

**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.*

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YVONNE O'CONNELL, an individual,

*Appellant,*

vs.

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

*Respondent.*

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Supreme Court Case No.: 70583(L)

*Consolidated with Case No.: 71789*

Electronically Filed

Jan 04 2018 01:23 p.m.

Eighth Jud. Dist. Ct.

Case No.: A-12-655992-C  
Elizabeth A. Brown  
Clerk of Supreme Court

Supreme Court Case No.: 71789

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**RESPONDENT/APPELLANT'S REPLY APPENDIX ("RA")**  
**Vol. 1; 1 RA 001-200**

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DATED this 8<sup>th</sup> day of January, 2018.

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## **CERTIFICATE OF SERVICE**

I certify that on the 8<sup>th</sup> day of January, 2018, I electronically filed **RESPONDENT/APPELLANT'S REPLY APPENDIX** with the Supreme Court of Nevada by using the Court's eFlex electronic filing system to the following parties.

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CLERK OF THE COURT

TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA  
\* \* \* \* \*

YVONNE O'CONNELL,	.	CASE NO. A-12-655992-C
	.	
Plaintiff,	.	DEPT. V
	.	
vs.	.	
	.	
WYNN RESORTS LIMITED, et al.,	.	<b>TRANSCRIPT OF</b>
	.	<b>PROCEEDINGS</b>
	.	
Defendants.	.	
. . . . .	.	

BEFORE THE HONORABLE CAROLYN ELLSWORTH, DISTRICT COURT JUDGE

**JURY TRIAL - DAY 3**

MONDAY, NOVEMBER 9, 2015

APPEARANCES:

FOR THE PLAINTIFF:	CHRISTIAN M. MORRIS, ESQ. EDWARD J. WYNDER, ESQ.
FOR THE DEFENDANTS:	LAWRENCE J. SEMENZA, III. ESQ. CHRISTOPHER D. KIRCHER, ESQ.

ALSO PRESENT:

Renee Ocougne de Gascon  
*Spanish Interpreter*

COURT RECORDER:

LARA CORCORAN  
District Court

TRANSCRIPTION BY:

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

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

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<u>NAME</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
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***\*Testimony with Spanish Interpreter***

***\*\*Testimony outside the presence of the jury***

EXHIBITS

<u>DESCRIPTION</u>	<u>ADMITTED</u>
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(No exhibits admitted)

1       LAS VEGAS, NEVADA, MONDAY, NOVEMBER 9, 2015, 1:33 P.M.

2                   (In the presence of the jury)

3           THE MARSHAL: Jury's all accounted for, Your Honor.

4           THE COURT: Thank you. Please be seated. All  
5 right. Good afternoon. And this is the continuation of case  
6 number A-12-655992, Yvonne O'Connell vs. Wynn Resorts Limited.

7           And the record will reflect the presence of the  
8 parties with their respective counsel, all officers of the  
9 court are present, and the individuals who were selected as  
10 jurors and alternate jurors last week during jury selection  
11 are present, and we are now going to swear them in as jurors  
12 and alternate jurors.

13           THE CLERK: Could everyone rise, except the two  
14 alternates, and raise your right hand?

15                   JURORS SWORN

16           THE CLERK: You may be sweated. Would the  
17 alternates please rise and raise your right hand?

18                   ALTERNATE JURORS SWORN

19           THE CLERK: Please be seated.

20           THE COURT: Thank you. All right. All right,  
21 ladies and gentlemen, I'm going to now give you a few pre  
22 instructions just to let you know kind of how the case is  
23 going to flow and what to expect as we proceed through the  
24 week. So, you know, this is just an informal briefing to you,  
25 and you're going to get at the end of the trial very specific

1 instructions as to the law in this matter. And those will be  
2 in writing, and I will read those to you, so those  
3 instructions will come at the end, and these are just some  
4 things to let you know what to expect.

5 Now, this is a civil trial, of course, and it is the  
6 plaintiff's burden of proof in a civil trial to prove their  
7 case by a preponderance of the evidence, which basically means  
8 that it's more likely than not that their case is as they  
9 claim it to be.

10 Now, the way cases get started in a civil matter is  
11 that a plaintiff files a Complaint, and the defense -- that  
12 Complaint states what their claims are against the other side.  
13 The defense reads that and files an Answer either admitting,  
14 denying, or saying that they're denying because they don't  
15 have enough information to form a belief as to the truth of  
16 the allegations in the Complaint. Those are the documents  
17 that start the case.

18 Now, during the trial, I wanted to admonish you from  
19 the outset here that no juror may declare to a fellow juror  
20 any fact relating to this case of that juror's own knowledge.  
21 So, if any juror discovers during the trial or after the jury  
22 has retired that that juror or any other juror has personal  
23 knowledge of any fact or controversy in the case, then you  
24 shall disclose that situation to me in the absence of the  
25 other jurors.

1           So, what does that mean? Because that's a statutory  
2 requirement that I admonish you. It means that if you learn  
3 during the course of the trial that you're acquainted with the  
4 facts of the case or the witnesses in the case -- and we had  
5 previously asked you that, and you thought you weren't, but  
6 sometimes, additional information comes up and you discover  
7 something like that, and you hadn't previously told us about  
8 it, then you need to let me know. You always do that by  
9 letting the marshal know.

10           And then we would bring you, if you were the juror  
11 in question, in, outside the presence of the other jurors to  
12 make a determination, and that would be with the lawyers  
13 present and the Court, to make a determination as to whether  
14 you could continue to serve as a juror or not. This doesn't  
15 happen often, it's just occasionally, but if it does, you need  
16 to know what to do.

17           The other thing that might happen is if you're  
18 deliberating and another juror has violated the Court's  
19 previous orders that you're not to investigate or do anything  
20 on your own -- this has happened in the past where a juror has  
21 violated such a court order and then tries to tell all the  
22 other jurors about it during deliberation.

23           If that should happen, then your responsibility as  
24 jurors is to say, nope, stop, do not say another word, and to  
25 immediately summon the marshal, who will be sitting outside

1 the door, guarding your deliberations, and let them know that  
2 you -- that -- you know, if it's -- if it's a person that is  
3 trying to do this, then it would be the foreperson, generally,  
4 who would bring this to my attention. But again, it would be  
5 something where we would bring the foreperson in if it was  
6 another juror other than the foreperson that was doing this,  
7 and find out what the circumstances were, and see what extent  
8 there had been prejudice, if any, okay?

9           So, if something like that happens, you know what to  
10 do. You contact the marshal, and the marshal will bring it to  
11 my attention, I notify the lawyers of this, and we all are  
12 present to figure out what happens next. All right.

13           I think I've told you before that during the course  
14 of the trial, your contact with the Court is through the  
15 marshal. Now, does that mean you can discuss the case with  
16 the marshal? Absolutely not. You can discuss things with the  
17 marshal like, during deliberations, you've run out of coffee  
18 and you need to make another pot. And so, if you don't have  
19 the ability, you know, or materials to do that, you let the  
20 marshal know.

21           You know -- you know, if you've got some personal  
22 issue or something that you think you're going to be late for,  
23 you know, court, or something where you need to let the  
24 marshal know, because he's going to need to bring that to my  
25 attention, and I, in turn, the lawyers. That is something you

1 can talk to the marshal about.

2           You may never talk to the marshal about the case,  
3 ask the marshal his opinion about the case, nothing about the  
4 case. The marshal is more your contact for making sure your  
5 stay in the courthouse runs smoothly, that your parking is  
6 covered, and that, you know, the temperature of the room --  
7 you can complain to him about the temperature of the room.  
8 Sadly, I can't really do anything about that. The -- what  
9 appear to be thermostats on the wall don't appear to be  
10 connected to anything.

11           So, maybe there is someone who controls the  
12 temperature in the building, but I don't know who that person  
13 is. So, basically, layered -- the layered approach is the  
14 best. Then you can -- if you're too warm, you can take your  
15 jacket off, but if you're too cold, you can put it back on.  
16 And it's oftentimes chilly in the courtroom, but you never  
17 know. It's like that -- doesn't matter what the season  
18 outside is, the courthouse is usually cold, except when it's  
19 hot. So, again, I will do my best to keep you comfortable,  
20 but some things are kind of outside my control.

21           Now -- and I think I told you last week, but I'll  
22 just remind you again that if you pass any of the lawyers or  
23 court personnel outside in the halls, please don't try and  
24 engage them in conversation so they don't feel bad about  
25 having to be rude and not responding to you. They're not

1 allowed to contact you at all outside the courtroom.

2           Even in the courtroom, they have to be very careful  
3 about how they interact with the jury, because, otherwise, it  
4 is -- can be seen as improper contact with the jury, trying to  
5 curry favor with the jury, whereas their presentations are  
6 supposed to be based on the evidence. And so, don't try and  
7 have any contact with them outside in the halls if you should  
8 pass them, because it will just make them feel bad.

9           Now, also, if you do while you're out in the halls  
10 see a witness that's outside -- I mean, we don't have holding  
11 areas for witnesses and holding areas for the jury. So, if  
12 you see somebody that you think was a witness because maybe  
13 their testimony had started, and then we took a break, stay  
14 away from that person if that -- just, you know, if you see  
15 them and they're talking to somebody, you don't want to  
16 overhear anything they're saying, so just go to the other end  
17 of the hall and try and keep from tainting what your  
18 deliberations will be based upon, which they will be based  
19 upon what you hear and see in this courtroom.

20           So, witnesses on the stand who will be under oath  
21 testifying from the witness stand in this courtroom, and any  
22 evidence that is admitted by the Court here at the time court  
23 is in session.

24           Okay. Now, I told you last week, don't visit the  
25 scene. That remains. Don't try and visit the scene or do any

1 research.

2           Now, during the trial, a lawyer may object, and of  
3 course, that's their job, is when a lawyer voices an objection  
4 to evidence in the trial, it's because -- they're doing that  
5 for a reason; because they believe it violates the piece of  
6 evidence, or the question asked violates the rules or the law,  
7 and so it's their obligation to make an objection. In fact,  
8 if they don't make an objection, it's not preserved, and so  
9 they have to do that. So, you should not hold it against a  
10 lawyer because an objection is made.

11           Now, if I sustain an objection, that means then --  
12 to a question, for instance, then that means that you must  
13 disregard that question as if it hadn't been asked. Don't try  
14 and figure out or guess what the answer might have been to a  
15 question. Questions aren't evidence; questions only are --  
16 give meaning to an answer.

17           And so, if I sustain an objection, that the question  
18 can't be asked, then you should completely disregard that,  
19 because that's what that means; the evidence can't be  
20 received. Same would be if evidence is offered, a piece of  
21 evidence, physical evidence, a document, and there's an  
22 objection which I sustain, the evidence can't come in.

23           And occasionally, I might tell you that I'm striking  
24 some kind of evidence and you should disregard it. So, if I  
25 do that, and you've been taking notes of that -- that

1 evidence, strike through that in your notes so you know later  
2 when you go back you're not to consider that, because you've  
3 been told you have to disregard that. If I overrule an  
4 objection, then that means the question can be asked, the  
5 answer can be had, or the evidence could be received.

6           Okay. So, if at any time you can't hear what the  
7 witness is testifying to, then please raise your hand and say,  
8 I can't hear, and don't be shy about it. It's really  
9 important. You are the fact-finders in this trial, and you're  
10 the ones who will decide what the facts are, and then use  
11 those facts, apply them to the law, and by that method, come  
12 up with a verdict in the case.

13           So, since you're the fact-finders, you need to hear  
14 everything. So, if you can't hear either the question, if the  
15 lawyer's voice is too low or what have you, and you can't hear  
16 -- or a witness, then you need to bring that to the Court's  
17 attention. Because sometimes I think I can hear it, and I'm  
18 assuming you can hear it, and maybe you can't. Other times,  
19 sometimes, I can tell, but if I don't, then you need to be  
20 affirmative about saying that you couldn't hear, and we'll  
21 have that question re-asked.

22           As I said, you're allowed to take notes in this  
23 matter, and that's what the pads are for. So, all I can say  
24 about that is don't let the note-taking distract you from  
25 listening, because sometimes when we take notes and we are so

1 involved in making our note, we stop listening, and then the  
2 problem is you're taking this note about something that  
3 happened six questions ago, and you've missed all of the  
4 questions and answers after that. So, don't let note-taking  
5 distract you from your listening. Try and keep your note-  
6 keeping, you know, to a minimum so that it doesn't distract  
7 you from listening.

8           As well, you'll be given the opportunity to ask  
9 questions of the witnesses after the lawyers have asked  
10 questions. You don't get to just ask them questions and  
11 practice your -- you know, being a lawyer. You have to write  
12 your questions out in writing and submit them. They'll be  
13 brought to the bench by the marshal, the lawyers and I will  
14 confer and determine whether the question may be asked,  
15 whether it's a proper question under the rules of evidence and  
16 whatnot.

17           Sometimes the question has to be rephrased because  
18 it's -- it's not articulated in a proper manner or what have  
19 you. I may rephrase it if it doesn't -- you know, it can't be  
20 just read. At any rate, the method of doing it is writing the  
21 question. So, again though, don't let your -- don't let  
22 yourself get preoccupied by writing out the question so that  
23 then you're not listening to the other testimony, because  
24 while you're writing out this question, what you may find is  
25 the question has already been asked and answered, and if it

1 has been, I'm not going to re-ask the question, so don't do  
2 that.

3 That has happened in the past where jurors decide  
4 that they want to ask all the questions, and they're so busy  
5 writing their question out that they don't listen to what all  
6 the examination by the lawyers is, and they don't hear the  
7 question -- the very question that they want asked that got  
8 asked.

9 So, the method we'll use is, at the end of the  
10 questioning -- so, you know, if you have a question, just  
11 write a bare minimum about what you want your question. Then  
12 I'll give you the opportunity to write the question down in a  
13 manner that is legible and can be given to me, and then we'll  
14 discuss it, and it will be dealt with in that fashion. So,  
15 don't feel that you won't have adequate time.

16 Also, please remind me -- sometimes, you know, if  
17 you want a question -- if you have a question and I -- we  
18 finish, and I start saying, well, may this witness be excused,  
19 and I haven't asked you affirmatively, say, I have a question  
20 to remind me, because sometimes, we're moving along and we're  
21 moving through the witnesses, I forget that the jury hasn't  
22 had their opportunity, and that's because this questioning  
23 thing by juries is relatively new in the scheme of my law  
24 practice, which goes back 40 years.

25 So, okay, let's see. Now, the trial's going to

1 proceed in the following order. The -- first, the plaintiff  
2 has the opportunity to make an opening statement. And the  
3 purpose of an opening statement is to give you an overview of  
4 what they expect to show through their witnesses during the  
5 trial. It's not a closing argument. They're not going to be  
6 arguing their case to you. And if they start arguing their  
7 case to you, if either side does that in opening statements,  
8 I will say, counsel, this is not argument.

9           So, but the purpose of it is this. You know, when  
10 witnesses come in and testify, they're like pieces in a jigsaw  
11 puzzle, so you have to take each of those pieces and see the  
12 big picture. So, the purpose of an opening statement is to  
13 kind of give you what the big picture is first so you know  
14 where all of these pieces of evidence fits in to form that big  
15 picture that they believe their case will show. So, that's  
16 the purpose of an opening statement, and each side gets the  
17 opportunity.

18           The plaintiff gets to go first. The defense may, if  
19 they wish to, immediately follow the plaintiff's opening  
20 statement with the defense opening statement, but they don't  
21 have to make that opening statement immediately. They can  
22 reserve it for the close -- after the close of the plaintiff's  
23 case and before they begin their case. So, it's their option,  
24 and the lawyer makes that decision at the relevant time  
25 period.

1           So, now, after opening statements or statement are  
2 concluded, then the plaintiff may call witnesses and put on  
3 evidence for their case-in-chief, and so witnesses are called.  
4 The plaintiff gets to go first with their witness -- their  
5 witness. They ask questions first of the witness. Then the  
6 defense may cross-examine those witnesses.

