV.6:

EVIDENCE ADMITTED FOR LIMITED PURPOSE

Certain evidence was admitted for a limited purpose. At the time this evidence was admitted you were admonished that it could not be considered by you for any purpose other than the limited purpose for which it was admitted. Do not consider such evidence for any purpose except the limited purpose for which it was admitted.

See, MANUAL OF MODEL CIVIL JURY INSTRUCTIONS FOR THE NINTH CIRCUIT (April 2007), Instruction 1.8: "Evidence for Limited Purpose"; CA BAJI 2.05; see also, United States v. McLennan, 563 F.2d 943, 2 Fed. R. Evid. Serv. 750 (9th Cir. 1977), cert. denied, 435 U.S. 969 (1978) (as a rule, limiting instructions need only be given when requested and need not be given sua sponte by the court); United States v. Marsh, 144 F.3d 1229 (9th Cir.1998) (when the trial court fails to instruct the jury in its final instructions regarding the receipt of evidence for a limited purpose, the Ninth Circuit examines the trial court's preliminary instructions to determine if the court instructed the jury on this issue), cert. denied, 525 U.S. 973 (1998).

JURY INSTRUCTION NO. ____

EVIDENCE INSTRUCTION 2EV.7:

EVIDENCE APPLICABLE TO ONE PARTY

During the trial, I explained that certain evidence could be considered as to only one party. You may not consider that evidence as to any other party.

See CA BAJI 2.05.

JURY INSTRUCTION NO. ____

EVIDENCE INSTRUCTION 2EV.8:

DEPOSITION AS SUBSTANTIVE EVIDENCE

Certain testimony has been read into evidence from a deposition. A deposition is testimony taken under oath before the trial and preserved in writing.

You are to consider that testimony as if it had been given in court.

NRCP 32; MANUAL OF MODEL CIVIL JURY INSTRUCTIONS FOR THE NINTH CIRCUIT (April 2007), Instruction 2.4: "Deposition in Lieu of Live Testimony."

JURY INSTRUCTION NO. ____

EVIDENCE INSTRUCTION 2EV.9:

USE OF INTERROGATORIES OF A PARTY

During the course of the trial, you have heard references made to the word "interrogatory." An interrogatory is a written question asked by one party of another, who must answer it under oath in writing. You are to consider interrogatories and the answers to them the same as if the questions had been asked and answered here in court.

See NRCP 33; MANUAL OF MODEL CIVIL JURY INSTRUCTIONS FOR THE NINTH CIRCUIT (2007), Instruction 2.09: "Use of Interrogatories of a Party."

JURY INSTRUCTION NO. ____

EVIDENCE INSTRUCTION 2EV.10:

REQUESTS FOR ADMISSIONS

As permitted by law, the parties served upon each other a written request for the admission of the truth of certain matters of fact. You will regard as being conclusively proved all such matters of fact which were expressly admitted by the parties or which the parties failed to deny.

NRCP 36; see also, Woods v. Label Investment Corp., 107 Nev. 419, 812 P.2d 1293 (1991) ("Where demand is made upon a party for admission of facts and such party fails to respond to the request, matters contained therein are deemed admitted.") (citing Dzack v. Marshall, 80 Nev. 345, 393 P.2d 610 (1964)); Lawrence v. Southwest Gas Corp., 89 Nev. 433, 514 P.2d 868 (1973); Graham v. Carson-Tahoe Hosp., 91 Nev. 609, 540 P.2d 105 (1975) (failure to timely respond to the request for admissions will cause the matters therein to be deemed admitted even if the established matters are ultimately untrue); Smith v. Emery, 109 Nev. 737, 856 P.2d 1386 (1993) ("It is well settled that failure to respond to a request for admissions will result in those matters being deemed conclusively established.").

JURY INSTRUCTION NO. ____

EVIDENCE INSTRUCTION 2EV.14:

CHARTS AND SUMMARIES

Certain charts and summaries have been received into evidence to illustrate facts brought out in the testimony of some witnesses. Charts and summaries are only as good as the underlying evidence that supports them. You should therefore give them only such weight as you think the underlying evidence deserves.

