

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17174
94-236/1224

DATE 11/18/2015



PAY TO THE
ORDER OF

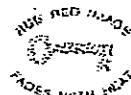
\$ **101.50

One Hundred One and 50/100***** DOLLARS

MEMO

PAYROLL/REIMBURSEMENT

 SECURITY FEATURES INCLUDED. DETAILS ON BACK. 



LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

11/18/2015

17174

nhp photos
d/off expert payments
delivery

25.00
16.50
11.00
23.00
26.00

PAYROLL/REIMBURSEMENT

101.50

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

11/18/2015

17174

nhp photos
d/off expert payments
delivery

25.00
16.50
11.00
23.00
26.00

PAYROLL/REIMBURSEMENT

101.50

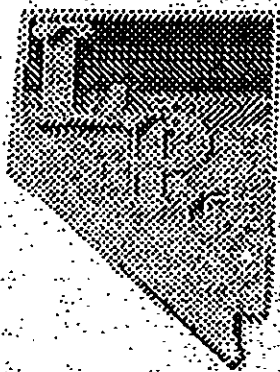
11/3/2015

p/u check	7.00
delivery	15.00
delivery	11.00
exchange	12.00

PAYROLL/REIMBURSEMENT

45.00

Please Reorder from Priority Business Checks Ph. (702) 263-2435 Fax (702) 263-2436 / For Exact Reorders Visit www.pbchecks.com (Ask About All Your Printing Needs)



Legal Process Service

Professional Service Since 1982

724 S. Eighth Street, Las Vegas, Nevada 89101-7005

Telephone (702) 471-7255 Fax (702) 471-7248

Tax ID - 88-0293775 State Lic. #604

www.LPSNV.com contact@LPSNV.com



Legal Process Service



Invoice # 1507351

Invoice Date: 10/20/2015

Nettles Law Firm
Christian M. Morris, Esq.
Attention: Dorothy Allen
1389 Galleria Dr., #200
Henderson, NV 89014

Insured:

Attention:

DOROTHY ALLEN

Hi Dot, still no response from delivery notices and/or postal inquiries. Would you like us to send a server to the address to see if we can get more information? Please advise. Thank you! 10/08

THANK YOU FOR CHOOSING LPS!

Plaintiff(s)

Yvonne O'Connell, an individual

vs

Defendant(s)

Wynn Las Vegas, LLC, a Nevada Limited Liability Company, et al.

Re:

Terry M. Ruby

Documents
Served

SKIPTRACE TO LOCATE FORMER EMPLOYEE

or

Service

Provided

Court: District Court

County: Clark County,

Case No.: A-12-655992-C

Dept. No.: V

Your File

Hearing Date

Date Served:

Time Served:

Date	Service Description	Service Fee	Date Paid	Check# / Auth #	Fee Paid
09/21/15	Skip Tracing/Locate/Skip Memo	\$150.00			
Sub-Totals:		\$150.00	Total Paid:		

Terms: Payment is due upon receipt. Payment is not contingent upon client or insurance reimbursement.

A late fee of 15% will be assessed on all outstanding invoices of 30 days or more.

Total Amount Due = \$150.00

Please detach and return this section with your payment. Make checks payable to Legal Process Service

Nettles Law Firm
Christian M. Morris, Esq.
1389 Galleria Dr., #200
Henderson, NV 89014

We appreciate your business!

Remit Payment to:

Work Order # 1507351

Invoice Date: 10/20/2015

Client ID#

Legal Process Service
724 South 8th Street
Las Vegas, NV 89101

Total Amount Due = \$150.00 PLTF 032

2 RA 285

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1369 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17078
94-236/1224

DATE 10/27/2015

PAY TO THE
ORDER OF

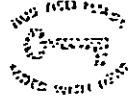
Legal Process Service

\$ **675.00

Six Hundred Seventy-Five and 00/100***** DOLLARS

Legal Process Service

MEMO



SECURITY FEATURES INCLUDED. DETAILS ON BACK.



LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Legal Process Service

10/27/2015

17078

85.00
55.00
55.00
255.00
75.00

skip trace / former employee

150.00

675.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Legal Process Service

10/27/2015

17078

85.00
55.00
55.00
255.00
75.00

skip trace / former employee

150.00

675.00
PLTF 033

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

16356
94-236/1224

DATE 4/27/2015

PAY TO THE ORDER OF Gary A. Presswood

\$ **540.00

Five Hundred Forty and 00/100***** DOLLARS

Gary A. Presswood
8635 W Sahara Ave #435
Las Vegas, NV 89117

MEMO
Yvonne O'Connell

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

AW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Gary A. Presswood

site inspection

4/27/2015

16356
540.00

Yvonne O'Connell

540.00

AW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Gary A. Presswood

site inspection

4/27/2015

16356
540.00

Yvonne O'Connell

Costs

540.00

PLTF 034

2 RA 287

LAW OFFICES OF BRIAN D NETTLES, INC.

OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

16426

94-236/1224

DATE 5/13/2015

PAY TO THE
ORDER OF

Gary A. Presswood

\$ **2,619.00

Two Thousand Six Hundred Nineteen and 00/100*****

DOLLARS

Gary A. Presswood
8635 W Sahara Ave #435
Las Vegas, NV 89117

MEMO

Yvonne O'Connell



SECURITY FEATURES INCLUDED. DETAILS ON BACK.



AW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Gary A. Presswood

finalize report

5/13/2015

16426

2,619.00

Yvonne O'Connell

2,619.00

AW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Gary A. Presswood

finalize report

5/13/2015

16426

2,619.00

Costs

Yvonne O'Connell

2,619.00

PLTF 036

Gary Presswood, Inc.
dba The Accident Expert
8635 W Sahara Ave#435
Las Vegas NV 89117

Statement

DATE

5/1/2015

TO:

CHRISTIAN M MORRIS, ESQ.
 NETTLES LAW GROUP
 1389 GALLERIA DR. SUITE 200
 HENDERSON, NV 89104

Please make checks payable to:
GARY PRESSWOOD INC.

AMOUNT DUE

AMOUNT ENC.

\$3,159.00

Please make checks payable to: GARY PRESSWOOD INC.				AMOUNT DUE	AMOUNT ENC.
				\$3,159.00	
DATE	TRANSACTION	AMOUNT	BALANCE	OTY (hrs)	
12/31/2000	Balance forward		0.00		
	O'Connell-				
03/23/2015	Review docs received & prep for site inspection	540.00	540.00	1.8	
04/01/2015	Site/SCOF inspection	720.00	1,260.00	2.4	
04/02/2015	Compile photos, research & begin DRAFT report	900.00	2,160.00	3	
04/06/2015	Draft report	360.00	2,520.00	1.2	
04/10/2015	Complete draft	180.00	2,700.00	0.6	
04/13/2015	Finalize & send report	450.00	3,150.00	1.5	
04/28/2015	Answer defense request for files	9.00	3,159.00	0.03	
CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	AMOUNT DUE
3,159.00	0.00	0.00	0.00	0.00	\$3,159.00

Please phone 702.233.8516 with any questions regarding your bill.

Phone #	Fax #	E-mail	Web Site
702.233.8516	702.233.8519	crash@accidentexpert.com	accidentexpert.com

PLTF 037

THE FRONT FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER.

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

16558
94-236/1224

DATE 6/22/2015

PAY TO THE ORDER OF Gary A. Presswood

\$ **540.00

Five Hundred Forty and 00/100 ***** DOLLARS

Gary A. Presswood
8635 W Sahara Ave #435
Las Vegas, NV 89117

MEMO

Yvonne O'Connell

 SECURITY FEATURES INCLUDED. DETAILS ON BACK. 

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Gary A. Presswood

file review & phone conf

6/22/2015

16558
540.00

Yvonne O'Connell

540.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Gary A. Presswood

file review & phone conf

6/22/2015

16558
540.00

Yvonne O'Connell

540.00

PLTF 038

Gary Presswood, Inc.
dba The Accident Expert
8635 W Sahara Ave#435
Las Vegas NV 89117

Statement

DATE

5/31/2015

TO:

CHRISTIAN M MORRIS, ESQ.
 NETTLES LAW GROUP
 1389 GALLERIA DR. SUITE 200
 HENDERSON, NV 89104

Please make checks payable to:
GARY PRESSWOOD INC.

AMOUNT DUE

AMOUNT ENC.

\$540.00

DATE	TRANSACTION	AMOUNT	BALANCE	OTY (hrs)
12/31/2000	Balance forward		0.00	
	O'Connell-			
03/23/2015	Review docs received & prep for site inspection	540.00	540.00	1.8
04/01/2015	Site/SCOF inspection	720.00	1,260.00	2.4
04/02/2015	Compile photos, research & begin DRAFT report	900.00	2,160.00	3
04/06/2015	Draft report	360.00	2,520.00	1.2
04/10/2015	Complete draft	180.00	2,700.00	0.6
04/13/2015	Finalize & send report	450.00	3,150.00	1.5
04/28/2015	Answer defense request for files	9.00	3,159.00	0.03
05/05/2015	PMT #16356.	-540.00	2,619.00	
05/06/2015	File review & phone w/atty	180.00	2,799.00	0.6
05/14/2015	Copy & send file	360.00	3,159.00	1.2
05/20/2015	PMT #16426.	-2,619.00	540.00	

Please phone 702.233.8516 with any questions regarding your bill.

Phone #	Fax #	E-mail	Web Site
702.233.8516	702.233.8519	crash@accidentexpert.com	accidentexpert.com

PLTF 039

OTHER FACE OF THIS DOCUMENT HAS A 30 SECOND BACKGROUND ON WHITE PAPER

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17123
94-236/1224

DATE 11/4/2015

PAY TO THE ORDER OF Craig Tingey, M.D.

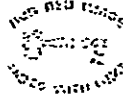
\$ **750.00

Seven Hundred Fifty and 00/100***** DOLLARS

Craig Tingey, M.D.

MEMO

Teleconference - Yvonne O'Connell



SECURITY FEATURES INCLUDED. DETAILS ON BACK.



LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

17123

Craig Tingey, M.D.

11/4/2015

teleconf

750.00

Teleconference - Yvonne O'Connell

750.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

17123

Craig Tingey, M.D.

11/4/2015

teleconf

750.00

Teleconference - Yvonne O'Connell

750.00

PLTF 040



DESERT ORTHOPAEDIC CENTER

Central Office

2800 E. Desert Inn Rd., Suite 100
Las Vegas, Nevada 89121
(702) 731-1616 (Fax) 734-4900

Northwest Office

8402 W. Centennial Parkway
Las Vegas, NV 89149
(702) 869-3486 (Fax) 869-3542

Henderson Office

2930 W. Horizon Ridge Pkwy, Suite 100
Henderson, Nevada 89052
(702) 263-9082 (Fax) 263-9088

John M. Baldauf, M.D.

Reconstructive Surgery and Sports Medicine

Hugh L. Bassewitz, M.D.

Adult Spinal Surgery

Patrick J. Brandner, M.D., F.A.C.S.

General Orthopaedics

Thomas Dunn, M.D.

Adult Spinal Surgery

Roger A. Fontes, M.D.

Complex Trauma Surgery,

Hip, Knee and Shoulder

Matthew N. Fouse, M.D.

Arthroscopy and Sports Medicine

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Orthopaedic Surgery and Sports Medicine

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Adult Reconstruction, Shoulder and Elbow

Parminder S. Kang, M.D.

Hip Preservation, Joint Replacement

Michael L. Lee, M.D.

Hand, Wrist and Upper Extremity Surgery

Michael Miao, M.D.

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Adult and Pediatric Spinal Surgery

Abdi Raissi, M.D.

Foot and Ankle Surgery

D. Daniel Rotenberg, M.D.

Arthroscopy and Sports Medicine

William T. Stewart, M.D.

Orthopaedic Surgery and Hand Surgery

Timothy B. Sutherland, M.D.

Arthroscopy of Knee and Shoulder

Todd V. Swanson, M.D.

Total Joint Replacement

Craig T. Tingey, M.D.

Arthroscopy and Sports Medicine

Troy S. Watson, M.D.

Foot and Ankle Surgery, Arthroscopy

Michael F. Pendleton, J.D., CMPE

CEO/General Counsel

James P. Washer II, CFA

Director of Finance

Sharen E. Marchitt

Director of Operations

All Appointments (702) 731-4088

www.doclv.com

Date: 11/03/2015

VIA Facsimile: 702-434-1488

Christian Morris, Esq.

Nettles Law Firm

1389 Galleria Dr., Ste 200

Henderson, NV 89014

RE: Yvonne O'Connell

Our acct#:

Provider: Dr. Craig Tingey

INVOICE

Please remit payment for the following items.

Telephone conference	\$1000.00
(1 hr at \$250.00 per 15 minutes)	
(NO Report)	

Pre-payment ck# 16962	\$250.00
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Total Due:	\$750.00
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Tax Identification Number: 46-2279210

Please include patient name on check and remit payment to:

Craig Tingey, MD
ATTN: Tami Reynolds
8402 W. Centennial Pwy
Las Vegas, NV 89149

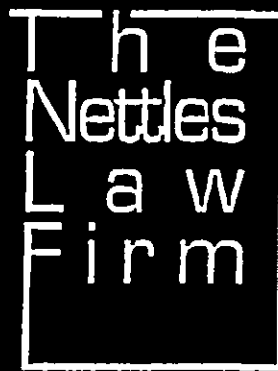
Upon receipt of payment, medial review/records will be forwarded to your office. Thank you in advance for your attention to this matter.

Sincerely,
Tami Reynolds
CCMA for Craig Tingey, MD
(702)869-3486

Brian D. Nettles, Esq.

Christian M. Morris, Esq.*

**Also licensed in California and New Jersey*



Costs

JANICE L. MACRIG, J.D.

Exclusively representing injured victims and their families.

September 30, 2015

Craig Tingey, M.D.
Desert Orthopaedic Center
8402 West Centennial Parkway
Las Vegas, Nevada 89149

Attention: Tami Reynolds

Re: Yvonne O'Connell v. Wynn, et al.

Dear Tami:

Enclosed please find our check number 16962, dated 9/29/2015, in the amount of \$250.00, made payable to Craig Tingey, representing payment of his fee for a telephone conference with Christian M. Morris, Esq., in the above-referenced matter. This will confirm our telephone conversation, wherein you advised me that upon receipt of this fee, you will contact me to schedule this telephone conference.

Your courtesy and cooperation are genuinely appreciated. I look forward to hearing from you.

Very truly yours,
NETTLES LAW FIRM

Dorothy A. Allen
Dorothy A. Allen
Paralegal to
Christian M. Morris, Esq.

CMM:daa
Enclosure

PLTF 042

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

16962
94-236/1224

DATE 9/29/2015

PAY TO THE ORDER OF Craig Tingey, M.D.

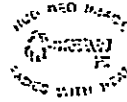
\$ **250.00

Two Hundred Fifty and 00/100***** DOLLARS

Craig Tingey, M.D.

MEMO

Tele conf - Yvonne O'Connell



SECURITY FEATURES INCLUDED. DETAILS ON BACK.



LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Craig Tingey, M.D.

tele conf

9/29/2015

16962
250.00

Tele conf - Yvonne O'Connell

250.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Craig Tingey, M.D.

tele conf

9/29/2015

16962
250.00

Tele conf - Yvonne O'Connell

250.00

PLTF 043



DESERT ORTHOPAEDIC CENTER

Central Office

2800 E. Desert Inn Rd., Suite 100
Las Vegas, Nevada 89121
(702) 731-1616 (Fax) 734-4900

Northwest Office

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Las Vegas, NV 89149
(702) 869-3486 (Fax) 869-3542

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2930 W. Horizon Ridge Pkwy, Suite 100
Henderson, Nevada 89052
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*Complex Trauma Surgery,
Hip, Knee and Shoulder*

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Arthroscopy and Sports Medicine

Troy S. Watson, M.D.

Foot and Ankle Surgery, Arthroscopy

Michael F. Pendleton, J.D., CMPE
CEO/General Counsel

James P. Washer II, CFA
Director of Finance

Sharen E. Marchitti
Director of Operations

All Appointments (702) 731-4088

www.doclv.com

Date: 09/28/2015.

Via Facsimile: 702-434-1488
Nettles Law Firm
1389 Galleria Dr., Ste 200
Henderson, NV 89014

RE: Yvonne O'Connell

DOL: 08/18/1951

Our Acct#:

Provider: Dr. Tingey

Dear Mr. Morris,

I am in receipt of your request for a 15 minute telephone conference on the above listed patient. This requires a deposit of \$250.00, equivalent to 15 minutes, based on our office policy.

Any additional charges incurred beyond the 15 minute time will be billed to your office accordingly. If you would like to have Dr. Tingey complete this request, please forward a check in the amount of \$250.00 made payable to Craig Tingey, MD to my attention at the following address:

Desert Orthopaedic Center
ATTN: Tami Reynolds
8402 W. Centennial Pwy
Las Vegas, NV 89149

Tax Identification number: 46-2279210

Please include claimant name on check.

Upon receipt of deposit, your request for dates will be forwarded.
Thank you in advance for your attention to this matter.

Sincerely,

Tami Reynolds
CCMA for Craig Tingey, MD
702-869-3486

LAW OFFICES OF BRIAN D. NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17102
94-236/1224

DATE 11/3/2015

PAY TO THE ORDER OF Craig Tingey, M.D.

\$ **5,000.00

Five Thousand and 00/100*****

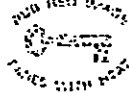
COSTS

***** DOLLARS

Craig Tingey, M.D.

MEMO

Court appearance - Yvonne O'Connell



SECURITY FEATURES INCLUDED. DETAILS ON BACK.



LAW OFFICES OF BRIAN D. NETTLES, INC. - OPERATING ACCOUNT

Craig Tingey, M.D.

court appearance

11/3/2015

17102
5,000.00

Court appearance - Yvonne O'Connell

5,000.00

LAW OFFICES OF BRIAN D. NETTLES, INC. - OPERATING ACCOUNT

Craig Tingey, M.D.

court appearance

11/3/2015

17102
5,000.00

Court appearance - Yvonne O'Connell

5,000.00

PLTF 045

**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

Court Appearance ½ day \$5,000
Whole day \$10,000

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

Please note: A "re-schedule clinic fee" of \$2600 will be incurred without a 96 hour notice of trial date and time for doctor to testify *or* change in date/time of doctor's testimony without 96 hour notice.

Refund Policy for all services:

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

Tax ID # 91-0858192

***Please sign and return this document along with necessary prepayments to acknowledge your cooperation:**

Attorney Name/Firm Name

Signature

Date

Revised 07/01/2015

PLTF 046

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17105
94-236/1224

O'Connell

DATE 11/3/2015

PAY TO THE ORDER OF Thomas Dunn, M.D.

COSTS

\$ **5,000.00

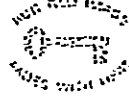
Five Thousand and 00/100*****

DOLLARS

Thomas Dunn, M.D.
2800 E. Desert Inn Road
Suite 100
Las Vegas, NV 89121

MEMO

Court appearance - Yvonne O'Connell



[Signature]

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Thomas Dunn, M.D.

11/3/2015

17105

5,000.00

Court appearance - Yvonne O'Connell

5,000.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Thomas Dunn, M.D.

11/3/2015

17105

5,000.00

Court appearance - Yvonne O'Connell

5,000.00

PLTF 047


DESERT ORTHOPAEDIC CENTER
Central Office

1800 E. Desert Inn Rd., Suite 100
Las Vegas, Nevada 89121
702) 731-1616 (Fax) 734-4900

Northwest Office

4602 W. Centennial Parkway
Las Vegas, NV 89149
702) 869-3486 (Fax) 869-3542

Henderson Office

9310 W. Horizon Ridge Pkwy, Suite 100
Henderson, Nevada 89052
702) 263-9082 (Fax) 263-9088

John M. Baldauf, M.D.,
Reconstructive Surgery and Sports Medicine
Hugh L. Bassewitz, M.D.,
Adult Spinal Surgery
Patrick J. Brundiner, M.D., F.A.C.S.,
General Orthopaedics

Thomas Dunn, M.D.,
General Surgery
Roger A. Fuentes, M.D.,
Complex Trauma Surgery,
Hip, Knee and Shoulder

Matthew N. Fouse, M.D.,
Arthroscopy and Sports Medicine
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Foot and Ankle Surgery
Paul M. Hanson, M.D.,
Orthopaedic Surgery and Sports Medicine
Lawrence R. Huff, M.D.,
Total Reconstruction, Shoulder and Elbow
Christopher S. Kang, M.D.,
Arthroscopy, Total Joint Replacement

Michael L. Lee, M.D.,
Hand, Wrist and Upper Extremity Surgery
Michael Mixo, M.D.,
Arthroscopy and Sports Medicine

Robert C. Perry, Jr., M.D.,
Adult and Pediatric Spinal Surgery
Michael Raissi, M.D.,

Foot and Ankle Surgery
Daniel Rutenberg, M.D.,
Arthroscopy and Sports Medicine
William T. Stewart, M.D.,
Orthopaedic Surgery and Hand Surgery
Cathy B. Sutherland, M.D.,
Arthroscopy of Knee and Shoulder

David V. Swanson, M.D.,
Total Joint Replacement
Craig T. Tingey, M.D.,
Arthroscopy and Sports Medicine
David S. Watson, M.D.,
Foot and Ankle Surgery, Arthroscopy
David P. Winder, M.D.,
Shoulder, Knee, Hip, Elbow
Sports Medicine

Michael F. Pendleton, J.D., CMPE
General Counsel

James P. Washer II, CFA
Director of Finance

Steven E. Marchitti
Director of Operations

Appointments (702) 731-4088
Fax (702) 734-4900

October 28, 2015

Nettles Law Firm
1389 Galleria Dr., #200
Henderson, NV 89014

Re: Yvonne O'Connell

Per our conversation, half day trial testimony regarding the above referenced patient has been tentatively scheduled for Thursday, November 12, 2015.

Pre-payment of \$5000 for half-day testimony is required seven days prior to the scheduled trial testimony and should be directed to Patricia Battaglia at the Desert Inn Address.

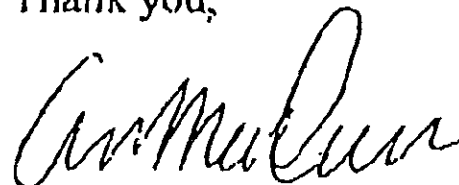
Please make the check payable to Thomas Dunn M.D. The tax ID number is 91-0858192.

Refund policy is as follows:

Full refund if cancelled 7 days prior
½ refund if cancelled > 24 hours prior
No refund if cancelled < 24 hours prior

Should you have any questions, please do not hesitate to call me at 702-370-0138.

Thank you,


Ann Marie Dunn

THE BACK OF THIS DOCUMENT HAS A WATERMARK BACKGROUND ON WHITE PAPER

LAW OFFICES OF BRIAN D NETTLE
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

O'Connell
10513

17147
94-236/1224

DATE 11/11/2015

PAY TO THE
ORDER OF

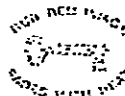
Thomas Dunn, M.D.

\$ **5,000.00

Five Thousand and 00/100***** DOLLARS

Thomas Dunn, M.D.
2800 E. Desert Inn Road
Suite 100
Las Vegas, NV 89121

MEMO



324

Court appearance - Yvonne O'Connell

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Thomas Dunn, M.D.

11/11/2015

17147
5,000.00

Court appearance - Yvonne O'Connell

5,000.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Thomas Dunn, M.D.

11/11/2015

17147
5,000.00

Court appearance - Yvonne O'Connell

5,000.00

PLTF 049



DESERT ORTHOPAEDIC CENTER

Central Office

800 E. Desert Inn Rd., Suite 100
Las Vegas, Nevada 89121
(702) 731-1616 (Fax) 734-4900

Northwest Office

402 W. Centennial Parkway
Las Vegas, NV 89149
(702) 869-3486 (Fax) 869-3542

Henderson Office

330 W. Horizon Ridge Pkwy, Suite 100
Henderson, Nevada 89052
(702) 263-9082 (Fax) 263-9088

John M. Baldwin, M.D.

Reconstructive Surgery and Sports Medicine

Hugh J. Bassowitz, M.D.

Full Spinal Surgery

Herrick J. Brandner, M.D., F.A.C.S.

General Orthopedics

Thomas Dunn, M.D.

Spinal Surgery

Robert A. Fantes, M.D.

Complex Trauma Surgery

Arthroscopy, Knee and Shoulder

Matthew N. Fouse, M.D.

Arthroscopy and Sports Medicine

James D. Granata, M.D.

Foot and Ankle Surgery

David M. Hanson, M.D.

Orthopaedic Surgery and Sports Medicine

Lawrence R. Huff, M.D.

Joint Reconstruction, Shoulder and Elbow

Arthroscopy, Total Joint Replacement

Michael L. Lee, M.D.

Hand, Wrist and Upper Extremity Surgery

Michael Miao, M.D.

Arthroscopy and Sports Medicine

Michael C. Perry, Jr., M.D.

Spinal and Pediatric Spinal Surgery

Robert Raissi, M.D.

Foot and Ankle Surgery

Daniel Rotenberg, M.D.

Arthroscopy and Sports Medicine

William T. Stewart, M.D.

Orthopaedic Surgery and Hand Surgery

Anthony B. Sutherland, M.D.

Arthroscopy of Knee and Shoulder

David V. Swanson, M.D.

Joint Replacement

Gregory T. Tingley, M.D.

Arthroscopy and Sports Medicine

Gregory S. Watson, M.D.

Foot and Ankle Surgery, Arthroscopy

David P. Winder, M.D.

Hand, Knee, Hip, Elbow

Sports Medicine

Michael F. Pendleton, J.D., CMPF

General Counsel

Robert P. Washer II, CFA

Director of Finance

Steven E. Marchitelli

Director of Operations

Appointments (702) 731-4088

www.docly.com

November 10, 2015

Nettles Law Firm
1389 Galleria Dr., #200
Henderson, NV 89014

Re: Yvonne O'Connell

Per our conversation, additional half day trial testimony regarding the above referenced patient is scheduled for either November 12, 2015 or November 13, 2015.

Pre-payment of \$5000 for half-day testimony is required seven days prior to the scheduled trial testimony and should be directed to Patricia Battaglia at the Desert Inn Address.

Please make the check payable to Thomas Dunn M.D. The tax ID number is 91-0858192.

Refund policy is as follows:

Full refund if cancelled 7 days prior
1/2 refund if cancelled > 24 hours prior
No refund if cancelled < 24 hours prior

Should you have any questions, please do not hesitate to call me at 702-370-0138.

Thank you,


Ann Marie Dunn

11/10/15
✓ Reg To
Brian

DATE: 11-10-15

TO: DOT

FROM: ANN MARIE

FAX NUMBER: 702-434-1488

RE: Y. O CONNEZL TRIAL

NUMBER OF PAGES INCLUDING COVER
SHEET:

2

Additional Billing

LAW OFFICES OF BRIAN D NETTLES, INC.

OPERATING ACCOUNT

1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

16352

94-236/1224

DATE 4/27/2015

PAY TO THE ORDER OF Esquire Deposition Solutions

\$ **2,489.20

Two Thousand Four Hundred Eighty-Nine and 20/100*****

DOLLARS

Esquire Deposition Solutions

MEMO

Inv. ESQ291879/



SECURITY FEATURES INCLUDED. DETAILS ON BACK.



LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Esquire Deposition Solutions

4/27/2015

16352

randy watson
pltf
yanet elias

702.50
941.70
845.00

Bank of George - Ope Inv. ESQ291879/

2,489.20

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Esquire Deposition Solutions

4/27/2015

16352

yanet elias

702.50
941.70
845.00

O'Connell

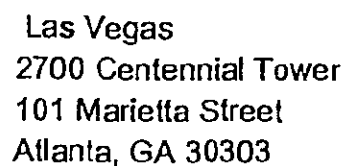
Inv. ESQ291879/

2,489.20

Costs

PLTF 052

2 RA 305



ESQUIRE
SOLUTIONS

Esquire Deposition Solutions, LLC
P. O. Box 846099
Dallas, TX 75284-6099
www.esquiresolutions.com

Tax Number: 45-3463120
Toll Free (800) 211-DEPO
Fax (856) 437-5009

Invoice # ESQ288092

Invoice Date	04/09/2015
Terms	NET 30
Payment Due	05/09/2015
Date of Loss	
Name of Insured	
Adjustor	
Claim Number	

CHRISTIAN MORRIS ,ESQ.
NETTLES LAW FIRM - HENDERSON
SUITE 200
1389 GALLERIA DRIVE
HENDERSON, NV 89014

Assignment	Case	Assignment #	Shipped	Shipped Via
03/24/2015	O'CONNELL, YVONNE VS. WYNN LAS VEGAS, LL	300733	04/08/2015	FED EX

Description

Original Deposition for YANET ELIAS, 03/24/2015 (LAS VEGAS, NV)

EXHIBITS

SUMMARY

MATTER NUMBER: N/A

Tax: \$ 0.00

Paid: \$ 0.00

Amount Due On/Before 05/24/2015 **\$ 845.00**

Amount Due After 05/24/2015	\$ 929.50
-----------------------------	-----------

Tax Number: 45-3463120

Please detach and return this bottom portion with your payment
or pay online at **www.esquireconnect.com**



ESQUIRE



Invoice #: ESQ288092

Payment Due: 05/09/2015

Amount Due On/Before 05/24/2015 **\$ 845.00**

Amount Due After 05/24/2015	\$ 929.50
-----------------------------	-----------

CHRISTIAN MORRIS ,ESQ.
NETTLES LAW FIRM - HENDERSON
SUITE 200
1389 GALLERIA DRIVE
HENDERSON, NV 89014

Remit to:

Esquire Deposition Solutions, LLC
P. O. Box 846099
Dallas, TX 75284-6099
www.esquiresolutions.com

Thank you for your business!

217 0000288092 04092015 1 000084500 1 05092015 05242015 5 000092950_07

PLTF 053

2 RA 306

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

16373
94-236/1224

DATE 5/4/2015

PAY TO THE
ORDER OF Lawyer Solutions Group, LLC

\$ **507.20

Five Hundred Seven and 20/100*****

DOLLARS

Lawyer Solutions Group, LLC

MEMO

Inv. 9001094V6



SECURITY FEATURES INCLUDED. DETAILS ON BACK.

[Handwritten signature]

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Lawyer Solutions Group, LLC

pltf

5/4/2015

16373

507.20

Inv. 9001094V6

507.20

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Lawyer Solutions Group, LLC

pltf

5/4/2015

16373

507.20

Costs - OConnell

Inv. 9001094V6

507.20

PLTF 054

Lawyer Solutions Group, LLC**Invoice**

Prepare. Discover. Litigate

900 S. Fourth Street, Suite 100

Las Vegas, Nevada 89101

Phone: (702) 430-5003

Fax: (702) 974-0125

Invoice Date

Monday, April 27, 2015

Invoice #

9001094V6

Christian M. Morris
Nettles Law Firm
1389 Galleria Drive, Suite 200
Henderson, NV 89014

Phone: (702) 434-8282 Fax: (702) 434-1488

Witness: Yvonne O'Connell

Case: O'Connell v. Wynn Resorts Limited

Venue: Clark County District Court

Case #: A-12-655992-C

Date: 3/19/2015

Start Time: 10:00 AM

End Time: 3:37 PM

Reporter: son Harris, Kristy Clark

Claim #:

File #:

903489V6

Description	Total
Certified Copy of Transcript	\$483.00
Attached exhibits/online - B&W	\$4.40
Attached exhibits/online - Color	\$3.80
Complimentary - Online E-transcript	\$0.00
Complimentary - Condensed Transcript	\$0.00
Postage / Delivery	\$16.00
Sub Total	\$507.20
Payments	\$0.00
Balance Due	\$507.20

**NET 15---8% APR after 45 days past due. Call to pay with
Visa/Mastercard/AMEX**

Fed. I.D. # 45-2889020

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PLTF 055

2 RA 308

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

16637
94-236/1224

DATE 7/6/2015

PAY TO THE ORDER OF Lawyer Solutions Group, LLC

\$ **397.00

Three Hundred Ninety-Seven and 00/100 ***** DOLLARS

Lawyer Solutions Group, LLC

MEMO

Inv. 9001163V6

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Lawyer Solutions Group, LLC

pltf

7/6/2015

16637

397.00

Inv. 9001163V6

397.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Lawyer Solutions Group, LLC

pltf

7/6/2015

16637

397.00

Inv. 9001163V6

397.00

Lawyer Solutions Group, LLC**Invoice****Prepare. Discover. Litigate**

900 S. Fourth Street, Suite 100

Las Vegas, Nevada 89101

Phone: (702) 430-5003

Fax: (702) 974-0125

Tuesday, June 23, 2015

9001163V6

Christian M. Morris
Nettles Law Firm
1389 Galleria Drive, Suite 200
Henderson, NV 89014

Phone: (702) 434-8282 Fax: (702) 434-1488

Witness: Yvonne O'Connell**Case:** O'Connell v. Wynn Resorts Limited**Venue:** Clark County District Court**Case #:** A-12-655992-C**Date:** 6/9/2015**Start Time:** 1:00 PM**End Time:** 3:52 PM**Reporter:** Kristy Clark**Claim #:****File #:** 903626V6

Description	Total
Certified Copy of Transcript	\$351.00
Attached exhibits/online - B&W	\$30.00
Complimentary - Online E-transcript	\$0.00
Complimentary - Condensed Transcript	\$0.00
Postage / Delivery	\$16.00
Sub Total	\$397.00
Payments	\$0.00
Balance Due	\$397.00

**NET 15---8% APR after 45 days past due. Call to pay with
Visa/Mastercard/AMEX**

Fed. I.D. # 45-2889020

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PLTF 057

2 RA 310

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

16645
94-236/1224

DATE 7/20/2015

PAY TO THE ORDER OF Esquire Deposition Solutions

\$ **599.42

Five Hundred Ninety-Nine and 42/100*****

DOLLARS

Esquire Deposition Solutions

MEMO

Inv. 0524887

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Esquire Deposition Solutions

corey prowell

7/20/2015

16645
599.42

Inv. 0524887

599.42

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Esquire Deposition Solutions

corey prowell

7/20/2015

16645
599.42

Inv. 0524887

599.42



ESQUIRE

DEPOSITION SOLUTIONS

2700 Centennial Tower
101 Marietta Street
Atlanta GA 30303
888-486-4044
www.esquiresolutions.com
Tax ID # 45-3463120

Invoice INV0523862

Date 6/23/2015
Terms Net 30
Due Date 7/23/2015

Client Number C06883
Esquire Office Las Vegas
Proceeding Type Deposition
Name of Insured
Adjuster
Firm Matter/File # N/A
Client Claim/Matter #
Date of Loss

Bill To

Nettles Law Firm - Henderson
1389 Galleria Drive
Suite 110
Henderson NV 89014

Ship To

Morris, Christian
1389 Galleria Drive
Suite 110
Henderson NV 89014

Date	Job #	Location	Case		
5/26/2015	JS335921	LAS VEGAS, NEVADA	O'CONNELL, YVONNE VS. WYNN LAS VEGAS, LLC		
Description	Dependent	Qty	Unit Rate	Amount	
TRANSCRIPT - O&1-WI	COREY PROWELL - CR	60	4.60	276.00	
CONDENSED TRANSCRIPT	COREY PROWELL - CR	1	25.00	25.00	
SUMMARY	COREY PROWELL - CR	1	55.00	55.00	
DIGITAL TRANSCRIPT	COREY PROWELL - CR	1	50.00	50.00	
DIGITAL TRANSCRIPT PTX	COREY PROWELL - CR	1	0.00	0.00	
DIGITAL TRANSCRIPT PDF	COREY PROWELL - CR	1	0.00	0.00	
EXHIBITS TABS	COREY PROWELL - CR	2	0.50	1.00	
EXHIBITS COLOR	COREY PROWELL - CR	1	1.95	1.95	
APP FEE: HALF DAY	COREY PROWELL - CR	1	114.00	114.00	
HANDLING FEE	COREY PROWELL - CR	1	20.00	20.00	
WITNESS READ & SIGN PACKET	COREY PROWELL - CR	1	0.00	0.00	

Subtotal 542.95
Shipping Cost (FedEx) 56.47
Total 599.42
Amount Due \$599.42

Attorney is responsible for payment of all charges incurred. Payment is due by "Due Date" shown on Invoice. Failure to pay by "Due Date" may result in the assessment of a late fee. Transcript package typically includes transcript/word index, exhibits, appearance fee, condensed transcript, litigation support disk, shipping, video charges and may include other service charges based on job or region. Some services and rates may vary by job or region. Please contact your local office for specific detail and questions. Full Terms and Conditions are viewable online at www.esquiresolutions.com/invoice-terms. These stated terms and conditions, to the extent they contradict the rules and regulations in Arizona, do not apply. All aspects of this invoice and other business terms comply with the ethical obligations set forth in the AZ Code of Judicial Administration Section 7-206(J)(1)(g)(3) through (6).