7           After the plaintiff's case has been put on, and the  
8 plaintiff's case has rested, then the defense may then put on  
9 a case if they wish to. It's of course the plaintiff's burden  
10 of proof to prove their case, so the defense doesn't have to  
11 put on a case, but generally does, and they proceed the same  
12 way. They may call witnesses. If they call witnesses, then  
13 the plaintiff may cross-examine those witnesses.

14           Close of the defense case. If it's appropriate, the  
15 plaintiff might have a rebuttal case, and we won't know that  
16 until the time comes. At the close of all of the evidence,  
17 then you will be instructed on the law, and then you will hear  
18 closing arguments from the lawyers.

19           Now, the trial, of course, is recorded. You won't  
20 have the opportunity to get a transcription of the trial, so  
21 it's really important to listen and pay attention. You have  
22 the ability to take notes, as everyone will. And you'll be  
23 able to share during your deliberations your thoughts and your  
24 notes, but don't be overly swayed by notes of another juror.  
25 Remember, you know, you should mainly rely on your

1 recollection of what occurred, and the notes are only to  
2 enhance your recollection.

3           Occasionally, I might find it necessary to admonish  
4 a lawyer to remind them about the rules of evidence, or the  
5 rules of, you know, when they're examining a witness, or  
6 whatever it is about, you know. But if I do that, it's for a  
7 reason; to make sure that the trial is being handled in a fair  
8 and impartial manner, and that they're following the rules.  
9 So, you're not to hold that against a client just because of  
10 -- either side, just because I've had to admonish a lawyer.  
11 It happens, and it's kind of routine, so don't worry about  
12 that.

13           All right. So, there are two types of evidence in a  
14 trial; direct evidence and circumstantial evidence. So,  
15 direct evidence is testimony by a witness on the stand that is  
16 about something that they personally saw, or heard, or did, or  
17 otherwise sensed, smelled even. And circumstantial evidence  
18 is proof of a chain of facts from which you could infer  
19 another fact.

20           You probably over the years have heard on television  
21 or the movies, well, it was just a circumstantial case, or it  
22 was only circumstantial evidence. Well, that -- that implies  
23 that circumstantial evidence isn't good evidence, and in fact,  
24 it is. The law recognizes both kinds of evidence in the same  
25 way, circumstantial evidence and direct evidence.

1           So, let me give you an example of circumstantial  
2 evidence as opposed to direct evidence. So, say you walked  
3 out of your house this morning and you saw -- as you stepped  
4 out, you know, you opened your door and you stepped out on the  
5 porch, you saw that there was water dripping from the eaves of  
6 your house. And as you looked out, you saw water running down  
7 the gutters in the street. And you looked, and as far as you  
8 could see, the streets appeared to be wet, and you looked the  
9 other way, and the streets appeared to be wet and smelled like  
10 rain.

11           Well, that's circumstantial evidence that it may  
12 have rained during the night. You didn't see it yourself, so  
13 you're taking these other facts that you did see, and you're  
14 deducing. You're inferring from those facts a logical fact to  
15 be drawn from that. That's circumstantial evidence.

16           Direct evidence would be, say you were awakened  
17 during the night, and you thought you heard something, so you  
18 opened the door and looked out, and looked up at the sky, and  
19 you saw there were clouds in the sky and there was water  
20 falling from the sky, and it fell on your face and/or on your  
21 hands, and you saw that it was water, and you know from your  
22 own experience living in this world that it was raining.  
23 That's direct evidence that it was raining.

24           And that's the difference between circumstantial and  
25 direct evidence. But as I say, the law gives equal weight to

1 both kinds of evidence, but as to any kind of evidence, you  
2 are the ones who decide how much weight or importance to give  
3 to any piece of evidence.

4           Now, there are some times that, you know, people may  
5 forget things. And you -- so, when you're deciding whether or  
6 not to believe a person's testimony, because you can make your  
7 decision about whether to believe a person's testimony based  
8 on all kinds of things; their demeanor on the stand, whether  
9 they have a motive to fabricate, whether they said or did  
10 anything before the trial that is contrary to what they're  
11 saying while they're testifying, all these things that you can  
12 assess in determining whether a witness is telling the truth  
13 or not.

14           And you can believe everything a witness says, none  
15 of what a witness says, or some of what a witness says. If  
16 you think, well, this was proved by other evidence, it  
17 corroborates what the witness said, you can choose any of  
18 those options.

19           But if you're trying to decide whether or not  
20 someone's telling the truth about a particular thing, then you  
21 need to remember that sometimes people do forget things, and  
22 that you should concentrate on thinking, well, is this an  
23 important fact that someone should have remembered, and  
24 therefore, if they're testifying contrary to what they said  
25 before, it's likely that they were being untruthful, or is it

1 just a trivial matter that isn't of any consequence? And so,  
2 again, it's always your decision as to how much weight you  
3 give to any testimony as to whether you believe it or  
4 disbelieve it.

5 I talked to you about not talking about the case,  
6 and that remains throughout the trial. Also, don't make up  
7 your mind about the verdict until you've heard all the  
8 evidence. It's really important throughout the trial that you  
9 keep an open mind, because you hear an opening statement, you  
10 hear then some witnesses, and you start formulating opinions.  
11 It's just natural, but don't -- don't close your mind.

12 Keep an open mind, knowing that you need to hear  
13 everything before you make a decision, because you're going to  
14 have that opportunity, and then you're going to have the  
15 opportunity to deliberate with your fellow jurors and come up  
16 with a decision. So, you should never make up your mind until  
17 you've -- you have heard everything and you've had that  
18 opportunity.

19 And again, please pay close attention, because  
20 although we do have the ability to play back testimony, it is  
21 time-consuming to do that, and if it's not necessary then --  
22 because you're listening, that's the better way than to have  
23 to replay lengthy testimony on our video and audio recording  
24 system.

25 All right. So -- all right. Having given you those

1 preliminary instructions, we'll ask the plaintiff if they're  
2 ready to deliver opening statement.

3 MS. MORRIS: Yes. Thank you.

4 THE COURT: All right. You may proceed.

5 MS. MORRIS: Is the microphone working? Thanks.  
6 Good afternoon. Let's see if I can get this to work.

7 PLAINTIFF'S OPENING STATEMENT

8 MS. MORRIS: Wynn Las Vegas. You're going to learn  
9 that Yvonne O'Connell used to love to go to Wynn Las Vegas.  
10 She had been going there since it opened back in 2005. She's  
11 going to tell you that she loved that casino. In fact, aside  
12 from the Rampart Casino, it was her favorite casino to go to.  
13 She loved that it was a luxurious property, that it was high  
14 tech, state-of-the-art. She loved the name brand luxury  
15 stores.

16 You're going to learn that she had a red card, a  
17 player's card there, and because she was -- she had a player's  
18 card, she got promotions from there. She would get free  
19 buffets, she would get free slot play, and she would get  
20 invited to play in their poker tournaments. You're going to  
21 learn that, before February 8th, 2010, Yvonne O'Connell liked  
22 the Wynn and never had any problems.

23 Now, back in February 2008, in the atrium area,  
24 which is in the south entrance of the Wynn Casino, they were  
25 celebrating the Chinese New Year. You can see the decorations

1 that are in this picture. Now, these photographs were taken  
2 by security. You're going to hear from an Officer Corey  
3 Prowell, and he took this photograph after Yvonne fell in the  
4 area, showing where she fell, which I'll get you closer  
5 photographs, but it's right here in this area.

6 Now, also on February 8th, 2010, aside from these  
7 decorations, and before this photograph was taken, you're  
8 going to learn that there was approximately a seven-foot spill  
9 of a green liquid, and the evidence is going to show that that  
10 liquid had been there long enough that three feet of it,  
11 approximately that, had started to dry and had accumulated  
12 footprints. You're also going to learn that above the area  
13 where Yvonne fell were security cameras.

14 Now, also at the Wynn on February 8th, 2010 was  
15 Yvonne. She had gone there to meet her cousins who were in  
16 town visiting from California, and she had gone and eaten at  
17 the buffet with them. Now, back in 2010, Yvonne had a  
18 boyfriend named Sal, and at the time, Sal was out of town; he  
19 got on a cruise.

20 And so, Yvonne will tell you that on February 8th,  
21 her plan was to eat at the buffet with her cousins, and then  
22 she was going to walk the Strip. She was doing that so she  
23 could get exercise, she liked to sight see, look through the  
24 shops, and then she was going to come back and gamble a little  
25 at the Wynn. She'll tell you she plays video poker; the card

1 poker.

2           Now, this is a closer photograph of the area where  
3 Yvonne fell, and she is going to show you that right in this  
4 area was where the green liquid was, and this area over here  
5 to the left was where the dried part of it was. And Yvonne's  
6 going to tell you that after she left the buffet, she went and  
7 got her coat and was headed to walk the Strip, but like she  
8 usually does, she went to the atrium area because she liked to  
9 see what the decorations were, and take a look, and see if the  
10 displays had changed.

11           And she was walking down through the right side of  
12 the atrium, and she slipped in the green liquid and landed on  
13 her right side, right here on this marble curve. And so, she  
14 was halfway in the garden area, and halfway on the marble  
15 floor.

16           Now, these are guest reports that were created as a  
17 result of her fall. It's -- this is a guest accident or  
18 illness report. It was filled out by Corey Prowell because  
19 Yvonne will tell you she was unable to write due to the  
20 injuries she had to her arm, and so he filled it out for her.

21           MR. SEMENZA: Your Honor, I'm going to object. May  
22 we approach for a moment?

23           THE COURT: Yes.

24                       (Off-record bench conference)

25           THE COURT: Okay, proceed.

1 MS. MORRIS: Thank you. So, Corey filled this out  
2 for Yvonne, showing that February 8th, 2010 at approximately  
3 2:00 o'clock was when the incident happened.

4 Now, questions which were listed on the Incident  
5 Report were what, if any, alcoholic beverages have you had to  
6 drink, and which the response is, no. Did you examine the  
7 premises of the area of your accident, in which she said, yes.  
8 If yes, what did you find to be the contributing factor of  
9 your accident, in which he wrote down for her, lots of green  
10 liquid. Whom do you consider to be at blame for the accident,  
11 and which she writes, the green liquid. And down here, what  
12 if any injuries did you sustain, and she put right shoulder,  
13 right ankle, and buttocks.

14 Now, you're also going to see this report, which was  
15 written by a Terry Ruby, and Terry Ruby wrote, "I was  
16 vacuuming the pathway carpet, going past Blush toward the  
17 south entrance. When I was approaching the south entrance, I  
18 noticed a group of people, approximately four, helping a guest  
19 up that had fallen in the plants. I went to see if she was  
20 okay, and she asked me to call for help. I called dispatch,  
21 who then notified security. I" -- it's hard to read, but I --  
22 "I informed our guest that someone would come and take a  
23 report. I apologized to our guest for her mishap, and when my  
24 supervisor arrived, I went back to work."

25 You're also going to hear from and you're going to

1 see the report of Yanet Elias. And at the time back in 2010,  
2 Yanet Elias was an assistant manager in the public areas  
3 department. And Yanet's going to tell you that she got a call  
4 at approximately 2:30 on Monday, February 8th, and she  
5 received a call from one public area employee "to let me know  
6 that a lady fell into the south entrance between Cartier and  
7 Chanel store. I go to see what happened, and I see a lady  
8 stand up close to the garden area, and an employee cover a  
9 spill with a sweeper machine."

10 Now, you're also going to hear from Officer Prowell.  
11 He is the security officer who responded. And here is a  
12 portion of his report. I've just given you the whole report,  
13 and then this is a closer up version so we can read it. It  
14 says, "On February 8th, 2010 at approximately 14:35," 2:35,  
15 "I, Security Officer Prowell, an employee, responded to the  
16 front atrium adjacent to Dior in regards to a guest injury.  
17 Upon arrival, I met with public area manager Yanet Elias, who  
18 was assisting non-guest Yvonne O'Connell." The category is  
19 guest injury; the type of injury is medical.

20 This is another portion of his report. "Ms.  
21 O'Connell stated, while rounding the corner of the front  
22 atrium, she slipped and fell into the indoor landscaping.  
23 After she recovered, she noticed a large liquid substance on  
24 the floor, appearing to be green in color. Ms. O'Connell  
25 stated she had moderate to severe pain in her right shoulder,

1 right ankle, and right buttocks. I was unable to observe Ms.  
2 O'Connell's injury due to restrictive clothing; however, I  
3 noticed Ms. O'Connell appeared to have limited mobility in her  
4 right arm."

5 He also wrote, "I spoke with Manager Elias, who  
6 stated, upon her arrival, she noticed the liquid substance on  
7 the floor. She immediately assigned attendant to clean up the  
8 area in order to prevent further incidents of the area --  
9 incidents. The area was cleaned by attendant Terry Ruby.  
10 Upon my observation of the scene after it was cleaned, I  
11 noticed no unsafe conditions. Pictures attached."

12 And those are the pictures that I've shown you. The  
13 pictures that Corey Prowell took are of the floor after it had  
14 been cleaned, and after that, he observed no unsafe condition.

15 He also took photographs of Yvonne's shoes that she  
16 had on that day. So, here are a couple of photographs of her  
17 shoes. Here's one a little bit closer up. You're going to  
18 learn that Corey took those after he sat down and took the  
19 report from Yvonne.

20 Now, the atrium area by the south entrance is  
21 inspected and cleaned by a porter. And you're going to learn  
22 from Wynn that that porter is responsible for making sure that  
23 the marble floor in that area is clean and safe from debris.  
24 But that porter isn't assigned just to the atrium area. That  
25 porter is assigned from the north entrance of Wynn where the

1 Ferrari dealership is, all the way down through the Parasol  
2 Bar, which is the circular bar in the middle, all the way down  
3 through the atrium area and to the south entrance.

4           And you're going to learn that that porter has  
5 responsibilities, and their responsibility is to make sure  
6 that all of the glass doors on the north entrance, of which  
7 you're going to hear there are quite a few, are meant to --  
8 they have to make sure that they're clean. And then it's that  
9 porter's job to make sure that all of the marble floors from  
10 that north entrance is clean and free of debris.

11           And they don't just walk straight. This porter  
12 walks all the way around, kind of like in a zigzag, making  
13 sure that there's nothing on the marble floor. And that  
14 porter's also responsible for making sure that they refill  
15 their supplies, and if they come across any spills whatsoever,  
16 that they immediately clean them up.

17           And if they don't come across anything, and they are  
18 able to just get all the way down through the atrium area, all  
19 the way to the south entrance, it takes them about --  
20 approximately 20 minutes. So, you're going to learn that that  
21 porter is responsible for the north entrance all the way down  
22 through the Parasol Bar, all the way through the south  
23 entrance.

24           Now, you're also going to hear that that porter's  
25 responsibility to make sure that floor is clean is important,

1 and you're going to learn that they have an assistant manager  
2 who's over them, and that assistant manager's job is to make  
3 sure that the porter is doing their job, because you're going  
4 to learn that the porter doesn't fill out any kind of  
5 paperwork, he doesn't -- or she doesn't fill out any kind of  
6 sweep log, nothing to say, I've been here, I've done this.  
7 But an assistant manager is assigned to kind of walk around  
8 and ensure that that porter is doing the job that they need to  
9 be doing.

10 And you're going to hear from Yanet Elias, assistant  
11 manager at the time, and she'll tell you, the one indication  
12 that a porter hasn't done the job that they need to is that  
13 there's debris on the floor.

14 You're also going to learn that the south entrance  
15 where the atrium area is is considered a high traffic area.  
16 And the reason it's a high traffic area is because it's one of  
17 the only two entrances to the casino from the Strip. And  
18 you're going to learn that it's such a high traffic area that  
19 if there's a spill in that area, it needs to be immediately  
20 cleaned up, because they know that it poses risks to guests.

21 Now, you're going to learn about Yvonne O'Connell.  
22 You're going to learn that Yvonne is from California; that  
23 she's from a small town called Tehachapi where -- she grew up  
24 there. She's got four brothers. Her father was the mayor  
25 there, and her father actually passed when she was 13 from

1 cancer.