See, Federal Rules of Evidence, Rule 1006, 28 U.S.C.A.: "Summaries"; see also, United States v. Nguyen, 267 Fed.Appx. 699 (9th Cir. 2008) (the court noted that the District Court properly instructed the jury that the charts and summaries were only as good as the underlying evidence on which they were based); United States v. Poschwatta, 829 F.2d 1477 (9th Cir. 1987) (holding that admission of a chart summarizing income figures already admitted into evidence, while perhaps not the best practice, was not an abuse of discretion); United States v. Gardner, 611 F.2d 770 (9th Cir. 1980) (holding that admission of a chart summarizing the defendant's financial status was well within the discretion of the trial court pursuant to Fed.R.Evid. 611 (a)); United States v. Krasn, 614 F.2d 1229 (9th Cir. 1980) (holding that charts should not have been admitted, but that it was harmless error as the defendant had an opportunity to challenge the facts and data upon which the charts were based and the court gave a limiting instruction); United States v. Gardner, 611 F.2d 770 at *776 (noting the defendant's opportunity to cross-examine the government witness who prepared the chart and finding no reversible error in admission of chart).

JURY INSTRUCTION NO. ____

EVIDENCE INSTRUCTION 2EV.15:

ATTORNEY'S RIGHT TO INTERVIEW WITNESS

An attorney has a right to interview a witness for the purpose of learning what testimony the witness will give. The fact that the witness has talked to an attorney and told that attorney what she would testify to does not, by itself, reflect adversely on the truth of the testimony of the witness.

Cacoperdo v. Demosthenes, 37 F.3d 504 (9th Cir.1994) ("[B]oth sides have the right to interview witnesses before trial."); United States v. Rich, 580 F.2d 929 (9th Cir. 1978) ("Abuses can easily result when officials elect to inform potential witnesses of their right not to speak with defense counsel."); United States v. Black, 767 F.2d 1334 (9th Cir. 1985) ("Absent a fairly compelling justification, the government may not interfere with defense access to witnesses.") cert. denied, 474 U.S. 1022, 106 S.Ct. 574, 88 L.Ed.2d 557 (1985).

JURY INSTRUCTION NO. ____

EVIDENCE INSTRUCTION 2EV.16:

JURORS NOT TO CONDUCT INDEPENDENT INVESTIGATION

You must decide all questions of fact in this case from the evidence received in this trial and not from any other source. You must not make any independent investigation of the facts or the law or consider or discuss facts as to which there is no evidence. This means, for example, that you must not on your own visit the scene, conduct experiments or consult reference works for additional information.

Rowbottom v. State, 105 Nev. 472, 779 P.2d 934 (1989) (juror misconduct, in which juror conducted independent investigation of crime, which was a prejudicial error which entitled defendant to new trial even though juror did not share her findings with other jurors until penalty phase of trial); Meyer v. State, 119 Nev. 554, 80 P.3d 447 (2003) (jurors are prohibited from conducting an independent investigation and informing other jurors of the results of that investigation).

JURY INSTRUCTION NO. ____

EXPERTS INSTRUCTION 3EX.1:

EXPERT WITNESS: GENERAL

A witness who has special knowledge, skill, experience, training or education in a particular science, profession or occupation is an expert witness. An expert witness may give his or her opinion as to any matter in which he or she is skilled.

You should consider such expert opinion and weigh the reasons, if any, given for it. You are not bound, however, by such an opinion. Give it the weight to which you deem it entitled, whether that be great or slight, and you may reject it, if, in your judgment, the reasons given for it are unsound.

JURY INSTRUCTION NO. _____

EXPERTS INSTRUCTION 3EX.3:

EXPERT WITNESS: RELIANCE UPON MATTERS NOT ADMITTED IN EVIDENCE

An expert witness has testified about his reliance upon books, treatises, articles, and statements that have not been admitted into evidence. Reference by the expert witness to this material is allowed so that the expert witness may tell you what he relied upon to form his opinions. You may not consider the material as evidence in this case. Rather, you may only consider the material to determine what weight, if any, you will give to the expert's opinions.

NRS 50.285; NRS 50.305; see also, Prabhu v. Levine, 112 Nev. 1538, 930 P.2d 103 (1996).

See NRS 51.255 regarding learned treatises. The statute does allow learned treatises into evidence. Learned treatises are another way of proving deviation from the standard of care.

JURY INSTRUCTION NO. _____

EXPERTS INSTRUCTION 3EX.4:

EXPERT WITNESS: HYPOTHETICAL QUESTION

A hypothetical question has been asked of an expert witness. In a hypothetical question, the expert witness is told to assume the truth of certain facts, and the expert witness is asked to give an opinion based upon those assumed facts. You must decide if all of the facts assumed in the hypothetical question have been established by the evidence. You can determine the effect of that admission upon the value of the opinion.

Wrenn v. State, 89 Nev. 71, 506 P.2d 418 (1973) (rejecting expert opinion testimony because assumed facts were not established).