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P. O. Box 846099
Dallas, TX 75284-6099

Client Name Nettles Law Firm - Henderson
Client # C06883
Invoice # INV0523862
Invoice Date 6/23/2015
Due Date 7/23/2015
Amount Due \$ 599.42

PLTF 059

2 RA 312

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17164

17164

94-236/1224

DATE 11/17/2015

PAY TO THE
ORDER OF Esquire Deposition Solutions

\$ **945.31

Nine Hundred Forty-Five and 31/100*****

DOLLARS

Esquire Deposition Solutions

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INV0619629

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LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Esquire Deposition Solutions

trevor maxwell
trish matthieu

11/17/2015

17164

640.50
304.81

INV0619629

945.31

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Esquire Deposition Solutions

trevor maxwell
trish matthieu

11/17/2015

17164

640.50
304.81

INV0619629

945.31

PLTF 060



ESQUIRE

DEPOSITION SOLUTIONS

2700 Centennial Tower
101 Marietta Street
Atlanta GA 30303
888-486-4044
www.esquiresolutions.com
Tax ID # 45-3463120

Invoice INV0619629

Date 11/2/2015
Terms Net 30
Due Date 12/2/2015

Client Number C06883
Esquire Office Las Vegas
Proceeding Type Deposition
Name of Insured
Adjuster
Firm Matter/File #
Client Claim/Matter #
Date of Loss

Bill To

Nettles Law Firm - Henderson
1389 Galleria Drive
Suite 110
Henderson NV 89014

Services Provided For

Nettles Law Firm - Henderson
Morris, Christian
1389 Galleria Drive
Suite 200
Henderson NV 89014

Date	Invoice #	City/State	Case	
10/7/2015	J0143079	Las Vegas, NEVADA	O'CONNELL, YVONNE VS. WYNN LAS VEGAS, LLC	
Description	By	Qty	Unit Price	Amount
TRANSCRIPT - O&1-WI	Trevor Maxwell	75	6.12	459.00
CONDENSED TRANSCRIPT	Trevor Maxwell	1	25.00	25.00
HANDLING FEE	Trevor Maxwell	1	20.00	20.00
ORIGINAL COMPLIANCE FEE	Trevor Maxwell	1	15.00	15.00
DIGITAL TRANSCRIPT-PDF-PTX	Trevor Maxwell	1	50.00	50.00
DIGITAL TRANSCRIPT-PDF-PTX	Trevor Maxwell	1	50.00	50.00
EXHIBITS W/TABS	Trevor Maxwell	33	0.50	16.50
TRANSCRIPT - O&1-WI	Trish Matthieu	40	5.73	229.00
ORIGINAL COMPLIANCE FEE	Trish Matthieu	1	15.00	15.00
DIGITAL TRANSCRIPT-PDF-PTX	Trish Matthieu	1	50.00	50.00
EXHIBITS W/TABS	Trish Matthieu	13	0.50	6.50
WITNESS READ & SIGN LETTER	Trevor Maxwell	1	0.00	0.00
WITNESS READ & SIGN LETTER	Trish Matthieu	1	0.00	0.00

Representing Client: Nettles Law Firm - Henderson

Subtotal 936.00
Shipping Cost (FedEx) 9.31
Total 945.31
Amount Due \$945.31

Attorney is responsible for payment of all charges incurred. Payment is due by "Due Date" shown on invoice. Failure to pay by "Due Date" may result in the assessment of a late fee. Transcript package typically includes transcript/word index, exhibits, appearance fee, condensed transcript, litigation support disk, shipping, video charges and may include other service charges based on job or region. Some services and rates may vary by job or region. Please contact your local office for specific detail and questions. Full Terms and Conditions are viewable online at www.esquiresolutions.com/invoice-terms. These stated terms and conditions, to the extent they contradict the rules and regulations in Arizona, do not apply. All aspects of this invoice and other business terms comply with the ethical obligations set forth in the AZ Code of Judicial Administration Section 7-206(J)(1)(g)(3) through (6).

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Remit to:

Esquire Deposition Solutions, LLC
P. O. Box 846099
Dallas, TX 75284-6099

Client Name Nettles Law Firm - Henderson
Client # C06883
Invoice # INV0619629
Invoice Date 11/2/2015
Due Date 12/2/2015
Amount Due \$945.31

PLTF 061

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

11-17-15

17165
94-236/1224

DATE 11/17/2015

PAY TO THE ORDER OF Lawyer Solutions Group, LLC

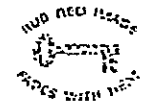
\$ **160.75

One Hundred Sixty and 75/100*****

DOLLARS

Lawyer Solutions Group, LLC

MEMO
Inv. 9001294V6



320

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

17165

Lawyer Solutions Group, LLC

11/17/2015

salvatore risco

160.75

Inv. 9001294V6

160.75

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

17165

Lawyer Solutions Group, LLC

11/17/2015

salvatore risco

160.75

Inv. 9001294V6

160.75

PLTF 062

Lawyer Solutions Group, LLC

MONTHLY STATEMENT

Statement

A Company of SOS LITIGATION SERVICES, LLC

900 S. Fourth Street, Suite 100

Las Vegas, Nevada 89101

Phone: (702) 255-5514

Fax: (702) 974-0125

Nettles Law Firm

1389 Galleria Drive, Suite 200

Henderson, NV 89014

Date

11/10/2015

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www.lawyersolutionsgroup.com

Invoice #	Billed	Job Date	Witness / Presiding Official	Claim No.	File No.	Balance
Christian M. Morris						

O'Connell v. Wynn Resorts Limited

9001294V6 10/15/2015 4/29/2015 Salvatore Risco

\$160.75

Case Total \$160.75

Grand Total \$160.75

0 - 30	31 - 60	61 - 90	91 + Days
\$160.75			



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We appreciate your business and look forward to serving you again. If you have any comments or suggestions on how we can better serve you please do not hesitate to contact us.

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PLIF 063

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

O'Connell 17166
94-236/1224

DATE 11/17/2015

PAY TO THE ORDER OF Rene Ocougne De Gascon

\$ **160.00

One Hundred Sixty and 00/100***** DOLLARS

Rene Ocougne De Gascon

MEMO

Trial - interpret (O'Connell v Wynn)

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Rene Ocougne De Gascon

trial / janet elias

11/17/2015

17166
160.00

Trial - interpret (O'Connell v Wynn)

160.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Rene Ocougne De Gascon

trial / janet elias

11/17/2015

17166
160.00

Trial - interpret (O'Connell v Wynn)

160.00

RENEE OCOUGNE DE GASCON

3619 Lake Victoria Drive
North Las Vegas, NV 89032
(702) 431-7857 * Cell: (702) 498-2018 * FAX: (702) 633-4239
E-mail: rocougne@earthlink.net

November 14, 2015

INVOICE

To: Christian M. Morris
Nettles Law Firm
1389 Galleria Dr., Ste. 200
Fax: (702) 434-1488

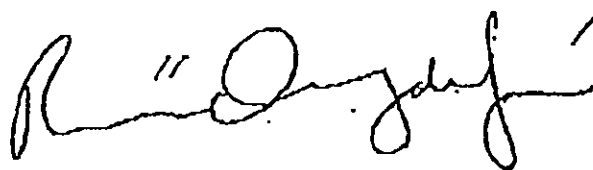
Case Name: Yvonne O'Connell vs. Wynn Las Vegas
Case # A-655992

Date	Service	Amount
11/09/15	Trial - Interpret for Janet Elias	\$160.00

The above amount is due and owing upon receipt.

Please make check payable to:

Renee Ocougne de Gascon
3619 Lake Victoria Drive
North Las Vegas, NV 89032



Certified Court Interpreter

710# 343-74-

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17167
94-236/1224

DATE 11/17/2015

PAY TO THE ORDER OF Clark County Treasurer

\$ **560.00

Five Hundred Sixty and 00/100***** DOLLARS

Clark County Treasurer

MEMO

O'Connell v. Wynn Resorts (11/4-16/15)

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT
Clark County Treasurer

11/17/2015 17167
560.00

O'Connell v. Wynn Resorts (11/4-16/15) 560.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT
Clark County Treasurer

11/17/2015 17167
560.00

Costs

O'Connell v. Wynn Resorts (11/4-16/15)

560.00

TRANSCRIBER'S BILLING INFORMATION

CASE #	A655992				
CASE NAME:	O'Connell vs. Wynn Resorts				
TRIAL DATE:	11/4/15 – 11/16/15				
DEPARTMENT #	V 671-4356				
ORDERED BY: FIRM: EMAIL:	Christian Morris Nettles Law Firm Christian@nettleslawfirm.com				
PAYABLE TO COUNTY:	Make check payable to: <u>Clark County Treasurer</u> County Tax ID#: 88-600028 Include case number on check				
BILL AMOUNT:		CDs @ \$25 each =			\$
	28	hours @ \$40 an hour recording fee = \$1120/ split equally with opposing counsel = \$560 each			\$560.00
		pages @	\$	per page of trans. =	\$
	Total				\$560.00
PAYABLE TO OUTSIDE TRANSCRIBER:	Make check payable to:				
BILL AMOUNT:		pages @	\$	per page of trans	\$
DATE PAID:					

Kim Alverson

From: Christian Morris
Sent: Tuesday, November 17, 2015 6:17 PM
To: Kim Alverson
Cc: Brian Nettles
Subject: FW: A655992 -- Recording Fee Bill
Attachments: A655992 -- O'CONNELL VS WYNN -- 11-4-15 - 11-16-15 --MORRIS BILL.doc

FYI

From: [REDACTED] [mailto:[REDACTED]]
Sent: Tuesday, November 17, 2015 11:15 AM
To: Christian Morris <Christian@nettleslawfirm.com>
Subject: A655992 -- Recording Fee Bill

Christian,

I have attached a copy of the recording fee bill for the trial in Case Number A655992, O'Connell vs. Wynn Resorts Ltd. The charge has been split equally between the parties. You may pay the bill at the 3rd floor cashier's window in the Regional Justice Center located near jury services. If paying by check, please make the check payable to: Clark County Treasurer and include the case number on your check. We also accept MasterCard and Visa. The telephone number for the Cashier's Office is [REDACTED]

Once this bill has been paid please bring a copy of the receipt to my office, which is located on the 16th floor of the RJC, and leave it in the box for Department 5. You may also fax [REDACTED] or send a copy of the receipt by email to my office.

If you have any further questions please call me at [REDACTED]

Thank you,

[REDACTED]
*Senior Court Recorder to
The Honorable Carolyn Ellsworth
District Court, Dept. V*
[REDACTED]

LAW OFFICES OF BRIAN D NETTLES, INC.

OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17237

94-236/1224

DATE 12/7/2015

PAY TO THE
ORDER OF Eighth Judicial Court

\$ **1,880.00

One Thousand Eight Hundred Eighty and 00/100 ***** DOLLARS

Eighth Judicial Court

MEMO

A655992 - Plt's Jury Fees

SAFETY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Eighth Judicial Court

12/7/2015

17237

1,880.00

A655992 - Plt's Jury Fees

1,880.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Eighth Judicial Court

12/7/2015

17237

1,880.00

A655992 - Plt's Jury Fees

1,880.00

Remit and Make Check Payable To:
CC Eighth Judicial District Court
TAX ID - 88-6000028
200 Lewis Avenue, 2nd Floor
Las Vegas NV 89155



INVOICE

Repeat Print

Document Number	90188000
Date	11/24/2015
Customer No.	10002640
Amount	\$1,880.00
Terms of Payment	Net 30 days
Invoice Period From	
Invoice Period To	11/24/2015
Reference	

NETTLES LAW FIRM
110
1389 GALLERIA DR
HENDERSON NV 89014-6686

Contact Person: KIMBERLY OCKEY
Phone: (702) 671-4615

DETACH HERE AND RETURN UPPER PORTION

ATTORNEY: BRIAN D. NETTLES
CASE NO: A655992
O'CONNELL VS. WYNN LAS VEGAS, LLC
DATE OF HEARING: 11/09/2015 - 11/20/15
JURY FEES

Item	Material/Description	Quantity	Unit Price	Total
000010	Jury Fees	1 EA	1,880.00	1,880.00
	JURY FEES			
	Invoice Amount			\$ 1,880.00

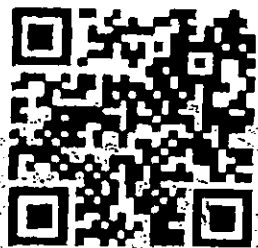
Balance Due \$1,880.00

22 88964 To give feedback SCAN HERE
10/23 04:27 PM
EXPENSE CODE
SPACE
EXPIRES LOT

Purchase Date/Time
10/23/15 03:57 PM \$ 1.00

Transaction ID:
51901

Meter ID:
2000106



O'Connell - Emerg. Not to Continue Mail
Drop by it & AF
www.lasvegasnevada.gov/parking

LEWIS CENTER GARAGE
321 CASINO CENTER DR
LAS VEGAS, NV

Rcpt# 1332
11/12/15 18:20 L# 3 A# 1 Txn# 5365
11/12/15 08:03 In 11/12/15 18:20 Out
Tkt# 577770
AMEX \$ 20.00-
XXXXXXXXXXXX1001
Approval No.:503204
Reference No.:0096
PLEASE CALL FOR MONTHLY RATES
DOUGLAS PARKING
(702) 382-7988

VALET SERVICES AVAILABLE

O'Connell

LEWIS CENTER GARAGE
321 CASINO CENTER DR
LAS VEGAS, NV

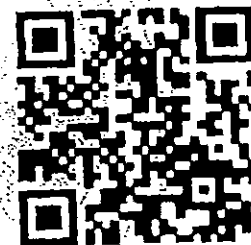
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11/13/15 09:54 In 11/13/15 17:22 Out
Tkt# 578208
AMEX \$ 20.00-
XXXXXXXXXXXX1001
Approval No.:507030
Reference No.:0080
PLEASE CALL FOR MONTHLY RATES
DOUGLAS PARKING
(702) 382-7988

VALET SERVICES AVAILABLE

O'Connell

Transaction Info:

58 53262
10/29 10:41 AM
Purchase Date/Time
10/29/15 08:41 AM \$ 4.00
Transaction ID:
4444
Meter ID:
2000213



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It's Emerg. Not
O'Connell to Continue Mail
To give feedback SCAN HERE

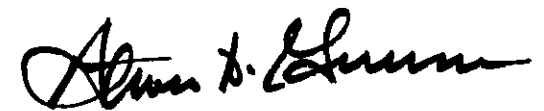
Transaction Info:

58 57390
11/04 04:21 PM
Purchase Date/Time
11/04/15 12:21 PM \$ 8.00
Transaction ID:
4583
Meter ID:
2000213



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O'Connell



CLERK OF THE COURT

SUPPL

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Attorneys for Defendant Wynn Las Vegas, LLC

d/b/a Wynn Las Vegas

DISTRICT COURT

CLARK COUNTY, NEVADA

YVONNE O'CONNELL, individually,

Plaintiff,

v.

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

Defendants.

Case No. A-12-655992-C

Dept. No. V

**DEFENDANT'S SUPPLEMENT TO
MOTION TO RETAX COSTS AND
OPPOSITION TO PLAINTIFF'S
AMENDED APPLICATION FOR FEES,
COSTS AND PRE-JUDGMENT
INTEREST**

Date of Hearing: January 21, 2015

Time of Hearing: 9:00 a.m.

Defendant Wynn Las Vegas, LLC d/b/a Wynn Las Vegas ("Wynn"), by and through its attorneys of record, Lawrence J. Semenza, III, Esq. and Christopher D. Kircher, Esq., hereby submits this supplemental brief in support of its Motion to Retax Costs and opposes Plaintiff Yvonne O'Connell's ("Plaintiff") Amended Application for Fees, Costs and Pre-Judgment Interest (the "Amended Application"). Wynn incorporates by reference its Opposition to Plaintiff's initial Application for Fees, Costs and Prejudgment Interest ("Application") and Motion to Retax Costs filed on December 7, 2015.

Preliminarily, Wynn objects to this second round of filings by Plaintiff seeking attorney's fees and costs. In desperation, Plaintiff has filed the Amended Application and Amended Memorandum of Costs after Wynn identified the numerous deficiencies under Nevada law with

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1 her initial Application and Memorandum of Costs. Plaintiff is now asking the Court for a "do-
2 over" to the severe prejudice of Wynn. This should not be permitted. The Court should not
3 consider the Amended Application and Amended Memorandum of Costs.

4 Even if the Court decides to consider the Amended Application and Amended
5 Memorandum of Costs, Plaintiff still has failed to meet the minimal requirements under Nevada
6 law for an award of the fees or costs she seeks. Accordingly, the Court must deny Plaintiff's
7 Amended Application and retax the costs.

8 This supplemental brief and opposition are made and based upon the following points and
9 authorities, the attached exhibits, all papers and pleadings on file herein, including Wynn's
10 Opposition to Plaintiff's initial Application and Wynn's Motion to Retax Costs, as well as any oral
11 argument this Court may entertain at the hearing of this matter.

12 DATED this 28th day of December, 2015.

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

14
15 /s/ Christopher D. Kircher

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

20 Attorneys for Defendant Wynn Las Vegas, LLC
21 d/b/a Wynn Las Vegas
22
23
24
25
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27
28

MEMORANDUM OF POINTS AND AUTHORITIES

I. BACKGROUND

As the Court is aware, Plaintiff previously filed an Application for Fees, Costs and Prejudgment Interest on or about November 25, 2015. In her Application, Plaintiff seeks \$24,969.26 in costs, prejudgment interest for \$2,589.00 and attorney's fees equal to 40% of the verdict amount, *i.e.* \$96,000.00. The basis for the \$96,000.00 in attorney's fees is a contingency fee agreement between Plaintiff and her counsel. Attached as an exhibit to Plaintiff's Application is an unfiled copy of Plaintiff's "Memorandum of Costs and Disbursements and Calculation of Pre-Judgment Interest." (Memorandum of Costs, attached hereto as **Exhibit 1.**)

On December 7, 2015, Wynn filed an Opposition to Plaintiff's Application and, out of an abundance of caution, a Motion to Retax the Costs, identifying the numerous deficiencies under Nevada law with Plaintiff's Application and Memorandum of Costs. Conceding the deficiencies with her Application, Plaintiff has unilaterally filed the Amended Application for fees and costs and an Amended Memorandum of Costs. (Amended Memorandum of Costs, attached hereto as **Exhibit 2.**) Among other modifications, Plaintiff is seeking an additional \$1,610.12 in costs in her Amended Memorandum of Costs compared to her initial Memorandum of Costs. (*Id.*)

The Court should not consider Plaintiff's Amended Application and Amended Memorandum of Costs. Wynn has already spent substantial time and expense opposing Plaintiff's initial Application and filing the Motion to Retax Costs. Even if the Court considers Plaintiff's Amended Application and Amended Memorandum of Costs, they should be denied and the Court should not award Plaintiff any attorney's fees or costs in this matter.

II. ARGUMENT

A. The Court Should Not Consider Plaintiff's Amended Application or Amended Memorandum of Costs

Plaintiff has already filed the Application with a Memorandum of Costs. To ensure compliance with the timing requirements of NRS 18.110(4), Wynn diligently filed a Motion to Retax Costs and Opposition to Plaintiff's Application addressing the numerous deficiencies with the attorney's fees and costs sought by Plaintiff. Realizing the severe errors in the Memorandum

1 of Costs and Application, Plaintiff unilaterally and improperly filed the Amended Application and
2 Amended Memorandum of Costs. One thing is abundantly clear after reviewing Plaintiff's second
3 round of filings: Plaintiff's Application and Memorandum of Costs are entirely inaccurate.
4 Plaintiff should not be rewarded for claiming unsubstantiated costs and failing to address the
5 pertinent Nevada law for an award of fees and costs.

6 Plaintiff is circumventing the pertinent rules and statutes and severely prejudicing Wynn.
7 For the second time in less than a month, Wynn has been forced to oppose Plaintiff's request for
8 fees and costs on extremely short notice due to the filing requirements of NRS 18.110(4). Thus,
9 the Court should not consider Plaintiff's Amended Application and Amended Memorandum of
10 Costs.

11 **B. As a Matter of Law, the Court Cannot Award Plaintiff Any Attorney's Fees**
12 **Because She Is Inappropriately Seeking Attorney's Fees Incurred before the**
13 **Service of the Offer of Judgment and Has Failed to Satisfy the Brunzell**
14 **Factors**

15 In her initial Application, Plaintiff failed to address the factors set forth *Brunzell v. Golden*
16 *Gate Nat'l Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969) despite the requirement to do so under
17 Nevada law when seeking an award of attorney's fees. Based on this fact alone, the Court should
18 not award Plaintiff any attorney's fees in this case.

19 Recognizing this grave error, Plaintiff attempts to address the *Brunzell* factors in her
20 Amended Application. However, she still has not (and apparently cannot given that this is her
21 second try) properly addressed the third *Brunzell* factor: the work actually performed by the
22 attorney. Furthermore, Plaintiff fails to specifically identify the attorney's fees incurred after the
23 service of the Offer of Judgment, *i.e.*, September 3, 2015. As a matter of law, the Court cannot
24 award Plaintiff any attorney's fees incurred before the date of service of the Offer of Judgment or
25 that are not determined to be reasonable. *Brunzell*, 85 Nev. at 349, 455 P.2d at 33; Nev. R. Civ.
26 P. 68(f) ("attorney's fees, if any be allowed, actually incurred by the offeror from the time of the
offer"); *see also* NRS 17.115(4)(d)(3).

27 Nevertheless, Plaintiff is seeking an astounding amount of \$96,000.00 in attorney's fees
28 for the two (2) month time period since she served the Offer of Judgment on Wynn without

1 satisfying these requirements. In a conclusory fashion, Plaintiff merely states that her "attorneys
2 and staff have spent hundreds of hours preparing and litigating this case." (Amended App. at
3 10:13-14.) This is insufficient as a matter of law. The *Brunzell* case requires Plaintiff to identify
4 the *actual* work performed – not just an extremely vague, unsubstantiated and unverifiable
5 estimate of the work performed.

6 Additionally, Plaintiff is clearly seeking attorney's fees incurred before the service of the
7 Offer of Judgment, which is prohibited under Rule 68 and NRS 17.115. With her initial
8 Application, Plaintiff provided a contingency fee agreement dated February 17, 2015, and
9 Plaintiff's counsel presumably has been litigating this case since then. Plaintiff has failed to
10 provide any documentation, such as billing invoices or timesheets, supporting that the large
11 amount requested represents the amount of fees and time *actually incurred* since September 3,
12 2015 – not the date counsel appeared on behalf of Plaintiff. Indeed, the Amended Application
13 does not even include the contingency fee agreement or an affidavit from counsel.

14 Accordingly, Plaintiff has failed to meet her burden proving that the attorney's fees sought
15 are reasonable and were incurred after the date of service of the Offer of Judgment. Claiming
16 unverifiable attorney's fees in amount of \$96,000.00 for two months is, in fact, completely
17 unreasonable and absurd. Consequently, the Court should not award Plaintiff any attorney's fees
18 in this matter.

19 **C. Plaintiff Is Not Entitled to Any Attorney's Fees under Rule 68 or NRS 18.010**

20 Plaintiff is not entitled to \$96,000.00 in attorney's fees under Rule 68 or NRS 18.010 for
21 two months of work. In her Application and Amended Application, Plaintiff omits important
22 facts and many of her statements are simply untrue, which warrants the denial of an award of
23 attorney's fees pursuant to her Offer of Judgment.

24 At the time it was served, the Offer of Judgment was entirely unreasonable and Wynn
25 appropriately rejected the offer. The validity of Plaintiff's alleged injuries, pain and damages
26 have been suspect throughout this case making it nearly impossible for Wynn to evaluate a
27 settlement offer from Plaintiff. For instance, throughout the lawsuit Plaintiff has continually
28 altered the extent of her alleged damages caused by the incident, including now. During

1 discovery, Plaintiff identified the amount of \$37,946.98 in past medical damages. In her initial
2 Application, Plaintiff states she "had medical expenses in excess of \$60,000" (Application at
3 5:2-6.) In her Amended Application, Plaintiff states that she has "in excess of \$100,000.00" for
4 "past and future medical expenses for knee and neck surgery." (Amended App. at 7:9-11.) This
5 is clear evidence of the problems Plaintiff caused Wynn in evaluating her settlement offers, as
6 well as her gamesmanship throughout this lawsuit. Plaintiff apparently believes she can claim
7 damages in any amount, even if the damages are not based in fact or supported by any evidence,
8 in order to force a defendant to settle. This is completely improper and severely prejudiced Wynn
9 during all aspects of this lawsuit. In reality, Plaintiff is purely speculating as to the amount of her
10 past and future medical expenses because there was never any testimony during trial, or
11 disclosure during the discovery period, regarding the costs of the surgeries she allegedly needs,
12 yet has never had over the past five (5) years.

13 Furthermore, Plaintiff identified purported injuries during discovery completely unrelated
14 to the incident when she clearly did not intend to claim such injuries at trial. Plaintiff obviously
15 did this in bad faith in order to increase the amount of a potential settlement. Quite tellingly,
16 when the date for trial arrived, Plaintiff did not seek any medical special damages because there
17 was no causal connection between Plaintiff's purported injuries and the incident at issue.

18 Based on these facts alone, the Court should deny Plaintiff's request for attorney's fees
19 pursuant to her Offer of Judgment because Plaintiff has failed to meet her burden for such an
20 award. An award of attorney's fees pursuant to an Offer of Judgment is only allowed if the claim
21 was brought in good faith, the offer of judgment was reasonable and in good faith in both its
22 timing and amount, the decision to reject the offer and proceed to trial was grossly unreasonable
23 or in bad faith, and the fees sought are reasonable and justified in amount. *Beattie v. Thomas*, 99
24 Nev. 579, 588-89, 668 P.2d 268, 274 (1983). The facts and circumstances of this case do not
25 warrant an award of attorney's fees in any amount. Simply put, the Court should not reward
26 Plaintiff for such inexcusable conduct.

1 **D. Plaintiff Cannot Be Awarded the Costs Associated with Her Purported**
2 **Expert Witnesses Because She Still Fails to Meet the Requirements of NRS**
3 **18.005 and *Frazier v. Drake***

4 For the second time, Plaintiff has not provided any basis for an award of her expert fees as
5 mandated by NRS 18.005 and *Frazier v. Drake*, 357 P.3d 365, 2015 Nev. App. LEXIS 12 (Nev.
6 Ct. App. 2015).¹ To award of expert witness fees in excess of \$1,500 per expert witness, the
7 Court must determine the reasonableness of the requested fees and whether the "circumstances
8 surrounding the expert's testimony were of such necessity as to require the large fee." *Frazier*,
9 357 P.3d at 377 (quotations and citations omitted). The *Frazier* Court expressly set forth
10 numerous factors the Court may consider when awarding an expert witness fee in excess of
11 \$1,500.00, which was addressed in Wynn's Motion to Retax the Costs. Despite this, Plaintiff's
12 Amended Application omits any discussion of the *Frazier* factors. For this reason alone, the
13 Court should not award Plaintiff any fees related to her alleged "experts" in this case.

14 More reason exists for the Court to deny Plaintiff any award of costs for expert fees: only
15 Plaintiff's treating physicians testified at trial and the claimed fees are outrageous. Plaintiff is
16 seeking \$3,699.00 for Gary Presswood, \$10,000.00 for Dr. Thomas Dunn, and \$6,000.00 for Dr.
17 Craig Tingey. Gary Presswood, however, did not meet the minimal requirements of NRS 50.275
18 to testify as an expert witness in this case and was precluded from testifying by the Court.
19 Accordingly, the Court should deny all costs related to Mr. Presswood because he was not an
20 expert witness in this case. Next, Plaintiff did not retain a medical expert witness; rather, she
21 offered testimony from two of her treating physicians. As such, Plaintiff should not be awarded
22 any costs related to Dr. Dunn or Dr. Tingey.

23 Even if Dr. Dunn and Dr. Tingey qualify as expert witnesses in this case, seeking \$16,000
24 for their combined few hours of trial testimony is outrageous. Their testimony was repetitive,
25 unreliable, insignificant to Plaintiff's case, and did not aid the jury at all. Both Dr. Dunn and Dr.
26 Tingey based their "causation opinion" testimony solely on Plaintiff's subjective physical

27 ¹ NRS 18.005(5) defines costs to include reasonable fees for expert witnesses "in an amount of not more
28 than \$1,500 for each witness, unless the court allows a larger fee after determining that the circumstances
surrounding the expert's testimony were of such necessity as to require the larger fee."

1 complaints and they did not review her medical history. Moreover, Plaintiff did not seek medical
2 special damages at trial. Dr. Dunn and Dr. Tingey were character witnesses for Plaintiff – not
3 expert witnesses. Finally, the additional \$5,000.00 cost for Dr. Dunn's second day of testimony,
4 which lasted less than an hour, was incurred to accommodate Dr. Dunn's schedule.

5 Therefore, the Court should not award Plaintiff any expert witness costs in this case.

6 **E. Plaintiff Should Not Be Awarded Her Other Alleged Costs Identified in Her**
7 **Amended Memorandum of Costs**

8 First, Wynn filed the Motion to Retax Costs because Plaintiff's Memorandum of Costs
9 was utterly deficient to warrant the award of any costs. By filing an Amended Memorandum of
10 Costs, Plaintiff has conceded that this is true.² Plaintiff should not be given a second bite of the
11 apple. *See Bobby Beronsini, Ltd. v. PETA*, 114 Nev. 1348, 1352-53, 971 P.2d. 383 (1998) (NRS
12 18.110 must be "strictly construed" and a district court "should exercise restraint" in awarding
13 costs because statutes permitting the award of costs are in derogation of the common law). Wynn
14 has been prejudiced and is incurring additional fees and costs in having to address Plaintiff's
15 second Memorandum of Costs.

16 Second, even if the Court considers the Amended Memorandum of Costs, Plaintiff should
17 not be awarded the amounts sought, including her alleged "Service Fees." The "Service Fees" are
18 clearly unreasonable after reviewing the amounts and the invoices attached.³ Wynn's counsel
19 accepted service on behalf of Yanet Elias and Corey Prowell, which were delivered on the same
20 date to counsel's office, but Plaintiff seeks \$80.00 for Ms. Elias and \$110.00 for Mr. Prowell. The
21 breakdown on the invoices do not justify the costs charged. The service fee of \$171.20 for Sal
22 Risco is likewise outlandish, especially since Plaintiff knows where he resides and he cooperated
23 with her during this lawsuit. This fee includes a fee of \$50.00 for "immediate handling," a fee for
24 the witness check and \$85.00 to serve Mr. Risco.

25
26
27 ² Wynn previously filed its Motion to Retax out of an abundance of caution despite Plaintiff failing to file
and serve her initial Memorandum of Costs on Wynn as required by NRS 18.110(1).

28 ³ *See* PLTF 005 to PLTF 009 attached as part of Exhibit "1" to Plaintiff's Amended Memorandum of
Costs.

1 Third, Wynn should not be responsible for the jury fees of \$1,880.00. Among other
2 reasons, Wynn opposed Plaintiff's oral motion for a jury trial, made a couple of weeks before the
3 start of trial, because of the costs associated with a jury trial. As such, Wynn should not be
4 responsible for any costs associated with having a jury trial since it is Wynn's position that it
5 should have been a bench trial.

6 Fourth, Wynn should not be responsible for the parking fees for \$53.00 because there are
7 more reasonable, or free, parking options available to Plaintiff.