2           You're going to learn that Yvonne went to  
3 Bakersfield Junior College because she got interested in  
4 dental hygiene, and you're going to learn she graduated there,  
5 and that she went to UC San Francisco, and UC San Francisco  
6 was one of the schools at the time that offered a program in  
7 dental hygiene.

8           You're going to learn that when she went up there,  
9 she loved going to school. She liked working while she was in  
10 school. She graduated and started working for a periodontist,  
11 and at 25, she bought her first house and she met her first  
12 husband, Barney. He was a dental student. You're going to  
13 learn that she and Barney got married, and that they moved  
14 down to the Southern California area.

15           And when they were down there, they're both working,  
16 but eventually, she and Barney opened a dental practice, and  
17 she was the dental hygienist and he was the dentist. You're  
18 going to learn that she worked for about five to six years  
19 with that dental practice.

20           It was doing good, but Yvonne actually couldn't hold  
21 the tools for the deep cleanings that she was doing. She had  
22 -- she has flexible fingers that couldn't hold the tools, so  
23 she stopped working as a dental hygienist. And Yvonne will  
24 tell you, at the time, she wanted to start a family, but  
25 Barney did not want to start a family, and so Yvonne got back

1 in the workforce, and that she met -- she bought a franchise,  
2 so she started a bakery company, and she ended up having a  
3 wholesale bakery company for about three years.

4 And then you're going to learn that she and Barney  
5 got divorced, and she met John O'Connell, who is the reason  
6 that she moved here to Las Vegas.

7 So, John O'Connell was actually a law professor who  
8 had taught one of her brothers. And so, she'd known him for  
9 years, but they met after she divorced Barney, and he was  
10 older, and he was winding down his career, and he wanted to  
11 move out here to Las Vegas to retire.

12 So, in about 1996, they moved out here to Las Vegas,  
13 and while he was still working a little bit, Yvonne worked as  
14 his assistant. And she'd help him with his paperwork, and  
15 drive him back and forth to California, because he was still  
16 doing a little bit of teaching, and that's how Yvonne came to  
17 Las Vegas. And they lived out here happily until about 2002  
18 when John fell ill. And they were home one night, and he  
19 passed away with her, and they got a chance to say goodbye.

20 And you'll learn that Yvonne mourned for about a  
21 year, but then, after a year, she started to get back and get  
22 out. And you'll learn that she got a flyer to go to the  
23 Rampart Casino for a buffet, and she'll tell you she'll never  
24 turn down a good meal. And when she was there, she met Sal  
25 Risco, who you're going to hear from.

1           Now, Sal Risco, he's -- he'll tell you he's almost  
2 80 but he doesn't act like it, and they started dating in  
3 2003. And Sal will tell you that he and Yvonne had a great  
4 time together. That they actually started taking swing  
5 dancing lessons at a place on the 215 and Charleston, and that  
6 they would spend most of their time swing dancing on the  
7 weekends. They either went swing dancing at Suncoast, or they  
8 also had it at Rampart, sometimes they would go to Bally's;  
9 that they went out together, they went to dinners, they used  
10 to go on cruises.

11           And Sal's going to help you understand the person  
12 that Yvonne was before this fall. See, Yvonne will tell you  
13 that she was used to being a strong, healthy person, and that  
14 after this fall, her body stopped cooperating with her.

15           See, after the fall, when she had recovered from it,  
16 she didn't admit to herself how hurt she was. And you'll hear  
17 that she slowly got her way out of the Wynn Casino, and it  
18 didn't take her a short period of time. She sat down and  
19 would wait to feel better, and then moved to the next machine,  
20 and sit down and wait to feel better. And Yvonne will tell  
21 you she did not want to admit she was as hurt as she thought  
22 -- as she actually was.

23           Now, Sal was out of town, so after she left Wynn,  
24 she went to the Rampart and she sat there, and she said --  
25 this is what she'll tell you. She just started to feel the

1 pain all over, and she went home. And you'll learn that  
2 Yvonne didn't get out of bed the next day. And then, the day  
3 after that, on the 10th, she got herself out of bed and she  
4 went to UMC, and she told them about the pain that she's  
5 having all the way down the right side of her body. Her knee,  
6 her neck, her back, and her hands were hurting. And she'll  
7 tell you that UMC ordered her some x-rays, they sent her for  
8 some prescriptions, and that she went back home and hoped to  
9 feel better.

10 Now, Sal came home from his cruise, and he'll tell  
11 you that Yvonne actually came to pick him up from the airport,  
12 and he was furious at her for coming out because he could tell  
13 that she was in a lot of pain. And he'll tell you that she  
14 had deep bruising down her backside, her arm, and her leg.

15 And back in February, she went back to the doctor.  
16 She went on the 18th, and she told the doctor the pain that  
17 she was feeling down the right side of her body, and that she  
18 was having difficulty; feeling weakness in her right hand.  
19 She's going to tell you that they ordered her more x-rays and  
20 that they sent her for more prescriptions. But you're going  
21 to learn that Yvonne doesn't take pain medication because she  
22 has irritable bowel syndrome. She has constipation, so she  
23 cannot take pain medication.

24 You're going to learn that in March, she got  
25 referred to see Dr. Andrew Cash, who's a spine surgeon, and

1 that Dr. Cash ordered MRIs of her neck and her back, and he  
2 prescribed her a cane to walk with.

3 MR. SEMENZA: Objection, Your Honor.

4 THE COURT: Approach.

5 (Off-record bench conference)

6 THE COURT: All right, continue.

7 MS. MORRIS: And you're going to learn that Yvonne  
8 went and saw a nerve conduction doctor who did a nerve test on  
9 her, and that she got sent to multiple physical therapists.  
10 You'll learn that Yvonne O'Connell went to three different  
11 physical therapists for months, and you're going to learn that  
12 she finally got referred to Desert Orthopedic.

13 And her doctors at Desert Orthopedic are Dr. Thomas  
14 Dunn, and he is a board certified orthopedic surgeon, and he  
15 is treating Yvonne for the pain she has in her neck and her  
16 back, and he's going to talk to you about the imaging that is  
17 on her cervical and lumbar spine.

18 And you're also going to hear from Dr. Tingey. Dr.  
19 Tingey is also a board certified orthopedic surgeon, and he is  
20 treating Yvonne for the injuries to her knees, and he's going  
21 to tell you what her imaging shows and the treatment he's  
22 giving her.

23 You're also going to hear from a Victor Klausner.  
24 Now, Victor Klausner has never seen Yvonne O'Connell. He's  
25 never met her. He was hired by Wynn Casino, not in 2010 --

1 MR. SEMENZA: Objection, Your Honor.

2 MS. MORRIS: -- not in 2011 --

3 MR. SEMENZA: This is argument.

4 THE COURT: All right, sustained. Move on. I mean,  
5 you don't know whether you're going to call him at this point.  
6 It's not your -- your case. Go ahead.

7 MS. MORRIS: Well, wait a second. Sorry.

8 THE COURT: All right, approach.

9 (Off-record bench conference)

10 MS. MORRIS: You're also going to learn that there's  
11 certain evidence you won't see in this case. We will never --

12 MR. SEMENZA: Objection, Your Honor.

13 THE COURT: All right, approach.

14 (Off-record bench conference)

15 THE COURT: The objection's overruled, according to  
16 our discussion at the bench, so you know where to go.

17 MS. MORRIS: You're going to learn that there are no  
18 medical records showing that Yvonne O'Connell treated for any  
19 type of pain in her body for almost 20 years before she fell  
20 in 2010. You're going to learn that --

21 MR. SEMENZA: Objection, Your Honor. I think we  
22 were just talking about this. Can we approach again?

23 THE COURT: Okay.

24 (Off-record bench conference)

25 THE COURT: Proceed.

1 MS. MORRIS: You're going to learn that there are no  
2 medical records that Yvonne O'Connell ever had any pain in her  
3 body that she went for treatment for from 1990 to 2010.

4 Yvonne's going to tell you that she was healthy.  
5 That in 2002, she had a lump biopsied, and that prior to the  
6 fall, she had an infection of like pink eye that she went to  
7 the doctor and got an antibiotic for. The last time Yvonne  
8 O'Connell ever went and treated for pain was back in 1989.  
9 She had an injury to her back. And at that 1989 visit, they  
10 said, you need to go and get some therapy, which she did.  
11 They said, it might be fibromyalgia, but she went and did the  
12 treatment and didn't have any pain in her back after she  
13 finished her treatment with a physical therapist back then.

14 What you also won't see is any photographs of the  
15 substance that was on the floor. The photographs that we have  
16 are the photographs of the floor after it was cleaned. You  
17 also will hear from Corey Prowell that he checked the video  
18 surveillance, and there was no video surveillance of this  
19 incident at all.

20 You're also going to learn that we will never know  
21 when that floor was last inspected by Wynn prior to the fall.  
22 We will never know when that marble was last checked to make  
23 sure there was nothing on it before Yvonne O'Connell walked  
24 over it.

25 //

1           You're also going to hear that not only was Yvonne  
2 O'Connell injured physically, she's going to tell you that she  
3 has struggled as a result of this fall. And you're going to  
4 learn from Sal Risco that the person Yvonne was before the  
5 fall isn't the person that she is now.

6           Sal and Yvonne went out from 2003 until about 2011,  
7 and they've since broken up, and Yvonne will tell you it's  
8 because she just couldn't keep up with Sal anymore. But Sal  
9 is going to help us understand, and he's going to talk to you  
10 about the person that Yvonne was before, the things they used  
11 to do, and the changes that he's seen in her.

12           See, Yvonne has struggled, and she'll tell you that  
13 she has depression, as well as the injuries she feels in her  
14 body. She feels them mentally as well, and she's going to  
15 tell you that she's had a hard time with what has happened to  
16 her in the way that she's changed, and that she has become  
17 overly anxious about her health. That she wonders what her  
18 body is going to do next; that she feels as though this has  
19 taken from her the security and the stability that she used to  
20 feel when she was happy, and healthy, and secure.

21           And Yvonne will tell you that she has become overly  
22 detailed about everything that goes on in her body, and she  
23 writes down -- maybe the -- maybe this fall caused her heart  
24 to tear; maybe it's done something to her eyes. But you're  
25 going to hear from Yvonne's treating physicians who are

1 looking at the imaging in her MRIs, and they're going to tell  
2 you the analysis that they've done and the treatment that  
3 Yvonne is going to need.

4           And at the conclusion of this case and all of the  
5 evidence that you're going to hear, you are going to see that  
6 even though what Wynn didn't do was intentional, but the  
7 negligence of allowing that liquid to remain on the floor for  
8 so long that a portion of it, almost three feet, started to  
9 dry, posed a risk in a high traffic area where guests were  
10 walking, and it should have been cleaned up. And at the end  
11 of this, I will ask you to render a verdict for justice.  
12 Thank you.

13           THE COURT: And how's my jury doing? You're still  
14 -- anybody need a bathroom break? Everybody's good? Okay.  
15 Would the defense like to make their opening statement?

16           MR. SEMENZA: I would, Your Honor. Thank you.

17           THE COURT: Thank you.

18           MR. SEMENZA: Let me make sure my mic is on.

19                       DEFENSE'S OPENING STATEMENT

20           MR. SEMENZA: Good afternoon, everyone. Once again,  
21 I'm L.J. Semenza. I represent the Wynn. I want to take a  
22 moment to, again, thank you for your service. I know you have  
23 other obligations, other commitments in your personal lives,  
24 and certainly, we appreciate you being here, and we appreciate  
25 your serious consideration of the evidence that will be

1 presented in this particular case.

2 I want to start with a couple quick things. First  
3 of all, I think this is a relatively simple, straightforward  
4 slip and fall case. And let me be the first to say that Wynn  
5 does sympathize with Ms. O'Connell.

6 MS. MORRIS: Your Honor, may we approach?

7 THE COURT: Yes.

8 (Off-record bench conference)

9 THE COURT: Admonished not to repeat that type of  
10 statement.

11 MR. SEMENZA: Let me move on. As I said before,  
12 this case involves a slip and fall that took place at the Wynn  
13 Hotel and Casino on February 8th of 2010 around 2:00 P.M. in  
14 the afternoon. That's over five years from -- from now. Ms.  
15 O'Connell was on the property on that particular day, having  
16 lunch with her cousins. She was comped her meal and was  
17 eating at the buffet at the Wynn.

18 At the conclusion of their meal, Ms. O'Connell  
19 separated from her cousins, went back to her car to retrieve  
20 her jacket -- her coat, and then reentered the Wynn with the  
21 intention of going out on the Strip and walking. As she was  
22 walking, she walked through the atrium area of the Wynn, and  
23 alleges that she slipped and fell on a green sticky substance  
24 -- liquid substance.

25 //

1           The evidence in this particular case will establish  
2 that Ms. O'Connell was not paying very much attention to where  
3 she was walking. She was viewing the plants in the atrium  
4 area and was not focused on the ground in front of her.  
5 Otherwise, she might have had the opportunity to avoid what  
6 she perceived to be this alleged hazard.

7           MS. MORRIS: Can I approach, Your Honor?

8           THE COURT: Do you have an objection?

9           MS. MORRIS: I do.

10          THE COURT: All right, approach.

11                   (Off-record bench conference)

12          THE COURT: Overruled. Proceed.

13          MR. SEMENZA: And again, after -- well, when Ms.  
14 O'Connell was walking through the atrium area, she alleges  
15 that she slipped and fell on a portion near the planter where  
16 -- in the atrium area of the Wynn. After Ms. O'Connell fell,  
17 she was assisted by a porter that arrived on scene with a  
18 sweeper. The testimony and the evidence that will be elicited  
19 will establish that that porter called essentially his  
20 assistant manager, who arrived on scene, and that assistant  
21 manager thereupon asked for security to come and assist Ms.  
22 O'Connell.

23                 Officer Corey Prowell did arrive on the scene and  
24 assisted to Ms. O'Connell's needs. During his interaction  
25 with Ms. O'Connell, he checked to make sure that she was doing

1 okay, and evaluated whether, in fact, she was injured in any  
2 particular fashion. And I need to use the Elmo.

3 (Pause in the proceedings)

4 MR. SEMENZA: As part of Officer Prowell's  
5 assistance to Ms. O'Connell, she was asked to execute a --  
6 well, Officer Prowell asked Ms. O'Connell whether she wanted  
7 any medical attention, whether it be emergency services, or  
8 hospital, or anything like that. And as part of that  
9 discussion with Ms. O'Connell, she did in fact decline any  
10 medical attention that Officer Prowell was willing to provide.

11 In response to that, Officer Prowell completed this  
12 document, where he notes that Ms. O'Connell did decline any  
13 medical treatment at the scene. The document reads -- the  
14 typewritten portion of the document reads, "I, the  
15 undersigned, have been offered emergency medical services and  
16 understand that refusal of such care and/or transport to a  
17 hospital facility could result in death or impair my health by  
18 increasing the opportunity for consequences or complications.  
19 I refuse to accept emergency medical care and assume all risks  
20 and consequences resulting from my decision, and release Wynn  
21 Resorts and all personnel directly or indirectly involved in  
22 my care from any and all liability resulting from my refusal.  
23 I was given the opportunity to ask questions I felt necessary  
24 to provide this informed refusal. The reason for this refusal  
25 is as follows," and then it goes blank.

1           The evidence in this particular case will establish  
2 that at the time immediately after Ms. O'Connell fell or  
3 alleges to have fallen, she did in fact decline any medical  
4 attention offered by the Wynn.

5           And I'm putting up Joint Stipulated Exhibit 4. This  
6 document has also been admitted into evidence. In addition to  
7 the refusal of medical treatment form, Officer Prowell  
8 assisted Ms. O'Connell in completing this particular form.  
9 Ms. O'Connell did not provide the handwritten portions of this  
10 document. It was completed by Officer Prowell, but at the  
11 bottom of the document on the right hand side, it does in fact  
12 bear Ms. O'Connell's signature. She did verify the  
13 correctness of the information that was provided in the  
14 document.

15           And again, I know Ms. Morris spent a bit of time  
16 walking through the document. The document does identify  
17 where the alleged fall took place, and the pertinent part that  
18 I would like to discuss with you relates to the line that  
19 says, "What if any injuries did you suffer?"