NOTES

An earlier Nevada pattern jury instruction was reprinted from BAJI, and provided that if a fact contained in the hypothetical question is not established, the jurors can determine the "effect of that omission upon the value of the opinion." NEVADA PATTERN JURY INSTRUCTIONS, CIVIL (Lexis-Nexis), Nev. J.I. 2.12. This is somewhat inconsistent with Wrenn v. State, supra, and perhaps inconsistent presentation of expert testimony. The old instruction seemed to assume that the expert witness only rendered one opinion and that opinion was based upon a hypothetical. In fact, expert witnesses may render numerous opinions during their testimony, one or more of which may be based upon a hypothetical question. This revised instruction now provides that the jurors should simply

1 disregard the response to the hypothetical question, if the party has not proven all
2 of the facts in the hypothetical question. Thus, the failure of the proof of the
3 evidence does not impact the remaining opinions of the witness. Rather, the
4 weighing of that evidence is covered in a separate expert instruction.

JURY INSTRUCTION NO. _____

NEGLIGENCE INSTRUCTION 4NG.3:

NUMBER OF WITNESSES

The preponderance, or weight of evidence, is not necessarily with the greater number of witnesses.

The testimony of one witness worthy of belief is sufficient for the proof of any fact and would justify a verdict in accordance with such testimony, even if a number of witnesses have testified to the contrary. If, from the whole case, considering the credibility of witnesses, and after weighing the various factors of evidence, you believe that there is a balance of probability pointing to the accuracy and honesty of the one witness, you should accept his or her testimony.

Baker v. Morton, 79 U.S. 150 (1870).

JURY INSTRUCTION NO. _____

NEGLIGENCE INSTRUCTION 4NG.9 (MODIFIED):

INTRODUCTORY INSTRUCTION; SINGLE LEGAL BASIS

The plaintiff seeks to establish a claim of negligence. When I use the word "negligence" in these instructions, I mean the failure to do something which a reasonably careful person would do, or the doing of something which a reasonably careful person would not do, to avoid injury to themselves or others, under circumstances similar to those shown by the evidence. I will now instruct on the law relating to this claim.

RESTATEMENT (SECOND) OF TORTS § 283; Spaulding v. United States, 455 F.2d 222 (9th Cir. 1972).
CA BAJI 3.10.

JURY INSTRUCTION NO. _____

NEGLIGENCE INSTRUCTION 4NG.7:

**RESPECTIVE BURDENS OF PLAINTIFF AND DEFENDANT;
GENERAL**

The plaintiff has the burden of proving by a preponderance of the evidence
all of the facts necessary to establish the following:

That defendant owed a duty to plaintiff;

That defendant breached that duty;

That defendant's breach was the proximate cause of plaintiff's injuries;

That plaintiff suffered damages.

CA BAJI 2.60; Radius v. Travelers Ins. Co., 87 F.2d 412 (9th Cir. 1937); Clark
v. State, 95 Nev. 24, 588 P.2d 1027 (1979); NRS 47.180.

JURY INSTRUCTION NO. _____

NEGLIGENCE INSTRUCTION 4NG.20:

COMPARATIVE NEGLIGENCE: DEFINITION; EFFECT

The plaintiff may not recover damages if her comparative negligence is greater than the negligence of the defendant. However, if the plaintiff is negligent, the plaintiff may still recover a reduced sum so long as her comparative negligence was not greater than then the negligence of the defendant.

If you determine that the plaintiff is entitled to recover, you shall return by verdict the total amount of damages sustained by the plaintiff without regard to her comparative negligence and you shall indicate the percentage of negligence attributable to each party.

The percentage of negligence attributable to the plaintiff shall reduce the amount of such recovery by the proportionate amount of such negligence and the reduction will be made by the Court.

JURY INSTRUCTION NO. _____

NEGLIGENCE INSTRUCTION 4NG.8:

**RESPECTIVE BURDENS OF PLAINTIFF AND DEFENDANT;
NEGLIGENCE AND COMPARATIVE NEGLIGENCE**

The plaintiff has the burden to prove:

1. That the defendant was negligent,
2. That the plaintiff sustained damage, and
3. That such negligence was a proximate cause of the damage sustained

by the plaintiff.

The defendant has the burden of proving, as an affirmative defense:

1. That the plaintiff was negligent, and
2. That plaintiff's negligence was a proximate cause of any damage

plaintiff may have sustained.