8 Fifth, the investigator fee for a "skip trace" of Terry Ruby was unnecessary. *Bobby*
9 *Beronsini, Ltd.*, 114 Nev. at 1353, 971 P.2d. at 386 (finding the district court abused its discretion
10 in awarding investigative fees because the party failed to justify its entitlement to such fees).
11 Necessary expenses are those necessarily incurred as a matter of course in litigation, not merely
12 expenses helpful or advantageous in the particular case. *See Bergman v. Boyce*, 109 Nev. 670,
13 681-82, 856 P.2d. 560 (1993).

14 Based on the above, Plaintiff has failed to meet her burden to show how the alleged costs
15 were necessary. Because Plaintiff has failed to meet her burden justifying an award of costs, the
16 Court should not award any other amounts sought.

17 **III. CONCLUSION**

18 Based on the foregoing, the Court should not award Plaintiff any attorney's fees or costs in
19 this matter.

20 DATED this 28th day of December, 2015.

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

22
23 /s/ Christopher D. Kircher
24 Lawrence J. Semenza, III, Esq., Bar No. 7174
25 Christopher D. Kircher, Esq., Bar No. 11176
26 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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Telephone: (702) 835-6803

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b) and NEFCR 9, I certify that I am an employee of Lawrence J. Semenza, III, P.C., and that on this 28th day of December, 2015 I caused to be sent through electronic transmission via Wiznet's online system, a true copy of the foregoing **DEFENDANT'S SUPPLEMENT TO MOTION TO RETAX COSTS AND OPPOSITION TO PLAINTIFF'S AMENDED APPLICATION FOR FEES, COSTS AND PRE-JUDGMENT INTEREST** to the following registered e-mail addresses:

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

Attorneys for Plaintiff

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

EXHIBIT 1

EXHIBIT 1

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CHRISTIAN M. MORRIS, ESQ.
Nevada Bar No. 11218
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christianmorris@nettlslawfirm.com
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

YVONNE O'CONNELL, an individual,

Plaintiff,

vs.

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

Defendants.

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

MEMORANDUM OF COSTS AND
DISBURSEMENTS AND
CALCULATION OF PRE-JUDGMENT
INTEREST

Filings Fees -- Clark County Wiznet through 11/16/15:

Filing Fees at \$3.50 x 29 entries \$ 101.50

Medical Record Copy Charges:

Radiology Associates \$ 4.98

Service Fees:

Subpoena Duces Tecum -- Sal Risco -- Trial Testimony \$ 171.20

Subpoena Duces Tecum -- Yanet Elias -- Trial Testimony	\$ 80.00
Subpoena Duces Tecum -- Corey Prowell -- Trial Testimony	\$ 110.00

Copy Charges and Facsimile Charges:

2480 pages at .08¢ per page	\$ 198.40
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Witness Fees:

Yanet Elias -- Trial Appearance	\$ 30.00
Corey Prowell -- Trial Appearance	\$ 30.00

Runner Service Fees:

09/01/2015 OST	\$ 20.00
10/05/2015 Expert Report Pick-up/ Pre-trial Memo hand delivery to dept	\$ 153.50
11/3/2015 Hand Delivery to Court	\$ 36.00

Investigator Fee:

Skip Trace -- witness Terry Ruby	\$ 150.00
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Expert Witness Fees:

Gary Presswood	\$ 3,699.00
Craig Tingey, M.D. Trial Preparation/Trial Testimony	\$ 6,000.00
Thomas Dunn, M.D. -- Trial Testimony	\$10,000.00

Deposition Fees/Transcript Copy Charges:

Yanet Elias 3/24/2015	\$ 845.00
Yvonne O'Connell 3/19/15 and 6/9/2015	\$ 904.20
Corey Prowell 5/26/2015	\$ 599.42
Trevor Maxwell 10/07/2015	\$ 640.50
Trish Mathieu 10/07/2015	\$ 304.81
Salvatore Risco 4/29/2015	\$ 160.75

Interpreter Fees:

Yanet Elias -- Trial Testimony	\$ 160.00
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1389 Galleria Drive, Suite 200
Henderson, NV 89014
(702) 434-8282 / (702) 434-1488 (fax)

Clark County Clerk:

Trial Transcription Service \$ 560.00

TOTAL COSTS EXPENDED \$

CALCULATION OF PRE-JUDGMENT INTEREST

Total award subject to interest \$ 240,000.00

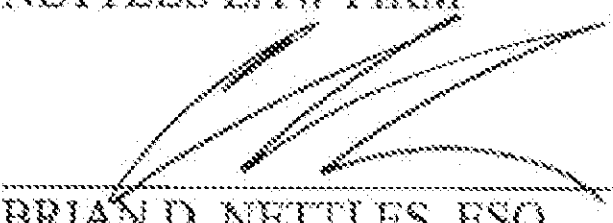
Date of Offer of Judgment 9/3/2015 / Date of Verdict 11/16/2015

$\$240,000.00 \times 5.25\% \text{ (Prime Rate Plus 2)} \div 365 = \$34.52 \text{ (Daily Rate)} \times 75 \text{ days}$

TOTAL PRE-JUDGMENT INTEREST \$ 2,589.00

DATED this 28th day of November, 2015.

NETTLES LAW FIRM


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

STATE OF NEVADA)
) ss.:
COUNTY OF CLARK)

CHRISTIAN M. MORRIS, ESQ., being first duly sworn, deposes and says as follows:

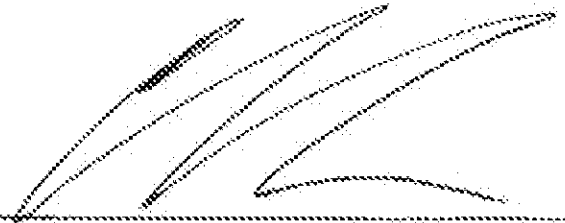
Affiant is an attorney duly licensed to practice law in the State of Nevada and is the counsel of record for the Plaintiff in the above-entitled matter; I have read the above and foregoing *Plaintiff's Memorandum of Costs and Disbursements and Calculation of Pre-Judgment Interest*, and know the contents thereof; that to the best of my knowledge and belief the items listed are correct, and that the costs have been reasonably and necessarily incurred in

NETTLES LAW FIRM

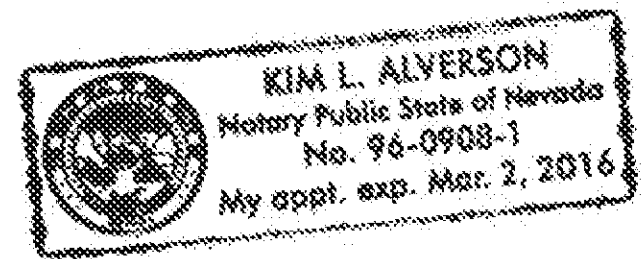
1389 Galleria Drive, Suite 200
Henderson, NV 89014
(702) 434-8282 / (702) 434-1488 (fax)

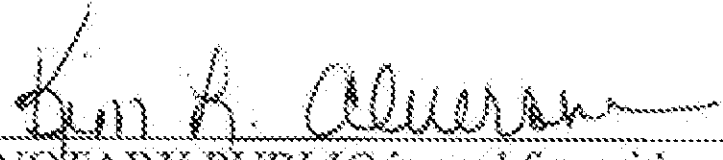
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this action; that the memorandum is true and correct of my own knowledge, except for any matters therein stated upon information and belief, and as to those matters therein stated, I believe them to be true.


CHRISTIAN M. MORRIS

SUBSCRIBED AND SWORN to before
me this 25th day of November, 2015.





NOTARY PUBLIC in and for said
County and State

Filer's Name	Filing Title	Case Number	Case Name	Date Filed	Amount	Court Fee	Card Fee
Brian D. Nett	Notice of Entry of Discovery	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	11/17/15	0\$3.50	0	0
Brian D. Nett	Notice of Entry of Discovery	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	11/17/15	0\$3.50	0	0
Brian D. Nett	Discovery Commissioner	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	11/17/15	0\$3.50	0	0
Brian D. Nett	Plaintiff's Brief As To Con	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	11/12/15	1\$3.50	0	0
Brian D. Nett	Plaintiff's Brief Regarding	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	11/09/15	0\$3.50	0	0
Brian D. Nett	Plaintiff's Brief as to Testi	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	11/09/15	1\$3.50	0	0
Brian D. Nett	Notice of Entry of Order CA	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	11/05/15	0\$3.50	0	0
Brian D. Nett	Order Granting Plaintiff's (A	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	11/05/15	0\$3.50	0	0
Brian D. Nett	Plaintiff's Proposed Verdict	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	10/28/15	0\$3.50	0	0
Brian D. Nett	Plaintiff's Proposed Voir D	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	10/28/15	0\$3.50	0	0
Brian D. Nett	Plaintiff's Pretrial Disclosu	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	10/28/15	0\$3.50	0	0
Brian D. Nett	Supplement	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	10/27/15	0\$3.50	0	0
Brian D. Nett	Notice of Entry of Order DA	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	10/12/15	0\$3.50	0	0
Brian D. Nett	Order Denying Defendant A	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	10/09/15	1\$3.50	0	0
Brian D. Nett	Fifth Amended Notice of T	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	10/02/15	0\$0.00	0	0
Brian D. Nett	Fourth Amended Notice o	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	10/02/15	1\$0.00	0	0
Brian D. Nett	PLAINTIFF'S SIXTH SUP	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	09/28/15	0\$0.00	0	0
Brian D. Nett	Joint Pre-Trial Memorand	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	09/28/15	1\$3.50	0	0
Brian D. Nett	Notice of Entry of Discovery	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	09/24/15	0\$3.50	0	0
Brian D. Nett	Discovery Commissioner	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	09/23/15	0\$3.50	0	0
Brian D. Nett	PLAINTIFF'S FIFTH SUP	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	09/18/15	1\$0.00	0	0
Brian D. Nett	Plaintiff's Reply to Defend	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	09/17/15	1\$3.50	0	0
Brian D. Nett	Plaintiff's Motion to Re-Of	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	09/09/15	1\$3.50	0	0
Brian D. Nett	Plaintiff's Offer of Judgme	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	09/03/15	0\$0.00	0	0
Brian D. Nett	Supplemental Affidavit an	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	09/03/15	0\$3.50	0	0
Brian D. Nett	PLAINTIFF'S AMENDED	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	08/27/15	0\$0.00	0	0
Brian D. Nett	Plaintiff's Opposition to W	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	08/27/15	0\$3.50	0	0
Brian D. Nett	Plaintiff's Opposition to W	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	08/27/15	1\$3.50	0	0
Brian D. Nett	Plaintiff's Opposition to W	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	08/27/15	1\$3.50	0	0
Brian D. Nett	Supplemental Affidavit an	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	08/18/15	0\$3.50	0	0
Brian D. Nett	Plaintiff's Omnibus Motion	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	08/13/15	0\$3.50	0	0
Brian D. Nett	Plaintiff's Errata to Opposi	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	08/11/15	1\$3.50	0	0
Brian D. Nett	Plaintiff's Opposition to Dr	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	08/04/15	0\$3.50	0	0
Brian D. Nett	Plaintiff's Opposition to Dr	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	07/27/15	0\$3.50	0	0
Brian D. Nett	Third Amended Notice of	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	07/24/15	0\$0.00	0	0
Brian D. Nett	PLAINTIFF'S FOURTH SI	A-12-6555992-C	Yvonne O'Connell, Plaintiff(s) vs. Wy	07/14/15	1\$0.00	0	0

Brian D. Nett Second Amended Notice	A-12-655992-C	Yvonne O'Connell, Plaintiff(s)vs. Wy	07/13/15	1 \$0.00	0	0
Brian D. Nett Notice Vacating 30(b)(6)	A-12-655992-C	Yvonne O'Connell, Plaintiff(s)vs. Wy	06/23/15	0 \$0.00	0	0
Brian D. Nett PLAINTIFF'S THIRD SUP	A-12-655992-C	Yvonne O'Connell, Plaintiff(s)vs. Wy	06/12/15	0 \$0.00	0	0
Brian D. Nett Notice of Taking 30(b)(6)	A-12-655992-C	Yvonne O'Connell, Plaintiff(s)vs. Wy	06/05/15	0 \$0.00	0	0
Brian D. Nett Plaintiff, Yvonne O'Connell	A-12-655992-C	Yvonne O'Connell, Plaintiff(s)vs. Wy	05/21/15	0 \$0.00	0	0
Brian D. Nett Amended Notice of Taking	A-12-655992-C	Yvonne O'Connell, Plaintiff(s)vs. Wy	05/14/15	0 \$0.00	0	0
Brian D. Nett Notice of Taking Deposit	A-12-655992-C	Yvonne O'Connell, Plaintiff(s)vs. Wy	05/13/15	1 \$0.00	0	0
Brian D. Nett Plaintiff's Initial Expert Dis	A-12-655992-C	Yvonne O'Connell, Plaintiff(s)vs. Wy	04/13/15	0 \$0.00	0	0
Brian D. Nett Plaintiff's Offer of Judgment	A-12-655992-C	Yvonne O'Connell, Plaintiff(s)vs. Wy	03/26/15	1 \$0.00	0	0
Brian D. Nett Amended Notice of Site In	A-12-655992-C	Yvonne O'Connell, Plaintiff(s)vs. Wy	03/26/15	1 \$0.00	0	0
Brian D. Nett Plaintiff's Second Supplement	A-12-655992-C	Yvonne O'Connell, Plaintiff(s)vs. Wy	03/18/15	0 \$0.00	0	0
Brian D. Nett Plaintiff's First Supplement	A-12-655992-C	Yvonne O'Connell, Plaintiff(s)vs. Wy	03/16/15	1 \$0.00	0	0
Brian D. Nett Second Amended Notice	A-12-655992-C	Yvonne O'Connell, Plaintiff(s)vs. Wy	03/10/15	0 \$0.00	0	0
Brian D. Nett Amended Notice of Taking	A-12-655992-C	Yvonne O'Connell, Plaintiff(s)vs. Wy	03/10/15	0 \$0.00	0	0
Brian D. Nett Notice of Site Inspection	A-12-655992-C	Yvonne O'Connell, Plaintiff(s)vs. Wy	03/10/15	0 \$0.00	0	0
Brian D. Nett Notice of Taking Deposit	A-12-655992-C	Yvonne O'Connell, Plaintiff(s)vs. Wy	03/10/15	0 \$0.00	0	0
Brian D. Nett Notice of Appearance	A-12-655992-C	Yvonne O'Connell, Plaintiff(s)vs. Wy	02/18/15	1 \$3.50	0	0

EXHIBIT 2

EXHIBIT 2



CLERK OF THE COURT

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
briannettles@nettlawfirm.com
christianmorris@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
DEPT NO. V

**PLAINTIFF'S AMENDED VERIFIED
MEMORANDUM OF COSTS**
**(First Submission attached as Exhibit 5 to
Plaintiff's Application for Fees, Costs and
Pre-Judgment Interest)**

Filings Fees – Clark County Wiznet through 12/15/15:

Filing Fees at \$3.50 x 31 entries \$ 108.50

- See Exhibit 1 at PLTF 001.

Medical Record Copy Charges:

Radiology Associates \$ 4.98

///

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

- This cost was incurred to obtain medical records regarding two MRIs taken of Plaintiff by Opensided MRI of Las Vegas on June 27, 2014 at the request of one Plaintiff's treating physicians. See Exhibit 1 at PLTF 002-004.

Service Fees:

Subpoena Duces Tecum – Sal Risco – Trial Testimony \$ 171.20

- This cost was incurred to subpoena Sal Risco, boyfriend of Plaintiff at the time of the subject incident. His testimony was sought regarding how Plaintiff was before and after the accident. See See Exhibit 1 at PLTF 005-006.

Subpoena Duces Tecum – Yanet Elias – Trial Testimony \$ 80.00

- This cost was incurred to subpoena Yanet Elias, employee of Defendant who responded to the scene immediately after Plaintiff's slip and fall. Her testimony was sought regarding when the site was last inspected and what the condition of the site was when she arrived, etc. See Exhibit 1 at PLTF 007-008.

Subpoena Duces Tecum – Corey Prowell – Trial Testimony \$ 110.00

- This cost was incurred to subpoena Corey Prowell, employee of Defendant who responded to, and completed a report on, Plaintiff's slip and fall. His testimony was sought on these matters. See Exhibit 1 at PLTF 009-010.

Copy and Facsimile Charges:

2,219 pages at .08¢ per page \$ 177.52

- These costs were incurred in preparing the client file and materials for trial. See attached chart of documents and pages. See Exhibit 1 at PLTF 011-014.

Witness Fees:

Yanet Elias – Trial Appearance \$ 30.00

Corey Prowell – Trial Appearance \$ 30.00

- These costs were incurred to pay these witnesses for testifying at the standard rate. See Exhibit 1 at PLTF 015-016.

Runner Service & Mileage Fees:

08/2015

Opposition to Defendant's Motion for Protective Order \$ 10.00

Errata to Opposition to Defendant's MSJ \$ 10.00

09/2015

Opposition to Defendant's Motion to Disqualify \$ 10.00

Motion to Re-Open Discovery OST (On Call) \$ 70.00

Pre-Trial Memo \$ 10.00

10/2015

Opposition to Defendant's Motion to Disqualify \$ 10.00

1	Motion to Continue Trial and for Sanctions	\$ 25.00
2	Mileage (\$0.50 per mile)	
3	9/29/15 (31 to p/u files from Minvet)	\$ 15.50
4	9/30/15 (56 to drop off files at Centennial)	\$ 28.00
5	10/28/15 (22 to deliver to RJC)	\$ 11.00
6	11/5/15 (22 to drop off checks at E. Desert Inn)	\$ 11.00
7	Total	\$ 210.50

- These costs were incurred in delivering and picking up documents outside our normal document delivery service. See Exhibit 1 at PLTF 017-031.

Investigator Fee:

Skip Trace – witness Terry Ruby \$ 150.00

- This cost was incurred to locate and serve Terry Ruby, employee of Defendant that was the first to respond to the slip and fall. His testimony was sought regarding what condition he found the site in. He was never located. See Exhibit 1 at PLTF 032-033.

Expert Witness Fees:

Gary Presswood \$ 3,699.00

- This cost was incurred to better understand the slipperiness of the floor during dry conditions. The information was sought to support an inference that the floor was dangerously slippery when wet. It includes a site inspection in which testing of the floor took place, a review of Plaintiff's file, and reporting on Mr. Presswood's conclusions. The amount necessarily exceeded \$1,500, because the preparation, testing, and report writing took considerable time, required unique and specialized experience and rare testing equipment. See Exhibit 1 at PLTF 034-039.

Craig Tingey, M.D. Trial Preparation/Trial Testimony \$ 6,000.00

- This cost was incurred for a telephone conference, file review in preparation for trial, and for trial testimony, to compensate Dr. Tingey for the time away from his regular practice. The amount necessarily exceeded \$1,500, because Dr. Tingey's specialty is highly compensated and time away from his regular practice still requires him to pay staff overhead. See Exhibit 1 at PLTF 040-046.

Thomas Dunn, M.D. – Trial Testimony \$10,000.00

- This cost was incurred for file review in preparation for trial, and for trial testimony, to compensate Dr. Dunn for the time away from his regular practice. The amount necessarily exceeded \$1,500, because Dr. Dunn's specialty is highly compensated and time away from his regular practice still requires him to pay staff overhead. Also, the need to be available for surgery coupled with the trial's scheduling requirements made returning for a second day of testifying necessary after a lengthy voir dire by Defendant. See Exhibit 1 at PLTF 047-051.

Deposition Fees/Transcript Copy Charges:

Yanet Elias 3/24/2015 \$ 845.00

- This cost was incurred to pay a court reporter to transcribe the deposition of Yanet Elias and to receive a copy of the transcript. It was necessary because Ms. Elias was testifying about what she saw and learned when responding to the subject incident, including matters at issue. It is reasonable in amount because court reporting is highly difficult task requiring special skills and licensure, because the testimony took several hours to complete, and production of a transcript is a time-consuming work requiring specialized software and knowledge. See Exhibit 1 at PLTF 052-053.

Yvonne O'Connell 3/19/15 and 6/9/2015 \$ 904.20

- This cost was incurred to pay a court reporter to transcribe the deposition of Plaintiff and to receive a copy of the transcript. It was necessary because to memorialize Plaintiff's recollection of the incident and how it has affected her. It is reasonable in amount because court reporting is highly difficult task requiring special skills and licensure, because the testimony took several hours to complete, and production of a transcript is a time-consuming work requiring specialized software and knowledge. See Exhibit 1 at PLTF 054-057.

Corey Prowell 5/26/2015 \$ 599.42

- This cost was incurred to pay a court reporter to transcribe the deposition of Corey Prowell and to receive a copy of the transcript. It was necessary because Mr. Prowell was an employee of Defendant who responded when Plaintiff was hurt and he had information that was material to matters at issue. It is reasonable in amount because court reporting is highly difficult task requiring special skills and licensure, because the testimony took several hours to complete, and production of a transcript is a time-consuming work requiring specialized software and knowledge. See Exhibit 1 at PLTF 058-059.

Trevor Maxwell 10/07/2015 \$ 640.50

- This cost was incurred to pay a court reporter to transcribe the deposition of Trevor Maxwell and to receive a copy of the transcript. It was necessary because Mr. Maxwell was testifying as the 30(b)(6) deponent of Defendant and Plaintiff sought definitive answers on matters that were at issue. It is reasonable in amount because court reporting is highly difficult task requiring special skills and licensure, because the testimony took several hours to complete, and production of a transcript is a time-consuming work requiring specialized software and knowledge. See Exhibit 1 at PLTF 060-061.

Trish Matthieu 10/07/2015 \$ 304.81

- This cost was incurred to pay a court reporter to transcribe the deposition of Trish Matthieu and to receive a copy of the transcript. It was necessary because Ms. Matthieu was a 30(b)(6) deponent of Defendant and Plaintiff sought definitive answers on matters that were at issue. It is reasonable in amount because court reporting is highly difficult task requiring special skills and licensure, because the testimony took time to complete, and production of a transcript is a time-consuming work requiring specialized software and knowledge. See Exhibit 1 at PLTF 060-061.

Salvatore Risco 4/29/2015

\$ 160.75

- This cost was incurred to pay a court reporter to transcribe the deposition of Salvatore Risco and to receive a copy of the transcript. It was necessary because Mr. Risco knew Plaintiff before and after the accident and was in a position to see how she changed after the subject incident. It is reasonable in amount because court reporting is highly difficult task requiring special skills and licensure, because the testimony took several hours to complete, and production of a transcript is a time-consuming work requiring specialized software and knowledge. See Exhibit 1 at PLTF 062–063.

Interpreter Fees:

Yanet Elias – Trial Testimony

\$ 160.00

- This cost was incurred to pay a translator to translate for Yanet Elias during her testimony at trial. It was necessary because Ms. Elias requested the translator because she reported difficulty understanding and speaking English. It was reasonable in amount because the translator was present for several hours and translation is a difficult skill that requires considerable practice and knowledge. The rate for service is comparable to other available translation services. See Exhibit 1 at PLTF 064–065.

Clark County Clerk:

Trial Transcription Service

\$ 560.00

- This cost was incurred to pay the Court’s trial transcription service, a fee required by the Court. See Exhibit 1 at PLTF 066–068.

Eighth Judicial District Court:

Jury Fees

\$ 1,880.00

- This cost was incurred to pay jury fees, as required by the Court. See Exhibit 1 at PLTF 069–070.

Parking Fees:

Parking Fees

\$ 53.00

- These costs were incurred to pay for parking at the courthouse for hearings and trial.
- Plaintiff’s Emergency Motion to Continue Trial (10/29/2015, \$4.00)
- Jury Voir Dire (11/4/2015, \$8.00)
- Drop off Emergency Motion (10/23/2015, \$1.00)
- Trial (11/12/2015, \$20.00)
- Trial (11/13/2015, \$20.00)
- See Exhibit 1 at PLTF 071.


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

TOTAL COSTS EXPENDED

\$ 26,579.38

DATED this 21st day of December, 2015.

NETTLES LAW FIRM


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

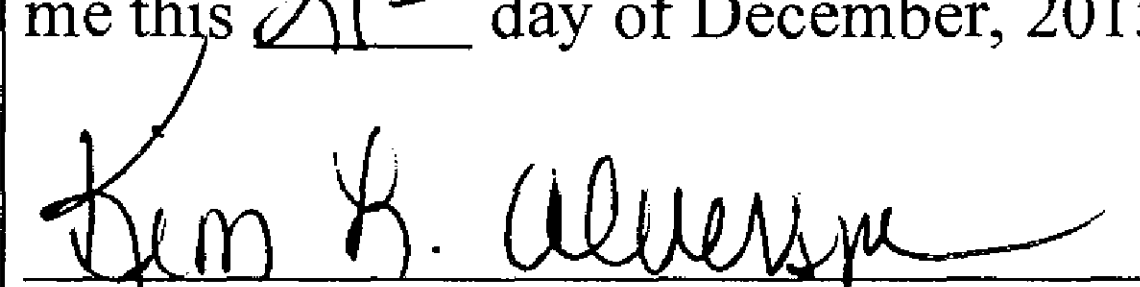
STATE OF NEVADA)
) ss.:
COUNTY OF CLARK)

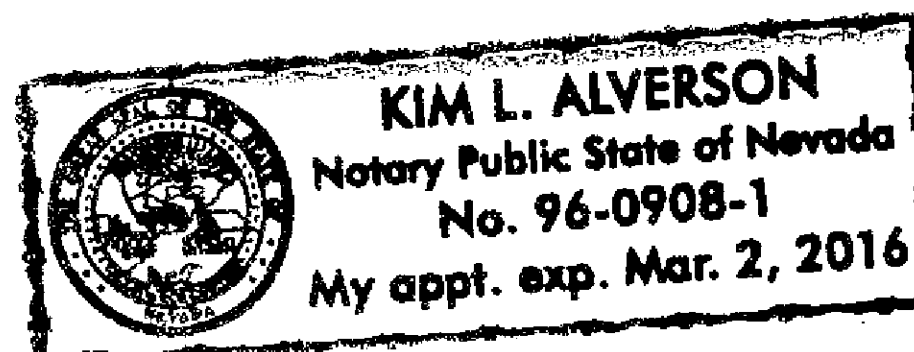
CHRISTIAN M. MORRIS, ESQ., being first duly sworn, deposes and says as follows:

Affiant is an attorney duly licensed to practice law in the State of Nevada and is the counsel of record for the Plaintiff in the above-entitled matter; I have read the above and foregoing *Plaintiff's Amended Verified Memorandum of Costs*, and know the contents thereof; that to the best of my knowledge and belief the items listed are correct, and that the costs have been reasonably and necessarily incurred in this action; that the memorandum is true and correct of my own knowledge, except for any matters therein stated upon information and belief, and as to those matters therein stated, I believe them to be true.


CHRISTIAN M. MORRIS

SUBSCRIBED AND SWORN to before
me this 21st day of December, 2015.


NOTARY PUBLIC in and for said
County and State



NETTLES LAW FIRM

1389 Galleria Drive, Suite 200

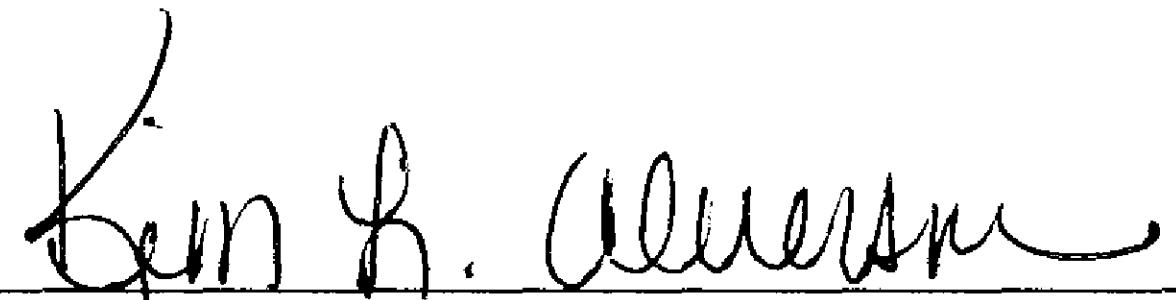
Henderson, NV 89014

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

CERTIFICATE OF SERVICE

Pursuant to NEFCR 9, NRCR 5(b) and EDCR 7.26, I certify that on this 21st day of October, 2015, I served the foregoing *Plaintiff's Amended Verified Memorandum of Costs* to the following party by electronic transmission through the Wiznet system:

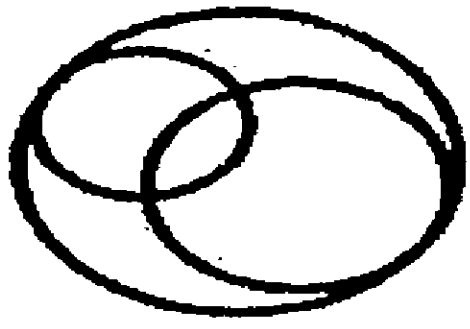
Lawrence J. Semenza, III, Esq.
Christopher D. Kircher, Esq.
Lawrence J. Semenza, III, P.C.
10161 Park Run Drive, Suite 150
Las Vegas, Nevada 89145
(702) 835-6803
Fax: (702) 920-8669
Attorneys for Defendant
Wynn Las Vegas, LLC dba
Wynn Las Vegas



An Employee of the
NETTLES LAW FIRM

EXHIBIT 1

Filing Title	Case Number	Date	Firm Name	Amount
Judgment on Verdict	A-12-655992-C	12/15/15	Nettles Law Firm	\$3.50
Plaintiff's Application for Fees, Costs and Pre-Judgment Interest	A-12-655992-C	11/25/15	Nettles Law Firm	\$3.50
Notice of Entry of Discovery Commissioner Report and Recommendations	A-12-655992-C	11/17/15	Nettles Law Firm	\$3.50
Notice of Entry of Discovery Commissioner Report and Recommendations	A-12-655992-C	11/17/15	Nettles Law Firm	\$3.50
Discovery Commissioner Report and Recommendations	A-12-655992-C	11/17/15	Nettles Law Firm	\$3.50
Plaintiff's Brief As To Constructive Notice	A-12-655992-C	11/12/15	Nettles Law Firm	\$3.50
Plaintiff's Brief Regarding Causation Testimony by Drs. Dunn and Tingey	A-12-655992-C	11/09/15	Nettles Law Firm	\$3.50
Plaintiff's Brief as to Testimony Regarding Future Pain and Suffering	A-12-655992-C	11/09/15	Nettles Law Firm	\$3.50
Notice of Entry of Order Granting Plaintiff's Oral Motion for Demand of Jury Trial	A-12-655992-C	11/05/15	Nettles Law Firm	\$3.50
Order Granting Plaintiff's Oral Motion for Demand of Jury Trial	A-12-655992-C	11/05/15	Nettles Law Firm	\$3.50
Plaintiff's Proposed Verdict Forms	A-12-655992-C	10/28/15	Nettles Law Firm	\$3.50
Plaintiff's Proposed Voir Dire Questions	A-12-655992-C	10/28/15	Nettles Law Firm	\$3.50
Plaintiff's Pretrial Disclosures	A-12-655992-C	10/28/15	Nettles Law Firm	\$3.50
Supplement	A-12-655992-C	10/27/15	Nettles Law Firm	\$3.50
Notice of Entry of Order Denying Defendant's Motion for Summary Judgment	A-12-655992-C	10/12/15	Nettles Law Firm	\$3.50
Order Denying Defendant's Motion For Summary Judgment	A-12-655992-C	10/09/15	Nettles Law Firm	\$3.50
Joint Pre-Trial Memorandum	A-12-655992-C	09/28/15	Nettles Law Firm	\$3.50
Notice of Entry of Discovery Commissioner Report and Recommendations	A-12-655992-C	09/24/15	Nettles Law Firm	\$3.50
Discovery Commissioner Report and Recommendations	A-12-655992-C	09/23/15	Nettles Law Firm	\$3.50
Plaintiff's Reply to Defendant's Opposition to Plaintiff's Omnibus Motions in Limine	A-12-655992-C	09/17/15	Nettles Law Firm	\$3.50
Plaintiff's Motion to Re-Open Discovery for the Limited Purpose of Taking Defendant's 30(b)(6) Deposition and for Order Shortening Time	A-12-655992-C	09/09/15	Nettles Law Firm	\$3.50
Supplemental Affidavit and Declaration of Christian M. Morris to Plaintiff's Omnibus Motions in Limine	A-12-655992-C	09/03/15	Nettles Law Firm	\$3.50
Plaintiff's Opposition to Wynn's Motion in Limine [#1] to Exclude Purported Expert Witness Gary Presswood	A-12-655992-C	08/27/15	Nettles Law Firm	\$3.50
Plaintiff's Opposition to Wynn's Motion in Limine [#3] to Exclude any Reference or Testimony or Defendant's Alleged Failure to Preserve Evidence	A-12-655992-C	08/27/15	Nettles Law Firm	\$3.50
Plaintiff's Opposition to Wynn's Motion in Limine [#2] to Exclude Unrelated Medical Conditions and Damages Claimed by Plaintiff and Motion	A-12-655992-C	08/27/15	Nettles Law Firm	\$3.50
Supplemental Affidavit and Declaration of Christian M. Morris to Plaintiff's Omnibus Motions in Limine	A-12-655992-C	08/18/15	Nettles Law Firm	\$3.50
Plaintiff's Omnibus Motions in Limine	A-12-655992-C	08/13/15	Nettles Law Firm	\$3.50
Plaintiff's Errata to Opposition to Defendant's Motion for Summary Judgment	A-12-655992-C	08/11/15	Nettles Law Firm	\$3.50
Plaintiff's Opposition to Defendant's Motion for Protective Order and for Order Shortening Time	A-12-655992-C	08/04/15	Nettles Law Firm	\$3.50
Plaintiff's Opposition to Defendant's Motion for Summary Judgment	A-12-655992-C	07/27/15	Nettles Law Firm	\$3.50
Notice of Appearance	A-12-655992-C	02/18/15	Nettles Law Firm	\$3.50
				\$108.50



**BUSINESS
CARE
CONNECTIVITY**

MCKESSON

DATE: 07/01/2015

REQUESTOR: NETTLES

NAME: YVONNE O'CONNELL

FACILITY: OPENSIDED MRI OF LV

PerSe Technologies now McKesson Corporation

Dear Mr./Ms./Administrator

The charge for your request: **\$4.98**

Formula for the charge is as follows: \$4.00 per record requested + Cost of postage to mail the request + 10 ¢ per page + any fees to retrieve documents or records from offsite storage. Please contact me at 559-455-4000 if you have additional questions.