20           In response to this written statement or written  
21 question, there are three noted injuries. The first is to Ms.  
22 O'Connell's right shoulder, the second is to Ms. O'Connell's  
23 buttocks, and the third is to her right ankle. Those are the  
24 only injuries Ms. O'Connell identified after the fall that  
25 took place at the Wynn. There were no other injuries

1 identified at this point in time. And those injuries would be  
2 consistent with her assertion that she fell on her right side  
3 in that atrium area.

4           Importantly -- and just going back to that one  
5 document, it also identifies that Ms. O'Connell alleges she  
6 slept on -- slipped on a green liquid substance, and that's  
7 important to keep in mind. In addition to completing the  
8 forms that we've looked at, Officer Prowell did take  
9 photographs of her shoes, and did take photographs of the  
10 general scene so there would be a reference point in the  
11 future as to the location where Ms. O'Connell fell.

12           A short time later, Ms. O'Connell departed from the  
13 scene and went into -- the evidence will show she decided she  
14 would go into the restroom. Her testimony will be that she  
15 stayed in the restroom for approximately 30 minutes. In her  
16 possession, she had her cell phone, and did not attempt to  
17 reach out to call anyone relating to the fall. She didn't  
18 pick up the phone and call her cousins that had just -- she  
19 had left from the buffet. She didn't call anyone else for  
20 assistance at that point in time.

21           After Ms. O'Connell departed the restroom, the  
22 evidence in this particular case will show that she stayed on  
23 the property for approximately another two hours, and during  
24 that period of time, Ms. O'Connell in fact gambled. So, she  
25 was sitting at a slot machine gambling during this period of

1 time. And the evidence will show in this particular case that  
2 Ms. O'Connell gambled approximately \$1,000 after the slip and  
3 fall, and before she departed the Wynn on that particular day.  
4 Instead of going --

5 MS. MORRIS: Can we approach?

6 THE COURT: All right. Is there -- there's an  
7 objection, I take it?

8 MS. MORRIS: There's an objection.

9 THE COURT: Okay.

10 (Off-record bench conference)

11 MR. SEMENZA: As I mentioned earlier -- a moment  
12 ago, the testimony and evidence in this case will establish  
13 that Ms. O'Connell did in fact gamble at the Wynn after her  
14 slip and fall on February 8th of 2010.

15 At the conclusion of her gambling activities, she  
16 went to the parking garage, got in her vehicle, felt well  
17 enough and strong enough to drive, and then departed the Wynn.  
18 Instead of going home, she went to the Rampart Casino, and  
19 while at the Rampart Casino, she gambled as well. She will  
20 testify that she stayed there for what she believed to be a  
21 number of hours.

22 After her time at the Rampart Casino, she then went  
23 ahead and drove back to her home. She did not seek medical  
24 treatment the following day on February 9th of 2010. It was  
25 not until two days later on February 10th, 2010 that Ms.

1 O'Connell finally went to seek medical care at UMC Quick Care.

2 Now, I want to talk a little bit about Ms.

3 O'Connell's claimed injuries and her medical care. After her  
4 fall on February 8th of 2010, Ms. O'Connell sought treatment  
5 for a whole host of medical ailments and medical complaints  
6 that, at various times, she has asserted are in fact related  
7 to her fall at the Wynn on February 8th of 2010.

8 Some of those ailments and complaints include the  
9 following. Irritable bowel syndrome and constipation that she  
10 attributes to the fall -- or has attributed to the fall at the  
11 Wynn on February 8th, 2010. She has sought treatment for an  
12 alleged stroke that she believed she had as a result of the  
13 fall at the Wynn, which resulted, she alleges, in her eyelid  
14 drooping.

15 She has sought treatment for sinus problems after  
16 the fall. She has sought treatment for a claim that the --  
17 her retinas in her eyes are detaching, and has asserted at  
18 various times that that is related to the fall that took place  
19 on February 8th of 2010. She sought treatment for knee pain,  
20 she sought treatment for back pain, she sought treatment for  
21 hip pain, she sought treatment for carpal tunnel syndrome as  
22 well, which she has asserted is related to the fall on  
23 February 8th of 2010.

24 She also claims to have developed a whole host of  
25 other ailments and conditions, which include cough, neck pain,

1 headaches, blurred vision, chest pain, difficulty breathing,  
2 pain in her arms, difficulty walking, stomach pain, nausea,  
3 frequent urination, back pain, joint pain, muscle spasm,  
4 decreased sensations in her hands and her feet, trembling,  
5 fainting, problems sleeping, weakness, chills, a lump that  
6 developed on the back of her neck, sexual dysfunction, and  
7 depression, that at various times she has all related to her  
8 fall at the Wynn on February 8th of 2010.

9           In addition to those ailments, those conditions that  
10 she claims a relationship to the fall with, when she has  
11 sought medical treatment, she has consistently identified that  
12 her pain level is a ten of ten when going to the doctor, ten  
13 of ten pain being the most extreme pain imaginable. That pain  
14 she claims to be -- have experienced throughout her entire  
15 body, and in areas not limited to her right shoulder, her  
16 buttocks, and her right ankle.

17           She has seen numerous doctors since February of 2010  
18 -- I'm sorry, 2010. In some of the medical records, Ms.  
19 O'Connell has been described as tangential with a number of  
20 her symptoms, and the symptoms that she experiences are  
21 subjective in nature; not objective in nature. In at least  
22 one instance, a physical therapist declined to treat her as a  
23 result of this objective symptomology that she was  
24 experiencing.

25 //

1           Regardless of what medical conditions at this point  
2 in time Ms. O'Connell may be seeking compensation for in this  
3 particular case, the medical care and the medical conditions  
4 that she alleges she has suffered go directly to Ms.  
5 O'Connell's truthfulness and credibility in this particular  
6 case.

7           In addition to that, Ms. O'Connell has identified a  
8 whole host of preexisting conditions in her medical charts --  
9 or in the medical records. Some of those preexisting  
10 conditions include irritable bowel syndrome. GERD, which is  
11 an esophageal issue. She had disclosed that she had a prior  
12 back injury. She had been diagnosed with depression in the  
13 past, she had been diagnosed with anxiety in the past. She  
14 had been diagnosed with stress disorder, fibromyalgia, Marfan  
15 Syndrome, and Ehlers-Danlos Syndrome, all of these before her  
16 fall.

17           We will establish in this particular case that Ms.  
18 O'Connell's complaints, her symptoms, are either the result of  
19 a preexisting condition, are unrelated to the fall, or are  
20 related to something called symptom magnification syndrome.  
21 And in a nutshell, symptom magnification syndrome is a  
22 manifestation of symptoms in order to receive something in  
23 return, and that something might very well be avoidance of  
24 responsibility, attention, or financial gain.  
25 //

1           The evidence in this particular case will establish  
2 that the alleged slip and fall that Ms. O'Connell had on  
3 February 8th, 2010 was extremely minor, as evidenced in part  
4 by the fact that she didn't immediately seek medical care.  
5 She declined medical care from the Wynn. She drove home that  
6 particular day, she gambled at the Wynn, and thereafter,  
7 gambled at the Rampart Casino.

8           The evidence in this particular case will establish  
9 that Wynn is not responsible for Ms. O'Connell's fall. We  
10 believe that the evidence will establish that there will be no  
11 evidence -- let me back up.

12           There will be no evidence in this particular case  
13 establishing that Wynn caused the sticky green liquid  
14 substance to be present on the floor at that particular time  
15 on that particular day just before Ms. O'Connell's alleged  
16 fall. Ms. O'Connell will be unable to establish that Wynn  
17 knew or had actual knowledge of the sticky liquid green  
18 substance immediately before Ms. O'Connell's fall. And  
19 lastly, Ms. O'Connell will be unable to establish at trial  
20 that Wynn should have known of the presence of this sticky  
21 green liquid substance.

22           And in conclusion, Ms. O'Connell will not be able to  
23 establish that Wynn is in any way responsible for the fall  
24 that she suffered or alleged to have suffered on February 8th  
25 of 2010, and at the conclusion of this particular case, we'll

1 ask that you enter a verdict in Wynn's favor. Thank you.

2 THE COURT: Thank you. All right. How about my  
3 jury now? Ready for a restroom break? No -- yes, okay. All  
4 right. Oh, I've got a bunch of camels on my hands here. All  
5 right, ladies and gentlemen. I'm like that, so.

6 During this recess, and we're going to take a recess  
7 until 3:00, 3:10, so 15 minutes, it is your duty not to  
8 converse among yourselves or with anyone else on any subject  
9 connected with the trial, or read, watch, or listen to any  
10 report of or commentary on the trial by any person connected  
11 with the trial, or by any medium of information, including,  
12 without limitation, newspaper, television, radio, or internet,  
13 and you are not to form or express an opinion on any subject  
14 connected with this case until it's finally submitted to you.  
15 We'll be in recess until ten minutes after 3:00.

16 THE MARSHAL: All rise for the jury. Go ahead and  
17 leave your notebooks in the chairs.

18 (Outside the presence of the jury)

19 THE COURT: And the record will reflect the jury has  
20 departed the courtroom. Any matters outside the presence  
21 before we have you -- let you have your recess, too?

22 MR. SEMENZA: No, Your Honor. Before you hop off  
23 the bench, can I confer with Ms. Morris for a moment about --

24 THE COURT: Sure.

25 MR. SEMENZA: -- one potential issue?

1 (Pause in the proceedings)

2 MR. SEMENZA: Your Honor, I think that there are a  
3 couple of issues that will need to be addressed before Dr.  
4 Dunn takes the stand. I know that opposing counsel submitted  
5 a brief to you today. I know that we submitted a couple of  
6 briefs relating to the issue of the doctor's proposed  
7 testimony.

8 I want to make sure, from a scheduling standpoint,  
9 that we don't create more problems by not addressing those  
10 issues either now or before Dr. Dunn takes the stand. And  
11 obviously, however Your Honor would like to address those  
12 briefs that we've submitted.

13 THE COURT: All right. Well, let's take a break so  
14 staff can use the restroom, and we'll come back after the  
15 break's over, which is now only about ten minutes.

16 MR. SEMENZA: That's fine.

17 THE COURT: And we'll address those.

18 MR. SEMENZA: Thank you.

19 (Court recessed at 2:59 P.M. until 3:16 P.M.)

20 (Outside the presence of the jury)

21 THE COURT: Okay. We're back on the record outside  
22 the presence of the jury. Plaintiff's present with their  
23 counsel. Defendant is present through their representative  
24 and through counsel. And there are some matters you wanted me  
25 to decide before Dr. Dunn gets here, so what is it you want to

1 talk about?

2 MR. SEMENZA: Well, I think that there are issues  
3 regarding the scope of what he's going to be permitted to  
4 testify to in front of the jury. I -- I think those issues  
5 are essentially, is he going to be permitted to testify to any  
6 future medical specials? I want to -- I believe the answer to  
7 that is no, and I don't believe that plaintiff's counsel is  
8 going to introduce any evidence relating to that. So, again,  
9 I don't think that that is an issue, but I do want to confirm  
10 that it is in fact not an issue.

11 THE COURT: Okay. Well, on the break, I read  
12 through Dr. Dunn's medical records. The -- so, what I did  
13 note is there's nothing in his medical records regarding  
14 causation.

15 MR. SEMENZA: Correct.

16 THE COURT: You know, he doesn't opine -- make any  
17 -- he doesn't say, I don't think it was -- he doesn't say  
18 anything about causation. What he does say is that she has,  
19 as confirmed of course by the MRIs that were done back in  
20 2010, she has degenerative disc disease --

21 MR. SEMENZA: Correct.

22 THE COURT: -- and that -- in her back at --  
23 particularly, at the areas that they looked at in the imaging,  
24 at the cervical and lumbar regions, and that he ultimately  
25 recommends to her a fusion surgery, and that's all.

1           I mean, there's nothing in here that talks about the  
2 cost of that surgery; just that he's discussed with her the  
3 options she's got available, surgical and non-surgical, but  
4 interestingly, he doesn't seem to be advocating for the non-  
5 surgical -- let me see. Let me find it here.

6           It's at Plaintiff's Bates stamp 619. After  
7 discussion with the patient, I have recommended the anterior  
8 cervical decompression and fusion at C4-C5, C5-C6, and C6-C7,  
9 so a three-level fusion with allograft, and I have offered  
10 non-operative options consisting of physical therapy, pain  
11 management, and epidural steroid injections.

12           So, it seems like he's saying, I'm recommending that  
13 she have a three-level fusion, but I've also told her she --  
14 she could have physical therapy, pain management, and steroid  
15 injections, none of which he seems to have tried before  
16 recommending a three-level fusion.

17           But, so, I mean, I really don't know what he's going  
18 to testify to at this point. I can say this. There was  
19 nothing in the disclosures that said that he was going to --  
20 you said he was going to testify in accordance with his  
21 medical record. That's what it says in the disclosure. So,  
22 that's the subject matter of -- of his treatment.

23           And then, as to the substance of the testimony, you  
24 say he's going to relate -- or you say this is to all of them,  
25 but I assume that it's based on something; that he's going to

1 say that it was caused by the fall.

2 MR. MORRIS: That's correct. And Dr. Dunn -- I  
3 think it will be helpful when you have him on the stand. As  
4 he testifies, he's going to explain to you his medical  
5 records, and he does believe he states the causation in there.  
6 She comes to see him following --

7 THE COURT: Does not.

8 MS. MORRIS: -- the trip and fall --

9 THE COURT: I've read these now three times.

10 MS. MORRIS: And that his --

11 THE COURT: He never states that he believes, nor  
12 would there -- he's seeing her --

13 MS. MORRIS: It's right there in the first  
14 paragraph.

15 THE COURT: -- four years after the fact, and when  
16 he goes to see -- first, you know, he's looking at MRIs so he  
17 can do a comparison. So, there's the MRI of the cervical  
18 spine done three months after the accident, and there's the  
19 lumbar that was done two months after the accident, and both  
20 of those show, you know, the cervical spondylosis at C4  
21 through C7 without significant neural compression.

22 And then there's a change in the intervening four  
23 years, which is consistent with the disease, of course. It's  
24 a degenerative condition. It doesn't get better; it only gets  
25 worse. And when you -- and -- oh. The other -- the other

1 imaging shows severe disc space narrowing at C4-5, C5-6,  
2 C7-T1, and severe facet joint arthritis at C4-5, C5-6, and  
3 C6-7. That's all just the cervical.

4           So, then he goes back and he does another MRI in  
5 2014, so four years -- more than four years after the  
6 accident, and he sees mild central canal stenosis, which,  
7 okay, now just means that this narrowing is starting to  
8 impinge at C3-4, mild central canal stenosis at C4-5 with  
9 severe bilateral neural foraminal stenosis, and moderate canal  
10 -- central canal stenosis at C5-C6 with severe bilateral  
11 (indecipherable) -- neural foraminal stenosis, and mild  
12 central canal stenosis at C6-C7 with mild bilateral neural  
13 foraminal stenosis again. So --

14           MS. MORRIS: Your Honor, if I might, this is the  
15 third time we've addressed this, and --

16           THE COURT: Yeah.

17           MS. MORRIS: -- every single time, it has come down  
18 to, let's do voir dire of Dr. Dunn to determine his -- his  
19 analysis of her, and when he determined causation, as the FCH1  
20 Palms case says, and make a determination on whether, as an  
21 expert treating physician, he made that during his diagnosis  
22 and treatment of her.

23           THE COURT: Okay. And so, you're going to -- you're  
24 going to take him on voir dire --

25           MR. SEMENZA: Well --

1 THE COURT: -- and --

2 MR. SEMENZA: Yes, Your Honor, but the --

3 THE COURT: He can testify about his medical  
4 records, what he saw, and --

5 MR. SEMENZA: Your Honor, there's -- there's -- and  
6 I understand the point, but the first issue that I -- I still  
7 want to make sure and get some clarification on is that they  
8 are not going to seek to recover in this particular case any  
9 future special damages, because they were not disclosed in the  
10 16.1 disclosures. That's the first issue.