JURY INSTRUCTION NO. _____

NEGLIGENCE INSTRUCTION 4NG.13

NEGLIGENCE: PROXIMATE CAUSE: DEFINITION

When I use the expression "proximate cause," I mean a cause which, in natural and continuous sequence, unbroken by any efficient intervening cause, produces the injury complained of and without which the result would not have occurred. It need not be the only cause, nor the last or nearest cause. It is sufficient if it concurs with some other cause acting at the same time, which in combination with it, causes the injury.

Goodrich & Pennington Mortgage Fund, Inc. v. J.R. Woolard Inc., 120 Nev. 777, 784, 101 11 P.3d 792, 797 (2004) citing Taylor v. Silva, 96 Nev. 738, 741, 615 P.2d 970, 971 (1980) (quoting Mahan v. Hafen, 76 Nev. 220, 225, 351 P.2d 617, 620 (1960)); Dow Chemical Co. v. Mahlum, 114 Nev. 1468, 1481, 970 P.2d 98, 107 (1998); RESTATEMENT (SECOND) OF TORTS § 431.

JURY INSTRUCTION NO. _____

NEGLIGENCE INSTRUCTION 4NG.17:

CONCURRENT CAUSE

More than one person may be to blame for causing an injury. If you decide that the defendant was negligent and that its negligence was a proximate cause of injury to the plaintiff, it is not a defense that some third person who is not a party to the suit may also have been to blame. However, if you decide that the sole proximate cause of injury to the plaintiff was the conduct of some person other than the defendant, then your verdict should be for the defendant.

RESTATEMENT (SECOND) OF TORTS §§ 439, 390, 442B, 495; CA BAJI 3.77.

JURY INSTRUCTION NO. _____

NEGLIGENCE INSTRUCTION 4NG.15:

ORDINARY CARE: ADULT: DEFINITION

When I use the words "ordinary care," I mean the care a reasonably careful person would use under circumstances similar to those shown by the evidence. The law does not say how a reasonably careful person would act under those circumstances. That is for you to decide.

RESTATEMENT (THIRD) OF TORTS § 7; RESTATEMENT (SECOND) OF TORTS § 283 Comment C; CA BAJI 3.00.

JURY INSTRUCTION NO. _____

PREMISES LIABILITY INSTRUCTION 8PML.1 (MODIFIED):

LANDOWNER LIABILITY: OWNER REASONABLE CARE

An owner of land must exercise reasonable care not to subject others to an unreasonable risk of harm. An owner of land must act as a reasonable person under all the circumstances including the likelihood of injury to others, the probable seriousness of such injuries, and the burden of reducing or avoiding the risk.

Riley v. OPP IX, L.P., 112 Nev. 826, 919 P.2d 1071 (1996); Moody v. Manny's Auto Repair, 110 Nev. 320, 329, 871 P.2d 935, 941 (1994).

JURY INSTRUCTION NO. _____

PREMISES LIABILITY INSTRUCTION 8PML.6:

**LANDOWNER LIABILITY: FOREIGN SUBSTANCE ON FLOOR:
FAILURE TO REMEDY**

Where the foreign substance is the result of the actions of persons other than the business or its employees, liability will lie only if the business had actual or constructive notice of the condition and failed to remedy it, or failed to reasonably prevent or inspect or discover the condition.

Sprague v. Lucky Stores, Inc., 109 Nev. 247, 250, 849 P.2d 320, 322 (1993).

JURY INSTRUCTION NO. _____

PREMISES LIABILITY INSTRUCTION 8PML.3 (MODIFIED):

LANDOWNER LIABILITY: OWNER EXERCISE OF REASONABLE CARE

The owner or occupier of property is not liable to one injured on the property where the injury resulted from a danger which was obvious or should have been observed in the exercise of reasonable care. In addition, a person should exercise reasonable self-protection in encountering the danger.

Gunlock v. New Frontier Hotel Corp., 78 Nev. 182, 370 P.2d 682 (1962); Foster v. Costco Wholesale Corp., 2012 Nev. LEXIS 123, *8, 291 P.3d 150 (Dec. 27, 2012).

JURY INSTRUCTION NO. _____

PERSONAL INJURY DAMAGES INSTRUCTION SPID.9:

CLOSING INSTRUCTION

Whether any of these elements of damage have been proven by the evidence is for you to determine. Neither sympathy nor speculation is a proper basis for determining damages. However, absolute certainty as to the damages is not required. It is only required that plaintiff prove each item of damage by a preponderance of the evidence.

Quintero v. McDonald, 116 Nev. 1181, 14 P.3d 522 (2000).