**WE ARE A BILLING OFFICE ONLY. ANY MEDICAL RECORDS AND FILMS
CAN BE REQUESTED AT THE FACILITY.**

Please make checks payable to McKesson Corporation.

Sincerely,
CONNIE FOX

Tax Id# 58-1953146
MCKESSON CORP,
5110 E. CLINTON WAY - STE. A
FRESNO, CA 93727
PHONE: 559-455-4000 EXT 4365
FAX: 559-455-4017

*Paul 7-23-15
16672*

#PLTF 002

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

16672
94-236/1224

DATE 7/22/2015

PAY TO THE ORDER OF McKesson Corp.

\$ **4.98

Four and 98/100 ***** DOLLARS
McKesson Corp.

MEMO
Medical records



SECURITY FEATURES INCLUDED. DETAILS ON BACK.



LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT
McKesson Corp.

7/22/2015

16672
4.98

rad assoc
rad assoc
rad assoc
rad assoc
rad assoc

Medical records

4.98

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT
McKesson Corp.

7/22/2015

16672
4.98

rad assoc
rad assoc
rad assoc
rad assoc
rad assoc

Medical records

4.98

PLTF 003

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

McKesson Corp.

7/22/2015

1667

rad assoc
rad assoc
rad assoc
rad assoc
rad assoc

4.98

Medical records

4.98

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

McKesson Corp.

7/22/2015

16672

rad assoc
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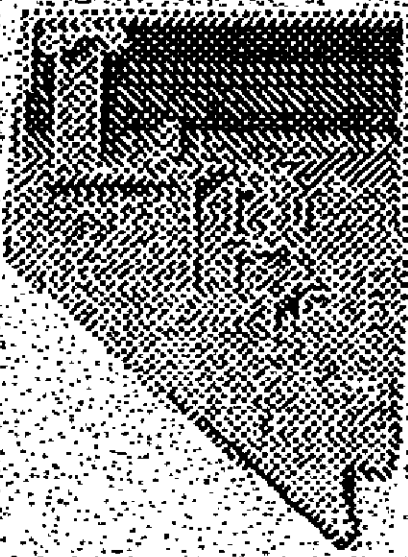
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Legal Process Service



Invoice# 1508438

Invoice Date: 11/04/2015

Nettles Law Firm

Christian M. Morris, Esq.

Attention: Dorothy Allen

1389 Galleria Dr., #200

Henderson, NV 89014

Insured:

Attention:

DOROTHY ALLEN

Service was accepted by, Sal Risco, at [REDACTED]

[REDACTED] Las Vegas, NV 89 [REDACTED] Thank you

Katrina 11/02/2015

THANK YOU FOR CHOOSING LPS!

Plaintiff(s)

Yvonne O'Connell, an individual

vs

Defendant(s)

Wynn Las Vegas, LLC, a Nevada Limited Liability Company, doing business as Wynn Las Vegas, et al.

Re:

Sal Risco

Documents

Served

or

Service

Provided

Trial Subpoena; Witness Fee Check - \$31.20

Court: District Court

County: Clark County,

Case No.: A-12-655992-C

Dept. No.: V

Your File

Hearing Date 11/10/2015

Date Served: 10/31/2015

Time Served: 937am

Date	Service Description	Service Fee	Date Paid	Check# / Auth. #	Fee Paid
10/30/15	Immediate Handling	\$50.00			
10/30/15	Witness Fee Check Advance + Fee	\$36.20			
10/31/15	Served c/o Sal Risco, at [REDACTED] Las Vegas, NV 89 [REDACTED]	\$85.00			
Sub-Totals:		\$171.20		Total Paid:	
Terms: Payment is due upon receipt. Payment is not contingent upon client or insurance reimbursement. A late fee of 15% will be assessed on all outstanding invoices of 30 days or more.					Total Amount Due = \$171.20

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Nettles Law Firm
Christian M. Morris, Esq.
1389 Galleria Dr., #200
Henderson, NV 89014

We appreciate your business!

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Las Vegas, NV 89101

Work Order # 1508438

Invoice Date: 11/04/2015

Client ID#

Total Amount Due = \$171.20 PLTF 005

LAW OFFICES OF BRIAN D NETTLES, INC.

OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17154

94-236/1224

DATE 11/11/2015

PAY TO THE
ORDER OF

Legal Process Service

\$ **827.20

Eight Hundred Twenty-Seven and 20/100 ***** DOLLARS

Legal Process Service

MEMO



SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Legal Process Service

11/11/2015

17154

85.00

def
def

james rice
sal risco
jennifer parnes
yanet elias
corey prowel

121.00
171.20
260.00
80.00
110.00
827.20

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Legal Process Service

11/11/2015

17154

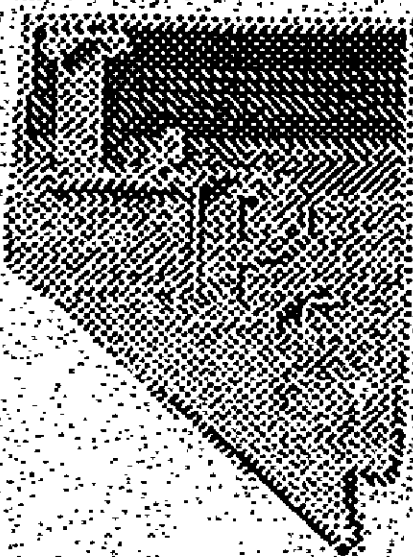
85.00

def
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james rice
sal risco
jennifer parnes
yanet elias
corey prowel

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171.20
260.00
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827.20

PLTF 006



Legal Process Service

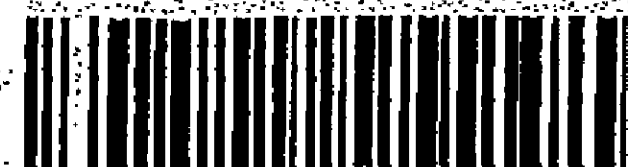
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Telephone (702) 471-7255 Fax (702) 471-7248

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Invoice # 1508440

Invoice Date: 11/05/2015

Nettles Law Firm

Christian M. Morris, Esq.

Attention: Dorothy Allen

1389 Galleria Dr., #200

Henderson, NV 89014

Insured:

Attention: **DOROTHY ALLEN**

**** Served @ office of Atty Kircher c/o Marlene Curiel. Thank you! LPS*****

THANK YOU FOR CHOOSING LPS!

Plaintiff(s)	<i>Yvonne O' Connell, an individual</i>	Court: District Court
Defendant(s)	<i>Wynn Las Vegas, LLC, a Nevada Limited Liability Company, doing business as Wynn Las Vegas; et al.</i>	County: Clark County,
Re:	Yanet Elias c/o Lawrence J. Semenza, III, Esq., Christopher D. Kircher, Esq.	Case No.: A-12-655992-C
Documents Served or Service Provided	<u>Trial Subpoena, Acceptance of Service</u>	Def. No.: V
		Your File
		Hearing Date 11/10/2015
		Date Served: 11/02/2015
		Time Served: 12:20pm

Date	ServiceDescription	Service Fee	Date Paid	Check# / Auth #	Fee Paid
11/02/15	Acceptance of Service drafted	\$25.00			
11/02/15	2nd paper handling & Affidavit	\$55.00			
Sub-Totals:		\$80.00	Total Paid:		

Terms: Payment is due upon receipt. Payment is not contingent upon client or insurance reimbursement.

A late fee of 15% will be assessed on all outstanding invoices of 30 days or more.

Total Amount Due = \$80.00

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Nettles Law Firm
Christian M. Morris, Esq.
1389 Galleria Dr., #200
Henderson, NV 89014

We appreciate your business!

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Legal Process Service
724 South 8th Street
Las Vegas, NV 89101

Work Order # 1508440

Invoice Date: 11/05/2015

Client ID#

Total Amount Due = \$80.00 PLTF 007

THIS DOCUMENT HAS A COLORED BACKGROUND. IF YOU ARE USING A BLACK AND WHITE PRINTER, THE BACKGROUND WILL BE WHITE. IF YOU ARE USING A COLOR PRINTER, THE BACKGROUND WILL BE THE COLOR OF THE CHECK.

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17154
94-236/1224

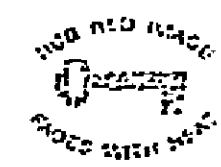
DATE 11/11/2015

PAY TO THE ORDER OF Legal Process Service

\$ **827.20

Eight Hundred Twenty-Seven and 20/100***** DOLLARS
Legal Process Service

MEMO



[Handwritten signature]

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT
Legal Process Service

11/11/2015 17154
85.00

def
def

james rice 121.00
sal risco 171.20
jennifer parnes 260.00
yanet elias 80.00
corey prowell 110.00
827.20

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT
Legal Process Service

11/11/2015 17154
85.00

def
def

james rice 121.00
sal risco 171.20
jennifer parnes 260.00
yanet elias 80.00
corey prowell 110.00
827.20

PLTF 008



Legal Process Service

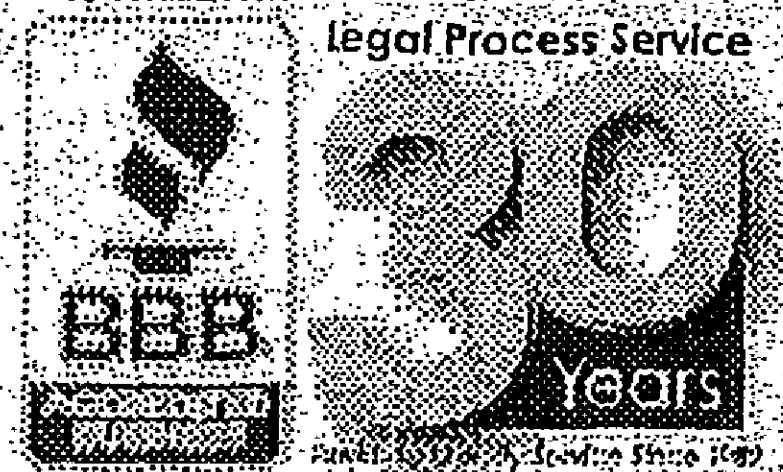
Professional Service Since 1982

724 S. Eighth Street, Las Vegas, Nevada 89101-7005

Telephone (702) 471-7255 Fax (702) 471-7248

Tax ID - 88-0293775 State Lic. #604

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Invoice # 1508439

Invoice Date: 11/05/2015

Nettles Law Firm

Christian M. Morris, Esq.

Attention: Dorothy Allen

1389 Galleria Dr., #200

Henderson, NV 89014

Insured:

Attention:

DOROTHY ALLEN

**** Served @ office of Atty Kircher c/o Marlene Curiel. Thank you! LPS*****

THANK YOU FOR CHOOSING LPS!

Plaintiff(s)

Yvonne O'Connell, an individual

vs

Defendant(s)

Wynn Las Vegas, LLC, a Nevada Limited Liability Company, doing business as Wynn Las Vegas, et al.

Re:

Corey Prowell c/o Lawrence J. Semenza, III, Esq., Christopher D. Kircher, Esq.

Documents

Served

or

Service

Provided

Trial Subpoena, Acceptance of Service

Court: District Court

County: Clark County

Case No.: A-12-655992-C

Dept. No.: V

Your File

Hearing Date 11/10/2015

Date Served: 11/02/2015

Time Served: 12:20 PM

Date	Service Description	Service Fee	Date Paid	Check# / Auth #	Fee Paid
11/02/15	Acceptance of Service drafted	\$35.00			
11/02/15	Served c/o Marlene Curiel @ 10161 Park Run Dr., Suite 150, Las Vegas, NV 89145	\$75.00			
Sub-Totals:		\$110.00		Total Paid:	

Terms: Payment is due upon receipt. Payment is not contingent upon client or insurance reimbursement.

A late fee of 15% will be assessed on all outstanding invoices of 30 days or more.

Total Amount Due = \$110.00

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Nettles Law Firm

Christian M. Morris, Esq.

1389 Galleria Dr., #200

Henderson, NV 89014

We appreciate your business!

Remit Payment to:

Legal Process Service

724 South 8th Street

Las Vegas, NV 89101

Work Order # 1508439

Invoice Date: 11/05/2015

Client ID#

Total Amount Due = \$110.00 PLTF 009

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17154
94-236/1224

DATE 11/11/2015

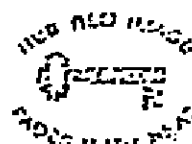
PAY TO THE ORDER OF Legal Process Service

\$ **827.20

Eight Hundred Twenty-Seven and 20/100***** DOLLARS

Legal Process Service

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LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT
Legal Process Service

11/11/2015

17154
85.00

def
def

james rice	121.00
sal risco	171.20
jennifer parnes	260.00
yanet elias	80.00
corey prowell	110.00
	827.20

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT
Legal Process Service

11/11/2015

17154
85.00

def
def

james rice	121.00
sal risco	171.20
jennifer parnes	260.00
yanet elias	80.00
corey prowell	110.00
	827.20

PLTF 010

Tab #	DISCOVERY	Date	No. Pages
1	Defendant's Initial Disclosures	9/30/2013	14
2	Plaintiff's Initial Disclosures	10/9/2013	9
3	RTP – 1 st Set to Plaintiff from Defendant	1/16/2014	8
4	ROGS – 1 st Set to Plaintiff from Defendant	1/16/2014	10
5	Responses to RTP – 1 st Set to Plaintiff from Defendant	3/4/2014	8
6	Answers to ROGS – 1 st Set to Plaintiff from Defendant	3/4/2014	15
7	RFA – 1 st Set to Defendant from Plaintiff	4/21/2014	4
8	ROGS – 1 st Set to Defendant from Plaintiff	4/21/2014	9
9	RTP – 1 st Set to Defendant from Plaintiff	4/21/2014	8
10	Plaintiff's 1 st Supplement to Initial Disclosures	5/15/2014	18
11	Defendant's 1 st Supplement to Initial Disclosures	5/19/2014	3
12	Responses to RFA – 1 st Set to Defendant from Plaintiff	6/3/2014	10
13	Defendant's 2 nd Supplement to Initial Disclosures	6/3/2014	3
14	Answers to ROGS – 1 st Set to Defendant from Plaintiff	6/3/2014	14
15	Responses to RTP – 1 st Set from Plaintiff to Defendant	6/3/2014	9
16	Plaintiff's 2 nd Supplement to Initial Disclosures	6/3/2014	26
17	Defendant's 3 rd Supplement to Initial Disclosures	8/28/2014	42
18	Defendant's 4 th Supplement to Initial Disclosures	10/15/2014	64
19	Defendant's 5 th Supplement to Initial Disclosures	2/13/2015	3
20	NOD – Defendant's for Plaintiff	2/27/2015	3
21	Defendant 6 th Supplement to Initial Disclosures	3/3/2015	61
22	Notice of Site Inspection	3/10/2015	6
23	Notice of Taking Depo of Yanet Elias	3/10/2015	6
24	Amended Notice of Taking Depo of Yanet Elias	3/10/2015	6
25	2 nd Amended Notice of Taking Depo of Yanet Elias	3/10/2015	6
26	Pl.'s 1 st Supplement	3/16/2015	18
27	Pl.'s 2 nd Supplement	3/18/2015	26
28	Amended Notice of Site Inspection	3/26/2015	6
29	Notice of Taking Depo of Hotspur and Rampart with Subpoena	4/9/2015	14
30	Notice of Taking Depo of Salvatore Risco with Subpoena	4/9/2015	23
31	Pl.'s Initial Expert Disclosures	4/13/2015	38
32	Def.'s 7 th Supplemental	4/13/2015	91
33	Def.'s Initial Expert Disclosures	4/13/2015	29
34	Amended Notice of Taking Depo of Salvatore Risco	4/21/2015	3

35	Proof of Service on Rampart of Subpoena		1
36	Notice Vacating Depo of Rampart at the Resort at Summerlin	4/27/2015	3
37	Def.'s 2 nd Set of RTP to Pl.	5/12/2015	7
38	Def.'s Disclosure of Rebuttal Expert Witness	5/13/2015	100
39	Notice of Taking Depo of Corey Prowell	5/13/2015	7
40	Amended Notice of Taking Depo of Corey Prowell	5/14/2015	7
41	Pl.'s Response to Def.'s 2 nd Set of RTP	5/21/2015	57
42	Notice of Taking Continued Depo of Pl.	5/21/2015	6
43	Def.'s 8 th Supplemental	5/27/2015	13
44	Def.'s 9 th Supplemental	5/28/2015	3
45	Notice of Taking Depo of Def.	6/5/2015	9
46	Pl.'s 3 rd Supplement	6/12/2015	30
47	Notice Vacating Depo of Wynn	6/23/2015	6
48	2 nd Amended Notice of Taking Depo of Def. Wynn	7/13/2015	10
49	Pl.'s 4 th Supp to Initial Disclosures	7/14/2015	22
50	3 rd Amended Notice of Taking Depo of Def. Wynn	7/24/2015	9
51	Pl.'s Confidential Mandatory Settlement Brief	8/25/2015	72
52	4 th Amended Supp.	8/27/2015	22
53	Pl.'s 5 th Supp to Initial Disclosures	9/18/2015	26
54	Pl.'s 6 th Supp to Initial Disclosures	9/28/2015	30
55	4 th Amended Notice of Taking Depo of Def. Wynn	10/2/2015	9
56	5 th Amended Notice of Taking Depo of Def. Wynn	10/2/2015	9
1	Complaint	2/7/2012	24
2	Amended Complaint	3/20/2012	4
3	Summons with Affidavit of Service	4/4/2012	4
4	Motion for Withdrawal	11/19/2012	7
5	Certificate of Mailing Re: Motion to Withdraw as Attorney of Record	11/20/2012	9
6	Minutes Re: Motion to Withdraw as Counsel	12/19/2012	1
7	Pl.'s Supp to Motion to Withdraw as Attorney of Record	12/19/2012	4
8	Order Re: Motion to Withdraw	12/21/2012	2
9	Notice of Entry of Order	12/24/2012	4
10	Notice of Appearance	5/14/2013	6
11	Default	6/25/2013	5
12	IAFD	7/24/2013	2
13	Notice of Stip and Order to Set Aside Default	7/24/2013	4
14	Answer to Amended Complaint	7/24/2013	5
15	Request For Exemption From Arbitration	8/7/2013	5
16	Opp to Pl.'s Request for Exemption From Arbitration	8/16/2013	4

17	Commissioner's Decision on Request For Exemption	8/22/2013	2
18	Def's Opp. to Plaintiff's Motion to Reopen Disc. For the Limited Purpose of taking Def's 30(b)(6) Dep. and for Order Shortening Time	9/10/2015	24
19	Notice of ECC	9/12/2013	4
20	JCCR	11/20/2013	18
21	Scheduling Order	11/25/2013	3
22	Order Setting Civil Non-Jury Trial and Calendar Call	12/5/2013	3
23	OOJ	5/5/2014	3
24	Notice of Association of Counsel	9/10/2014	3
25	Discovery Commissioner	9/22/2014	7
26	Notice of Entry of Stip and Order to Extend Discovery and Continue Trial	9/29/2014	7
27	Amended Order Setting Civil Jury Trial and Calendar Call	10/1/2014	3
28	OOJ	10/20/2014	3
29	Motion to Withdraw as Counsel of Record	9/10/2014	9
30	Notice of Non-Opposition	9/22/2014	3
31	Affidavit of J. Scott Dilbeck, Esq. in Support of Motion to Withdraw	9/29/2014	4
32	Order Granting Motion to Withdraw	10/1/2014	3
33	Notice of Entry of Order Granting Motion to Withdraw	2/11/2015	5
34	Notice of Appearance	2/18/2015	19
35	Receipt of Original File	3/5/2015	1
36	Pl.'s OOJ to Def.	3/26/2015	3
37	Notice of Rescheduling of Hearing	6/3/2015	2
38	Def.'s Motion for Summary Judgment	7/13/2015	50
39	Second Amended Notice of Taking 30(b)(6) Deposition of Defendant Wynn Las Vegas	7/13/2015	65
40	Pl.'s Opp to Def.'s Motion for Summary Judgment	7/27/2015	139
41	Def.'s Motion for Protective Order and for Order Shortening Time	7/29/2015	47
42	Pl.'s Opp to Def.'s Motion for Protective Order and for Order Shortening Time	8/4/2015	47
43	Order Setting Settlement Conference	8/11/2015	2
44	Pl.'s Errata to Opp to Def.'s Motion for Summary Judgment	8/11/2015	37
45	Pl.'s Omnibus Motions in Limine	8/13/2015	174
46	Def.'s Opp to Pl.'s omnibus motion	8/31/2015	18
47	Pl.'s OOJ to Def.	9/3/2015	3
48	Pl.'s Motion to Re-Open Discovery for the Limited Purpose of taking Def.'s Depo	9/9/2015	27
49	Reply in Support of Def's Motion for Summary Judgement	9/10/2015	17

50	Reply in Support of Def's Motion in Limine[#2] to Exclude Unrelated Medical Conditions; Opposition to Plaintiff's Motion for Sanctions	9/10/2015	60
51	Reply in Support of Def's Motion in Limine[#3] to Exclude Any Reference or Testimony of Defendant's Alleged Failure to Preserve Evidence	9/10/2015	16
52	Discovery Commissioner Report and Recommendations	9/23/2015	6
53	Notice of Entry of Discovery Commissioner Report and Recommendations	9/24/2015	7
54	Joint Pre-Trial Memorandum	9/28/2015	18
55	Order Denying Def's Motion for Summary Judgement	10/9/2015	2
56	Pl.'s Objection to Def.'s Untimely Errata to Def. David Siegel's Motion to Dismiss	10/9/2015	3
57	Notice of Entry of Order of Denying Def.'s Motion for Summary Judgement	10/12/2015	4
58	Pl.'s Emergency Motion to Continue Trial and for Sanctions on Order Shortening Time	10/26/2015	96
59	Def.'s Opp. to Pl.'s Motion to Continue Trial and for Order Sanctions on an Order Shortening Time	10/28/2015	22
60	Order on Pl. Omnibus Motions in Limine	11/2/2015	3
61	Order Granting Def.'s Motion in Limine[#1] to Exclude Purported Expert Witness Gary Presswood	11/2/2015	2
62	Order Denying w/out Prejudice Def.'s Motion in Limine[#2] to Exclude Unrelated Medical Conditions and Damages Claimed by Pl.	11/2/2015	3
63	Order Denying Def.'s Motion in Limine[#3] to Exclude any Reference or Testimony of Def.'s Alleged Failure to Preserve Evidence	11/2/2015	2
64	Notice of Entry of Order Granting Pl.'s Oral Motion for Demand of Jury Trial	11/5/2015	4
65	Order Granting Pl.'s Oral Motion for Demand of Jury Trial	11/5/2015	2
66	Notice of Entry of Order	11/5/2015	5
67	Notice of Entry of Discovery Commissioner Report and Recommendations	11/17/2015	8
68	Notice of Entry of Discovery Commissioner Report and Recommendations	11/17/2015	6
69	Def.'s LLC's Trial Brief	11/25/2015	10
70	Def.'s Opp to Pl.'s Application for Fees, Costs and Pre-Judgment Interest and Motion to Retax Costs	12/7/2015	24

2219

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17128
94-236/1224

DATE 11/4/2015

PAY TO THE
ORDER OF Yanet Elias

\$ **30.00

Thirty and 00/100 ***** DOLLARS

Yanet Elias

MEMO

Witness Fee - A-12-655992-C

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Yanet Elias

11/4/2015

17128

30.00

Witness Fee - A-12-655992-C

30.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Yanet Elias

11/4/2015

17128

30.00

O'Connell - Costs

Witness Fee - A-12-655992-C

30.00

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17129
94-236/1224

DATE 11/4/2015

PAY TO THE ORDER OF Corey Prowell

\$ **30.00

Thirty and 00/100***** DOLLARS

Corey Prowell

MEMO

Witness Fee - A-12-655992-C

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Corey Prowell

11/4/2015

17129

30.00

Witness Fee - A-12-655992-C

30.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Corey Prowell

11/4/2015

17129

30.00

O'Connell - Costs

Witness Fee - A-12-655992-C

30.00

RUNNING VEGAS

INVOICE

6096 THORNE BAY COURT LAS VEGAS NEVADA 89110

Nettles Law Firm
1389 Galleria Dr.
Henderson, NV 89014

Invoice Date: 10/01/2015

Retainer	October 2015		\$ 350.00
2790		Motion to Quash - Henderson Muni	10.00
2798	O'Connell	OPP - Dept. 5 - Expedited	10.00
2802	O'Connell	On Call - Expedited Return - OST	50.00
		Immediate Re-Submission - Discovery	20.00
2803	O'Connell	OPP - Dept. 5 - Immediately	20.00
2808		Motion to Quash - Henderson Muni	10.00
2817		S&O - Dept. 5 - Expedited	10.00
2819		Delayed P/U - Hearings	10.00
2825		Hearings - Expedited	10.00
2826		Dealyed P/U - Appeals - Expedited	20.00
2839	O'Connell	PT Memo - Dept. 5 - Expedited	10.00

TOTAL: \$ 530.00

Due Upon Receipt
Thank You

PLTF 017

LAW OFFICES OF BRIAN D NETTLES, INC.

OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

16993

94-236/1224

DATE 10/5/2015

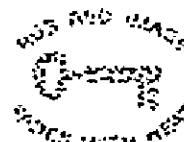
PAY TO THE
ORDER OF Running Vegas

\$ **530.00

Five Hundred Thirty and 00/100***** DOLLARS

Running Vegas

MEMO



SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Running Vegas

10/5/2015

16993

	350.00
mot to quash	10.00
opp exp	10.00
on call exp return ost	70.00
opp	20.00
mot to quash	10.00
s&o exp	10.00
pu ho exp	20.00
ao pu exp	20.00
pt memo	10.00

530.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Running Vegas

10/5/2015

16993

	350.00
mot to quash	10.00
opp exp	10.00
on call exp return ost	70.00
opp	20.00
mot to quash	10.00
s&o exp	10.00
pu ho exp	20.00
ao pu exp	20.00
pt memo	10.00

530.00

RUNNING VEGAS

INVOICE

6096 THORNE BAY COURT LAS VEGAS NEVADA 89110

Nettles Law Firm
1389 Galleria Dr.
Henderson, NV 89014

Invoice Date: 11/02/2015

Retainer	November 2015	\$	350.00
2853	Delayed P/U (1/4) - Hearings		2.50
2854	Delayed P/U (1/4) - Hearings		2.50
2855	Delayed P/U (1/4) - DCRR - Discovery - Expedited		12.50
2856	Delayed P/U (1/4) - S&O - Dept. 4 - Expedited		12.50
2858	Appeals - Expedited		10.00
2864	Delayed P/U - ADR - Expedited		25.00
2875	Appeals - Expedited		10.00
2885	Delayed P/U - Hearings & Appeals - Expedited		30.00
2886	On Call Expedited Return - OST		50.00
- - - -	O'Connell Expedited P/U & Efile - OST		25.00

TOTAL: \$ 530.00

Due Upon Receipt
Thank You

PLTF 019

LAW OFFICES OF BRIAN D NETTLES, INC.

OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17107

94-236/1224

DATE 11/3/2015

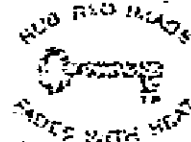
PAY TO THE
ORDER OF Running Vegas

\$ **530.00

Five Hundred Thirty and 00/100 ***** DOLLARS

Running Vegas

MEMO



[Handwritten signature]

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Running Vegas

11/3/2015

17107

	350.00
delayed p/u HO	2.50
delayed p/u HO	2.50
delayed p/u DCRR	12.50
delayed p/u S&O	12.50
appeals exp	10.00
delayed p/u ADR	25.00
appeals exp	10.00
delayed p/u HO/AO exp	30.00
exp return OST	50.00
exp pu & efile OST	25.00

530.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Running Vegas

11/3/2015

17107

	350.00
delayed p/u HO	2.50
delayed p/u HO	2.50
delayed p/u DCRR	12.50
delayed p/u S&O	12.50
appeals exp	10.00
delayed p/u ADR	25.00
appeals exp	10.00
delayed p/u HO/AO exp	30.00
exp return OST	50.00
exp pu & efile OST	25.00

530.00

RUNNING VEGAS

INVOICE

6696 THORNHILL BAY COURT LAS VEGAS NEVADA 89110

Nettles Law Firm
1389 Galleria Dr.
Henderson, NV 89014

Invoice Date: 09/01/2015

Retainer	September 2015		\$ 350.00
2732		Mediation Brief	5.00
		10651 Capesthorne (Area 4)	35.00
2734	O'Connell	Opposition - Discovery - Expedited	10.00
2736		Response - Discovery - Expedited	10.00
2742		Henderson Muni - Quash - Expedited	20.00
2744		DCRR - Discovery - Expedited (<i>rejected</i>)	10.00
		Kinkos - Copies - Expedited	20.00
		Re-Submit - Discovery - Expedited	10.00
2746		MFSJ - Dept. 24 - Expedited	10.00
2747		MPO - Discovery - Immediately	20.00
		On Call - P/U - Discovery - Time Sensitive	50.00
2748		Exemption - ADR - Expedited	10.00
2773	O/Connell	OST - Discovery - Expedited	10.00
2776		Hearings - Expedited	10.00
2779		ROC - 501 S. Rancho (Area 3)	30.00

TOTAL: \$610.00

Due Upon Receipt
Thank You

PLTF 021

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

16843
94-236/1224

DATE 9/1/2015

PAY TO THE
ORDER OF

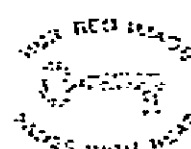
Running Vegas

\$ **610.00

Six Hundred Ten and 00/100 ***** DOLLARS

Running Vegas

MEMO



SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Running Vegas

9/1/2015

16843

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del mediation brief	40.00
opp exp	10.00
response exp	10.00
mot quash exp	20.00
derr exp	40.00
msj exp	10.00
disc exp	70.00
adr exp	10.00
disc ost	10.00
ho exp	10.00
roc	30.00

610.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Running Vegas

9/1/2015

16843

	350.00
del mediation brief	40.00
opp exp	10.00
response exp	10.00
mot quash exp	20.00
derr exp	40.00
msj exp	10.00
disc exp	70.00
adr exp	10.00
disc ost	10.00
ho exp	10.00
roc	30.00

610.00

LAW OFFICES OF BRIAN D NETTLES, INC.
 OPERATING ACCOUNT
 1389 GALLERIA DRIVE, SUITE 200
 HENDERSON, NV 89014

16987
 94-236/1224

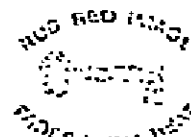
DATE 10/5/2015

PAY TO THE
 ORDER OF

\$ **112.50

One Hundred Twelve and 50/100 ***** DOLLARS

MEMO
 PAYROLL/REIMBURSEMENT



1 SECURITY FEATURES INCLUDED. DETAILS ON BACK. 1

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

10/5/2015

16987

pu check	19.00
doc delivery	13.00
delivery/exchange	12.00
pu files	15.50
delivery	28.00
delivery	25.00

PAYROLL/REIMBURSEMENT

112.50

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

10/5/2015

16987

pu check	19.00
doc delivery	13.00
delivery/exchange	12.00
pu files	15.50
delivery	28.00
delivery	25.00

PAYROLL/REIMBURSEMENT

112.50

11/18/2015

17174

nhp photos
d/off expert payments
delivery

25.00
16.50
11.00
23.00
26.00

PAYROLL/REIMBURSEMENT

101.50

Please Reorder from Priority Business Checks Ph. (702) 263-2435 Fax (702) 263-2436 / For Exact Reorders Visit www.pbchecks.com (Ask About All Your Printing Needs)

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17100
94-236/1224

DATE 11/3/2015

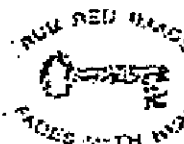
PAY TO THE
ORDER OF

\$ **45.00

Forty-Five and 00/100***** DOLLARS

MEMO

PAYROLL/REIMBURSEMENT



SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

11/3/2015

17100

p/u check	7.00
delivery	15.00
delivery	11.00
exchange	12.00

PAYROLL/REIMBURSEMENT

45.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

11/3/2015

17100

p/u check	7.00
delivery	15.00
delivery	11.00
exchange	12.00

PAYROLL/REIMBURSEMENT

45.00

Running Vegas

9/1/2015

	350.00
del mediation brief	40.00
opp exp	10.00
response exp	10.00
mot quash exp	20.00
dcrr exp	40.00
msj exp	10.00
disc exp	70.00
adr exp	10.00
disc ost	10.00
ho exp	10.00
roc	30.00

610.00

Please Reorder from Priority Business Checks Ph. (702) 263-2435 Fax (702) 263-2436 / For Exact Reorders Visit www.pbchecks.com (Ask About All Your Printing Needs)

[illegible]

NAME:

Total Mileage

203

-November

LAW OFFICES OF BRIAN D NETTLES, INC.

OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17174

94-236/1224

DATE 11/18/2015

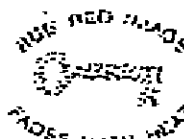
PAY TO THE
ORDER OF

\$ **101.50

One Hundred One and 50/100***** DOLLARS

MEMO

PAYROLL/REIMBURSEMENT



SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

11/18/2015

17174

nhp photos
d/off expert payments
delivery

25.00
16.50
11.00
23.00
26.00

PAYROLL/REIMBURSEMENT

101.50

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

11/18/2015

17174

nhp photos
d/off expert payments
delivery

25.00
16.50
11.00
23.00
26.00

PAYROLL/REIMBURSEMENT

101.50

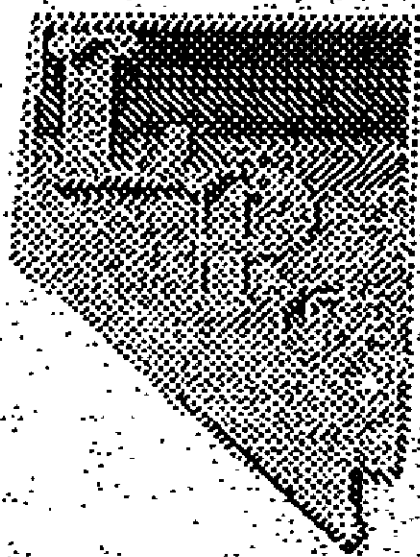
11/3/2015

p/u check	7.00
delivery	15.00
delivery	11.00
exchange	12.00

PAYROLL/REIMBURSEMENT

45.00

Please Reorder from Priority Business Checks Ph. (702) 263-2435 Fax (702) 263-2436 / For Exact Reorders Visit www.pbchecks.com (Ask About All Your Printing Needs)



Legal Process Service

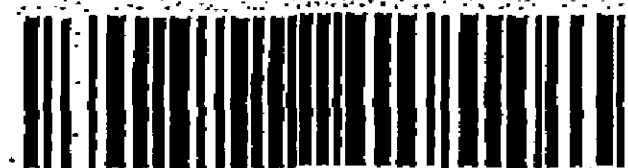
Professional Service Since 1982

724 S. Eighth Street, Las Vegas, Nevada 89101-7005

Telephone (702) 471-7255 Fax (702) 471-7248

Tax ID - 88-0293775 State Lic. #604

www.LPSNV.com contact@LPSNV.com



Legal Process Service



Invoice # 1507351

Invoice Date: 10/20/2015

Nettles Law Firm
Christian M. Morris, Esq.
Attention: Dorothy Allen
1389 Galleria Dr., #200
Henderson, NV 89014

Insured:

Attention:

DOROTHY ALLEN

****Hi Dot, still no response from delivery notices and/or postal inquiries. Would you like us to send a server to the address to see if we can get more information? Please advise. Thank you! 10/08****

THANK YOU FOR CHOOSING LPS!

Plaintiff(s)

Yvonne O'Connell, an individual

Defendant(s)

Wynn Las Vegas, LLC, a Nevada Limited Liability Company, et al.

Re:

Terry M. Ruby

Documents
Served
or
Service
Provided

SKIPTRACE TO LOCATE FORMER EMPLOYEE

Court: District Court

County: Clark County,

Case No.: A-12-655992-C

Dept. No.: V

Your File

Hearing Date

Date Served:

Time Served:

Date	Service Description	Service Fee	Date Paid	Check# / Auth #	Fee Paid
09/21/15	Skip Tracing/Locate/Skip Memo	\$150.00			
		Sub-Totals:	\$150.00	Total Paid:	

Terms: Payment is due upon receipt. Payment is not contingent upon client or insurance reimbursement.

A late fee of 15% will be assessed on all outstanding invoices of 30 days or more.

Total Amount Due = \$150.00

Please detach and return this section with your payment. Make checks payable to Legal Process Service

Nettles Law Firm
Christian M. Morris, Esq.
1389 Galleria Dr., #200
Henderson, NV 89014

We appreciate your business!

Remit Payment to:

Legal Process Service
724 South 8th Street
Las Vegas, NV 89101

Work Order # 1507351

Invoice Date: 10/20/2015

Client ID#

Total Amount Due = \$150.00 PLTF 032

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1369 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17078
94-236/1224

DATE 10/27/2015

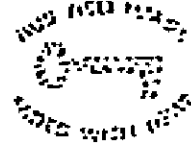
PAY TO THE
ORDER OF Legal Process Service

\$ **675.00

Six Hundred Seventy-Five and 00/100***** DOLLARS

Legal Process Service

MEMO



SECURITY FEATURES INCLUDED, DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Legal Process Service

10/27/2015

17078

85.00
55.00
55.00
255.00
75.00

skip trace / former employee

150.00

675.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Legal Process Service

10/27/2015

17078

85.00
55.00
55.00
255.00
75.00

skip trace / former employee

150.00

675.00
PLTF 033

LAW OFFICES OF BRIAN D NETTLES, INC.

OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

16356

94-236/1224

DATE 4/27/2015

PAY TO THE ORDER OF Gary A. Presswood

\$ **540.00

Five Hundred Forty and 00/100*****

DOLLARS

Gary A. Presswood
8635 W Sahara Ave #435
Las Vegas, NV 89117

MEMO

Yvonne O'Connell

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

AW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Gary A. Presswood

site inspection

4/27/2015

16356

540.00

Yvonne O'Connell

540.00

AW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Gary A. Presswood

site inspection

4/27/2015

16356

540.00

Yvonne O'Connell

costs

540.00

PLTF 034

Gary Presswood, Inc.
dba The Accident Expert
8635 W Sahara Ave#435
Las Vegas NV 89117

Statement

DATE

4/1/2015

TO:

CHRISTIAN M MORRIS, ESQ.
 NETTLES LAW GROUP
 1389 GALLERIA DR. SUITE 200
 HENDERSON, NV 89104

Please make checks payable to:
GARY PRESSWOOD INC.

AMOUNT DUE

AMOUNT ENC.

\$540.00

DATE	TRANSACTION				AMOUNT	BALANCE	OTY (hrs)
12/31/2000	Balance forward					0.00	
03/23/2015	O'Connell- Review docs received & prep for site inspection				540.00	540.00	1.8

Please phone 702.233.8516 with any questions regarding your bill.

Phone #	Fax #	E-mail	Web Site
702.233.8516	702.233.8519	crash@accidentexpert.com	accidentexpert.com

PLTF 035

LAW OFFICES OF BRIAN D NETTLES, INC.

OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

16426

94-236/1224

DATE 5/13/2015

PAY TO THE
ORDER OF

Gary A. Presswood

\$ **2,619.00

Two Thousand Six Hundred Nineteen and 00/100*****

DOLLARS

Gary A. Presswood
8635 W Sahara Ave #435
Las Vegas, NV 89117

MEMO

Yvonne O'Connell



SECURITY FEATURES INCLUDED. DETAILS ON BACK.



LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Gary A. Presswood

finalize report

5/13/2015

16426

2,619.00

Yvonne O'Connell

2,619.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Gary A. Presswood

finalize report

5/13/2015

16426

2,619.00

Costs

Yvonne O'Connell

2,619.00

PLTF 036

Gary Presswood, Inc.
dba The Accident Expert
8635 W Sahara Ave#435
Las Vegas NV 89117

Statement

DATE

5/1/2015

TO:

CHRISTIAN M MORRIS, ESQ.
 NETTLES LAW GROUP
 1389 GALLERIA DR. SUITE 200
 HENDERSON, NV 89104

Please make checks payable to:
GARY PRESSWOOD INC.

AMOUNT DUE

AMOUNT ENC.

\$3,159.00

Please make checks payable to: GARY PRESSWOOD INC.				AMOUNT DUE	AMOUNT ENC.	
				\$3,159.00		
DATE	TRANSACTION			AMOUNT	BALANCE	OTY (hrs)
12/31/2000	Balance forward				0.00	
	O'Connell-					
03/23/2015	Review docs received & prep for site inspection			540.00	540.00	1.8
04/01/2015	Site/SCOF inspection			720.00	1,260.00	2.4
04/02/2015	Compile photos, research & begin DRAFT report			900.00	2,160.00	3
04/06/2015	Draft report			360.00	2,520.00	1.2
04/10/2015	Complete draft			180.00	2,700.00	0.6
04/13/2015	Finalize & send report			450.00	3,150.00	1.5
04/28/2015	Answer defense request for files			9.00	3,159.00	0.03
CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	AMOUNT DUE	
3,159.00	0.00	0.00	0.00	0.00	\$3,159.00	

Please phone 702.233.8516 with any questions regarding your bill.

Phone #	Fax #	E-mail	Web Site
702.233.8516	702.233.8519	crash@accidentexpert.com	accidentexpert.com

PLTF 037

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

16558
94-236/1224

DATE 6/22/2015

PAY TO THE ORDER OF Gary A. Presswood

\$ **540.00

Five Hundred Forty and 00/100 ***** DOLLARS

Gary A. Presswood
8635 W Sahara Ave #435
Las Vegas, NV 89117

MEMO

Yvonne O'Connell

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Gary A. Presswood

file review & phone conf

6/22/2015

16558

540.00

Yvonne O'Connell

540.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Gary A. Presswood

file review & phone conf

6/22/2015

16558

540.00

Yvonne O'Connell

540.00

PLTF 038

Gary Presswood, Inc.
dba The Accident Expert
8635 W Sahara Ave#435
Las Vegas NV 89117

Statement

DATE

5/31/2015

TO:

CHRISTIAN M MORRIS, ESQ.
 NETTLES LAW GROUP
 1389 GALLERIA DR. SUITE 200
 HENDERSON, NV 89104

Please make checks payable to:
GARY PRESSWOOD INC.

AMOUNT DUE

AMOUNT ENC.

\$540.00

DATE	TRANSACTION	AMOUNT	BALANCE	OTY (hrs)	
12/31/2000	Balance forward		0.00		
	O'Connell-				
03/23/2015	Review docs received & prep for site inspection	540.00	540.00	1.8	
04/01/2015	Site/SCOF inspection	720.00	1,260.00	2.4	
04/02/2015	Compile photos, research & begin DRAFT report	900.00	2,160.00	3	
04/06/2015	Draft report	360.00	2,520.00	1.2	
04/10/2015	Complete draft	180.00	2,700.00	0.6	
04/13/2015	Finalize & send report	450.00	3,150.00	1.5	
04/28/2015	Answer defense request for files	9.00	3,159.00	0.03	
05/05/2015	PMT #16356.	-540.00	2,619.00		
05/06/2015	File review & phone w/atty	180.00	2,799.00	0.6	
05/14/2015	Copy & send file	360.00	3,159.00	1.2	
05/20/2015	PMT #16426.	-2,619.00	540.00		
CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	AMOUNT DUE
540.00	0.00	0.00	0.00	0.00	\$540.00

Please phone 702.233.8516 with any questions regarding your bill.

Phone #	Fax #	E-mail	Web Site
702.233.8516	702.233.8519	crash@accidentexpert.com	accidentexpert.com

PLTF 039

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17123
94-236/1224

DATE 11/4/2015

PAY TO THE ORDER OF Craig Tingey, M.D.

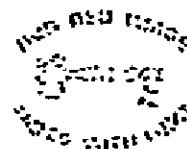
\$ **750.00

Seven Hundred Fifty and 00/100***** DOLLARS

Craig Tingey, M.D.

MEMO

Teleconference - Yvonne O'Connell



SECURITY FEATURES INCLUDED. DETAILS ON BACK.



LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

17123

Craig Tingey, M.D.

11/4/2015

teleconf

750.00

Teleconference - Yvonne O'Connell

750.00

AW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

17123

Craig Tingey, M.D.

11/4/2015

teleconf

750.00

Teleconference - Yvonne O'Connell

750.00

PLTF 040


DESERT ORTHOPAEDIC CENTER
Central Office

2800 E. Desert Inn Rd., Suite 100
Las Vegas, Nevada 89121
(702) 731-1616 (Fax) 734-4900

Northwest Office

8402 W. Centennial Parkway
Las Vegas, NV 89149
(702) 869-3486 (Fax) 869-3542

Henderson Office

2930 W. Horizon Ridge Pkwy, Suite 100
Henderson, Nevada 89052
(702) 263-9082 (Fax) 263-9088

John M. Balduf, M.D.

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Adult Spinal Surgery

Patrick J. Brandner, M.D., F.A.C.S.

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CEO/General Counsel

James P. Washer II, CFA

Director of Finance

Sharen E. Marchitt

Director of Operations

All Appointments (702) 731-4088

www.doclv.com

Date: 11/03/2015

VIA Facsimile: 702-434-1488

Christian Morris, Esq.

Nettles Law Firm

1389 Galleria Dr., Ste 200

Henderson, NV 89014

RE: Yvonne O'Connell

Our acct#:

Provider: Dr. Craig Tingey

INVOICE

Please remit payment for the following items.

Telephone conference	\$1000.00
(1 hr at \$250.00 per 15 minutes)	
(NO Report)	

Pre-payment ck# 16962	\$250.00
-----------------------	----------

Total Due:	\$750.00
-------------------	-----------------

Tax Identification Number: 46-2279210

Please include patient name on check and remit payment to:

Craig Tingey, MD
ATTN: Tami Reynolds
8402 W. Centennial Pwy
Las Vegas, NV 89149

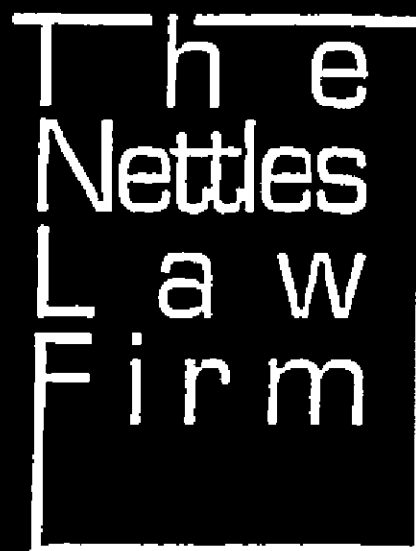
Upon receipt of payment, medial review/records will be forwarded to your office. Thank you in advance for your attention to this matter.

Sincerely,
Tami Reynolds
CCMA for Craig Tingey, MD
(702)869-3486

Brian D. Nettles, Esq.

Christian M. Morris, Esq.*

**Also licensed in California and New Jersey*



Costs

JANICE L. MACRIG, J.D.

Exclusively representing injured victims and their families.

September 30, 2015

Craig Tingey, M.D.
Desert Orthopaedic Center
8402 West Centennial Parkway
Las Vegas, Nevada 89149

Attention: Tami Reynolds

Re: Yvonne O'Connell v. Wynn, et al.

Dear Tami:

Enclosed please find our check number 16962, dated 9/29/2015, in the amount of \$250.00, made payable to Craig Tingey, representing payment of his fee for a telephone conference with Christian M. Morris, Esq., in the above-referenced matter. This will confirm our telephone conversation, wherein you advised me that upon receipt of this fee, you will contact me to schedule this telephone conference.

Your courtesy and cooperation are genuinely appreciated. I look forward to hearing from you.

Very truly yours,
NETTLES LAW FIRM

Dorothy A. Allen
Dorothy A. Allen
Paralegal to
Christian M. Morris, Esq.

CMM:daa
Enclosure

PLTF 042

16962
94-236/1224

DATE 9/29/2015

PAY TO THE ORDER OF Craig Tingey, M.D.

\$ **250.00

Two Hundred Fifty and 00/100***** DOLLARS

Craig Tingey, M.D.

MEMO

Tele conf - Yvonne O'Connell

 SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Craig Tingey, M.D.

tele conf

9/29/2015

16962

250.00

Tele conf - Yvonne O'Connell

250.00

AW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Craig Tingey, M.D.

tele conf

9/29/2015

16962

250.00

Tele conf - Yvonne O'Connell

250.00

PLTF 043



DESERT ORTHOPAEDIC CENTER

Central Office

2800 E. Desert Inn Rd., Suite 100
Las Vegas, Nevada 89121
(702) 731-1616 (Fax) 734-4900

Northwest Office

8402 W. Centennial Parkway
Las Vegas, NV 89149
(702) 869-3486 (Fax) 869-3542

Henderson Office

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Adult Reconstruction, Shoulder and Elbow

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CEO/General Counsel

James P. Washer II, CFA

Director of Finance

Sharen E. Marchitti

Director of Operations

All Appointments (702) 731-4088

www.doclv.com

Date: 09/28/2015.

Via Facsimile: 702-434-1488

Nettles Law Firm

1389 Galleria Dr., Ste 200

Henderson, NV 89014

RE: Yvonne O'Connell

DOL: 08/18/1951

Our Acct#:

Provider: Dr. Tingey

Dear Mr. Morris,

I am in receipt of your request for a 15 minute telephone conference on the above listed patient. This requires a deposit of \$250.00, equivalent to 15 minutes, based on our office policy.

Any additional charges incurred beyond the 15 minute time will be billed to your office accordingly. If you would like to have Dr. Tingey complete this request, please forward a check in the amount of \$250.00 made payable to Craig Tingey, MD to my attention at the following address:

Desert Orthopaedic Center

ATTN: Tami Reynolds

8402 W. Centennial Pwy

Las Vegas, NV 89149

Tax Identification number: 46-2279210

Please include claimant name on check.

Upon receipt of deposit, your request for dates will be forwarded. Thank you in advance for your attention to this matter.

Sincerely,

Tami Reynolds

CCMA for Craig Tingey, MD

702-869-3486

LAW OFFICES OF BRIAN D. NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17102
94-236/1224

DATE 11/3/2015

PAY TO THE ORDER OF Craig Tingey, M.D.

\$ **5,000.00

Five Thousand and 00/100*****

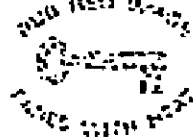
COSTS

***** DOLLARS

Craig Tingey, M.D.

MEMO

Court appearance - Yvonne O'Connell



SECURITY FEATURES INCLUDED. DETAILS ON BACK.



LAW OFFICES OF BRIAN D. NETTLES, INC. - OPERATING ACCOUNT

Craig Tingey, M.D.

court appearance

11/3/2015

17102

5,000.00

Court appearance - Yvonne O'Connell

5,000.00

LAW OFFICES OF BRIAN D. NETTLES, INC. - OPERATING ACCOUNT

Craig Tingey, M.D.

court appearance

11/3/2015

17102

5,000.00

Court appearance - Yvonne O'Connell

5,000.00

PLTF 045

**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

Court Appearance ½ day \$5,000
Whole day \$10,000

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

Please note: A "re-schedule clinic fee" of \$2600 will be incurred without a 96 hour notice of trial date and time for doctor to testify *or* change in date/time of doctor's testimony without 96 hour notice.

Refund Policy for all services:

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

Tax ID # 91-0858192

***Please sign and return this document along with necessary prepayments to acknowledge your cooperation:**

Attorney Name/Firm Name

Signature

Date

Revised 07/01/2015

PLTF 046

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17105
94-236/1224

O'Connell

DATE 11/3/2015

PAY TO THE ORDER OF Thomas Dunn, M.D.

COSTS

\$ **5,000.00

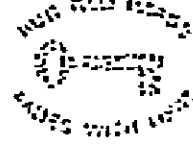
Five Thousand and 00/100*****

DOLLARS

Thomas Dunn, M.D.
2800 E. Desert Inn Road
Suite 100
Las Vegas, NV 89121

MEMO

Court appearance - Yvonne O'Connell



[Signature]

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Thomas Dunn, M.D.

11/3/2015

17105

5,000.00

Court appearance - Yvonne O'Connell

5,000.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Thomas Dunn, M.D.

11/3/2015

17105

5,000.00

Court appearance - Yvonne O'Connell

5,000.00

PLTF 047



DESERT ORTHOPAEDIC CENTER

Central Office

1800 E. Desert Inn Rd., Suite 100
Las Vegas, Nevada 89121
702) 731-1616 (Fax) 734-4900

Northwest Office

402 W. Centennial Parkway
Las Vegas, NV 89149
702) 869-3486 (Fax) 869-3542

Henderson Office

930 W. Horizon Ridge Pkwy, Suite 100
Henderson, Nevada 89052
702) 263-9082 (Fax) 263-9088

John M. Baldauf, M.D.,
Reconstructive Surgery and Sports Medicine
Hugh L. Buszewitz, M.D.,
Adult Spinal Surgery
Patrick J. Brantner, M.D., F.A.C.S.,
General Orthopaedics

Thomas Dunn, M.D.,
Joint Surgery
Roger A. Fuentes, M.D.,
Complex Trauma Surgery,
Hip, Knee and Shoulder

Matthew N. Fouse, M.D.,
Arthroscopy and Sports Medicine
James D. Granata, M.D.,
Foot and Ankle Surgery
Paul M. Hanson, M.D.,
Orthopedic Surgery and Sports Medicine
Lawrence R. Huff, M.D.,
Total Reconstruction, Shoulder and Elbow
Christopher S. Kang, M.D.,
Arthroscopy, Total Joint Replacement

Michael L. Lee, M.D.,
Hand, Wrist and Upper Extremity Surgery
Michael Miao, M.D.,
Arthroscopy and Sports Medicine

Dr. C. Perry, Jr., M.D.,
Adult Pediatric Spinal Surgery
Ali Raissi, M.D.,

Foot and Ankle Surgery
Daniel Rutenberg, M.D.,
Arthroscopy and Sports Medicine
William T. Stewart, M.D.,
Orthopedic Surgery and Hand Surgery
Cathy B. Sutherland, M.D.,
Arthroscopy of Knee and Shoulder

David V. Swanson, M.D.,
Total Joint Replacement
Craig T. Tingey, M.D.,
Arthroscopy and Sports Medicine
Dr. S. Watson, M.D.,
Foot and Ankle Surgery, Arthroscopy
David P. Winder, M.D.,
Shoulder, Knee, Hip, Elbow
Sports Medicine

Michael F. Pendleton, J.D., CMPE
General Counsel

James P. Washer II, CFA
Director of Finance

Steven E. Marchitti
Director of Operations

Appointments (702) 731-4088
Fax (702) 734-4900

October 28, 2015

Nettles Law Firm
1389 Galleria Dr., #200
Henderson, NV 89014

Re: Yvonne O'Connell

Per our conversation, half day trial testimony regarding the above referenced patient has been tentatively scheduled for Thursday, November 12, 2015.

Pre-payment of \$5000 for half-day testimony is required seven days prior to the scheduled trial testimony and should be directed to Patricia Battaglia at the Desert Inn Address.

Please make the check payable to Thomas Dunn M.D. The tax ID number is 91-0858192.

Refund policy is as follows:

Full refund if cancelled 7 days prior
½ refund if cancelled > 24 hours prior
No refund if cancelled < 24 hours prior

Should you have any questions, please do not hesitate to call me at 702-370-0138.

Thank you,

Ann Marie Dunn

THE FRONT OF THIS DOCUMENT HAS A VOID-RENT-TO-KSROUND ON WHITE PAPER

LAW OFFICES OF BRIAN D NETTLE
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

O'Connell
Costs

17147
94-236/1224

DATE 11/11/2015

PAY TO THE
ORDER OF

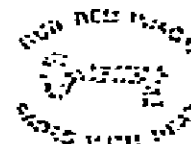
Thomas Dunn, M.D.

\$ **5,000.00

Five Thousand and 00/100***** DOLLARS

Thomas Dunn, M.D.
2800 E. Desert Inn Road
Suite 100
Las Vegas, NV 89121

MEMO



3200

Court appearance - Yvonne O'Connell

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Thomas Dunn, M.D.

11/11/2015

17147
5,000.00

Court appearance - Yvonne O'Connell

5,000.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Thomas Dunn, M.D.

11/11/2015

17147
5,000.00

Court appearance - Yvonne O'Connell

5,000.00

PLTF 049

11/10/15 PAGE 02
✓ Req To
Brian



DESERT ORTHOPAEDIC CENTER

Central Office

800 E. Desert Inn Rd., Suite 100
Las Vegas, Nevada 89121
(702) 731-1616 (Fax) 734-4900

Northwest Office

402 W. Centennial Parkway
Las Vegas, NV 89149
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Dr. S. Watson, M.D.

Foot and Ankle Surgery, Arthroscopy

David P. Winder, M.D.

Adult, Knee, Hip, Elbow

Sports Medicine

Michael F. Pendleton, J.D., CMPF

General Counsel

Dr. P. Washer II, CFA

Director of Finance

Dr. E. Marchitelli

Director of Operations

Appointments (702) 731-4088

www.docly.com

November 10, 2015

Nettles Law Firm
1389 Galleria Dr., #200
Henderson, NV 89014

Re: Yvonne O'Connell

Per our conversation, additional half day trial testimony regarding the above referenced patient is scheduled for either November 12, 2015 or November 13, 2015.

Pre-payment of \$5000 for half-day testimony is required seven days prior to the scheduled trial testimony and should be directed to Patricia Battaglia at the Desert Inn Address.

Please make the check payable to Thomas Dunn M.D. The tax ID number is 91-0858192.

Refund policy is as follows:

Full refund if cancelled 7 days prior
1/2 refund if cancelled > 24 hours prior
No refund if cancelled < 24 hours prior

Should you have any questions, please do not hesitate to call me at 702-370-0138.

Thank you,

Ann Marie Dunn

IN THE SUPREME COURT OF THE STATE OF NEVADA

WYNN LAS VEGAS, LLC d/b/a WYNN
LAS VEGAS,

Appellant,

vs.

YVONNE O'CONNELL, an individual,

Respondent.

YVONNE O'CONNELL, an individual,

Appellant,

vs.

WYNN LAS VEGAS, LLC d/b/a WYNN
LAS VEGAS,

Respondent.

Supreme Court Case No.: 70583(L)

Consolidated with Case No.: 71789

Electronically Filed

Jul 31 2017 02:36 p.m.

Eighth Jud. Dist. Ct.
Elizabeth A. Brown
Case No.: A-12-55992-C
Clerk of Supreme Court

Supreme Court Case No.: 71789

RESPONDENT/APPELLANT'S APPENDIX ("RA")
Vol. 2; 2 RA 201-400

Brian D. Nettles, Esq. (7462)
Christian M. Morris, Esq. (11218)
Jon J. Carlston, Esq. (10869)
NETTLES LAW FIRM
1389 Galleria Drive, Suite 200
Henderson, Nevada 89014
Telephone: (702) 434-8282
Facsimile: (702) 434-1488
Attorneys for Respondent/Appellant
YVONNE O'CONNELL

CHRONOLOGICAL INDEX

Volume 1: 1 RA 001-200

Volume 2: 2 RA 201-400

Volume 3: 3 RA 401-607

Description	Date	Pages
Plaintiff's First Supplement to and Amendment of Initial 16.1 Disclosures: Medical Records from Desert Orthopaedic Center (PLTF000600-627)	March 16, 2015	1 RA 001- 1 RA 046
Defendant's Ninth Supplemental Disclosures Pursuant to NRCP 16.1: Medical Records from Desert Orthopaedic Center (Wynn-O'Connell01296-01328)	March 28, 2015	1 RA 047- 1 RA 082
Plaintiff's Fourth Supplement to and Amendment of Initial 16.1 Disclosures: Medical Records from Desert Orthopaedic Center (PLTF 000729-752)	July 14, 2015	1 RA 082- 1 RA 128
Joint Stipulated Exhibit 1-13 (0001-0015) entered at trial	November 4, 2015	1 RA 129- 1 RA 143
Copy of Joint Stipulated Exhibit 1-13 (0001-0015) entered at trial (more legible copy)	November 4, 2015	1 RA 144- 1 RA 158
The Clerk/Parties' Exhibit List from the November 2015 Trial	November 16, 2015	1 RA 159- 1 RA 167
Plaintiff's Trial Exhibit 4	November 12, 2016	1 RA 168
Plaintiff's Trial Exhibit 6	November 12, 2016	1 RA 169
Plaintiff's Trial Exhibit 8	November 12, 2016	1 RA 170
Plaintiff's Application for Fees, Costs and Pre-Judgment Interest	November 25, 2016	1 RA 171- 1 RA 200
Plaintiff's Amended Application for Fees, Costs and Pre-Judgment Interest	December 7, 2015	1 RA 201- 2 RA 221
Defendant's Opposition to Plaintiff's Application for Fees, Costs and Pre-Judgment Interest and Motion to Retax Costs	December 21, 2015	2 RA 222- 2 RA 245
Plaintiff's Amended Verified Memorandum of Costs	December 21, 2015	2 RA 246- 2 RA 324

Defendant's Supplement to Motion to Retax Costs and Opposition to Plaintiff's Application for Fees, Costs and Pre-Judgment Interest	December 28, 2015	2 RA 325- 3 RA 421
Plaintiff's Opposition to Defendant's Motion to Retax Costs And Reply to Defendant's Opposition to Plaintiff's Motion and Notice of Motion to Tax Costs and For Fees and Post-Judgment Interest	January 14, 2016	3 RA 422- 3 RA 435
MINUTE ORDER	June 29, 2016	3 RA 436- 3 RA 437
Supplemental Brief Regarding Deviating above NRS 18.005(5)'s Expert Witness Statutory Cap Pursuant to the <i>Frazier v. Duke</i> Factors	July 13, 2016	3 RA 438- 3 RA 512
Errata to Supplemental Brief Regarding Deviating above NRS 18.005(5)'s Expert Witness Statutory Cap Pursuant to the <i>Frazier v. Duke</i> Factors	July 13, 2016	3 RA 513- 3 RA 527
Defendant's Supplemental Response Brief Regarding <i>Frazier v. Duke</i>	July 26, 2016	3 RA 528- 3 RA 559
Count Minutes	August 12, 2016	3 RA 560- 3 RA 561
Transcript from the August 12, 2015, hearing	September 13, 2016	3 RA 562- 3 RA 569
Order Partially Granting and Partially Denying Defendant's Motion to Retax Costs and Plaintiff's Motion to Tax Costs and for Fees, Costs and Post-Judgment Interest	November 9, 2016	3 RA 570- 3 RA 586

Notice of Entry of Order	November 10, 2016	3 RA 587- 3 RA 605
Notice of Appeal	November 17, 2016	3 RA 606- 3 RA 607

DATED this 21st day of July, 2017.

NETTLES LAW FIRM

/s/ Jon J. Carlston

BRIAN D. NETTLES, ESQ. (7462)

CHRISTIAN M. MORRIS, ESQ. (11218)

JON J. CARLSTON, ESQ. (10869)

Attorneys for Respondent/Appellant

YVONNE O'CONNELL

CERTIFICATE OF SERVICE

I certify that on the 21th day of July 2017, I electronically filed **RESPONDENT/APPELLANT'S APPENDIX** with the Supreme Court of Nevada by using the Court's eFlex electronic filing system to the following parties.

Lawrence J. Semenza, III, Esq.

Christopher D. Kircher, Esq.

Jarrold L. Rickard, Esq.

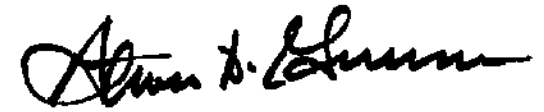
SEMENZA KIRCHER RICKARD

Attorneys for Appellant/Respondent

WYNN LAS VEGAS, LLC d/b/a WYNN LAS VEGAS

/s/ Jenn Alexy

An employee of the NETTLES LAW FIRM



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*

DISTRICT COURT

CLARK COUNTY, NEVADA

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

16 vs.

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

22 Defendants.

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

**PLAINTIFF'S AMENDED
APPLICATION FOR FEES, COSTS
AND PRE-JUDGMENT INTEREST**

Amended and Resubmitted As:

**PLAINTIFF'S MOTION AND NOTICE
OF MOTION TO TAX COSTS AND
FOR FEES AND POST-JUDGMENT
INTEREST**

23 Plaintiff Yvonne O'Connell ("Plaintiff") by and through her counsel, Brian D. Nettles,
24 Esq. and Christian M. Morris, Esq., of Nettles Law Firm, hereby resubmits her Application for
25 Fees, Costs and Pre-Judgment Interest amended and resubmitted as Plaintiff's Motion to Tax
26
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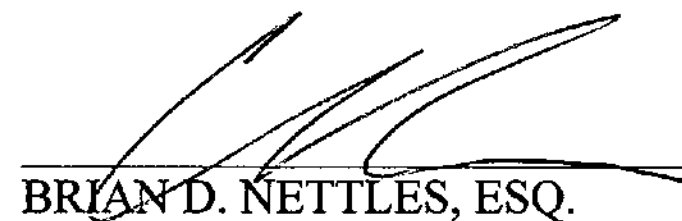
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Henderson, NV 89014
(702) 434-8282 / (702) 434-1488 (fax)

Costs and for Fees and Post-judgment Interest (*Plaintiff was awarded pre-judgment interest in her Judgment on Verdict already on file*).

DATED this 21st day of December, 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

NOTICE OF MOTION

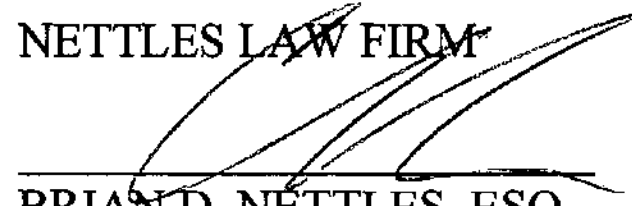
TO: WYNN LAS VEGAS, LLC, Defendant; and

TO: THEIR COUNSEL OF RECORD.

YOU AND EACH OF YOU, will please take notice that the undersigned will bring the above and foregoing ***PLAINTIFF'S AMENDED APPLICATION FOR FEES, COSTS AND PRE-JUDGMENT INTEREST*** Amended and Resubmitted As: ***PLAINTIFF'S MOTION AND NOTICE OF MOTION TO TAX COSTS AND FOR FEES AND POST-JUDGMENT INTEREST*** on for hearing before the above-entitled Court on the 21 day of JANUARY, ~~2015~~ at 9:00A a.m./p.m. in Department V of said Court, or as soon thereafter as counsel may be heard.

Dated this 21st day of December, 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

I. POINTS AND AUTHORITIES

A. Summary of Plaintiff's Requests

<u>Request</u>	<u>Amount</u>	<u>Section Addressed</u>
Post-Judgment Interest	\$ TBD	B
Attorney Fees	\$96,000.00	D
Pre- and Post-Offer of Judgment Costs	\$26,579.38	E

B. Post-Judgment Interest

Nevada law provides for interest on judgments from the date of entry of judgment until the judgment is paid. NRS 17.130.

Plaintiff asks this Court to award post-judgment interest in an amount to be determined when judgment is paid according to the following calculation:

\$240,000.00	(amount of the verdict award less 40% for the jury's finding of comparative negligence)
x 5.25%	(prime rate plus 2%)
÷ 365 days	(to determine a daily interest rate)
x _____ days	(the number of days from the date of verdict until payment, to be determined at the time of payment).

\$ TBD (at time of satisfaction)

C. Plaintiff's Offers of Judgment tendered to Defendant

Plaintiff tendered two offers of judgment: (1) on March 26, 2015, for \$125,000.00; and (2) on September 3, 2015, for \$49,999.00. Defendant rejected both offers.