11 And so, they should be precluded from any testimony,  
12 any damages relating to future specials. That's the first  
13 issue. We addressed that last time, and I still don't quite  
14 have an answer from opposing counsel as to whether --

15 THE COURT: Well, I got the impression from last  
16 week that she was saying, well, we're not going to seek the  
17 special -- future special damages and have the doctor testify  
18 about the cost of those damages, but we're going to have him  
19 testify that she needs this surgery. Okay, well that's --  
20 that is in his records, that he thinks she needs surgery.

21 MR. SEMENZA: I understand that. So, the first  
22 issue is whether they're seeking future medical specials. I  
23 think the answer to that is no, but I want to confirm that.

24 Then, secondly, in the brief that they filed or  
25 submitted today, now they want to get into the cost of the

1 future medical treatment, which I think is entirely improper  
2 because they're not seeking future medical damages relating to  
3 this case, and there's nothing in the medical chart talking  
4 about cost, and it's not relevant for purposes of this case.

5 What they're trying to do is bootstrap a cost of  
6 surgery argument into a pain and suffering argument, and they  
7 can't do that. That's not permitted.

8 THE COURT: All right. Well, when I read your  
9 papers, there was some argument about, well, the cost is  
10 relevant to the pain and suffering because -- that how complex  
11 it is is related to the cost. I disagree with that. I mean,  
12 how doctors, you know, lay a cost on or assign a cost to a  
13 particular procedure, I don't frankly know, but you didn't  
14 ever disclose that you were seeking future medical specials,  
15 so you can't do that. You can't now do it. That's -- that  
16 was what we decided last week, and you agreed to that.

17 MS. MORRIS: Correct. And my understanding was the  
18 briefing was to establish that the need for surgery in fact  
19 necessitates an award for future pain and suffering. And so,  
20 there doesn't have to be a cost applied to that -- that  
21 surgery, but the fact that there is a surgery is in fact the  
22 establishment that there will be future pain and suffering.  
23 And there's a case directly on point, which I put in the  
24 briefing. My understanding, that was the need for the  
25 briefing and the clarification of the issue.

1 THE COURT: Right. So, your argument is you want  
2 the doctor to be able to testify about what this surgery would  
3 entail?

4 MS. MORRIS: Correct.

5 THE COURT: Okay.

6 MR. SEMENZA: I understand that is part of their  
7 argument, but in their brief, they say, the cost of future  
8 medical care is relevant though and could be --

9 THE COURT: Right.

10 MR. SEMENZA: -- helpful to determine --

11 THE COURT: Yeah.

12 MR. SEMENZA: -- future pain and suffering.

13 THE COURT: And I disagree with that.

14 MR. SEMENZA: Okay.

15 THE COURT: Okay.

16 MR. SEMENZA: Understood.

17 THE COURT: So, I disagree with that, but he did  
18 during his treatment recommend that she have surgery. And so,  
19 he can testify that he recommends this surgery, and he can say  
20 what it's for and how it's done, and the jury can -- you know.  
21 I mean, obviously, you're not going to be able to prove up the  
22 cost of the surgery, but you're -- you're saying you want to  
23 be able to argue pain and suffering going forward either for  
24 -- because she hasn't committing to having the surgery. She  
25 hasn't. She was told she needed it in -- more than a year

1 ago, and she hasn't had it.

2 MS. MORRIS: Right.

3 THE COURT: So, it's either, what pain is she  
4 suffering you're going to argue about, because she isn't going  
5 to have the surgery, she's decided she's not going to have the  
6 surgery, she's just going to endure her -- her pain, or that  
7 she's going to have this surgery, and she'll have recovery  
8 pain and suffering from this surgery, and maybe she'll have a  
9 -- she'll have a successful surgery, and maybe she won't.  
10 Maybe she'll have failed back syndrome, and --

11 MR. SEMENZA: Well, that's all speculative.  
12 That's --

13 THE COURT: That's all speculation.

14 MR. SEMENZA: Exactly.

15 THE COURT: So, I don't know what -- but Dr. -- the  
16 doctor, if he's honest, can't say what the result. I'm sure  
17 if questioned about that subject of what he told Ms. O'Connell  
18 about the surgery would be that he can't guarantee what the  
19 result would be. It may be -- it may help, and it may not.

20 MR. SEMENZA: The other issue, Your Honor -- and I  
21 understand that I'm going to have an opportunity to voir dire  
22 Dr. Dunn, and that's fine. The other issue that we've  
23 identified is that nowhere in Dr. Dunn's medical records,  
24 medical chart is there anything related to causation as you've  
25 identified. And the exclusive and sole basis for causation,

1 if Dr. Dunn is in fact going to testify to causation, is based  
2 upon the subjective complaints of Ms. O'Connell saying, I  
3 slipped and fell on February 8th, 2010.

4 And so, if he gets up there and argues causation  
5 based upon Ms. O'Connell's statements, that's improper. And  
6 we've cited case law that says that, because it's not based  
7 upon any education, training, et cetera. It's basically based  
8 on a subjective complaint identified by Dr. Dunn's patient.

9 THE COURT: Well, okay, so --

10 MS. MORRIS: I mean, that's the purpose --

11 THE COURT: -- not necessarily.

12 MS. MORRIS: Is that what the voir dire is for?

13 THE COURT: Possibly. I mean, you're going to have  
14 the opportunity to voir dire him on that, but, I mean, he has  
15 physical objective findings about her spine?

16 MR. SEMENZA: Correct.

17 THE COURT: And you'll be able to cross-examine him  
18 in front of the jury about, you know, well, didn't she have  
19 all these things at the time?

20 MR. SEMENZA: But that's the point, Your Honor.

21 THE COURT: You know, and these things don't happen  
22 overnight --

23 MR. SEMENZA: Right.

24 THE COURT: -- Doctor. I mean, that's  
25 cross-examination.

1 MR. SEMENZA: Right.

2 THE COURT: The cases that you cited -- well, first  
3 of all, they're federal cases where they're looking at the  
4 Daubert standard, and the whole plethora of federal case law  
5 that analyzes the Daubert standard and how that's approached.  
6 And our Supreme Court has declined to adopt Daubert and has  
7 instead adopted this Hallmark, which, really, then they've  
8 kind of backed away from more and more as time goes on,  
9 saying, essentially, it's really just will -- will it assist  
10 the trier of fact, and is it based upon something that's --  
11 that's there and can be shown. And we won't know that until  
12 you voir dire.

13 MR. SEMENZA: And that's fine. As long as I can --  
14 at the conclusion of voir dire, we can discuss these issues,  
15 that's fine. Okay.

16 THE COURT: All right, so can we bring the jury back  
17 in then?

18 MR. SEMENZA: Yes.

19 THE COURT: Okay, let's do it.

20 THE MARSHAL: All rise for the jury, please.

21 (In the presence of the jury)

22 THE MARSHAL: Jury's all present, Your Honor.

23 THE COURT: Thank you. Please be seated. And the  
24 record will reflect the presence of all eight members of the  
25 jury, as well as the two alternates. And all parties are

1 present by and through their counsel, and of course the  
2 plaintiff is present, and the representative of Wynn is  
3 present, both in the flesh. All officers of the court are  
4 present. You may call your first witness.

5 MS. MORRIS: I call Yanet Elias.

6 (Pause in the proceedings)

7 THE MARSHAL: Step up, remain standing, and face the  
8 court clerk. Raise your right hand, please.

9 YANET ELIAS, PLAINTIFF'S WITNESS, SWORN

10 THE CLERK: You may be seated. Please state and  
11 spell your first and last name for the record.

12 THE WITNESS: Yanet Elias. Y-a-n-e-t, E-l-i-a-s.

13 THE CLERK: Thank you.

14 THE COURT: Thank you. You may proceed.

15 DIRECT EXAMINATION

16 BY MS. MORRIS:

17 Q Hi, Yanet.

18 A Hello.

19 Q Yanet, do you remember I took your deposition  
20 earlier this year on March 24th, 2015?

21 A Yes.

22 Q And do you recall the deposition took approximately  
23 an hour-and-a-half?

24 A I don't recall exactly how long.

25 Q Do you remember that I asked you questions about the

1 fall that Yvonne had at the Wynn on February 8th, 2010?

2 A Yes.

3 Q And today you have a translator with you, but at the  
4 time I took your deposition, you did not have a translator; is  
5 that correct?

6 A Yes.

7 Q Now, back in March of 2010, the deposition testimony  
8 you gave me, that was your sworn testimony under oath; is that  
9 correct?

10 A Yes.

11 Q And are you comfortable with the deposition  
12 testimony that you gave me back in March of this year?

13 A That's why I requested an interpreter. I didn't  
14 feel very comfortable with some of the questions because of  
15 the legal terminology that is used in some of the questions.

16 Q Do you remember earlier this year when I took your  
17 deposition, I asked you if you were comfortable giving your  
18 sworn testimony in English?

19 A Yes.

20 Q And do you remember telling me that you were  
21 comfortable giving me your sworn testimony in English?

22 A Yes.

23 Q Do you remember that I told you several times that  
24 if you did not understand any question that I had, I wanted  
25 you to let me know so I could ask it again?

1           A     Yes.

2           Q     And do you remember telling me that you would tell  
3 me if you didn't understand something?

4           A     Yes.

5           Q     And you know that the oath that you just took in  
6 court today, it's the same oath that you took when you gave  
7 your deposition?

8           A     Yes.

9           Q     Isn't it true you've lived in Las Vegas for 26  
10 years?

11          A     Yes.

12          Q     And you've worked at Wynn for approximately ten  
13 years; is that correct?

14          A     Yes.

15          Q     You also worked at the Golden Nugget for about 16  
16 years; is that right?

17          A     Yes.

18          Q     Back in 2010, isn't it true that you were an  
19 assistant manager in the public areas department at Wynn?

20          A     Yes.

21          Q     Isn't it true that after that, in May, you got  
22 promoted to be a shift manager at the public area department?

23          A     I don't recall the year, but yes, I was promoted.

24          Q     Isn't it true that your job as an assistant manager  
25 at Wynn in the public areas department was to ensure that the

1 employees working on the casino floor were doing their job?

2 A Yes.

3 Q And at the time Yvonne fell, you weren't assigned to  
4 the atrium area; is that correct?

5 A I don't recall.

6 Q Isn't it true that you were assigned to another area  
7 of the casino --

8 THE COURT: Let's stop for a minute. We're going to  
9 get the interpreter a chair. I thought maybe she didn't want  
10 a chair, and that's why we didn't have one for her, but we  
11 would want you to sit. Thank you.

12 THE MARSHAL: I apologize.

13 THE COURT: Then you don't have to lean over. Very  
14 good. All right, sorry. Proceed.

15 BY MS. MORRIS:

16 Q Isn't it true you were assigned to another area of  
17 the casino on that day?

18 A I don't recall. We work throughout the whole  
19 casino.

20 Q Were you assigned to the atrium area that day?

21 A I don't recall.

22 Q Do you remember telling me back -- back in March  
23 that you were not assigned to the atrium area that day?

24 A I don't recall what I answered.

25 Q Do you remember telling me that you received a call

1 that a woman had fallen in the atrium area, and so you went  
2 over there?

3 A I -- they did not send it to my. They sent it to  
4 any of the assistants who might answer.

5 Q Didn't you get a call from dispatch saying that a  
6 lady had fallen in the atrium area?

7 A The dispatch tells us that, you know, any manager  
8 who's available should answer the call.

9 Q Did you go over to the atrium area after you heard  
10 that call?

11 A Yes.

12 Q And when you got over to the atrium area, did you  
13 see that a sweeper machine had been put over a part of a green  
14 liquid on the floor?

15 A I recall seeing the machine, but not what was under  
16 the machine.

17 Q Did you see a green spill on the marble floor?

18 A Not a green liquid.

19 Q Did you see a spill on the floor?

20 A No.

21 Q I'd like to refer to the exhibit, which is the black  
22 binder, and it's going to be Exhibit 4 in front of you.

23 A Should I open it?

24 Q Yes, please.

25 MS. MORRIS: Is this --

1 MR. SEMENZA: What is it?

2 MS. MORRIS: It's the --

3 MR. SEMENZA: Okay.

4 MS. MORRIS: Is the Elmo on?

5 BY MS. MORRIS:

6 Q Yanet, are you at Exhibit 4?

7 A Yes.

8 Q Is this your handwriting?

9 A Yes.

10 Q Now, looking at this handwritten statement, have you  
11 seen this statement before?

12 A Yes.

13 Q Did you look at it back before I took your  
14 deposition in March of this year?

15 A Can you repeat, please?

16 Q Did you look at this exhibit before I took your  
17 deposition back in March of this year?

18 A Yes.

19 Q And do you see in this exhibit in your handwriting,  
20 on the 5th line down, you stated that you saw an employee  
21 cover a spill with the sweeper machine?

22 A Um-hum.

23 Q Do you see that sentence there?

24 A Yes.

25 Q Now, isn't it true that there are video surveillance

1 cameras above the area in the atrium where Yvonne fell?

2 MR. SEMENZA: Your Honor, I'm going to object.

3 THE COURT: Okay. Approach.

4 (Off-record bench conference)

5 THE COURT: The objection -- foundation was the  
6 objection at the bench. That's sustained. Proceed. You can  
7 lay a foundation if you can.

8 BY MS. MORRIS:

9 Q Yanet, you've worked at Wynn for ten years; is that  
10 correct?

11 A Yes.

12 Q And you -- for the entire time you've worked at  
13 Wynn, you've worked in the public areas department; is that  
14 correct?

15 A Yes.

16 Q Do you remember telling me in March that you spend  
17 about 90 percent of your time on the actual casino floor?

18 A Yes.

19 Q And are you familiar with the atrium area, which is  
20 in the south entrance of the casino?

21 A Yes.

22 Q Could you tell me approximately how many times a day  
23 you walk through the atrium area in the south entrance?

24 A I couldn't tell you exactly how many because the  
25 casino's very big. And I'm not the only supervisor who is at

1 the casino.

2 Q Would you consider yourself to be familiar with the  
3 atrium area?

4 A Yes.

5 Q And isn't it true that there are video surveillance  
6 cameras on the ceiling in the atrium area?

7 A There's cameras all over the casino. Where they are  
8 exactly, I do not.

9 Q Have you ever seen a video surveillance camera  
10 directly above the atrium area?

11 A No.

12 Q Do you know if there are video surveillance cameras  
13 in the atrium area?

14 A I believe there should be.

15 Q Now, it's my understanding that you never touched  
16 the spill that was on the floor; is that correct?

17 A I don't recall.

18 Q Do you remember back in March of this year when I  
19 took your deposition, you told me that you never touched the  
20 liquid on the floor?

21 A I don't recall exactly.

22 MS. MORRIS: I have her original deposition. I'd  
23 like to publish it.

24 THE COURT: All right. Publish the deposition.

25 //

1 BY MS. MORRIS:

2 Q And Yanet, I'm looking at page 15 of your deposition  
3 transcript from March of this year.

4 MR. SEMENZA: What page, Christian? 15.

5 MS. MORRIS: Page 15.

6 BY MS. MORRIS:

7 Q Question, "Okay. Did you physically touch what was  
8 on the floor?" And your response was, "No."

9 Now, you also stated that you never saw who cleaned  
10 up the substance; is that correct?

11 A When I arrived, there was no liquid.

12 Q Yanet, I'm going to again refer you to Exhibit 4,  
13 which we've looked at before, and you said this is in your  
14 handwriting; is that correct?

15 A Yes.

16 Q And do you remember writing this statement back on  
17 February 8th, 2010?

18 A Um-hum.

19 Q Is that a yes?

20 A Yes, I'm sorry.

21 Q And isn't it true, back on February 8th, 2010, you  
22 said, "I go to see what happened. I see a lady stand up close  
23 to the garden area, and an employee cover a spill with a  
24 sweeper machine"?

25 A I put that it was a spill here because that's what

1 the -- what dispatch told us that it was. When she's called  
2 to tell her something is going on, when -- you know, it could  
3 be food, it could be a glass that has fallen; they always say  
4 that it's a spill.

5 Q Yanet, isn't it true that you arrived at the scene  
6 and waited there for security to come, and you made sure the  
7 liquid wasn't cleaned up until security saw it; isn't that  
8 correct?

9 A Yes.

10 Q So, looking here at your deposition transcript  
11 again, I'm on page 42. You said, "I don't remember if  
12 security is there, because I have to call security to come to  
13 the area."

14 I said, "Do you know, when security arrived, had the  
15 liquid been cleaned up yet, or the substance been cleaned up  
16 yet?"

17 You responded to me, "They not clean, they not  
18 clean. They never clean nothing until security come and  
19 inspect the area."

20 A Yes.

21 Q Isn't it true that the procedure is to preserve the  
22 area until security gets there to inspect the cause of the  
23 fall; isn't that correct?

24 MR. SEMENZA: Objection, foundation.

25 THE COURT: Sustained.

1 THE INTERPRETER: What does that mean?

2 THE COURT: No, she can't answer that. I sustained  
3 the objection.

4 BY MS. MORRIS:

5 Q Yanet, isn't it true that you told me that the  
6 policy is not to clean anything until security comes and  
7 inspects the area?

8 A Depending -- depending on what happens in the area  
9 and the call.

10 Q Yanet, I'm going to look again at your deposition  
11 transcript here on page 43. Isn't it true you told me, "They  
12 never clean nothing until security coming and inspect the  
13 area"? Wasn't that your deposition testimony under oath?

14 A Yes.

15 Q Isn't it true that you don't know when the south  
16 entrance atrium area was last checked for spills prior to  
17 Yvonne falling?

18 MR. SEMENZA: Objection. I'm sorry, go ahead. I'll  
19 withdraw the objection.

20 MS. MORRIS: Okay.

21 THE WITNESS: No, I didn't.

22 BY MS. MORRIS:

23 Q Do you know -- you don't know when the area was last  
24 inspected; is that correct?

25 MR. SEMENZA: Objection, vague as to time.

1 MS. MORRIS: Prior to Yvonne's fall.

2 THE COURT: All right.

3 THE WITNESS: No.

4 BY MS. MORRIS:

5 Q Isn't it true that you can't say how often an area  
6 is checked, whether it be every hour or every 30 minutes?

7 A It depends on how long it takes the employee to  
8 check the north area and return to the south area, because  
9 it's all considered one -- one whole area. And there aren't  
10 always two employees assigned to that area. Sometimes,  
11 there's only one.

12 Q And in fact, back on February 8th, 2010, there was  
13 only one porter; isn't that correct?

14 A I don't recall.

15 Q Isn't it true that one sign of a porter not doing  
16 their assignment is that you find debris and things on the  
17 floor?

18 A The person's work?

19 Q Excuse me?

20 A The -- the work done by the person at their station?

21 Q Yanet, isn't it your job to make sure that the  
22 porters are doing their tasks in each assigned area?

23 A Yes.

24 Q Back in 2010, as an assistant manager, wasn't that  
25 your task, was to ensure that the porters were doing their job

1 in their assigned areas?

2 A Yes.

3 Q And isn't it true that you told me that one of the  
4 signs of a porter not doing their job is that there's debris  
5 on the floor?

6 A Yes.

7 Q And isn't it true you don't know who the assistant  
8 manager was who was assigned to the atrium area on February  
9 8th, 2010?

10 THE INTERPRETER: Interpreter needs repetition,  
11 please.

12 MS. MORRIS: Sorry.

13 BY MS. MORRIS:

14 Q Isn't it true that you don't know who the assistant  
15 manager was who was assigned to the atrium area on February  
16 8th, 2010?

17 A No, I don't recall.

18 Q And in your time as an assistant manager at Wynn, do  
19 you remember testifying earlier this year that you claim  
20 you've never discovered a porter not doing his or her  
21 assignment in all of your time working at Wynn?

22 A It's very difficult to maintain the casino, you  
23 know, completely clean, because it's a job for 24 hours.  
24 There are people -- a lot of people walking through, a lot of  
25 children, they're carrying things. So, it's impossible to

1 keep it clean at 100 percent.

2 Q Yanet, I want to talk to you briefly about your  
3 shift back in 2010.

4 A Okay.

5 Q What shift were you working on February 8th, 2010?

6 A I don't -- I don't recall, because I used to work on  
7 different shifts. What I understood is that, you know, what  
8 shift I worked, and I told you that from 3:00 A.M. to 11:00  
9 A.M.

10 Q So, your shift back in February was 3:00 in the  
11 morning until 11:00 in the morning?

12 A In February of what year?

13 Q 2010.

14 A Yes.

15 Q Do you know what time Yvonne's fall happened?

16 A No.

17 Q You didn't actually see Yvonne fall, did you?

18 A No.

19 Q You got there after she fell and saw the spill  
20 covered up with a sweeper; is that correct?

21 A I arrived when we were called. I saw the sweeper,  
22 but I didn't see liquid.

23 Q Isn't it true that you saw a green substance on the  
24 floor?

25 A When the employee moved the sweeper a little bit,

1 there was a substance that looked like honey.

2 Q You just said that it was a substance that looked  
3 like honey?

4 A A little sticky like -- like honey.

5 Q Yvonne (sic), is this description you're saying,  
6 "like honey," is this something that you just remembered?

7 A No.

8 Q How come you didn't tell me about honey back in  
9 March of this year when I asked you about the spill?

10 A I think that I -- I told you something, that it was  
11 like the honey for pancakes. What's it called?

12 Q I'm going to show you Exhibit 1, which is in your  
13 binder in front of you. Now, this is the report made by Corey  
14 Prowell after Yvonne fell. You've seen this report before?

15 A No.

16 Q Looking at the fourth paragraph down of Exhibit 1,  
17 isn't it true it says, "I spoke with Manager Elias, who  
18 stated, upon her arrival, she noticed the liquid substance on  
19 the floor"?

20 A I don't recall this.

21 MS. MORRIS: Thank you for your help.

22 THE COURT: Cross?

23 MR. SEMENZA: Yes, Your Honor. I'm going to show  
24 her Joint Stipulated Exhibit 6.

25 //

1 CROSS-EXAMINATION

2 BY MR. SEMENZA:

3 Q Do you recall when you completed this statement, Ms.  
4 Elias?

5 A No.

6 Q And is English your native language?

7 A No.

8 Q What is your native language?

9 A Spanish.

10 Q And did you complete your statement in English or in  
11 Spanish?

12 A In English.

13 Q And did you do the best you could do in completing  
14 your statement in English?

15 A Yes.

16 Q And did you try and be honest and accurate?

17 A I tried.

18 Q Did you do your best?

19 A Yes.

20 Q Do you recall how many porters were assigned to the  
21 atrium area of the Wynn around 2:00 o'clock on February 8th,  
22 2010?

23 A I don't recall.

24 Q Do you know whether there were one or two porters  
25 assigned to the atrium area on February 8th, 2010 in or around

1 2:00 o'clock P.M.?

2 A I don't recall.

3 Q Generally speaking, do you think the porter staff at  
4 Wynn Las Vegas that you oversee does a good job?

5 A Yes.

6 Q And do you have any involvement from time to time in  
7 training the porter staff?

8 A Yes.

9 Q Do you know how many porter staff that you currently  
10 supervise?

11 A During the day, there's about 55, but it's -- I  
12 don't do it alone.

13 Q And at the time of Ms. O'Connell's fall, do you know  
14 how many porters you supervised?

15 A No, I don't recall.

16 Q As you sit here today, do recall whether this spill  
17 that we've been talking about was cleaned up prior to the  
18 arrival of the security officer?

19 A It is possible that if it was a big water spill, as  
20 it was mentioned, that they have started cleaning, because  
21 it's a matter of security; safety.

22 Q And is the safety of Wynn's patrons of the utmost  
23 importance to you?

24 A Of course.

25 Q Do you recall whether you left the scene prior to

1 the alleged spill being cleaned up?

2 A I don't recall.

3 Q And how did you first receive the call that there  
4 had been a spill on this particular day, February 8th, 2010?

5 A Like I said, you know, when someone or a person  
6 realize that there has been a spill or liquid, they call the  
7 number that we use for dispatch and they let us know. Can I  
8 say something?

9 Q Yes.

10 THE COURT: You have to wait for a question.

11 BY MR. SEMENZA:

12 Q Do you have your deposition testimony in front of  
13 you?

14 A It's -- is it this?

15 MR. SEMENZA: May I approach, Your Honor?

16 THE COURT: Yes.

17 MR. SEMENZA: I just want to see if she has a copy.  
18 No, you have the original. Can I approach?

19 THE COURT: Yes.

20 BY MR. SEMENZA:

21 Q Ms. Elias, I'd like you to turn to page 45 of your  
22 deposition, please. Are you there?

23 A Yes.

24 Q Do you recall being asked a question, "So, do you  
25 disagree with that statement that you reported seeing a liquid

1 substance on the floor"?

2 A I don't see it.

3 Q It's on page 45, line 10. Do you recall being asked  
4 that question?

5 A Yes.

6 Q And do you recall giving the following answer? "The  
7 liquid is not like water. It's like I told you, it's  
8 something like sticky, because it's not something like a  
9 really, really -- like a water. It's like something like a  
10 syrup, like a drink, like something like that, but not like  
11 they go more than a little space."

12 A Yes.

13 Q You remember giving that statement?

14 A Yes.

15 Q Thank you.

16 MR. SEMENZA: One moment, Your Honor.

17 (Pause in the proceedings)

18 MR. SEMENZA: No further questions, Your Honor.

19 THE COURT: Thank you. Any --

20 MS. MORRIS: Briefly.

21 THE COURT: -- redirect?

22 MS. MORRIS: Yes.

23 REDIRECT EXAMINATION

24 BY MS. MORRIS:

25 Q Yanet, I just want to clarify your testimony. The

1 handwritten statement that we've been looking at here, it's in  
2 your handwriting; is that correct?

3 A Yes.

4 Q And you wrote that there was a spill; isn't that  
5 correct?

6 A Yes.

7 Q And Corey Prowell's report states that you told him  
8 there was a spill.

9 A When I wrote down a spill -- that there had been a  
10 spill, it's because that's was what I had been told when I was  
11 called to the area.

12 Q And do you recall who told you there was a spill?

13 A The person at dispatch.

14 Q And when you got there, there was a substance on the  
15 floor, wasn't there?

16 A Yes.

17 Q And that substance, part of it had been covered up  
18 by a sweeper machine; is that right?

19 A Yes.

20 Q After you got there, you called security and had  
21 them come over; is that correct?

22 A We told dispatch to call security.

23 Q And do you recall why you had security come over?

24 A Because whenever there's an accident or something  
25 happened, security must come.

1           Q     I want to look back at your statement here.  Isn't  
2 it true that you wrote down here that you called security  
3 because she wanted to make a report, Yvonne, because she had  
4 pain in her arm?  Do you remember writing that?

5           A     Yes.

6           Q     Isn't it true that you didn't stay and wait for the  
7 liquid to get cleaned up?

8           A     I don't recall.

9           Q     Do you remember telling me in your deposition that  
10 your shift was over, and so you left and didn't wait for the  
11 liquid to get cleaned up?

12          A     Like I said when you asked me, I thought that you  
13 referred to my schedule.  I thought you were talking about the  
14 schedule that I was working that day.

15          Q     Okay.  I'm going to grab your deposition transcript  
16 back from you, if that's okay.

17                THE COURT:  Do you have a copy so she can have a  
18 copy?  I mean, that's normally the way you do it.

19                MS. MORRIS:  Right, I apologize.

20                MR. SEMENZA:  Your Honor, it is -- it's also located  
21 in Defendant's Proposed EE, if that helps.  You should have a  
22 copy of --

23                       (Pause in the proceedings)

24                THE COURT:  Okay.  I'm going to hand the interpreter  
25 the copy --

1 MS. MORRIS: Thank you.

2 THE COURT: -- of the deposition so you can follow  
3 along with the questions that the lawyer is asking.

4 THE WITNESS: Okay, yes.

5 (Pause in the proceedings)

6 MS. MORRIS: Sorry, I'm almost there. Hold on,  
7 Yanet. Sorry.

8 (Pause in the proceedings)

9 MS. MORRIS: Give me two more minutes and I'll get  
10 it.

11 THE COURT: You got one.

12 MS. MORRIS: One? All right, I'll take it.

13 (Pause in the proceedings)

14 MS. MORRIS: Maybe I'll save this then as soon as I  
15 -- if I can find it.

16 BY MS. MORRIS:

17 Q Yanet, did you see the liquid get cleaned up off the  
18 floor?

19 A I don't recall.

20 Q Do you remember if you left the area before the  
21 liquid was cleaned up?

22 A Except there wasn't liquid.

23 Q The substance that you saw on the floor, was that  
24 still on the floor when you left the area?

25 A I don't recall.

1 Q And do you recall how that was cleaned up?

2 A No.

3 Q Do you remember when your shift ended that day?

4 A No.

5 Q Do you remember speaking with Yvonne O'Connell?

6 A No.

7 Q Do you recall what Ms. O'Connell said was hurting  
8 her?

9 A No.

10 Q Did you check to see if there was any video  
11 surveillance of the fall?

12 MR. SEMENZA: Objection, foundation. Your Honor?

13 THE COURT: I'm sorry, I'm choking --

14 MR. SEMENZA: Oh.

15 THE COURT: -- on some water. Excuse me, I'm sorry.

16 MR. SEMENZA: No.

17 THE COURT: Okay, would you restate the question  
18 again?

19 BY MS. MORRIS:

20 Q Did you check to see if there was any video  
21 surveillance of the fall?

22 MR. SEMENZA: And I objected based on foundation,  
23 Your Honor.

24 THE COURT: Okay. Sustained.

25 //

1 BY MS. MORRIS:

2 Q Yanet, is it your job to check to see if there's  
3 video surveillance of an incident after a guest is injured at  
4 Wynn?

5 A No.

6 Q Do you know whose job it is?

7 A Security.

8 MS. MORRIS: Thank you. I don't have any other  
9 questions.

10 THE COURT: Counsel approach.

11 (Off-record bench conference)

12 THE COURT: All right. One more question, and then  
13 we're going to ask the jury if they have any questions.

14 RECROSS-EXAMINATION

15 BY MR. SEMENZA:

16 Q Do you know what the hours for day shift are for the  
17 Wynn?

18 A Right now, or before?

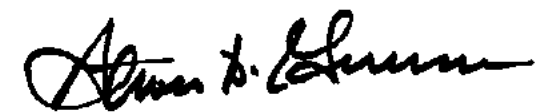
19 Q Well, let's -- February 8th, 2010.

20 A From 8:00 to 5:00.

21 Q And if you were working day shift that particular  
22 day, would you be working 8:00 to 5:00?

23 A Yes.

24 MR. SEMENZA: I have no further questions, Your  
25 Honor. I would like to reserve recalling the witness in my



CLERK OF THE COURT

**ORDR**

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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 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 ON SUPPLEMENTAL  
BRIEFING RELATING TO THE  
PROPOSED TESTIMONY OF DR.  
DUNN AND DR. TINGEY**

On October 29, 2015, the Court held a hearing in response to the Parties' Supplemental Briefing related to the hearing this Court conducted on October 1, 2015 on Defendant Wynn Las Vegas, LLC d/b/a Wynn Las Vegas' ("Defendant") Motion in Limine [#2] to Exclude Unrelated Medical Conditions and Damages Claimed by Plaintiff (the "Motion"). Plaintiff filed an Opposition and Supplement and Defendant filed a Reply and Supplement. Christian Morris, Esq. of the Nettles Law Firm appeared on behalf of Plaintiff and Lawrence J. Semenza, III, Esq. and Christopher D. Kircher, Esq. of Lawrence J. Semenza, III, P.C. appeared on behalf of Defendant.

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

1           **IT IS HEREBY ORDERED** that Dr. Dunn will be allowed to testify at trial, however  
2 counsel for Defendant will be first allowed to depose Dr. Dunn on the stand in the absence of the  
3 jury.

4           **IT IS HEREBY FURTHER ORDERED** that Dr. Dunn's testimony will be limited to the  
5 medical records.