The September 3, 2015, offer of judgment to Defendant in the amount of \$49,999.00, was inclusive of costs, fees, and attorney fees. *See Plaintiff's Offer of Judgment, attached as Exhibit 1.* At the time Defendant rejected the offer, it had the following information:

- (1) All Plaintiff's responses to Defendant's Interrogatories, Requests for Production, and Requests for Admissions;
- (2) Defendant Wynn's Incident file including:

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- a. Report Officer's indication that there was a liquid;
- b. Utility Porter's statement that he blocked the area with a large sweeper machine after seeing guests help up a woman who had slipped and fell;

(3) The depositions of:

- a. Plaintiff Yvonne O'Connell, testifying that
 - i. There was a greenish liquid that caused her to slip and fall;
 - ii. The greenish liquid had begun to dry and get sticky; and
 - iii. She was in great pain after the slip and fall;
- b. Sal Risco, Plaintiff's former boyfriend, testifying that Plaintiff changed and was in great pain after the slip and fall;
- c. Corey Prowell, Defendant Wynn's Report Officer, testifying that it was a high traffic area and that Ms. Elias had told him there was a liquid; and
- d. Yanet Elias, Defendant Wynn's responding PAD manager, testifying that there was sticky substance on the ground and it was a high traffic area;

(4) Plaintiff's medical records;

(5) Expert and witness information, including:

- a. CV, Fee Schedule, and records from Drs. Tingey and Dunn; and
- b. Report from Defendant's expert, Dr. Klausner;

D. An Award of Attorney Fees is Proper Under NRCP 68 and NRS 18.010

This Court may award attorney fees under NRCP 68 and NRS 18.010. Plaintiff asks this Court to order payment of attorney fees because (1) the Beattie factors weigh in favor of an award under NRCP 68 for rejection of an offer of judgment for \$49,999.00, and (2) it maintained its defense against duty and breach without a reasonable basis and award is proper under NRS 18.010(2)(b).

Plaintiff tendered two offers of judgment: (1) on March 26, 2015, for \$125,000.00; and (2) on September 4, 2015, for \$49,999.00. Defendant rejected both offers.

i. Award is proper under NRCP 68

1 An award of attorney fees is proper under NRCP 68 when the Beattie factors collectively
2 weigh in favor of an award. NRCP 68 is a rule meant to promote judicial efficiency by
3 eliminating unnecessary use of the courts in resolving disputes. It is designed to encourage
4 parties to take an objective, reasonable view of the respective strengths of each party's case and
5 tender or accept/reject an offer accordingly.

6 Though Beattie addresses the defendant-offeror/plaintiff-offeree scenario, the factors
7 apply equally in the opposite scenario, i.e., when a defendant-offeree had a verdict returned
8 against them for an amount exceeding the offer of judgment from a plaintiff-offeree. In this sort
9 of situation, the analysis changes slightly from the Plaintiff-Offeree focus in Beattie.

- 10
- 11 (a) Whether defendant's defense was brought in good faith;
 - 12 (b) Whether plaintiff's offer of judgment was reasonable and in good faith in both its
 - 13 timing and amount;
 - 14 (c) Whether defendant's decision to reject the offer and proceed to trial was grossly
 - 15 unreasonable or in bad faith; and
 - 16 (d) Whether fees sought by the plaintiff-offeror are reasonable and justified in amount.

17 See Beattie v. Thomas, 99 Nev. 579, 588–89 (1983); Yamaha Motor Co., U.S.A. v. Arnoult, 114
18 Nev. 233, 252 (1998) (applying Beattie when plaintiff was offeror and defendant was offeree
19 who rejected the offer).

20 Based on the above, and the explanations below, Beattie factors weigh in favor of an
21 award of attorney's fees.

22 **(a) The first factor is neutral (whether defendant's defense was in good faith)**

23 Defendant tendered three defenses at trial: lack of notice, comparative fault, and lack of
24 causation. Defendant's defense that it was not on constructive notice was questionable, but not in
25 bad faith. Although strong evidence showed that there was a spill of a liquid in a high traffic area
26 that was left unattended long enough that it had begun to dry, thus, Defendant was lacking good
27 faith by asserting the defense. If Defendant had been acting in good faith, there would have been
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1 an inquiry into the last time the floor was checked prior to the fall to establish that it had not been
2 there long enough to dry.

3 Defendant's comparative fault argument was reasonable, and ultimately the jury agreed.
4 However, Defendant's causation argument was also questionable, relying as it did on the delay
5 from the incident to Plaintiff's complaints several days later. Defendant's expert testimony that
6 complaints made after 48 hours should not and could not be related to an acute trauma is not
7 supported by modern science and was not reasonable to rely on. Moreover, the fact Plaintiff was
8 asymptomatic prior to the fall and the lack of any medical treatment for pain for the twenty (20)
9 years before the fall, further made Defendant's defense on causation questionable and in bad
10 faith.

11
12 **(b) The second factor weighs in favor of awarding attorney fees (whether**
13 **Plaintiff's offer of judgment was reasonable and in good faith as to its**
14 **timing and amount)**

15 Plaintiff's offer was reasonable in its timing and amount. Plaintiff's offer came after a
16 considerable amount of discovery had been conducted, including responses to written discovery
17 by both parties, disclosure of experts and treating physician's, and depositions of multiple
18 persons that testified at trial. This allowed Plaintiff and Defendant to seriously consider the
19 relative strengths of each party's case and the potential for liability if the case proceeded to trial.

20 Plaintiff's offer was reasonable in its amount because the injuries Plaintiff alleged, (and
21 were accepted by the jury), together with the pain and suffering that accompanied those injuries,
22 justified an award of much more than the offer of \$49,999.00. Plaintiff's past and future medical
23 expenses, at the time of the offer, were considerably higher than the amount of the offer.
24 Moreover, the potential value of pain and suffering supported the amount offered by Plaintiff.

25
26 ///

27 ///

1 **(c) The third factor weighs in favor of awarding attorney fees (whether**
2 **defendant's decision to reject the offer was grossly unreasonable or in**
3 **bad faith)**

4 Defendant's rejection of Plaintiff's offer was grossly unreasonable considering the facts
5 of the case. Considering Defendant's reasonableness in rejecting Plaintiff's offer, it requires a
6 look at the evidence available for assessing each party's relative strength of case and the size of a
7 potential verdict as compared to the size of the offer.

8 First, at the time of the offer, Plaintiff stood to be awarded a significantly larger judgment
9 if victorious at trial. At that time, the amount of Plaintiff's past and future medical expenses for
10 knee surgery and neck surgery were in excess of \$100,000.00. Also, an award of pain and
11 suffering would likely exceed \$250,000 based on the medical expenses and the impact it had had
12 on Plaintiff's life. Thus, Plaintiff's offer of \$49,999.00 was 14.2 percent of a reasonably potential
13 verdict. Rejection of this offer, considering the weakness of Defendant's case, was grossly
14 unreasonable.

15 The most prominent example of Defendant's unreasonable actions in this matter is the
16 Offer of Judgment made to Plaintiff in this matter. On May 5, 2014, Defendant offered Plaintiff
17 THREE THOUSAND DOLLARS (\$3,000); inclusive of all fees and costs to settle this case.
18 *See Offer of Judgment dated May 5, 2014 attached hereto as "Exhibit 2."* Defendant never
19 made another offer to Plaintiff; despite the knowledge of her incurred medical expenses, need for
20 a three level cervical fusion, and recommendation for a right knee meniscus tear. The fact
21 Defendant never valued this matter at more than a nuisance level; shows the lack of good faith,
22 and goes directly to the purpose of NRCP 68.

23 Clearly, Defendant's apparent appraisal of the relative strengths and weaknesses of the
24 parties' cases was unreasonable. For example, on the issue of notice, Defendant's case was not
25 particularly strong in comparison to Plaintiff's. Although neither side appeared to know what the
26 liquid was, Plaintiff's testimony that it was a large liquid spill that had begun to dry and get
27 sticky was corroborated by deposition testimony from Defendant's own employees: Report
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1 Officer Corey Prowell (whose report indicated there was a liquid), and Yanet Elias (who testified
2 that there was a sticky substance on the floor). Also, Defendant's employees had given
3 deposition testimony that it was a high traffic area. Moreover, Defendant's disclosures and
4 employee deposition testimony indicated that Defendant could not say who last inspected the
5 area or when that inspection was. Finally, the abundance of cameras in casinos generally is a
6 well-known fact and undoubtedly would inform jurors in their determination of the weight and
7 credibility they gave to testimony from employees for Defendant who said they did not know
8 when it was last inspected – that is, jurors could reasonably be anticipated to conclude that with
9 all those cameras, the Defendant should have been able to see when an employee was last in the
10 area.

11
12 As another example, Defendant's defense against liability, i.e., that complaints made after
13 48 hours cannot be attributed to the slip and fall, was unreasonable and not supported by modern
14 medical science. Plaintiff had ample evidence from medical records and testimony from Plaintiff
15 that she was seriously injured the slip and fall. Defendant, however, had no compelling medical
16 records to show pre-existing injury and its "48-hour" theory of determining causation was not
17 supported by science. Finally, Defendant's focus on Plaintiff's eccentricities in reporting her
18 medical history assumed an unreasonable all or nothing approach that failed to acknowledge that
19 Plaintiff was injured and was entitled to pain and suffering.

20 As a final example, Defendant's rejection was grossly unreasonable because it was based
21 on the position that Plaintiff must always watch where she is walking, even in an area which the
22 Defendant had intentionally made beautiful to attract the gaze of passersby. This theory is at
23 odds with Nevada law that a patron in a business need not always watch every step they make.

24 In summary, the third factor weighs in favor of an award of attorney fees because
25 Defendant's rejection was grossly unreasonable, considering the relative strengths of each
26 party's case and the significant reduction of the offer from what Plaintiff stood to be awarded at
27 trial.
28

(d) The fourth factor weighs in favor of awarding attorney fees (whether fees sought by plaintiff-offeror are reasonable and justified in amount)

Plaintiff seeks the entire amount of her attorney fees, i.e., 40 percent of the jury award. This amount is reasonable and justified under Brunzell analysis. Brunzell v. Golden Gate Nat'l Bank, 85 Nev. 345, 349 (1969). Under Brunzell analysis the court looks to four factors:

- (1) [T]he qualities of the advocate: his ability, his training, education, experience, professional standing and skill;
- (2) [T]he character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation;
- (3) [T]he work actually performed by the lawyer: the skill, time and attention given to the work; [and]
- (4) [T]he result: whether the attorney was successful and what benefits were derived.

Id.

Christian Morris, Esq., is a well-known and respected attorney in Las Vegas for her considerable personal injury trial experience both for plaintiffs and defense. Ms. Morris is a Governor for the Nevada Justice Association, and a frequent speaker at legal educational events. Ms. Morris was also the victorious trial counsel on a leading premises liability case, Foster v. Costco. Her professional ability is above reproach. Edward Wynder, Esq., was recently accepted to the bar but has prior professional and legal experience. He has a post-graduate degree in public health, experience with administrative hearings, and graduated from law school with considerable experience and significant accolades. Brian Nettles, Esq., is a well-known and respected attorney in Nevada and nationally. He has over a decade of personal injury trial experience and is active in industry groups at the State and national level.

1 Personal injury cases are frequently taken on contingency arrangements. This practice is
2 not only commonplace, it is reasonable given the nature of the clients and requirements of
3 winning such cases. First, injured clients often come with few resources to finance a case and
4 pay hourly attorney fees. Second, personal injury cases are difficult because Plaintiff's bear the
5 burden of proof. Cases require considerable skill and effort in written discovery and trial work.
6 Third, many plaintiffs lack the financial resources to pay for a trial up front, attorneys often
7 finance certain trial expenses involved in litigation to help clients get justice who could not
8 otherwise pay for it. Finally, under contingency agreements attorneys will not be entitled to fees
9 if they lose.

10
11 Thus, the difficulty of proving personal injury cases and the risks taken on by attorneys
12 justify a 40 percent contingency. Indeed, this rate is the norm.

13 The amount of attorney fees requested here (40% * \$240,000) is equal to \$96,000.
14 Plaintiff's attorneys and staff have spent hundreds of hours preparing and litigating this case.
15 Plaintiff's attorneys have incurred significant expenses putting it at risk of losing money in the
16 case of a loss at trial. Moreover, Plaintiff was a prevailing party, and because of the skill of her
17 attorneys, has won a \$240,000 verdict and is entitled to her post-offer of judgment fees and costs.

18 In sum, the Brunzell factors weigh in favor of finding an award of attorney fees of
19 \$96,000.00 to be reasonable and justified in amount.

20 *ii. Awarding attorney fees is proper under NRS 18.010(2)(b)*

21 Under NRS 18.010(2), the court is to liberally construe the statute to provide for an
22 award of attorney fees when a defense is maintained without reasonable ground. Here, for the
23 reasons described above in Part I(D)(i)(c), Defendant was unreasonable in asserting that it was
24 not on constructive notice and in asserting that Plaintiff' complaints of injury made were not
25 related if first made after a 48-hour window following the slip and fall.
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E. Plaintiff Is Entitled to Pre- and Post-Offer Costs and Fees under NRCP 68 and NRS 18.020

Under NRCP 68, Defendant is obligated to pay those costs and fees incurred by Plaintiff after Defendant rejected Plaintiff's first offer of judgment to Defendant on March 26, 2015. Plaintiff bears a burden to show that the requested costs and fees are reasonable, necessary, and actually incurred in the case.

Under NRS 18.020, costs are also to be allowed as a matter of course to the prevailing party and against an adverse party against whom judgment is rendered in actions for the recovery of money or damages in an amount more than \$2,500.00. Here, Plaintiff was a prevailing party because she won a jury verdict against Defendant after seeking \$350,000.00, an amount well in excess of the statutory requirement.

As support for its application for pre- and post-offer fees and costs, Plaintiff has prepared an amended memorandum of costs and fees, filed contemporaneously herewith with its own exhibits (previously attached as an exhibit to the first application).

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II.

CONCLUSION

Plaintiff respectfully requests an award of attorney fees, costs, and interest as follows:

Attorney's Fees @ 40% \$ 96,000.00

Costs Incurred Herein \$ 26,579.38

Post-Judgment Interest (TBD at time of satisfaction) \$ TBD

TOTAL AWARD (exclusive of post-judgment interest) \$139,770.34

DATED this 21st day of December, 2015.

NETTLES LAW FIRM


BRIAN D. NETTLES, ESQ.

Nevada Bar No. 7462

CHRISTIAN M. MORRIS, ESQ.

Nevada Bar No. 11218

NETTLES LAW FIRM

1389 Galleria Drive, Suite 200

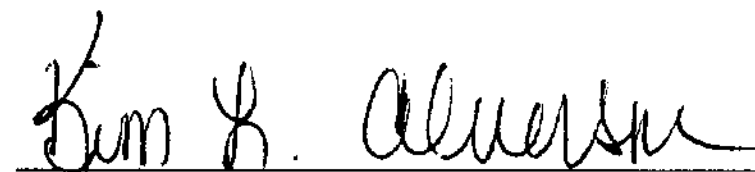
Henderson, Nevada 89014

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I certify that on this 21st day of December, 2015, I served the foregoing **PLAINTIFF'S AMENDED APPLICATION FOR FEES, COSTS AND PRE-JUDGMENT INTEREST Amended and Resubmitted As: PLAINTIFF'S MOTION AND NOTICE OF MOTION TO TAX COSTS AND FOR FEES AND POST-JUDGMENT INTEREST** to the following party by electronic transmission through the Wiznet system:

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



An Employee of the
NETTLES LAW FIRM

EXHIBIT 1

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

BRIAN D. NETTLES, ESQ.
Nevada Bar No. 7462
CHRISTIAN M. MORRIS, ESQ.
Nevada Bar No. 11218
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Facsimile: (702) 434-1488
briannettles@nettlslawfirm.com
christianmorris@nettlslawfirm.com
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

YVONNE O'CONNELL, an individual,

Plaintiff,

vs.

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

Defendants.

CASE NO. A-12-655992-C

DEPARTMENT NO. V

PLAINTIFF'S OFFER OF JUDGMENT
TO DEFENDANT

TO: WYNN LAS VEGAS, LLC dba WYNN LAS VEGAS, Defendant; and
TO: LAWRENCE J. SEMENZA, III, ESQ. AND CHRISTOPHER D. KIRCHER, ESQ.,
ATTORNEYS FOR DEFENDANT.

Pursuant to NRCP 68 and NRS 17.115, Plaintiff, YVONNE O'CONNELL, hereby offers
to allow judgment to be taken in her favor, only, and against Defendant, WYNN LAS VEGAS,
LLC dba WYNN LAS VEGAS, in the above-entitled matter in the total amount of FORTY-
NINE THOUSAND NINE HUNDRED NINETY-NINE AND NO/100THS DOLLARS
(\$49,999.00), inclusive of all accrued interest, costs, and attorney fees, and any other sums that

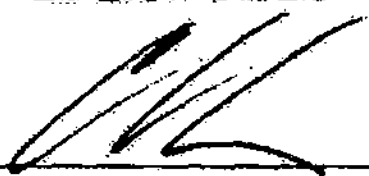
NETTLES LAW FIRM
1389 Galleria Drive Suite 200
Henderson, NV 89014
(702) 434-8282 / (702) 434-1488 (fax)

1 could be claimed by Plaintiff, YVONNE O'CONNELL, against Defendant, WYNN LAS
2 VEGAS, LLC dba WYNN LAS VEGAS, in the above-captioned action.

3 This Offer of Judgment is made in accordance with NRCP 68 and NRS 17.115 and is not
4 to be construed either as an admission that the Defendant, WYNN LAS VEGAS, LLC dba
5 WYNN LAS VEGAS, is liable in this action, or that Plaintiff, YVONNE O'CONNELL, has
6 suffered any damage. Acceptance of this Offer of Judgment would fully discharge and release
7 Defendant, WYNN LAS VEGAS, LLC dba WYNN LAS VEGAS, from all claims as alleged in
8 the Complaint by Plaintiff, YVONNE O'CONNELL, on file herein against said Defendant,
9 WYNN LAS VEGAS, LLC dba WYNN LAS VEGAS. If this Offer of Judgment is not accepted
10 within ten (10) days from receipt by Defendant, WYNN LAS VEGAS, LLC dba WYNN LAS
11 VEGAS, then it shall be deemed withdrawn

12 DATED this 3rd day of September, 2015.

13 NETTLES LAW FIRM

14 
15 BRIAN D. NETTLES, ESQ.
16 Nevada Bar No. 7462
17 CHRISTIAN M. MORRIS, ESQ.
18 Nevada Bar No. 11218
19 1389 Galleria Drive, Suite 200
20 Henderson, Nevada 89014
21 Attorneys for Plaintiff
22
23
24
25
26
27
28

NETTLES LAW FIRM

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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 30th day
September, 2015, I served the foregoing *Plaintiff's Offer of Judgment to Defendant* 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
Attorneys for Defendant
Wynn Las Vegas, LLC dba
Wynn Las Vegas

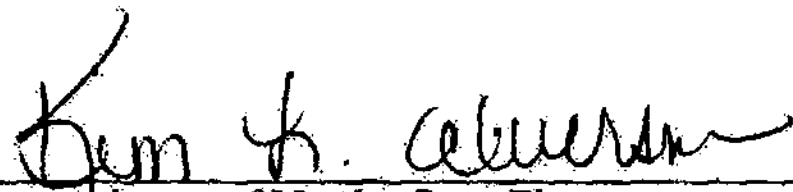

An employee of Nettles Law Firm

EXHIBIT 2

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

OFFER

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

OFFER OF JUDGMENT

Defendant Wynn Las Vegas, LLC d/b/a Wynn Las Vegas ("Defendant"), pursuant to Nev. R. Civ. P. 68 and Nev. Rev. Stat. § 17.115, hereby makes the following offer of judgment to Plaintiff Yvonne O'Connell ("Plaintiff"). Defendant offers to pay the sum of Three Thousand Dollars (\$3,000.00) to her as the full and final adjudication of all claims in above-entitled action. This offer is not an admission of any liability, but instead an offer to settle without incurring additional expenses. This offer is inclusive of any and all claims by Plaintiff against Defendant arising out of the subject matter of this action, including damages, penalties, interest, attorney's

///

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

1 fees, costs, and any and all related expenses. If this offer is not accepted in writing within ten
2 (10) days after it is served, it shall be deemed withdrawn.

3 DATED this 5th day of May, 2014.

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

5
6 
7

8 Lawrence J. Semenza, III, Esq., Bar No. 7174
9 Christopher D. Kircher, Esq., Bar No. 11176
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CERTIFICATE OF SERVICE

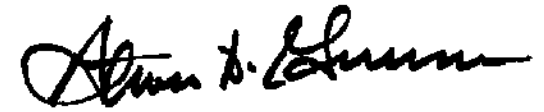
I certify that I am an employee of Lawrence J. Semenza, III, P.C., and that on this 5th day of May, 2014, I sent via e-mail and via U.S. Mail at Las Vegas, Nevada, a true and correct copy of the above and foregoing **OFFER OF JUDGMENT** in a sealed envelope upon which first class postage was prepaid to:

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CLERK OF THE COURT

OPPS

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Attorneys for Defendant Wynn Las Vegas, LLC

d/b/a Wynn Las Vegas

DISTRICT COURT

CLARK COUNTY, NEVADA

YVONNE O'CONNELL, individually,

Plaintiff,

v.

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

Defendants.

Case No. A-12-655992-C

Dept. No. V

**DEFENDANT'S OPPOSITION TO
PLAINTIFF'S APPLICATION FOR
FEES, COSTS AND PRE-JUDGMENT
INTEREST AND MOTION TO RETAX
COSTS**

Defendant Wynn Las Vegas, LLC d/b/a Wynn Las Vegas ("Wynn"), by and through its attorneys of record, Lawrence J. Semenza, III, Esq. and Christopher D. Kircher, Esq., hereby opposes Plaintiff Yvonne O'Connell's Application for Fees, Costs and Pre-Judgment Interest (the "Application") and, out of an abundance of caution, submits a Motion to Retax Costs ("Motion"). For the reasons explained in detail below, the Court should deny Plaintiff's Application in its entirety because the Plaintiff has failed to meet the minimal requirements for an award of fees, costs and interest under Nevada law.

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1 This Opposition and Motion are made and based upon the following points and
2 authorities, the attached exhibits, all papers and pleadings on file herein, and any oral argument
3 this Court may entertain at the hearing of this Motion.

4 DATED this 7th day of December, 2015.

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

6
7 /s/ Christopher D. Kircher
8 Lawrence J. Semenza, III, Esq., Bar No. 7174
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MEMORANDUM OF POINTS AND AUTHORITIES

I. BACKGROUND

On or about February 7, 2012, Plaintiff filed her Complaint against Wynn, alleging a claim of Negligence. (Complaint, on file with the Court.)

From the date of filing her lawsuit through today, three law firms have represented Plaintiff. Plaintiff's attorney from the Nettles Law Firm appeared on February 18, 2015. (Notice of Appearance filed 2/18/15, attached hereto as **Exhibit 1**.) That being so, Plaintiff's current attorney has been involved in this case for about ten (10) months. (*Id.*)

On or about September 3, 2015, Plaintiff served Wynn with an Offer of Judgment. (Offer of Judgment 9/3/15, attached hereto as **Exhibit 2**.) To resolve the lawsuit, Plaintiff offered to accept \$49,999.99 from Wynn, inclusive of all accrued interest, costs, attorney's fees and any other sums that could be claimed by Plaintiff. (*Id.*) Wynn did not accept Plaintiff's offer.

On October 29, 2015, Plaintiff orally moved the Court for a jury trial, which Wynn opposed. The Court granted Plaintiff's motion for a jury trial, which increased the amount of time necessary to prepare for and complete the trial.

On November 4, 2015, jury selection began in this case. After a week trial, the jury returned a verdict in favor of Plaintiff, awarding her \$240,000.00. A judgment has not been filed in this case, and Plaintiff has not served a notice of entry of judgment pursuant to Nevada Rule of Civil Procedure 58(e).

On or about November 25, 2015, Plaintiff filed her Application seeking attorney's fees, costs and interest. Attached as an exhibit to Plaintiff's Application is an unfiled "Memorandum of Costs and Disbursements and Calculation of Pre-Judgment Interest." While Plaintiff's purported Memorandum of Costs fails to add up the costs sought, Plaintiff's Application identifies that she is seeking \$24,969.26 in costs, prejudgment interest for \$2,589.00 and attorney's fees equal to 40% of the verdict amount, *i.e.* \$96,000.00. The basis for the \$96,000.00 in attorney's fees is a contingency fees agreement between Plaintiff and her counsel.

To be clear, Plaintiff has not filed and served on Wynn a memorandum of costs. Moreover, the Application fails to include any supporting documentation or backup for her

1 claimed costs other than a printout for her filing fees. Finally, Plaintiff fails to identify the
2 amount of time actually incurred by her counsel in this lawsuit. For these reasons, the Court must
3 deny Plaintiff's Application in its entirety.

4 **II. ARGUMENT**

5 **A. The Court Cannot Award \$96,000 in Attorney's Fees to Plaintiff Because Her**
6 **Application Is Deficient under Nevada Law**

7 **1. The Attorney's Fees Sought Are Unreasonable under Nevada Law**

8 The attorney's fees sought by Plaintiff are completely unreasonable and unjustified.
9 Pursuant to NRS 17.115, Plaintiff may only seek her reasonable attorney's fees from the date she
10 served the Offer of Judgment, forward:

11 Reasonable attorney's fees incurred by the party who made the offer for
12 the period from the date of service of the offer to the date of entry of the
13 judgment. If the attorney of the party who made the offer is collecting a
contingent fee, the amount of any attorney's fees awarded to the party
pursuant to this subparagraph must be deducted from that contingent fee.

14 NRS 17.115(4)(d)(3). Rule 68 contains a similar provision. Nev. R. Civ. P. 68(f) ("attorney's
15 fees, if any be allowed, *actually incurred* by the offeror from the time of the offer") (emphasis
16 added).

17 Furthermore, the Nevada Supreme Court looks to the following four factors in
18 determining the reasonableness of an attorney's services before an award may be given: (1) the
19 qualities of the advocate: his ability, his training, education, experience, professional standing and
20 skill; (2) the character of the work to be done: its difficulty, its intricacy, its importance, time and
21 skill required, the responsibility imposed and the prominence and character of the parties where
22 they affect the importance of the litigation; (3) the work actually performed by the lawyer: the
23 skill, time and attention given to the work; and (4) the result: whether the attorney was successful
24 and what benefits were derived. *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349, 455 P.2d
25 31, 33 (1969); *Shuette v. Beazer Homes Holdings Corp.*, 124 P.3d 530, 549 (Nev. 2005).
26
27
28

1 Here, Plaintiff is seeking \$96,000.00 in attorney's fees for the two (2) month time period
2 since she served the Offer of Judgment. Plaintiff, however, fails to provide any documentation
3 supporting that this amount represents fees and time actually incurred since September 3, 2015.
4 In addition, Plaintiff's Application fails to address the *Brunzell* factors, making the Application
5 deficient under Nevada law. Importantly, the third factor requires an analysis of the work
6 *actually performed* by the attorney but Plaintiff fails to provide this information, such as billing
7 invoices or timesheets, about the amount of work the attorneys actually performed since
8 September 2015. Consequently, the Court must deny Plaintiff's request for attorney's fees in its
9 entirety.

10 **2. The Offer of Judgment Does Not Provide a Basis to Award Plaintiff**
11 **Her Attorney's Fees Because Her Offer of Judgment Was**
12 **Unreasonable and Wynn Appropriately Rejected the Offer**

13 To determine whether to award attorney's fees should be allowed pursuant to an Offer of
14 Judgment, the Court must "carefully evaluate" and weigh the following factors: "(1) whether the
15 plaintiff's claim was brought in good faith; (2) whether the defendants' offer of judgment was
16 reasonable and in good faith in both its timing and amount; (3) whether the plaintiff's decision to
17 reject the offer and proceed to trial was grossly unreasonable or in bad faith; and (4) whether the
18 fees sought by the offeror are reasonable and justified in amount." *Beattie v. Thomas*, 99 Nev.
19 579, 588-89, 668 P.2d 268, 274 (1983). "Claims for attorney fees under NRS 17.115 and NRC
20 68 are fact intensive." *Wynn v. Smith*, 117 Nev. 6, 13, 16 P.3d 424, 428 (2001).

21 When analyzing these factors, it is abundantly clear that Plaintiff should not be awarded
22 any attorney's fees in this case. Indeed, it would be an abuse of the Court's discretion to award
23 Plaintiff any attorney's fees based on her deficient Application. *Bergman v. Boyce*, 109 Nev. 670,
24 675, 856 P.2d. 560, 565 (1993). Wynn addresses below the factors identified in *Beattie* in reverse
25 order.

26 To begin with the fourth factor, the attorney's fees are clearly unreasonable and unjustified
27 in amount for the reasons previously explained. Plaintiff seeks \$96,000.00 in attorney's fees
28 without providing any supporting documentation regarding the fees actually incurred. The Court

1 cannot verify whether this amount is reasonable and justified based on Plaintiff's deficient
2 Application. As a result, Plaintiff cannot satisfy the last factor identified in *Beattie*.

3 Analyzing the third factor, Wynn's decision to reject the Offer of Judgment and proceed to
4 trial was extremely justified. Plaintiff intended to prejudice Wynn during all aspects of this
5 lawsuit, including its ability to properly evaluate an offer of settlement. The validity of Plaintiff's
6 alleged injuries, pain and damages was dubious throughout this case. Plaintiff identified over
7 \$37,946.98 in past medical damages throughout the case, but informed Wynn and the Court at the
8 last-minute that she did not intend to seek any of these special damages at trial. By doing so, she
9 essentially admitted that the \$37,946.98 in past medical damages identified in her Rule 16.1
10 disclosures was completely unrelated to the incident at issue.

11 Furthermore, Plaintiff identified purported injuries during discovery completely unrelated
12 to the incident when she had no intention to claim such injuries at trial. She also failed to identify
13 until Calendar Call which of her twenty-one treating physicians she intended to call at trial.¹
14 Plaintiff's fluid and ever-changing claims of injuries and damages throughout the lawsuit was
15 completely improper and prejudiced Wynn. Plaintiff undermined the purpose of an Offer of
16 Judgment and severely prejudiced Wynn with her calculated actions throughout the case.
17 Therefore, the Court should not award her any attorney's fees.

18 The second factor also weighs in Wynn's favor. At the time Plaintiff served the Offer of
19 Judgment, it was unreasonable and not in good faith in both its timing and amount. At the time of
20 the offer, Plaintiff had identified and was still claiming past medical expenses related to the entire
21 right side of her body, her wrists, hands, neck, head, face, back, spine, chest, abdomen, eyes and
22 heart. In addition, at that time she attributed to the incident her purported IBS, continuing
23 headaches, blurred vision, pain throughout her body, nausea, difficulty breathing, difficulty
24 walking, frequent urination, joint pain, muscle spasms, trembling, decreased sensation in her
25 hands and feet, carpal tunnel syndrome, trigger finger, dropping of her left eyelid, weakness,
26 chills, trouble sleeping, heartburn, sexual dysfunction and heart problems. Plaintiff attributed all

27 ¹ Wynn strenuously opposed any testimony from any of her treating physicians because, *inter alia*,
28 Plaintiff failed the disclosure requirements of Rule 16.1 and Wynn was severely prejudiced.

1 of these purported health issues to the Incident even though numerous of her medical providers
2 finding no objective symptoms of injury after performing countless examinations and tests.
3 Further, most of these medical issues and conditions were preexisting and she had not properly
4 apportioned them to the incident.

5 Plaintiff's Application claims that Wynn was aware at the time it rejected the Offer of
6 Judgment that she "had medical expenses in excess of \$60,000 and was a surgical candidate for a
7 3 level anterior surgical fusion and right knee meniscus repair." (Application, 5:2-6.) This is
8 untrue. As stated previously, her last Rule 16.1 disclosure identified medical expenses totaling
9 \$37,946.98. Moreover, Wynn did not learn that she was a surgical candidate for "a 3 level
10 anterior surgical fusion" until Dr. Dunn testified at trial. Further, Wynn learned of the right and
11 left meniscus tears in a late disclosure of medical records. Wynn believed this information and
12 documents would not be permitted at trial due to their untimely disclosure and the clear lack of
13 causation. Again, it is clear the \$37,946.98 in past medical damages she had identified in her
14 Rule 16.1 disclosures were unrelated to the incident at issue. Wynn appropriately rejected the
15 Offer of Judgment because it correctly doubted her claimed injuries and damages.

16 Finally, the first factor weighs in Wynn's favor because Plaintiff has been disingenuous
17 throughout this lawsuit. After the incident at issue, Plaintiff declined medical assistance from
18 Wynn's employees and continued to stay on Wynn's property and gamble. Upon leaving Wynn,
19 Plaintiff traveled yet to another casino to continue to gamble for hours. She did not seek medical
20 attention for two days. Despite seeing twenty-one medical providers and five years later, Plaintiff
21 has never had a surgery that she testified at trial she apparently needs. She claimed special
22 medical damages during discovery that she never intended to claim at trial. Even though Plaintiff
23 ultimately prevailed at trial, Wynn believes the circumstances surrounding this lawsuit
24 substantiate that it was not brought in good faith.

25 In conclusion, Plaintiff has failed to meet her burden in seeking an award of attorney's
26 fees. The facts and circumstances of this case do not warrant an award of attorney's fees in any
27 amount.
28

1 **B. Plaintiff Is Not Entitled to Any Costs**

2 **1. Plaintiff Cannot be Awarded Her Costs Because She Has Failed to File**
3 **and Serve a Memorandum of Costs on Wynn**

4 Pursuant to NRS 18.110(1), "[t]he party in whose favor judgment is rendered, and who
5 claims costs, *must* file with the clerk, and serve a copy upon the adverse party, within 5 days after
6 the entry of judgment . . . a memorandum of the items of the costs in the action or proceeding,
7 which memorandum must be verified by the oath of the party, or the party's attorney or agent . . .
8 ." (Emphasis added). Importantly, this statute must be "strictly construed" and a district court
9 "should exercise restraint" in awarding costs because statutes permitting the award of costs are in
10 derogation of the common law. *Bobby Beronsini, Ltd. v. PETA*, 114 Nev. 1348, 1352-53, 971
11 P.2d. 383 (1998); *Bergman*, 109 Nev. at 679, 856 P.2d. at 566 (citations omitted).