6           **IT IS HEREBY FURTHER ORDERED** that Dr. Tingey will be allowed to testify at  
7 trial, however counsel for Defendant will be first allowed to depose Dr. Tingey on the stand in the  
8 absence of the jury.

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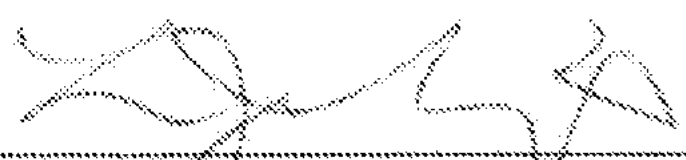
1           **IT IS HEREBY FURTHER ORDERED** that Dr. Tingey's testimony will be limited to  
2 the medical records.

3           DATED this 21<sup>st</sup> <sup>December</sup> day of November, 2015.

4  
5  
6             
DISTRICT COURT JUDGE  
7           

8 Respectfully Submitted By:

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

10             
11  
12           Lawrence J. Semenza, III, Esq., Bar No. 7174

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


14           10161 Park Run Drive, Suite 150

15           Las Vegas, Nevada 89145

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

17           Wynn Las Vegas

18           Approved as to Form And Content:

19           NETTLES LAW FIRM  
20           

21           Brian D. Nettles, Esq., Bar No. 7462

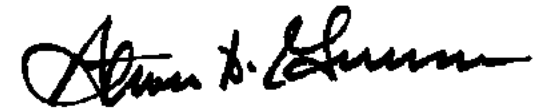
22           Christian M. Morris, Esq., Bar No. 11218

23           1389 Galleria Drive, Suite 200

24           Henderson, Nevada 89014

25           Attorneys for Plaintiff Yvonne O'Connell  
26  
27  
28

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



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](mailto:briannettles@nettlawfirm.com)  
[christianmorris@nettlawfirm.com](mailto: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

///

**NETTLES LAW FIRM**  
1389 Galleria Drive, Suite 200  
Henderson, NV 89014  
(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 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 21<sup>st</sup> 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 )

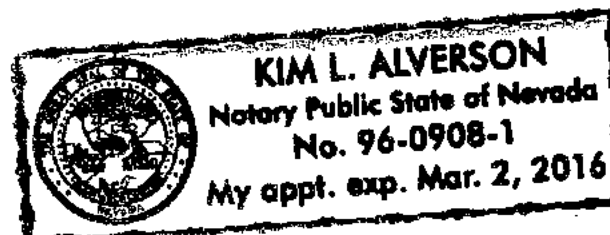
CHRISTIAN M. MORRIS, ESQ., being first duly sworn, deposes and says as follows:

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 21<sup>st</sup> day of December, 2015.

  
NOTARY PUBLIC in and for said  
County and State



**NETTLES LAW FIRM**

1389 Galleria Drive, Suite 200

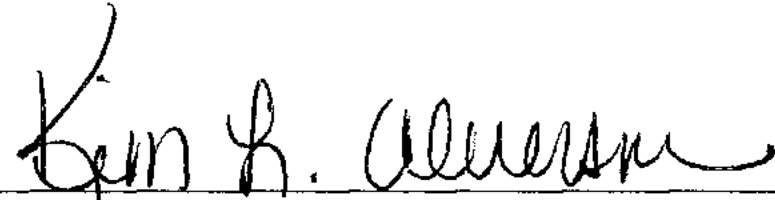
Henderson, NV 89014

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

**CERTIFICATE OF SERVICE**

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I certify that on this 21<sup>st</sup> 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:

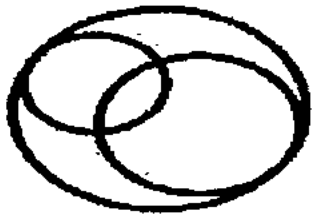
Lawrence J. Semenza, III, Esq.  
Christopher D. Kircher, Esq.  
Lawrence J. Semenza, III, P.C.  
10161 Park Run Drive, Suite 150  
Las Vegas, Nevada 89145  
(702) 835-6803  
Fax: (702) 920-8669  
*Attorneys for Defendant*  
*Wynn Las Vegas, LLC dba*  
*Wynn Las Vegas*



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
Plaintiffs 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
Plaintiffs Brief As To Constructive Notice	A-12-655992-C	11/12/15	Nettles Law Firm	\$3.50
Plaintiffs Brief Regarding Causation Testimony by Drs. Dunn and Tingey	A-12-655992-C	11/09/15	Nettles Law Firm	\$3.50
Plaintiffs 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

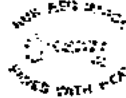
PAY TO THE ORDER OF McKesson Corp.

\$ \*\*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

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rad assoc

Medical records

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

7/22/2015

16672

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rad assoc

Medical records

4.98

PLTF 003

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

McKesson Corp.

7/22/2015

1667

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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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rad assoc

4.98

Medical records

4.98

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PLTF 004



## Legal Process Service

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Telephone (702) 471-7255 Fax (702) 471-7248  
Tax ID - 88-0293775 State Lic. #604  
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)	<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:	<b>Sal Risco</b>	Case No.: A-12-655992-C
Documents Served or Service Provided	<u>Trial Subpoena: Witness Fee Check - \$31.20</u>	Def. No.: V
		Your File
		Hearing Date 11/10/2015
		Date Served: 10/31/2015
		Time Served: 937am

Date	ServiceDescription	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!*

Remit Payment to:

Legal Process Service  
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

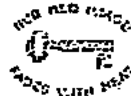
Legal Process Service

\$ \*\*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	121.00
sal risco	171.20
jennifer parnes	260.00
yanet elias	80.00
corey prowell	110.00
	<b>827.20</b>

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

Legal Process Service

11/11/2015

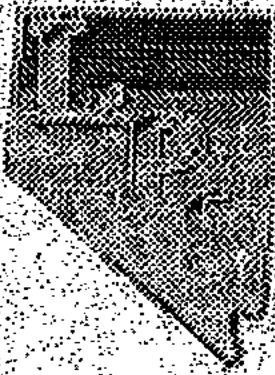
**17154**

85.00

def  
def

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

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: <u>Clark County,</u>
Re:	<b>Yanet Elias c/o Lawrence J. Semenza, III, Esq., Christopher D. Kircher, Esq.</b>	Case No: <u>A-12-655992-C</u>
Documents Served or Service Provided	<u>Trial Subpoena, Acceptance of Service</u>	Dent. No.: <u>V</u>
		Your File
		Hearing Date <u>11/10/2015</u>
		Date Served: <u>11/02/2015</u>
		Time Served: <u>1220pm</u>

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**

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 # 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

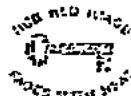
PAY TO THE ORDER OF Legal Process Service

\$ \*\*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		Debt 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

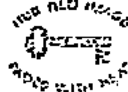
PAY TO THE ORDER OF Legal Process Service

\$ \*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 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

<b>Tab #</b>	<b>DISCOVERY</b>	<b>Date</b>	<b>No. Pages</b>
1	Defendant's Initial Disclosures	9/30/2013	14
2	Plaintiff's Initial Disclosures	10/9/2013	9
3	RTP – 1 <sup>st</sup> Set to Plaintiff from Defendant	1/16/2014	8
4	ROGS – 1 <sup>st</sup> Set to Plaintiff from Defendant	1/16/2014	10
5	Responses to RTP – 1 <sup>st</sup> Set to Plaintiff from Defendant	3/4/2014	8
6	Answers to ROGS – 1 <sup>st</sup> Set to Plaintiff from Defendant	3/4/2014	15
7	RFA – 1 <sup>st</sup> Set to Defendant from Plaintiff	4/21/2014	4
8	ROGS – 1 <sup>st</sup> Set to Defendant from Plaintiff	4/21/2014	9
9	RTP – 1 <sup>st</sup> Set to Defendant from Plaintiff	4/21/2014	8
10	Plaintiff's 1 <sup>st</sup> Supplement to Initial Disclosures	5/15/2014	18
11	Defendant's 1 <sup>st</sup> Supplement to Initial Disclosures	5/19/2014	3
12	Responses to RFA – 1 <sup>st</sup> Set to Defendant from Plaintiff	6/3/2014	10
13	Defendant's 2 <sup>nd</sup> Supplement to Initial Disclosures	6/3/2014	3
14	Answers to ROGS – 1 <sup>st</sup> Set to Defendant from Plaintiff	6/3/2014	14
15	Responses to RTP – 1 <sup>st</sup> Set from Plaintiff to Defendant	6/3/2014	9
16	Plaintiff's 2 <sup>nd</sup> Supplement to Initial Disclosures	6/3/2014	26
17	Defendant's 3 <sup>rd</sup> Supplement to Initial Disclosures	8/28/2014	42
18	Defendant's 4 <sup>th</sup> Supplement to Initial Disclosures	10/15/2014	64
19	Defendant's 5 <sup>th</sup> Supplement to Initial Disclosures	2/13/2015	3
20	NOD – Defendant's for Plaintiff	2/27/2015	3
21	Defendant 6 <sup>th</sup> 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 <sup>nd</sup> Amended Notice of Taking Depo of Yanet Elias	3/10/2015	6
26	Pl.'s 1 <sup>st</sup> Supplement	3/16/2015	18
27	Pl.'s 2 <sup>nd</sup> 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 <sup>th</sup> 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 <sup>nd</sup> 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 <sup>nd</sup> Set of RTP	5/21/2015	57
42	Notice of Taking Continued Depo of Pl.	5/21/2015	6
43	Def.'s 8 <sup>th</sup> Supplemental	5/27/2015	13
44	Def.'s 9 <sup>th</sup> Supplemental	5/28/2015	3
45	Notice of Taking Depo of Def.	6/5/2015	9
46	Pl.'s 3 <sup>rd</sup> Supplement	6/12/2015	30
47	Notice Vacating Depo of Wynn	6/23/2015	6
48	2 <sup>nd</sup> Amended Notice of Taking Depo of Def. Wynn	7/13/2015	10
49	Pl.'s 4 <sup>th</sup> Supp to Initial Disclosures	7/14/2015	22
50	3 <sup>rd</sup> 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 <sup>th</sup> Amended Supp.	8/27/2015	22
53	Pl.'s 5 <sup>th</sup> Supp to Initial Disclosures	9/18/2015	26
54	Pl.'s 6 <sup>th</sup> Supp to Initial Disclosures	9/28/2015	30
55	4 <sup>th</sup> Amended Notice of Taking Depo of Def. Wynn	10/2/2015	9
56	5 <sup>th</sup> 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		Delayed 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

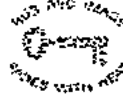
\$ \*\*530.00

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

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

350.00  
10.00  
10.00  
70.00  
20.00  
10.00  
10.00  
20.00  
20.00  
10.00

530.00

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

Running Vegas

10/5/2015

16993

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

350.00  
10.00  
10.00  
70.00  
20.00  
10.00  
10.00  
20.00  
20.00  
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

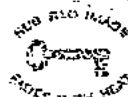
PAY TO THE ORDER OF Running Vegas

\$ \*\*530.00

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

Running Vegas

MEMO



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**

6196 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

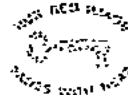
PAY TO THE  
ORDER OF Running Vegas

\$ \*\*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

	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

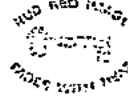
DATE 10/5/2015

PAY TO THE  
ORDER OF

\$ \*\*112.50

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

MEMO  
PAYROLL/REIMBURSEMENT



SECURITY FEATURES INCLUDED. DETAILS ON BACK.

*[Signature]*

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](http://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](http://www.pbchecks.com) (Ask About All Your Printing Needs)

NAME:

203

PLTF 029

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

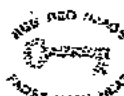
PAY TO THE  
ORDER OF

\$ \*\*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

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

11/3/2015

17100

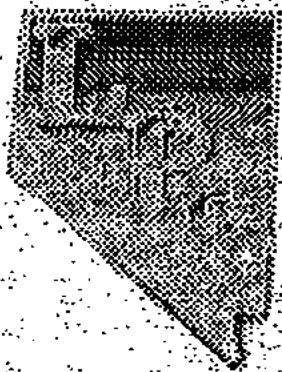
p/u check  
delivery  
delivery  
exchange

7.00  
15.00  
11.00  
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](http://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



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

**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

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

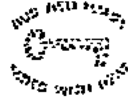
PAY TO THE  
ORDER OF Legal Process Service

\$ \*\*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



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

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

THE FACE OF THIS DOCUMENT MUST BE COLORED 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



*[Signature]*

SECURITY FEATURES INCLUDED, DETAILS ON BACK.

LAW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT  
Craig Tingey, M.D.  
teleconf

11/4/2015 17123 750.00

Teleconference - Yvonne O'Connell 750.00

AW OFFICES OF BRIAN D NETTLES, INC. - OPERATING ACCOUNT  
Craig Tingey, M.D.  
teleconf

11/4/2015 17123 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.

*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*

Chad M. Hanson, M.D.

*Orthopaedic Surgery and Sports Medicine*

Lawrence R. Huff, M.D.

*Adult Reconstruction, Shoulder and Elbow*

Parvinder S. Kang, M.D.

*Hip Preservation, Joint Replacement*

Michael L. Lee, M.D.

*Hand, Wrist and Upper Extremity Surgery*

Michael Miao, M.D.

*Arthroscopy and Sports Medicine*

Archie C. Perry, Jr., M.D.

*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.docly.com](http://www.docly.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
-----------------------	----------

<b>Total Due:</b>	<b>\$750.00</b>
-------------------	-----------------

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*

The  
Nettles  
Law  
Firm

*Costs*

Janice L. Macario, 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

THIS CHECK IS VOID IF IT IS COPIED OR REPRODUCED IN ANY MANNER. IT IS VOID IF IT IS COPIED OR REPRODUCED IN ANY MANNER. IT IS VOID IF IT IS COPIED OR REPRODUCED IN ANY MANNER.

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.

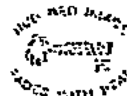
\$ \*\*250.00

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

Craig Tingey, M.D.

MEMO

Tele conf - Yvonne O'Connell



SECURITY FEATURES INCLUDED. DETAILS ON BACK.

*[Handwritten signature]*

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

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. Boliauf, M.D.

Reconstructive Surgery and Sports Medicine

Hugh L. Bassowitz, 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

Clad M. Hanson, M.D.

Orthopaedic Surgery and Sports Medicine

Lawrence R. Huff, M.D.

Adult Reconstruction, Shoulder and Elbow

Parmiter S. Kang, M.D.

Hip-Preservation, Joint Replacement

Michael L. Lee, M.D.

Hand, Wrist and Upper Extremity Surgery

Michael Miao, M.D.

Arthroscopy and Sports Medicine

Archie C. Perry, Jr., M.D.

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

Sharon E. Marchitti

Director of Operations

All Appointments (702) 731-4088

[www.doclv.com](http://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

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\*\*\*\*\*

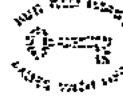
\*\*\*\*\*

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

4612 W. Centennial Parkway  
Las Vegas, NV 89149  
(702) 869-3486 (Fax) 869-3542

## Henderson Office

2310 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. Bussewitz, M.D.  
Total Spinal Surgery  
Herrick J. Brumfitt, 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  
David M. Hanson, M.D.  
Therapeutic 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.  
Total Wrist and Upper Extremity Surgery  
Michael Miao, M.D.  
Arthroscopy and Sports Medicine

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

Foot and Ankle Surgery  
Daniel Rutenberg, M.D.  
Arthroscopy and Sports Medicine

Blinn T. Stewart, M.D.  
Therapeutic Surgery and Hand Surgery  
Cathy B. Sutherland, M.D.

Arthroscopy of Knee and Shoulder  
Ed V. Swanson, M.D.  
Total Joint Replacement

Tim T. Tingey, M.D.  
Arthroscopy and Sports Medicine  
Roy 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

Les P. Washer II, CFA  
Director of Finance

Ren E. Marchitti  
Director of Operations

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

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.