12 In this case, Plaintiff has failed to file and serve a memorandum of costs; rather, attached
13 as Exhibit "5" to her Application is an unfiled "Memorandum of Costs and Disbursements and
14 Calculation of Pre-Judgment Interest" that was never separately served on Wynn. The
15 Memorandum of Costs does not provide any documentation to support her alleged costs besides a
16 printout for her filing fees despite Nevada law requiring such documentation "to ensure that the
17 costs awarded are only those costs actually incurred." *Village Builder, 96, L.P. v. U.S. Labs, Inc.*,
18 120 Nev. 261, 278, 112 P.3d 1082, 1093 (2005). Therefore, Plaintiff cannot be awarded her
19 alleged costs because she fails to meet the minimal requirements of NRS 18.110.²

20 **2. The Court Cannot Award Costs to Plaintiff Because They Are**
21 **Unreasonable and She Fails to Provide the Requisite Supporting**
22 **Documentation**

23 Even if Plaintiff's Application and Memorandum of Costs were not procedurally deficient,
24 Plaintiff is not entitled to the entirety of her alleged costs. Under Nevada law, Plaintiff is required
25 to show (1) how the alleged costs were necessarily incurred in this case, and (2) provide sufficient
26 justifying documentation and specific itemization to demonstrate the reasonableness and the

27 ² Pursuant to NRS 18.110(4), a party may move to retax the costs within 3 days after service of a copy of
28 the memorandum of costs. As explained previously, Plaintiff has failed to file and serve on Wynn a
 memorandum of costs. Out of an abundance of caution, however, Wynn has moved herein to retax the
 costs claimed in Plaintiff's Application within the requisite time.

1 accuracy of the costs claimed. *Bobby Beronsini, Ltd.*, 114 Nev. at 1352-53. Necessary expenses
2 are those necessarily incurred as a matter of course in litigation, not merely expenses helpful or
3 advantageous in the particular case. *See Bergman v. Boyce*, 109 Nev. 670, 681-82, 856 P.2d. 560
4 (1993) (denying juror analysis and witness preparation expenses). Importantly, merely filing a
5 motion for costs is insufficient verification of the incurred costs. *See Village Builder, 96, L.P.*,
6 120 Nev. at 276-77, 112 P.3d at 1092-93; *Gibellini v. Klindt*, 110 Nev. 1201, 1205, 885 P.2d 540,
7 543 (1994) (holding reasonable costs must be actual and reasonable, "rather than a reasonable
8 estimate or calculation of such costs"); *Bergman v. Boyce*, 109 Nev. 670, 681-82, 856 P.2d. 560
9 (1993) (denying juror analysis and witness preparation expenses).

10 Here, the Court should not award Plaintiff her alleged costs. Plaintiff has failed to provide
11 any justifying documentation besides her filing fees of \$101.50. Without supporting
12 documentation, the Court cannot determine the accuracy, reasonableness or necessity of the
13 alleged costs. *See e.g., Bobby Beronsini, Ltd.*, 114 Nev. at 1353, 971 P.2d. at 386 (finding the
14 district court abused its discretion in awarding costs for photocopies and long distance phone calls
15 because the party failed to provide sufficient justifying documentation); *Bergman*, 109 Nev. at
16 682, 856 P.2d. at 568 ("trial court may award courier expenses to the extent that the court
17 determines that the expenses incurred were reasonable and necessary"). By way of example,
18 Plaintiff's alleged cost of \$153.50 for a runner service fee on October 5, 2015, for "Expert Report
19 Pick-up/Pre-trial Memo hand delivery to dept [sic]" must be inaccurate because Plaintiff's treating
20 physicians did not prepare expert reports. Consequently, the Court cannot award Plaintiff her
21 costs other than her filing fees because she fails to provide sufficient documentation that
22 demonstrates the reasonableness and the accuracy of the costs claimed.

23 Next, Plaintiff fails to explain how her alleged costs were necessary in this case. Indeed,
24 there is no explanation at all in the Application. Taken with the fact that there is no supporting
25 documentation for each claimed expense by Plaintiff, Plaintiff has utterly failed to show that the
26 alleged costs were necessary and reasonable. For example, Plaintiff fails to demonstrate how the
27 investigator fee for a "skip trace" of Terry Ruby was necessary. *Bobby Beronsini, Ltd.*, 114 Nev.
28 at 1353, 971 P.2d. at 386 (finding the district court abused its discretion in awarding investigative

1 fees because the party failed to justify its entitlement to such fees). Likewise, Plaintiff fails to
2 explain how her service fees, copy fees, runner service fees and deposition fees are both
3 reasonable and necessary. In short, Plaintiff has failed to meet her burden to show how the
4 alleged costs were necessary and truly incurred in this case.

5 Because the Plaintiff has failed to meet her burden justifying an award of costs other than
6 her filing fees, the Court should not award any additional amounts sought. *Gibellini*, 110 Nev. at
7 1206 (reversing district court's award of costs because the district failed to determine the actual
8 costs incurred).

9 **3. The Court Should Not Award Plaintiff Her Expert Fees Because They**
10 **Are Unreasonable and Plaintiff Fails to Meet the Minimal**
11 **Requirements of NRS 18.005 and *Frazier v. Drake***

12 NRS 18.005 defines costs to include reasonable fees for expert witnesses "in an amount
13 of not more than \$1,500 for each witness, unless the court allows a larger fee after determining
14 that the circumstances surrounding the expert's testimony were of such necessity as to require
15 the larger fee." NRS 18.005(5). The Court of Appeals of Nevada recently held that a district
16 court's award of expert witness fees in excess of \$1,500 per expert witness "must be supported by
17 express, careful and preferably written explanation of the court's analysis of factors pertinent to
18 determining reasonableness of the requested fees and whether the 'circumstances surrounding the
19 expert's testimony were of such necessity as to require the large fee.'" *Frazier v. Drake*, 357 P.3d
20 365, 377, 2015 Nev. App. LEXIS 12 (Nev. Ct. App. 2015) (citations omitted). In evaluating
21 requests for such awards, a district court should consider the following nonexhaustive factors:

- 22 1. The importance of the expert's testimony to the party's case;
- 23 2. The degree to which the expert's opinion aided the trier of fact in
24 deciding the case;
- 25 3. Whether the expert's reports or testimony were repetitive of other
26 expert witnesses;
- 27 4. The extent and nature of the work performed by the expert;
- 28 5. Whether the expert had to conduct independent investigations or
testing;

6. The amount of time the expert spent in court, preparing a report, and preparing for trial;
7. The expert's area of expertise;
8. The expert's education and training;
9. The fee actually charged to the party who retained the expert;
10. The fees traditionally charged by the expert on related matters;
11. Comparable experts' fees charged in similar cases; and,
12. If an expert is retained from outside the area where the trial is held, the fees and costs that would have been incurred to hire a comparable expert where the trial was held.

Id. at 377-78. Since this is a nonexhaustive list, other facts may be appropriate to consider when considering costs for expert witnesses. *Id.*

Here, without providing an invoice or bill from the witnesses to substantiate the costs actually incurred, Plaintiff seeks the following fees purportedly for an expert witness and treating physician testimony: (1) \$3,699.00 for Gary Presswood; (2) \$10,000.00 for Dr. Thomas Dunn; and (2) \$6,000.00 for Dr. Craig Tingey. Like the remainder of her claimed costs, Plaintiff fails to provide any explanation regarding the necessity of these expenses. Moreover, Plaintiff fails to provide any explanation why the circumstances surrounding each expert in this case were of such necessity as to require a fee larger than \$1,500.00 as required by *Frazier*. Clearly, the Court cannot award Plaintiff her purported expenses associated with these individuals.

To start, Plaintiff should not recover any costs related to the retention of Gary Presswood because he was not an expert witness and he did not testify at trial. (Order Granting Motion in Limine [#1] to Exclude Purported Expert Witness Gary Presswood, attached hereto as **Exhibit 3**.) Prior to trial, the Court found that his proffered testimony would not assist the jury for multiple reasons and precluded him from testifying. (*Id.*) Because Mr. Presswood did not meet the minimal requirements of NRS 50.275 to testify as an expert witness in this case, it follows that Plaintiff cannot be awarded costs for Mr. Presswood under NRS 18.005(5) since he was not an

1 expert witness. Accordingly, the Court should deny all costs related to Mr. Presswood.

2 Next, the substantial fees charged by Plaintiff's treating physicians, Dr. Dunn and Dr.
3 Tingey, are completely unreasonable under the circumstances of this case. Their testimony was
4 repetitive, insignificant to Plaintiff's case, did not aid the jury. Both Dr. Dunn and Dr. Tingey
5 based their "causation opinion" testimony solely on Plaintiff's subjective physical complaints
6 without reviewing Plaintiff's medical history. Simply put, their opinions were unreliable,
7 repetitive and unnecessary because Plaintiff testified regarding her subjective complaints of pain
8 and injury.

9 In addition, at trial Plaintiff did not seek any medical special damages, but only pain and
10 suffering damages. In typical personal injury cases, an expert witness is needed to testify
11 regarding the necessity of past or future medical treatment or the reasonableness of the costs for
12 such past or future medical treatment. Because Plaintiff decided not to seek these damages, their
13 testimony was not necessary and largely duplicative of Plaintiff's testimony. As such, Dr. Dunn
14 and Dr. Tingey's testimony was not important to Plaintiff's case and did not aid the jury in
15 deciding this case.

16 Next, both Dr. Dunn and Dr. Tingey admitted they did not perform much work to prepare
17 for trial, yet Plaintiff seeks \$16,000.00 in expenses related to them. They are both Plaintiff's
18 treating physicians, not retained expert witnesses. They did not prepare a written expert report.
19 They were not deposed in this case. They did not conduct any independent evaluations or testing
20 of Plaintiff. They did not spend much time testifying at trial. Indeed, they probably spent
21 approximately two to three hours each testifying at trial. As such, the amount of time spent by
22 each treating physician in court and preparation time (if any) does not justify an award of
23 \$16,000.00 in expenses. This is simply absurd to claim these amounts under the circumstances of
24 this case.

25 Actually, Dr. Dunn's fee doubled due to Plaintiff failing to adequately plan for and
26 schedule his testimony. At Calendar Call, Plaintiff claimed that both Dr. Dunn and Dr. Tingey
27 were available to testify during the trial, but failed to identify to the Court that they could not
28 testify until 4:00 p.m. Despite the Court permitting testimony past 5:00 p.m. to accommodate

1 Plaintiff and her doctors, Dr. Dunn's testimony could not be completed on the first day he
2 testified, requiring him to return for less than an hour for a second day of testimony at a cost of
3 \$5,000.00. Consequently, the \$5,000.00 cost for Dr. Dunn's second day of testimony is entirely
4 unreasonable based on the facts and circumstances of this case.

5 In summary, the Court cannot award expert fees in excess of \$1,500.00 per expert because
6 Plaintiff failed to provide any argument or analysis of the factors pertinent to determining
7 reasonableness of the requested fees as mandated by *Frazier v. Drake*. In addition, Plaintiff
8 should not be awarded any costs for Gary Presswood because he was precluded from testifying at
9 trial. Finally, Plaintiff should not be awarded \$16,000.00 in expert witness fees for the testimony
10 of her two treating physicians, Dr. Dunn and Dr. Tingey, because this amount is completely
11 unreasonable and their testimony was unnecessary at trial.

12 **III. CONCLUSION**

13 Based on the foregoing, the Court should deny Plaintiff's Application in its entirety.

14 DATED this 7th day of December, 2015.

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

16
17 /s/ Christopher D. Kircher

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CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(b) and NEFCR 9, I certify that I am an employee of Lawrence J. Semenza, III, P.C., and that on this 7th day of December, 2015 I caused to be sent through electronic transmission via Wiznet's online system, a true copy of the foregoing **DEFENDANT'S OPPOSITION TO PLAINTIFF'S APPLICATION FOR FEES, COSTS AND PRE-JUDGMENT INTEREST AND MOTION TO RETAX COSTS** to the following registered e-mail addresses:

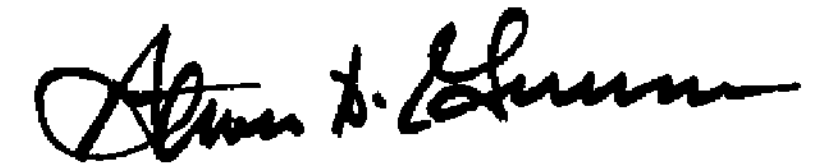
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Attorneys for Plaintiff

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

EXHIBIT 1

EXHIBIT 1



CLERK OF THE COURT

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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

NOTICE OF APPEARANCE OF
COUNSEL FOR PLAINTIFF

NOTICE OF APPEARANCE

NOTICE IS HEREBY GIVEN that BRIAN D. NETTLES, ESQ. and CHRISTIAN M.
MORRIS, ESQ. of THE NETTLES LAW FIRM are hereby appearing as the attorneys of record

....

....

....

....

NETTLES LAW FIRM

1389 Galleria Drive Suite 200

Henderson, NV 89014

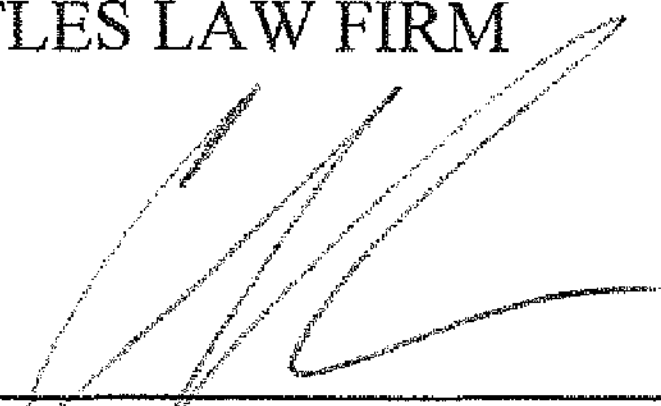
(702) 434-8282 / (702) 434-1488 (fax)

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for Plaintiff, YVONNE O'CONNELL, in the above-entitled action.

DATED this 18th day of February, 2015.

NETTLES LAW FIRM



BRIAN D. NETTLES, ESQ.

Nevada Bar No. 7462

CHRISTIAN M. MORRIS, ESQ.

Nevada Bar No. 11218

1389 Galleria Drive, Suite 200

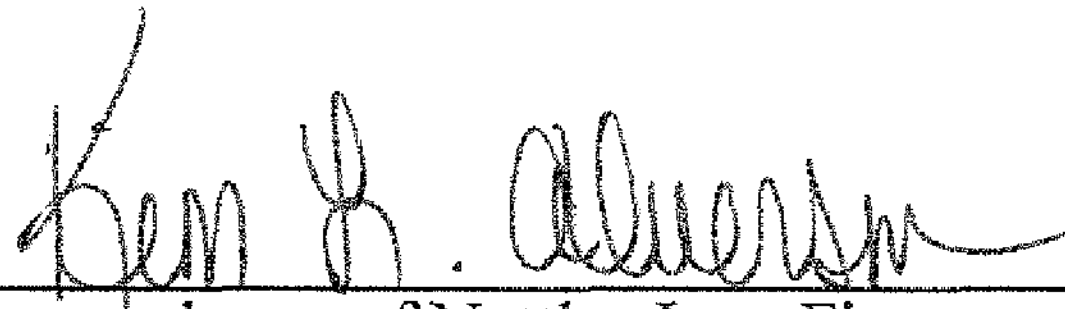
Henderson, Nevada 89014

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I certify that on this 18th day
February, 2015, I served the foregoing *Notice of Appearance of Counsel for Plaintiff* 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
Attorneys for Defendant
Wynn Las Vegas, LLC dba
Wynn Las Vegas


An employee of Nettles Law Firm

NETTLES LAW FIRM

1389 Galleria Drive Suite 200

Henderson, NV 89014

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

EXHIBIT 2

EXHIBIT 2

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

BRIAN D. NETTLES, ESQ.
Nevada Bar No. 7462
CHRISTIAN M. MORRIS, ESQ.
Nevada Bar No. 11218
NETTLES LAW FIRM
1389 Galleria Drive, Suite 200
Henderson, Nevada 89014
Telephone: (702) 434-8282
Facsimile: (702) 434-1488
briannettles@nettleslawfirm.com
christianmorris@nettleslawfirm.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 OFFER OF JUDGMENT
TO DEFENDANT

TO: WYNN LAS VEGAS, LLC dba WYNN LAS VEGAS, Defendant; and
TO: LAWRENCE J. SEMENZA, III, ESQ. AND CHRISTOPHER D. KIRCHER, ESQ.,
ATTORNEYS FOR DEFENDANT.

Pursuant to NRCP 68 and NRS 17.115, Plaintiff, YVONNE O'CONNELL, hereby offers
to allow judgment to be taken in her favor, only, and against Defendant, WYNN LAS VEGAS,
LLC dba WYNN LAS VEGAS, in the above-entitled matter in the total amount of FORTY-
NINE THOUSAND NINE HUNDRED NINETY-NINE AND NO/100THS DOLLARS
(\$49,999.00), inclusive of all accrued interest, costs, and attorney fees, and any other sums that

NETTLES LAW FIRM

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

1 could be claimed by Plaintiff, YVONNE O'CONNELL, against Defendant, WYNN LAS
2 VEGAS, LLC dba WYNN LAS VEGAS, in the above-captioned action.

3 This Offer of Judgment is made in accordance with NRCP 68 and NRS 17.115 and is not
4 to be construed either as an admission that the Defendant, WYNN LAS VEGAS, LLC dba
5 WYNN LAS VEGAS, is liable in this action, or that Plaintiff, YVONNE O'CONNELL, has
6 suffered any damage. Acceptance of this Offer of Judgment would fully discharge and release
7 Defendant, WYNN LAS VEGAS, LLC dba WYNN LAS VEGAS, from all claims as alleged in
8 the Complaint by Plaintiff, YVONNE O'CONNELL, on file herein against said Defendant,
9 WYNN LAS VEGAS, LLC dba WYNN LAS VEGAS. If this Offer of Judgment is not accepted
10 within ten (10) days from receipt by Defendant, WYNN LAS VEGAS, LLC dba WYNN LAS
11 VEGAS, then it shall be deemed withdrawn

12 DATED this 3rd day of September, 2015.

13 NETTLES LAW FIRM

14 
15 _____
16 BRIAN D. NETTLES, ESQ.

17 Nevada Bar No. 7462

18 CHRISTIAN M. MORRIS, ESQ.

19 Nevada Bar No. 11218

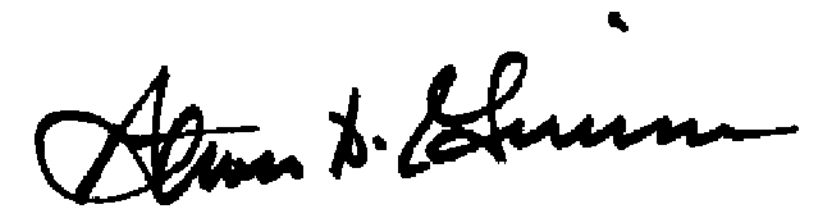
20 1389 Galleria Drive, Suite 200

21 Henderson, Nevada 89014

22 Attorneys for Plaintiff
23
24
25
26
27
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EXHIBIT 3

EXHIBIT 3



CLERK OF THE COURT

ORDR

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, d/b/a WYNN
LAS VEGAS; DOES I through X; and ROE
CORPORATIONS I through X; inclusive;

Defendants.

Case No. A-12-655992-C

Dept. No. V

**ORDER GRANTING DEFENDANT'S
MOTION IN LIMINE [#1] TO
EXCLUDE PURPORTED EXPERT
WITNESS GARY PRESSWOOD**

This matter having come before the Court on October 1, 2015, with Christian Morris, Esq. of the Nettles Law Firm appearing on behalf of Plaintiff Yvonne O'Connell ("Plaintiff") and Lawrence J. Semenza, III, Esq. and Christopher D. Kircher, Esq. of Lawrence J. Semenza, III, P.C. appearing on behalf of Defendant Wynn Las Vegas, LLC d/b/a Wynn Las Vegas ("Defendant"), regarding Defendant's Motion in Limine [#1] to Exclude Purported Expert Witness Gary Presswood (the "Motion"), with Plaintiff having filed an Opposition to the Motion and Defendant having filed a Reply thereto.

The Court, having reviewed the records and pleadings on file, as well as the oral argument of counsel, with good cause appearing, hereby orders as follows:

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

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

1 IT IS HEREBY ORDERED that Defendant's Motion in Limine [#1] to Exclude
2 Purported Expert Witness Gary Presswood is hereby GRANTED. The Court finds that Gary
3 Presswood's opinion would not assist the jury and he is precluded from testifying at the trial in
4 this case *because he did not test and render an opinion as to the floor,*
where Plaintiff stated she slipped, and because his testimony was
5 DATED this 29th day of October, 2015.

6 *of a dry floor and he admits there is no reliable and accepted*
standard for testing a wet floor (the Plaintiff alleges that
7 *she slipped and fell on a wet floor.)*
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[Signature]
DISTRICT COURT JUDGE

Respectfully Submitted By:

LAWRENCE J. SEMENZA, III, P.C.

[Signature]
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

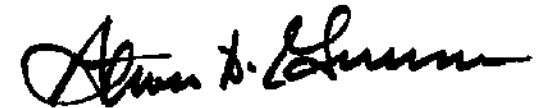
Attorneys for Defendant Wynn Las Vegas, LLC d/b/a
Wynn Las Vegas

Approved as to Form And Content:

NETTLES LAW FIRM

[Signature]
Brian D. Nettles, Esq., Bar No. 7462
Christian M. Morris, Esq., Bar No. 11218
1389 Galleria Drive, Suite 200
Henderson, Nevada 89014

Attorneys for Plaintiff Yvonne O'Connell



CLERK OF THE COURT

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
briannettles@nettlawfirm.com
christianmorris@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
DEPT NO. V

**PLAINTIFF'S AMENDED VERIFIED
MEMORANDUM OF COSTS**
(First Submission attached as Exhibit 5 to
Plaintiff's Application for Fees, Costs and
Pre-Judgment Interest)

Filings Fees – Clark County Wiznet through 12/15/15:

Filing Fees at \$3.50 x 31 entries \$ 108.50

- See Exhibit 1 at PLTF 001.

Medical Record Copy Charges:

Radiology Associates \$ 4.98

///

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- This cost was incurred to obtain medical records regarding two MRIs taken of Plaintiff by Opensided MRI of Las Vegas on June 27, 2014 at the request of one Plaintiff's treating physicians. See Exhibit 1 at PLTF 002-004.

Service Fees:

Subpoena Duces Tecum – Sal Risco – Trial Testimony \$ 171.20

- This cost was incurred to subpoena Sal Risco, boyfriend of Plaintiff at the time of the subject incident. His testimony was sought regarding how Plaintiff was before and after the accident. See Exhibit 1 at PLTF 005-006.

Subpoena Duces Tecum – Yanet Elias – Trial Testimony \$ 80.00

- This cost was incurred to subpoena Yanet Elias, employee of Defendant who responded to the scene immediately after Plaintiff's slip and fall. Her testimony was sought regarding when the site was last inspected and what the condition of the site was when she arrived, etc. See Exhibit 1 at PLTF 007-008.

Subpoena Duces Tecum – Corey Prowell – Trial Testimony \$ 110.00

- This cost was incurred to subpoena Corey Prowell, employee of Defendant who responded to, and completed a report on, Plaintiff's slip and fall. His testimony was sought on these matters. See Exhibit 1 at PLTF 009-010.

Copy and Facsimile Charges:

2,219 pages at .08¢ per page \$ 177.52

- These costs were incurred in preparing the client file and materials for trial. See attached chart of documents and pages. See Exhibit 1 at PLTF 011-014.

Witness Fees:

Yanet Elias – Trial Appearance \$ 30.00

Corey Prowell – Trial Appearance \$ 30.00

- These costs were incurred to pay these witnesses for testifying at the standard rate. See Exhibit 1 at PLTF 015-016.

Runner Service & Mileage Fees:

08/2015

Opposition to Defendant's Motion for Protective Order \$ 10.00

Errata to Opposition to Defendant's MSJ \$ 10.00

09/2015

Opposition to Defendant's Motion to Disqualify \$ 10.00

Motion to Re-Open Discovery OST (On Call) \$ 70.00

Pre-Trial Memo \$ 10.00

10/2015

Opposition to Defendant's Motion to Disqualify \$ 10.00

1	Motion to Continue Trial and for Sanctions	\$ 25.00
2	Mileage (\$0.50 per mile)	
3	9/29/15 (31 to p/u files from Minvet)	\$ 15.50
4	9/30/15 (56 to drop off files at Centennial)	\$ 28.00
5	10/28/15 (22 to deliver to RJC)	\$ 11.00
6	11/5/15 (22 to drop off checks at E. Desert Inn)	\$ 11.00
7	Total	\$ 210.50

- These costs were incurred in delivering and picking up documents outside our normal document delivery service. See Exhibit 1 at PLTF 017-031.

Investigator Fee:

8	Skip Trace – witness Terry Ruby	\$ 150.00
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- This cost was incurred to locate and serve Terry Ruby, employee of Defendant that was the first to respond to the slip and fall. His testimony was sought regarding what condition he found the site in. He was never located. See Exhibit 1 at PLTF 032-033.

Expert Witness Fees:

13	Gary Presswood	\$ 3,699.00
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- This cost was incurred to better understand the slipperiness of the floor during dry conditions. The information was sought to support an inference that the floor was dangerously slippery when wet. It includes a site inspection in which testing of the floor took place, a review of Plaintiff's file, and reporting on Mr. Presswood's conclusions. The amount necessarily exceeded \$1,500, because the preparation, testing, and report writing took considerable time, required unique and specialized experience and rare testing equipment. See Exhibit 1 at PLTF 034-039.

19	Craig Tingey, M.D. Trial Preparation/Trial Testimony	\$ 6,000.00
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- This cost was incurred for a telephone conference, file review in preparation for trial, and for trial testimony, to compensate Dr. Tingey for the time away from his regular practice. The amount necessarily exceeded \$1,500, because Dr. Tingey's specialty is highly compensated and time away from his regular practice still requires him to pay staff overhead. See Exhibit 1 at PLTF 040-046.

23	Thomas Dunn, M.D. – Trial Testimony	\$10,000.00
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- This cost was incurred for file review in preparation for trial, and for trial testimony, to compensate Dr. Dunn for the time away from his regular practice. The amount necessarily exceeded \$1,500, because Dr. Dunn's specialty is highly compensated and time away from his regular practice still requires him to pay staff overhead. Also, the need to be available for surgery coupled with the trial's scheduling requirements made returning for a second day of testifying necessary after a lengthy voir dire by Defendant. See Exhibit 1 at PLTF 047-051.

Deposition Fees/Transcript Copy Charges:

Yanet Elias 3/24/2015 \$ 845.00

- This cost was incurred to pay a court reporter to transcribe the deposition of Yanet Elias and to receive a copy of the transcript. It was necessary because Ms. Elias was testifying about what she saw and learned when responding to the subject incident, including matters at issue. It is reasonable in amount because court reporting is highly difficult task requiring special skills and licensure, because the testimony took several hours to complete, and production of a transcript is a time-consuming work requiring specialized software and knowledge. See Exhibit 1 at PLTF 052-053.

Yvonne O'Connell 3/19/15 and 6/9/2015 \$ 904.20

- This cost was incurred to pay a court reporter to transcribe the deposition of Plaintiff and to receive a copy of the transcript. It was necessary because to memorialize Plaintiff's recollection of the incident and how it has affected her. It is reasonable in amount because court reporting is highly difficult task requiring special skills and licensure, because the testimony took several hours to complete, and production of a transcript is a time-consuming work requiring specialized software and knowledge. See Exhibit 1 at PLTF 054-057.

Corey Prowell 5/26/2015 \$ 599.42

- This cost was incurred to pay a court reporter to transcribe the deposition of Corey Prowell and to receive a copy of the transcript. It was necessary because Mr. Prowell was an employee of Defendant who responded when Plaintiff was hurt and he had information that was material to matters at issue. It is reasonable in amount because court reporting is highly difficult task requiring special skills and licensure, because the testimony took several hours to complete, and production of a transcript is a time-consuming work requiring specialized software and knowledge. See Exhibit 1 at PLTF 058-059.

Trevor Maxwell 10/07/2015 \$ 640.50

- This cost was incurred to pay a court reporter to transcribe the deposition of Trevor Maxwell and to receive a copy of the transcript. It was necessary because Mr. Maxwell was testifying as the 30(b)(6) deponent of Defendant and Plaintiff sought definitive answers on matters that were at issue. It is reasonable in amount because court reporting is highly difficult task requiring special skills and licensure, because the testimony took several hours to complete, and production of a transcript is a time-consuming work requiring specialized software and knowledge. See Exhibit 1 at PLTF 060-061.

Trish Matthieu 10/07/2015 \$ 304.81

- This cost was incurred to pay a court reporter to transcribe the deposition of Trish Matthieu and to receive a copy of the transcript. It was necessary because Ms. Matthieu was a 30(b)(6) deponent of Defendant and Plaintiff sought definitive answers on matters that were at issue. It is reasonable in amount because court reporting is highly difficult task requiring special skills and licensure, because the testimony took time to complete, and production of a transcript is a time-consuming work requiring specialized software and knowledge. See Exhibit 1 at PLTF 060-061.

Salvatore Risco 4/29/2015 \$ 160.75

- This cost was incurred to pay a court reporter to transcribe the deposition of Salvatore Risco and to receive a copy of the transcript. It was necessary because Mr. Risco knew Plaintiff before and after the accident and was in a position to see how she changed after the subject incident. It is reasonable in amount because court reporting is highly difficult task requiring special skills and licensure, because the testimony took several hours to complete, and production of a transcript is a time-consuming work requiring specialized software and knowledge. See Exhibit 1 at PLTF 062-063.

Interpreter Fees:

Yanet Elias – Trial Testimony \$ 160.00

- This cost was incurred to pay a translator to translate for Yanet Elias during her testimony at trial. It was necessary because Ms. Elias requested the translator because she reported difficulty understanding and speaking English. It was reasonable in amount because the translator was present for several hours and translation is a difficult skill that requires considerable practice and knowledge. The rate for service is comparable to other available translation services. See Exhibit 1 at PLTF 064-065.

Clark County Clerk:

Trial Transcription Service \$ 560.00

- This cost was incurred to pay the Court's trial transcription service, a fee required by the Court. See Exhibit 1 at PLTF 066-068.

Eighth Judicial District Court:

Jury Fees \$ 1,880.00

- This cost was incurred to pay jury fees, as required by the Court. See Exhibit 1 at PLTF 069-070.

Parking Fees:

Parking Fees \$ 53.00

- These costs were incurred to pay for parking at the courthouse for hearings and trial.
- Plaintiff's Emergency Motion to Continue Trial (10/29/2015, \$4.00)
- Jury Voir Dire (11/4/2015, \$8.00)
- Drop off Emergency Motion (10/23/2015, \$1.00)
- Trial (11/12/2015, \$20.00)
- Trial (11/13/2015, \$20.00)
- See Exhibit 1 at PLTF 071.

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

TOTAL COSTS EXPENDED

\$ 26,579.38

DATED this 21st day of December, 2015.

NETTLES LAW FIRM

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

STATE OF NEVADA)

) ss.:

COUNTY OF CLARK)

CHRISTIAN M. MORRIS, ESQ., being first duly sworn, deposes and says as follows:

Affiant is an attorney duly licensed to practice law in the State of Nevada and is the counsel of record for the Plaintiff in the above-entitled matter; I have read the above and foregoing *Plaintiff's Amended Verified Memorandum of Costs*, and know the contents thereof; that to the best of my knowledge and belief the items listed are correct, and that the costs have been reasonably and necessarily incurred in this action; that the memorandum is true and correct of my own knowledge, except for any matters therein stated upon information and belief, and as to those matters therein stated, I believe them to be true.

CHRISTIAN M. MORRIS

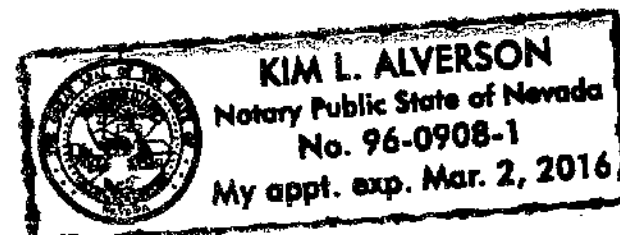
SUBSCRIBED AND SWORN to before

me this 21st day of December, 2015.