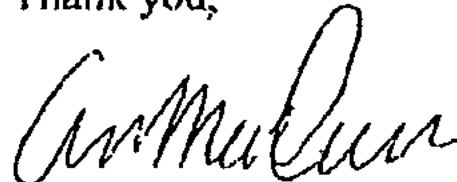
Please make the check payable to Thomas Dunn M.D. The tax ID number is 91-0858192.

Refund policy is as follows:

Full refund if cancelled 7 days prior  
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

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.,

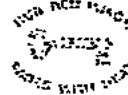
\$ \*\*5,000.00

Five Thousand and 00/100\*\*\*\*\*

DOLLARS

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

MEMO



*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

230 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.

Spinal Surgery

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

General Orthopedics

Thomas Dunn, M.D.

Spinal Surgery

Robert A. Fontes, M.D.

Complex Trauma Surgery

Knee and Shoulder

Matthew N. Foust, 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

Wendee 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

Shirley C. Perry, Jr., M.D.

Spinal and Pediatric Spinal Surgery

Dr. Raissi, M.D.

Foot and Ankle Surgery

Daniel Rotenberg, M.D.

Arthroscopy and Sports Medicine

Barry T. Stewart, M.D.

Orthopaedic Surgery and Hand Surgery

Anthony B. Sullerland, M.D.

Arthroscopy of Knee and Shoulder

David V. Swanson, M.D.

Joint Replacement

Greg T. Tingley, M.D.

Arthroscopy and Sports Medicine

Dr. S. Watson, M.D.

Foot and Ankle Surgery, Arthroscopy

Barth P. Winder, M.D.

Hand, 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

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.



AW 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

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

Esquire Deposition Solutions

4/27/2015

16352

yanet elias

702.50  
941.70  
845.00

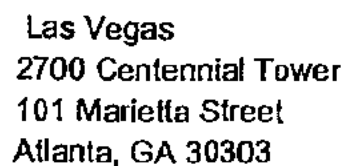
O'Connell

Inv. ESQ291879/

2,489.20

Costs

PLTF 052



ESQUIRE  
SOLUTIONS

**Esquire Deposition Solutions, LLC**  
P. O. Box 846099  
Dallas, TX 75284-6099  
[www.esquiresolutions.com](http://www.esquiresolutions.com)

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

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

## EXHIBITS SUMMARY

Amount Due After 05/24/2015	\$ 929.50
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Please detach and return this bottom portion with your payment  
or pay online at **[www.esquireconnect.com](http://www.esquireconnect.com)**



Amount Due After 05/24/2015	\$ 929.50
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CHRISTIAN MORRIS ,ESQ.  
NETTLES LAW FIRM - HENDERSON  
SUITE 200  
1389 GALLERIA DRIVE  
HENDERSON, NV 89014

**Esquire Deposition Solutions, LLC**  
**P. O. Box 846099**  
**Dallas, TX 75284-6099**  
**[www.esquiresolutions.com](http://www.esquiresolutions.com)**

**Thank you for your business!**

217 0000288092 04092015 1 000084500 1 05092015 05242015 5 000092950\_07...

PLTF 053

1 RA 098

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

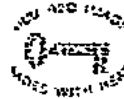
Five Hundred Seven and 20/100\*\*\*\*\*

DOLLARS

Lawyer Solutions Group, LLC

MEMO

Inv. 9001094V6



SECURITY FEATURES INCLUDED. DETAILS ON BACK.



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

**You may pass cost to your client. However you remain responsible for this invoice,  
unless arrangements were made in writing prior to service.**

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

Ivonne O'Connell  
Costs

**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

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

Vonne O'Connell  
Costs



# 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

Job Date	Job ID	Job Location	Case	
5/26/2015	JS335921	LAS VEGAS, NEVADA	O'CONNELL, YVONNE VS. WYNN LAS VEGAS, LLC	
Description	Deposition	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](http://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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[www.esquireconnect.com](http://www.esquireconnect.com)

### Remit to:

Esquire Deposition Solutions, LLC  
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

LAW OFFICES OF BRIAN D NETTLES, INC.

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

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

MEMO

INV0619629



SECURITY FEATURES INCLUDED. DETAILS ON BACK.



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 #	Location	Case	
10/7/2015	J0143079	Las Vegas, NEVADA	O'CONNELL, YVONNE VS. WYNN LAS VEGAS, LLC	
Description	By	Qty	Unit Price	Amount
TRANSCRIPT - O&I-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&I-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

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Client Name Nettles Law Firm - Henderson  
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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

17165  
94-236/1224

DATE 11/17/2015

PAY TO THE  
ORDER OF Lawyer Solutions Group, LLC

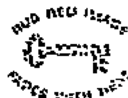
\$ \*\*160.75

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

DOLLARS

Lawyer Solutions Group, LLC

MEMO  
Inv. 9001294V6



SECURITY FEATURES INCLUDED. DETAILS ON BACK.

*300*

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

Lawyer Solutions Group, LLC

11/17/2015

17165

salvatore risco

160.75

Inv. 9001294V6

160.75

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

Lawyer Solutions Group, LLC

11/17/2015

17165

salvatore risco

160.75

Inv. 9001294V6

160.75

**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

This is your monthly statement for invoices billed to your firm. Please review and contact us if you have questions or need an additional detailed invoice. You may also review invoices online using the username and password that we sent you to download your transcript. We assess an initial carrying charge of 8% for any invoice at 45 days and additionally 30 days from the date of the invoice thereafter. E-Mail – [billing@lawyersolutionsgroup.com](mailto:billing@lawyersolutionsgroup.com)  
[www.lawyersolutionsgroup.com](http://www.lawyersolutionsgroup.com)

Invoice #	Billed	Job Date	Witness / Presiding Official	Claim No.	File No.	Balance
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Christian M. Morris						
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O'Connell v. Wynn Resorts Limited						
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9001294V6	10/15/2015	4/29/2015	Salvatore Risco			\$160.75
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Case Total	\$160.75
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Grand Total	\$160.75
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0 - 30	31 - 60	61 - 90	91 + Days
\$160.75			

**To pay with credit card see back of statement.**

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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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

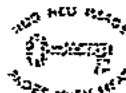
One Hundred Sixty and 00/100\*\*\*\*\*

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

160.00

17166

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

160.00

17166

Trial - interpret (O'Connell v Wynn)

160.00

PLTF 064

**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](mailto:rocougne@earthlink.net)

---

November 14, 2015

**INVOICE**

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

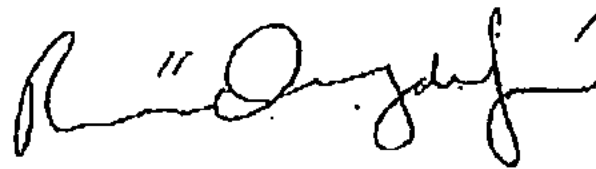
Case Name: Yvonne O'Connell vs. Wynn Las Vegas  
Case # A-655992

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**

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

**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

SECURITY 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	

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# 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 Trial*  
*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

LEWIS CENTER GARAGE  
321 CASINO CENTER DR  
LAS VEGAS, NV

Rcpt# 2526  
11/13/15 17:22 L# 4 A# 5 Txn# 4086  
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

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



*O'Connell to Continue Trial*  
To give feedback SCAN HERE  
[www.lasvegasnevada.gov/parking](http://www.lasvegasnevada.gov/parking)

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  
*O'Connell*  
*Jay Vair Dire*



[www.lasvegasnevada.gov/parking](http://www.lasvegasnevada.gov/parking)

*O'Connell*

*O'Connell*

**NETTLES LAW FIRM**

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

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

NETTLES LAW FIRM

  
BRIAN D. NETTLES, ESQ.

Nevada Bar No. 7462

CHRISTIAN M. MORRIS, ESQ.

Nevada Bar No. 11218

1389 Galleria Drive, Suite 200

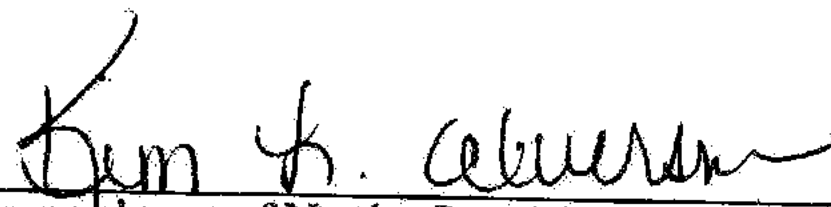
Henderson, Nevada 89014

Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

Pursuant to NEFCR 9, NRCP 5(b) and EDCR 7.26, I certify that on this 30<sup>th</sup> 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

**NETTLES LAW FIRM**

1389 Galleria Drive Suite 200

Henderson, NV 89014

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



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



April 10, 2015

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

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

Dear Ms. Morris:

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

#### **INCIDENT**

On February 8, 2010, Yvonne O'Connell was a patron at WYNN LAS VEGAS (hotel and casino) located at 3131 Las Vegas Boulevard South, Las Vegas, (Clark County), Nevada. At approximately 2:30 in the afternoon she slipped and fell into a landscape display within the foyer adjacent to the south valet. Ms. O'Connell reported a "large liquid substance on the floor" which, according to the Incident Data (Incident File #IN20100002152), was verified by "Manager (Yanet) Elias who, according to Security Officer Corey Prowell, " stated upon her arrival, she noticed the liquid substance on the floor; she immediately assigned an attendant to clean up the area in order to prevent further incidents. ...<sup>1</sup>"

Reportedly, security video cameras failed to capture this event.

#### **ANALYSIS**

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

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

---

<sup>1</sup> Incident File Full Report, Page 1 of 3, Bates: WYNN-O'CONNELL00511-00513.

### Inspection/Slip-resistance

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

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

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

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

#### SCOF<sub>dry</sub>

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

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

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

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

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

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

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

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

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

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

## **OPINION**

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

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

Page 4

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

Sincerely

4.10.15



Dr. Gary A. Presswood, ScD, PE

attach: Exhibits 1 - 6

**EXHIBIT 1**  
**PHOTOGRAPHIC EXHIBIT**

## PHOTOGRAPHIC EXHIBIT

**Case:** MORRIS:O'Connell

**Source:** G A Presswood

**Date:** 4-1-15

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



Photo1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9

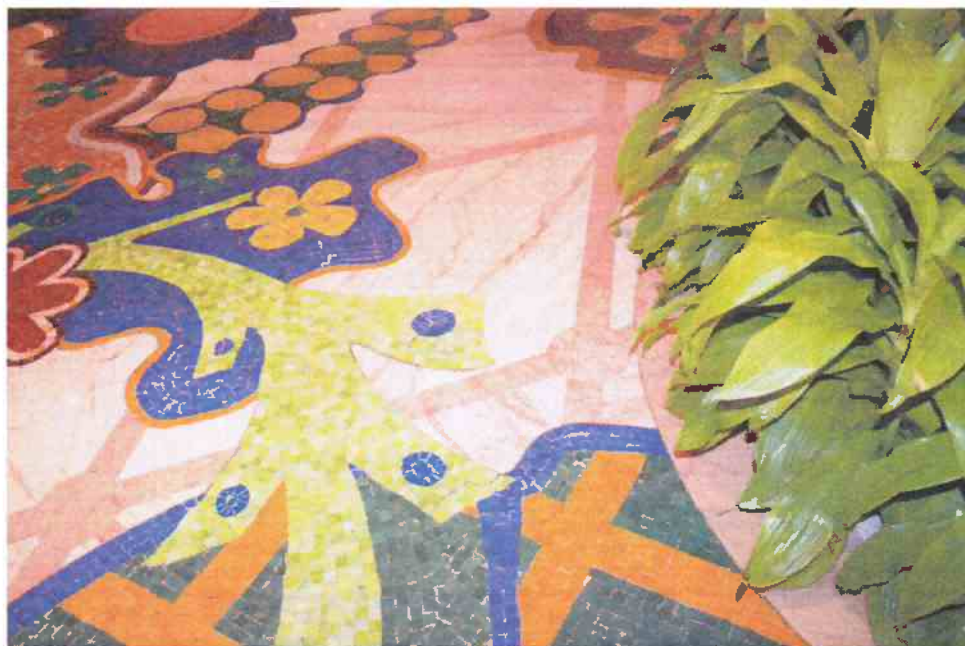


Photo 10



Photo 11



Photo 12



Photo 13



Photo 14



Photo 15



Photo 16



Photo 17



Photo 18



Photo 19



Photo 20



Photo 21



Photo 22



Photo 23



Photo 24

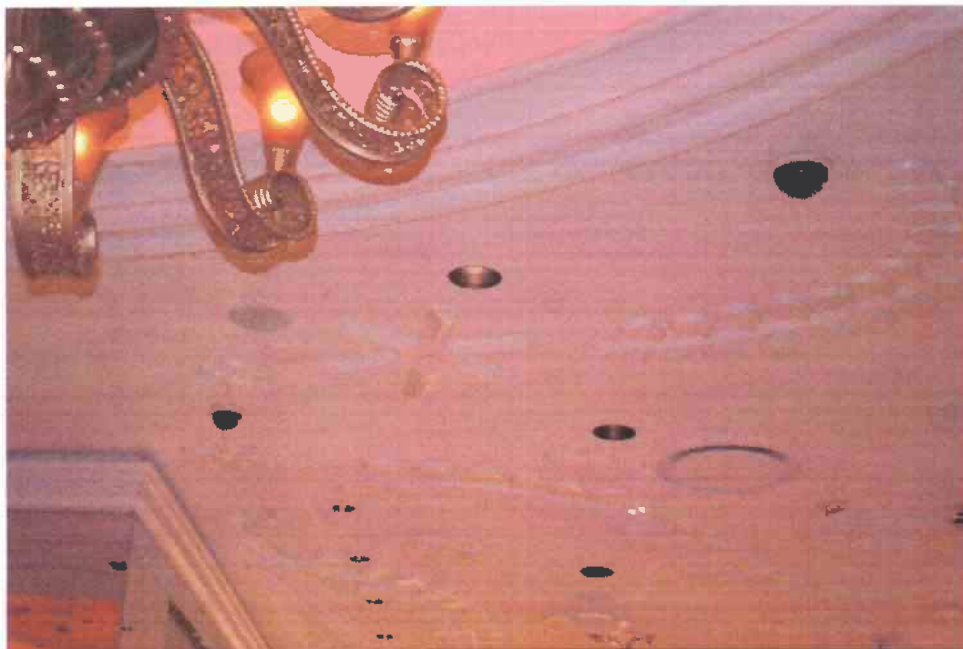


Photo 25

**EXHIBIT 1**

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

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

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

**EXHIBIT 2**

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



## **CURRICULUM VITAE**

Gary A. Presswood, ScD, PE

### **EDUCATION:**

BS, Southern Illinois University, 1970

MPA, University of Nevada, Las Vegas, 1992

ScD, So. California University for Professional Studies, 2002

### **PROFESSIONAL ENGINEERING REGISTRATION:**

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

### **PROFESSIONAL SOCIETY MEMBERSHIP:**

American Society of Civil Engineers

National Academy of Forensic Engineers (Board Certified Forensic Engineer)

National Society of Professional Engineers

National Safety Council

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

Member - "Safety and Traction for Footwear")

International Conf. of Building Officials (Past Professional Member)

Human Factors and Ergonomics Society (Past Member)

### **PROFESSIONAL EMPLOYMENT:**

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

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

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

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

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

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

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

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

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

#### **PUBLICATIONS/PRESENTATIONS:**

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

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

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

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

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

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

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

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

**PROFESSIONAL EXPERIENCE (SUMMARY):**

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

## **DETAILED ROADWAY EXPERIENCE**

Gary A. Presswood, ScD, PE

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

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

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

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

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

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

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

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

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

**EXHIBIT 3**

**Fee Schedule, Gary A. Presswood & Associates**



## FEE SCHEDULE

### RATES

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

### CONDITIONS

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

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

### BUSINESS STATEMENT

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

888.XPRT456 FAX)

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

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

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

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

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

Effective date: Jan. 1, 2013  
Rev. 2.1.15

**EXHIBIT 4**

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

## DEPOSITIONS

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

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

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

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

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**EXHIBIT 5**

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

## TRIALS/Testimony

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

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