Kim B. Alversen

NOTARY PUBLIC in and for said

County and State



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, NRCR 5(b) and EDCR 7.26, I certify that on this 21st day of October, 2015, I served the foregoing *Plaintiff's Amended Verified Memorandum of Costs* to the following party by electronic transmission through the Wiznet system:

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

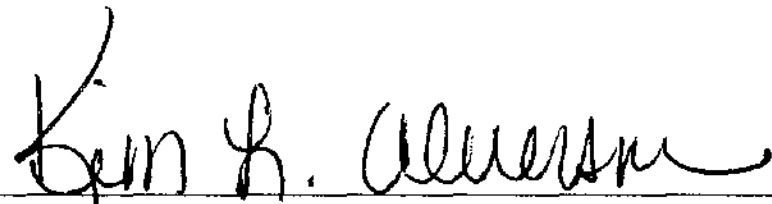
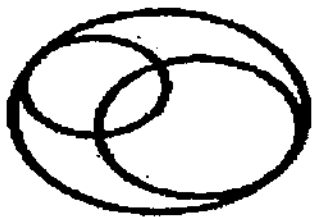

An Employee of the
NETTLES LAW FIRM

EXHIBIT 1

Filing Title	Case Number	Date	Firm Name	Amount
Judgment on Verdict	A-12-655992-C	12/15/15	Nettles Law Firm	\$3.50
Plaintiff's Application for Fees, Costs and Pre-Judgment Interest	A-12-655992-C	11/25/15	Nettles Law Firm	\$3.50
Notice of Entry of Discovery Commissioner Report and Recommendations	A-12-655992-C	11/17/15	Nettles Law Firm	\$3.50
Notice of Entry of Discovery Commissioner Report and Recommendations	A-12-655992-C	11/17/15	Nettles Law Firm	\$3.50
Discovery Commissioner Report and Recommendations	A-12-655992-C	11/17/15	Nettles Law Firm	\$3.50
Plaintiff's Brief As To Constructive Notice	A-12-655992-C	11/12/15	Nettles Law Firm	\$3.50
Plaintiff's Brief Regarding Causation Testimony by Drs. Dunn and Tingey	A-12-655992-C	11/09/15	Nettles Law Firm	\$3.50
Plaintiff's Brief as to Testimony Regarding Future Pain and Suffering	A-12-655992-C	11/09/15	Nettles Law Firm	\$3.50
Notice of Entry of Order Granting Plaintiff's Oral Motion for Demand of Jury Trial	A-12-655992-C	11/05/15	Nettles Law Firm	\$3.50
Order Granting Plaintiff's Oral Motion for Demand of Jury Trial	A-12-655992-C	11/05/15	Nettles Law Firm	\$3.50
Plaintiff's Proposed Verdict Forms	A-12-655992-C	10/28/15	Nettles Law Firm	\$3.50
Plaintiff's Proposed Voir Dire Questions	A-12-655992-C	10/28/15	Nettles Law Firm	\$3.50
Plaintiff's Pretrial Disclosures	A-12-655992-C	10/28/15	Nettles Law Firm	\$3.50
Supplement	A-12-655992-C	10/27/15	Nettles Law Firm	\$3.50
Notice of Entry of Order Denying Defendant's Motion for Summary Judgment	A-12-655992-C	10/12/15	Nettles Law Firm	\$3.50
Order Denying Defendant's Motion For Summary Judgment	A-12-655992-C	10/09/15	Nettles Law Firm	\$3.50
Joint Pre-Trial Memorandum	A-12-655992-C	09/28/15	Nettles Law Firm	\$3.50
Notice of Entry of Discovery Commissioner Report and Recommendations	A-12-655992-C	09/24/15	Nettles Law Firm	\$3.50
Discovery Commissioner Report and Recommendations	A-12-655992-C	09/23/15	Nettles Law Firm	\$3.50
Plaintiff's Reply to Defendant's Opposition to Plaintiff's Omnibus Motions in Limine	A-12-655992-C	09/17/15	Nettles Law Firm	\$3.50
Plaintiff's Motion to Re-Open Discovery for the Limited Purpose of Taking Defendant's 30(b)(6) Deposition and for Order Shortening Time	A-12-655992-C	09/09/15	Nettles Law Firm	\$3.50
Supplemental Affidavit and Declaration of Christian M. Morris to Plaintiff's Omnibus Motions in Limine	A-12-655992-C	09/03/15	Nettles Law Firm	\$3.50
Plaintiff's Opposition to Wynn's Motion in Limine [#1] to Exclude Purported Expert Witness Gary Presswood	A-12-655992-C	08/27/15	Nettles Law Firm	\$3.50
Plaintiff's Opposition to Wynn's Motion in Limine [#3] to Exclude any Reference or Testimony or Defendant's Alleged Failure to Preserve Evidence	A-12-655992-C	08/27/15	Nettles Law Firm	\$3.50
Plaintiff's Opposition to Wynn's Motion in Limine [#2] to Exclude Unrelated Medical Conditions and Damages Claimed by Plaintiff and Motion	A-12-655992-C	08/27/15	Nettles Law Firm	\$3.50
Supplemental Affidavit and Declaration of Christian M. Morris to Plaintiff's Omnibus Motions in Limine	A-12-655992-C	08/18/15	Nettles Law Firm	\$3.50
Plaintiff's Omnibus Motions in Limine	A-12-655992-C	08/13/15	Nettles Law Firm	\$3.50
Plaintiff's Errata to Opposition to Defendant's Motion for Summary Judgment	A-12-655992-C	08/11/15	Nettles Law Firm	\$3.50
Plaintiff's Opposition to Defendant's Motion for Protective Order and for Order Shortening Time	A-12-655992-C	08/04/15	Nettles Law Firm	\$3.50
Plaintiff's Opposition to Defendant's Motion for Summary Judgment	A-12-655992-C	07/27/15	Nettles Law Firm	\$3.50
Notice of Appearance	A-12-655992-C	02/18/15	Nettles Law Firm	\$3.50
				\$108.50



**BUSINESS
CARE
CONNECTIVITY**

MCKESSON

DATE: 07/01/2015

REQUESTOR: NETTLES

NAME: YVONNE O'CONNELL

FACILITY: OPENSIDED MRI OF LV

PerSe Technologies now McKesson Corporation

Dear Mr./Ms./Administrator

The charge for your request: \$4.98

Formula for the charge is as follows: \$4.00 per record requested + Cost of postage to mail the request + 10 ¢ per page + any fees to retrieve documents or records from offsite storage. Please contact me at 559-455-4000 if you have additional questions.

**WE ARE A BILLING OFFICE ONLY. ANY MEDICAL RECORDS AND FILMS
CAN BE REQUESTED AT THE FACILITY.**

Please make checks payable to McKesson Corporation.

Sincerely,
CONNIE FOX

Tax Id# 58-1953146
MCKESSON CORP,
5110 E. CLINTON WAY - STE. A
FRESNO, CA 93727
PHONE: 559-455-4000 EXT 4365
FAX: 559-455-4017

*Paul 7-23-15
16672*

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

16672
94-236/1224

DATE 7/22/2015

PAY TO THE ORDER OF McKesson Corp.

\$ **4.98

Four and 98/100 ***** DOLLARS

McKesson Corp.

MEMO Medical records



[Handwritten signature]

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT
McKesson Corp.

7/22/2015

16672

4.98

rad assoc
rad assoc
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rad assoc

Medical records

4.98

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT
McKesson Corp.

7/22/2015

16672

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rad assoc
rad assoc
rad assoc

Medical records

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PLTF 003

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

McKesson Corp.

7/22/2015

1667

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rad assoc
rad assoc

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Medical records

4.98

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

McKesson Corp.

7/22/2015

16672

rad assoc
rad assoc
rad assoc
rad assoc
rad assoc

4.98

Medical records

4.98

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www.LPSNV.com contact@LPSNV.com



Invoice# 1508438

Invoice Date: 11/04/2015

Nettles Law Firm

Christian M. Morris, Esq.

Attention: Dorothy Allen

1389 Galleria Dr., #200

Henderson, NV 89014

Insured:

Attention: **DOROTHY ALLEN**

Service was accepted by, Sal Risco, at [REDACTED]
[REDACTED] Las Vegas, NV 89 [REDACTED] Thank you
Katrina 11/02/2015

THANK YOU FOR CHOOSING LPS!

Plaintiff(s)	Yvonne O'Connell, an individual	Court: District Court
Defendant(s)	vs Wynn Las Vegas, LLC, a Nevada Limited Liability Company, doing business as Wynn Las Vegas, et al.	County: Clark County,
Re:	Sal Risco	Case No.: A-12-655992-C
Documents Served or Service Provided	Trial Subpoena; Witness Fee Check - \$31.20	Def. No.: V
		Your File
		Hearing Date 11/10/2015
		Date Served: 10/31/2015
		Time Served: 937am

Date	Service Description	Service Fee	Date Paid	Check# / Auth. #	Fee Paid
10/30/15	Immediate Handling	\$50.00			
10/30/15	Witness Fee Check Advance + Fee	\$36.20			
10/31/15	Served c/o Sal Risco, at [REDACTED] Las Vegas, NV 89 [REDACTED]	\$85.00			

Please detach and return this section with your payment. Make checks payable to Legal Process Service

Nettles Law Firm
Christian M. Morris, Esq.
1389 Galleria Dr., #200
Henderson, NV 89014

We appreciate your business!

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724 South 8th Street
Las Vegas, NV 89101

Work Order # 1508438

Invoice Date: 11/04/2015

Client ID#

Total Amount Due = \$171.20 PLTF 005

LAW OFFICES OF BRIAN D NETTLES, INC.

OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17154

94-236/1224

DATE 11/11/2015

PAY TO THE
ORDER OF

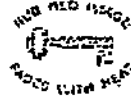
Legal Process Service

\$ **827.20

Eight Hundred Twenty-Seven and 20/100 ***** DOLLARS

Legal Process Service

MEMO



SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Legal Process Service

11/11/2015

17154

85.00

def
def

james rice
sal risco
jennifer parnes
yanet elias
corey prowell

121.00
171.20
260.00
80.00
110.00
827.20

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Legal Process Service

11/11/2015

17154

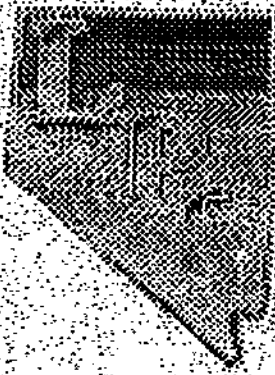
85.00

def
def

james rice
sal risco
jennifer parnes
yanet elias
corey prowell

121.00
171.20
260.00
80.00
110.00
827.20

PLTF 006



Legal Process Service

Professional Service Since 1982
724 S. Eighth Street, Las Vegas, Nevada 89101-7005
Telephone (702) 471-7255 Fax (702) 471-7248
Tax ID - 88-0293775 State Lic. #604
www.LPSNV.com contact@LPSNV.com



Invoice # 1508440
Invoice Date: 11/05/2015

Nettles Law Firm
Christian M. Morris, Esq.
Attention: Dorothy Allen
1389 Galleria Dr., #200
Henderson, NV 89014

Insured:
Attention: **DOROTHY ALLEN**

**** Served @ office of Atty Kircher c/o Marlene Curiel. Thank you! LPS****

THANK YOU FOR CHOOSING LPS!

Plaintiff(s)	<i>Yvonne O'Connell, an individual</i>	Court: District Court
Defendant(s)	<i>Wynn Las Vegas, LLC, a Nevada Limited Liability Company, doing business as Wynn Las Vegas; et al.</i>	County: Clark County
Re:	Yanet Elias c/o Lawrence J. Semenza, III, Esq., Christopher D. Kircher, Esq.	Case No.: A-12-655992-C
Documents Served or Service Provided	Trial Subpoena, Acceptance of Service	Dent. No.: V
		Your File
		Hearing Date 11/10/2015
		Date Served: 11/02/2015
		Time Served: 1220pm

Date	Service Description	Service Fee	Date Paid	Check# / Auth #	Fee Paid
11/02/15	Acceptance of Service drafted	\$25.00			
11/02/15	2nd paper handling & Affidavit	\$55.00			
Sub-Totals:		\$80.00	Total Paid:		

Terms: Payment is due upon receipt. Payment is not contingent upon client or insurance reimbursement.
A late fee of 15% will be assessed on all outstanding invoices of 30 days or more.

Total Amount Due = \$80.00

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Nettles Law Firm
Christian M. Morris, Esq.
1389 Galleria Dr., #200
Henderson, NV 89014

We appreciate your business!

Remit Payment to:

Legal Process Service
724 South 8th Street
Las Vegas, NV 89101

Work Order # 1508440
Invoice Date: 11/05/2015
Client ID#

Total Amount Due = \$80.00 PLTF 007

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17154
94-236/1224

DATE 11/11/2015

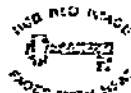
PAY TO THE
ORDER OF Legal Process Service

\$ **827.20

Eight Hundred Twenty-Seven and 20/100***** DOLLARS

Legal Process Service

MEMO



SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT
Legal Process Service

11/11/2015

17154

85.00

def
def

james rice	121.00
sal risco	171.20
jennifer parnes	260.00
yanet elias	80.00
corey prowell	110.00
	827.20

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT
Legal Process Service

11/11/2015

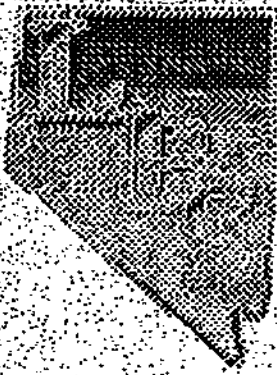
17154

85.00

def
def

james rice	121.00
sal risco	171.20
jennifer parnes	260.00
yanet elias	80.00
corey prowell	110.00
	827.20

PLTF 008



Legal Process Service

Professional Service Since 1982

724 S. Eighth Street, Las Vegas, Nevada 89101-7005

Telephone (702) 471-7255 Fax (702) 471-7248

Tax ID - 88-0293775 State Lic. #604

www.LPSNV.com contact@LPSNV.com



Invoice # 1508439

Invoice Date: 11/05/2015

Nettles Law Firm
Christian M. Morris, Esq.
Attention: Dorothy Allen
1389 Galleria Dr., #200
Henderson, NV 89014

Insured:

Attention:

DOROTHY ALLEN

**** Served @ office of Atty Kircher c/o Marlene Curiel. Thank you! LPS*****

THANK YOU FOR CHOOSING LPS!

Plaintiff(s)	Yvonne O'Connell, an individual		Court: District Court
	vs.		
Defendant(s)	Wynn Las Vegas, LLC, a Nevada Limited Liability Company, doing business as Wynn Las Vegas, et al.		County: Clark County
Re:	Corey Prowell c/o Lawrence J. Semenza, III, Esq., Christopher D. Kircher, Esq.		Case No.: A-12-655992-C
Documents Served or Service Provided	Trial Subpoena, Acceptance of Service		Dept. No.: V
			Your File:
			Hearing Date: 11/10/2015
			Date Served: 11/02/2015
			Time Served: 12:20 PM

Date	Service Description	Service Fee	Date Paid	Check# / Auth #	Fee Paid
11/02/15	Acceptance of Service drafted	\$35.00			
11/02/15	Served c/o Marlene Curiel @ 10161 Park Run Dr., Suite 150, Las Vegas, NV 89145	\$75.00			
Sub-Totals:		\$110.00	Total Paid:		

Terms: Payment is due upon receipt. Payment is not contingent upon client or insurance reimbursement.
Late fee of 15% will be assessed on all outstanding invoices of 30 days or more.

Total Amount Due = \$110.00

Please detach and return this section with your payment. Make checks payable to Legal Process Service

Nettles Law Firm
Christian M. Morris, Esq.
1389 Galleria Dr., #200
Henderson, NV 89014

We appreciate your business!

Remit Payment to:

Legal Process Service
724 South 8th Street
Las Vegas, NV 89101

Work Order # 1508439

Invoice Date: 11/05/2015

Client ID#

Total Amount Due = \$110.00 PLTF 009

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17154
94-236/1224

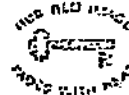
DATE 11/11/2015

PAY TO THE ORDER OF Legal Process Service

\$ **827.20

Eight Hundred Twenty-Seven and 20/100 ***** DOLLARS
Legal Process Service

MEMO



SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT
Legal Process Service

11/11/2015

17154
85.00

def
def

james rice	121.00
sal risco	171.20
jennifer parnes	260.00
yanet ellas	80.00
corey prowell	110.00
	827.20

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT
Legal Process Service

11/11/2015

17154
85.00

def
def

james rice	121.00
sal risco	171.20
jennifer parnes	260.00
yanet elias	80.00
corey prowell	110.00
	827.20

PLTF 010

Tab #	DISCOVERY	Date	No. Pages
1	Defendant's Initial Disclosures	9/30/2013	14
2	Plaintiff's Initial Disclosures	10/9/2013	9
3	RTP – 1 st Set to Plaintiff from Defendant	1/16/2014	8
4	ROGS – 1 st Set to Plaintiff from Defendant	1/16/2014	10
5	Responses to RTP – 1 st Set to Plaintiff from Defendant	3/4/2014	8
6	Answers to ROGS – 1 st Set to Plaintiff from Defendant	3/4/2014	15
7	RFA – 1 st Set to Defendant from Plaintiff	4/21/2014	4
8	ROGS – 1 st Set to Defendant from Plaintiff	4/21/2014	9
9	RTP – 1 st Set to Defendant from Plaintiff	4/21/2014	8
10	Plaintiff's 1 st Supplement to Initial Disclosures	5/15/2014	18
11	Defendant's 1 st Supplement to Initial Disclosures	5/19/2014	3
12	Responses to RFA – 1 st Set to Defendant from Plaintiff	6/3/2014	10
13	Defendant's 2 nd Supplement to Initial Disclosures	6/3/2014	3
14	Answers to ROGS – 1 st Set to Defendant from Plaintiff	6/3/2014	14
15	Responses to RTP – 1 st Set from Plaintiff to Defendant	6/3/2014	9
16	Plaintiff's 2 nd Supplement to Initial Disclosures	6/3/2014	26
17	Defendant's 3 rd Supplement to Initial Disclosures	8/28/2014	42
18	Defendant's 4 th Supplement to Initial Disclosures	10/15/2014	64
19	Defendant's 5 th Supplement to Initial Disclosures	2/13/2015	3
20	NOD – Defendant's for Plaintiff	2/27/2015	3
21	Defendant 6 th Supplement to Initial Disclosures	3/3/2015	61
22	Notice of Site Inspection	3/10/2015	6
23	Notice of Taking Depo of Yanet Elias	3/10/2015	6
24	Amended Notice of Taking Depo of Yanet Elias	3/10/2015	6
25	2 nd Amended Notice of Taking Depo of Yanet Elias	3/10/2015	6
26	Pl.'s 1 st Supplement	3/16/2015	18
27	Pl.'s 2 nd Supplement	3/18/2015	26
28	Amended Notice of Site Inspection	3/26/2015	6
29	Notice of Taking Depo of Hotspur and Rampart with Subpoena	4/9/2015	14
30	Notice of Taking Depo of Salvatore Risco with Subpoena	4/9/2015	23
31	Pl.'s Initial Expert Disclosures	4/13/2015	38
32	Def.'s 7 th Supplemental	4/13/2015	91
33	Def.'s Initial Expert Disclosures	4/13/2015	29
34	Amended Notice of Taking Depo of Salvatore Risco	4/21/2015	3

35	Proof of Service on Rampart of Subpoena		1
36	Notice Vacating Depo of Rampart at the Resort at Summerlin	4/27/2015	3
37	Def.'s 2 nd Set of RTP to Pl.	5/12/2015	7
38	Def.'s Disclosure of Rebuttal Expert Witness	5/13/2015	100
39	Notice of Taking Depo of Corey Prowell	5/13/2015	7
40	Amended Notice of Taking Depo of Corey Prowell	5/14/2015	7
41	Pl.'s Response to Def.'s 2 nd Set of RTP	5/21/2015	57
42	Notice of Taking Continued Depo of Pl.	5/21/2015	6
43	Def.'s 8 th Supplemental	5/27/2015	13
44	Def.'s 9 th Supplemental	5/28/2015	3
45	Notice of Taking Depo of Def.	6/5/2015	9
46	Pl.'s 3 rd Supplement	6/12/2015	30
47	Notice Vacating Depo of Wynn	6/23/2015	6
48	2 nd Amended Notice of Taking Depo of Def. Wynn	7/13/2015	10
49	Pl.'s 4 th Supp to Initial Disclosures	7/14/2015	22
50	3 rd Amended Notice of Taking Depo of Def. Wynn	7/24/2015	9
51	Pl.'s Confidential Mandatory Settlement Brief	8/25/2015	72
52	4 th Amended Supp.	8/27/2015	22
53	Pl.'s 5 th Supp to Initial Disclosures	9/18/2015	26
54	Pl.'s 6 th Supp to Initial Disclosures	9/28/2015	30
55	4 th Amended Notice of Taking Depo of Def. Wynn	10/2/2015	9
56	5 th Amended Notice of Taking Depo of Def. Wynn	10/2/2015	9
1	Complaint	2/7/2012	24
2	Amended Complaint	3/20/2012	4
3	Summons with Affidavit of Service	4/4/2012	4
4	Motion for Withdrawal	11/19/2012	7
5	Certificate of Mailing Re: Motion to Withdraw as Attorney of Record	11/20/2012	9
6	Minutes Re: Motion to Withdraw as Counsel	12/19/2012	1
7	Pl.'s Supp to Motion to Withdraw as Attorney of Record	12/19/2012	4
8	Order Re: Motion to Withdraw	12/21/2012	2
9	Notice of Entry of Order	12/24/2012	4
10	Notice of Appearance	5/14/2013	6
11	Default	6/25/2013	5
12	IAFD	7/24/2013	2
13	Notice of Stip and Order to Set Aside Default	7/24/2013	4
14	Answer to Amended Complaint	7/24/2013	5
15	Request For Exemption From Arbitration	8/7/2013	5
16	Opp to Pl.'s Request for Exemption From Arbitration	8/16/2013	4

17	Commissioner's Decision on Request For Exemption	8/22/2013	2
18	Def's Opp. to Plaintiff's Motion to Reopen Disc. For the Limited Purpose of taking Def's 30(b)(6) Dep. and for Order Shortening Time	9/10/2015	24
19	Notice of ECC	9/12/2013	4
20	JCCR	11/20/2013	18
21	Scheduling Order	11/25/2013	3
22	Order Setting Civil Non-Jury Trial and Calendar Call	12/5/2013	3
23	OOJ	5/5/2014	3
24	Notice of Association of Counsel	9/10/2014	3
25	Discovery Commissioner	9/22/2014	7
26	Notice of Entry of Stip and Order to Extend Discovery and Continue Trial	9/29/2014	7
27	Amended Order Setting Civil Jury Trial and Calendar Call	10/1/2014	3
28	OOJ	10/20/2014	3
29	Motion to Withdraw as Counsel of Record	9/10/2014	9
30	Notice of Non-Opposition	9/22/2014	3
31	Affidavit of J. Scott Dilbeck, Esq. in Support of Motion to Withdraw	9/29/2014	4
32	Order Granting Motion to Withdraw	10/1/2014	3
33	Notice of Entry of Order Granting Motion to Withdraw	2/11/2015	5
34	Notice of Appearance	2/18/2015	19
35	Receipt of Original File	3/5/2015	1
36	Pl.'s OOJ to Def.	3/26/2015	3
37	Notice of Rescheduling of Hearing	6/3/2015	2
38	Def.'s Motion for Summary Judgment	7/13/2015	50
39	Second Amended Notice of Taking 30(b)(6) Deposition of Defendant Wynn Las Vegas	7/13/2015	65
40	Pl.'s Opp to Def.'s Motion for Summary Judgment	7/27/2015	139
41	Def.'s Motion for Protective Order and for Order Shortening Time	7/29/2015	47
42	Pl.'s Opp to Def.'s Motion for Protective Order and for Order Shortening Time	8/4/2015	47
43	Order Setting Settlement Conference	8/11/2015	2
44	Pl.'s Errata to Opp to Def.'s Motion for Summary Judgment	8/11/2015	37
45	Pl.'s Omnibus Motions in Limine	8/13/2015	174
46	Def.'s Opp to Pl.'s omnibus motion	8/31/2015	18
47	Pl.'s OOJ to Def.	9/3/2015	3
48	Pl.'s Motion to Re-Open Discovery for the Limited Purpose of taking Def.'s Depo	9/9/2015	27
49	Reply in Support of Def's Motion for Summary Judgement	9/10/2015	17

50	Reply in Support of Def's Motion in Limine[#2] to Exclude Unrelated Medical Conditions; Opposition to Plaintiff's Motion for Sanctions	9/10/2015	60
51	Reply in Support of Def's Motion in Limine[#3] to Exclude Any Reference or Testimony of Defendant's Alleged Failure to Preserve Evidence	9/10/2015	16
52	Discovery Commissioner Report and Recommendations	9/23/2015	6
53	Notice of Entry of Discovery Commissioner Report and Recommendations	9/24/2015	7
54	Joint Pre-Trial Memorandum	9/28/2015	18
55	Order Denying Def's Motion for Summary Judgement	10/9/2015	2
56	Pl.'s Objection to Def.'s Untimely Errata to Def. David Siegel's Motion to Dismiss	10/9/2015	3
57	Notice of Entry of Order of Denying Def.'s Motion for Summary Judgement	10/12/2015	4
58	Pl.'s Emergency Motion to Continue Trial and for Sanctions on Order Shortening Time	10/26/2015	96
59	Def.'s Opp. to Pl.'s Motion to Continue Trial and for Order Sanctions on an Order Shortening Time	10/28/2015	22
60	Order on Pl. Omnibus Motions in Limine	11/2/2015	3
61	Order Granting Def.'s Motion in Limine[#1] to Exclude Purported Expert Witness Gary Presswood	11/2/2015	2
62	Order Denying w/out Prejudice Def.'s Motion in Limine[#2] to Exclude Unrelated Medical Conditions and Damages Claimed by Pl.	11/2/2015	3
63	Order Denying Def.'s Motion in Limine[#3] to Exclude any Reference or Testimony of Def.'s Alleged Failure to Preserve Evidence	11/2/2015	2
64	Notice of Entry of Order Granting Pl.'s Oral Motion for Demand of Jury Trial	11/5/2015	4
65	Order Granting Pl.'s Oral Motion for Demand of Jury Trial	11/5/2015	2
66	Notice of Entry of Order	11/5/2015	5
67	Notice of Entry of Discovery Commissioner Report and Recommendations	11/17/2015	8
68	Notice of Entry of Discovery Commissioner Report and Recommendations	11/17/2015	6
69	Def.'s LLC's Trial Brief	11/25/2015	10
70	Def.'s Opp to Pl.'s Application for Fees, Costs and Pre-Judgment Interest and Motion to Retax Costs	12/7/2015	24

2219

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17128
94-236/1224

DATE 11/4/2015

PAY TO THE
ORDER OF Yanet Elias

\$ **30.00

Thirty and 00/100***** DOLLARS

Yanet Elias

MEMO

Witness Fee - A-12-655992-C

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Yanet Elias

11/4/2015

17128

30.00

Witness Fee - A-12-655992-C

30.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Yanet Elias

11/4/2015

17128

30.00

O'Connell - Costs

Witness Fee - A-12-655992-C

30.00

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17129
94-236/1224

DATE 11/4/2015

PAY TO THE ORDER OF Corey Prowell

\$ **30.00

Thirty and 00/100***** DOLLARS

Corey Prowell

MEMO

Witness Fee - A-12-655992-C

SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Corey Prowell

11/4/2015

17129

30.00

Witness Fee - A-12-655992-C

30.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Corey Prowell

11/4/2015

17129

30.00

O'Connell - Costs

Witness Fee - A-12-655992-C

30.00

RUNNING VEGAS

INVOICE

6096 THORNE BAY COURT LAS VEGAS NEVADA 89110

Nettles Law Firm
1389 Galleria Dr.
Henderson, NV 89014

Invoice Date: 10/01/2015

Retainer	October 2015		\$ 350.00
2790		Motion to Quash - Henderson Muni	10.00
2798	O'Connell	OPP - Dept. 5 - Expedited	10.00
2802	O'Connell	On Call - Expedited Return - OST	50.00
		Immediate Re-Submission - Discovery	20.00
2803	O'Connell	OPP - Dept. 5 - Immediately	20.00
2808		Motion to Quash - Henderson Muni	10.00
2817		S&O - Dept. 5 - Expedited	10.00
2819		Delayed P/U - Hearings	10.00
2825		Hearings - Expedited	10.00
2826		Dealyed P/U - Appeals - Expedited	20.00
2839	O'Connell	PT Memo - Dept. 5 - Expedited	10.00

TOTAL: \$ 530.00

Due Upon Receipt
Thank You

PLTF 017

2 RA 270

LAW OFFICES OF BRIAN D NETTLES, INC.

OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

16993

94-236/1224

DATE 10/5/2015

PAY TO THE
ORDER OF

Running Vegas

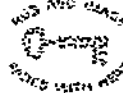
\$ **530.00

Five Hundred Thirty and 00/100*****

DOLLARS

Running Vegas

MEMO



SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Running Vegas

10/5/2015

16993

	350.00
mot to quash	10.00
opp exp	10.00
on call exp return ost	70.00
opp	20.00
mot to quash	10.00
s&o exp	10.00
pu ho exp	20.00
ao pu exp	20.00
pt memo	10.00

530.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Running Vegas

10/5/2015

16993

	350.00
mot to quash	10.00
opp exp	10.00
on call exp return ost	70.00
opp	20.00
mot to quash	10.00
s&o exp	10.00
pu ho exp	20.00
ao pu exp	20.00
pt memo	10.00

530.00

RUNNING VEGAS

INVOICE

6096 THORNE BAY COURT LAS VEGAS NEVADA 89110

Nettles Law Firm
1389 Galleria Dr.
Henderson, NV 89014

Invoice Date: 11/02/2015

Retainer	November 2015	\$	350.00
2853	Delayed P/U (1/4) - Hearings		2.50
2854	Delayed P/U (1/4) - Hearings		2.50
2855	Delayed P/U (1/4) - DCRR - Discovery - Expedited		12.50
2856	Delayed P/U (1/4) - S&O - Dept. 4 - Expedited		12.50
2858	Appeals - Expedited		10.00
2864	Delayed P/U - ADR - Expedited		25.00
2875	Appeals - Expedited		10.00
2885	Delayed P/U - Hearings & Appeals - Expedited		30.00
2886	On Call Expedited Return - OST		50.00
- - - -	O'Connell Expedited P/U & Efile - OST		25.00

TOTAL: \$ 530.00

Due Upon Receipt
Thank You

PLTF 019

2 RA 272

LAW OFFICES OF BRIAN D NETTLES, INC.

OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17107

94-236/1224

DATE 11/3/2015

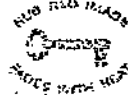
PAY TO THE ORDER OF Running Vegas

\$ **530.00

Five Hundred Thirty and 00/100 ***** DOLLARS

Running Vegas

MEMO



SECURITY FEATURES INCLUDED. DETAILS ON BACK.

[Handwritten signature]

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Running Vegas

11/3/2015

17107

	350.00
delayed p/u HO	2.50
delayed p/u HO	2.50
delayed p/u DCRR	12.50
delayed p/u S&O	12.50
appeals exp	10.00
delayed p/u ADR	25.00
appeals exp	10.00
delayed p/u HO/AO exp	30.00
exp return OST	50.00
exp pu & efile OST	25.00

530.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Running Vegas

11/3/2015

17107

	350.00
delayed p/u HO	2.50
delayed p/u HO	2.50
delayed p/u DCRR	12.50
delayed p/u S&O	12.50
appeals exp	10.00
delayed p/u ADR	25.00
appeals exp	10.00
delayed p/u HO/AO exp	30.00
exp return OST	50.00
exp pu & efile OST	25.00

530.00

RUNNING VEGAS

INVOICE

6696 THORNHILL BAY COURT LAS VEGAS NEVADA 89110

Nettles Law Firm
1389 Galleria Dr.
Henderson, NV 89014

Invoice Date: 09/01/2015

Retainer	September 2015		\$ 350.00
2732		Mediation Brief	5.00
		10651 Capesthorne (Area 4)	35.00
2734	O'Connell	Opposition - Discovery - Expedited	10.00
2736		Response - Discovery - Expedited	10.00
2742		Henderson Muni - Quash - Expedited	20.00
2744		DCRR - Discovery - Expedited (<i>rejected</i>)	10.00
		Kinkos - Copies - Expedited	20.00
		Re-Submit - Discovery - Expedited	10.00
2746		MFSJ - Dept. 24 - Expedited	10.00
2747		MPO - Discovery - Immediately	20.00
		On Call - P/U - Discovery - Time Sensitive	50.00
2748		Exemption - ADR - Expedited	10.00
2773	O/Connell	OST - Discovery - Expedited	10.00
2776		Hearings - Expedited	10.00
2779		ROC - 501 S. Rancho (Area 3)	30.00

TOTAL: \$610.00

Due Upon Receipt
Thank You

PLTF 021

2 RA 274

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

16843
94-236/1224

DATE 9/1/2015

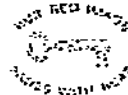
PAY TO THE
ORDER OF Running Vegas

\$ **610.00

Six Hundred Ten and 00/100 ***** DOLLARS

Running Vegas

MEMO



SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Running Vegas

9/1/2015

16843

	350.00
del mediation brief	40.00
opp exp	10.00
response exp	10.00
mot quash exp	20.00
derr exp	40.00
msj exp	10.00
disc exp	70.00
adr exp	10.00
disc ost	10.00
ho exp	10.00
roc	30.00

610.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

Running Vegas

9/1/2015

16843

	350.00
del mediation brief	40.00
opp exp	10.00
response exp	10.00
mot quash exp	20.00
derr exp	40.00
msj exp	10.00
disc exp	70.00
adr exp	10.00
disc ost	10.00
ho exp	10.00
roc	30.00

610.00

LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

16987
94-236/1224

DATE 10/5/2015

PAY TO THE
ORDER OF

\$ **112.50

One Hundred Twelve and 50/100***** DOLLARS

MEMO

PAYROLL/REIMBURSEMENT



SECURITY FEATURES INCLUDED. DETAILS ON BACK.



LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

10/5/2015

16987

pu check	19.00
doc delivery	13.00
delivery/exchange	12.00
pu files	15.50
delivery	28.00
delivery	25.00

PAYROLL/REIMBURSEMENT

112.50

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

10/5/2015

16987

pu check	19.00
doc delivery	13.00
delivery/exchange	12.00
pu files	15.50
delivery	28.00
delivery	25.00

PAYROLL/REIMBURSEMENT

112.50

11/18/2015

17174

nhp photos
d/off expert payments
delivery

25.00
16.50
11.00
23.00
26.00

PAYROLL/REIMBURSEMENT

101.50

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LAW OFFICES OF BRIAN D NETTLES, INC.
OPERATING ACCOUNT
1389 GALLERIA DRIVE, SUITE 200
HENDERSON, NV 89014

17100
94-236/1224

DATE 11/3/2015

PAY TO THE
ORDER OF

\$ **45.00

Forty-Five and 00/100***** DOLLARS

MEMO

PAYROLL/REIMBURSEMENT



SECURITY FEATURES INCLUDED. DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

11/3/2015

17100

p/u check	7.00
delivery	15.00
delivery	11.00
exchange	12.00

PAYROLL/REIMBURSEMENT

45.00

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT

11/3/2015

17100

p/u check	7.00
delivery	15.00
delivery	11.00
exchange	12.00

PAYROLL/REIMBURSEMENT

45.00

Running Vegas

9/1/2015

	350.00
del mediation brief	40.00
opp exp	10.00
response exp	10.00
mot quash exp	20.00
derr exp	40.00
msj exp	10.00
disc exp	70.00
adr exp	10.00
disc ost	10.00
ho exp	10.00
roc	30.00

610.00

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[illegible]

NAME:

Total Mileage

203

-November