

Electronically Filed
Jun 12 2019 01:29 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

1 **NOA**
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6 4101 Meadows Lane, Suite 110
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10 *Attorneys for Plaintiff*

11 MATTHEW G. PFAU, ESQ.
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15 880 Seven Hills Drive, Suite 210
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18 Facsimile: (702) 879-9556
19 *Attorneys for Plaintiff*

20 **DISTRICT COURT**

21 **CLARK COUNTY, NEVADA**

22 VIVIA HARRISON, an Individual,
23
24 Plaintiff,

CASE NO. A-16-732342-C
DEPT. NO. 29

25 v.

26 RAMPARTS, INC. d/b/a LUXOR HOTEL &
27 CASINO, a Nevada Domestic Corporation;
28 DESERT MEDICAL EQUIPMENT, a
Nevada Domestic Corporation; PRIDE
MOBILITY PRODUCTS CORPORATION,
a Nevada Domestic Corporation; DOES I
through X, inclusive; and ROE BUSINESS
ENTITIES I through X, inclusive,

Defendants.

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Plaintiff, VIVIA HARRISON, by and through her

1 LAWYERS, and MATTHEW G. PFAU, ESQ. of the law firm of PARRY & PFAU hereby
2 appeals to the Supreme Court of Nevada, Plaintiff's Motion to Reconsider the Court's Order
3 Granting Luxor an Attorney Lien Offset entered in this action on the 16th day of May, 2019.

4 DATED this 4 day of June, 2019.

6 MOSS BERG INJURY LAWYERS

8 By: 

9 BOYD B. MOSS III, ESQ.

10 Nevada Bar No. 8856

boyd@mossberglv.com

11 MARCUS A. BERG, ESQ.

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Attorneys for Plaintiff

1
2
3 **CERTIFICATE OF SERVICE**

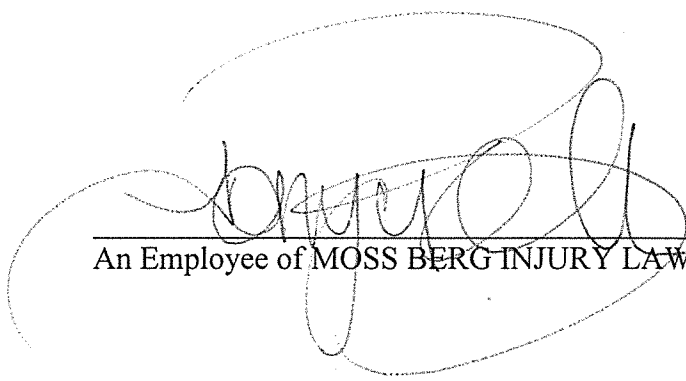
4 Pursuant to NRCP 5(b) and Administrative Order 14-02 of the Eighth Judicial District
5 Court, I hereby certify that I am an employee of MOSS BERG INJURY LAWYERS and that on
6 the 11th day of June, 2019, I served the above and foregoing **NOTICE OF APPEAL** on the
7 following parties in compliance with the Nevada Electronic Filing and Conversion Rules:
8
9

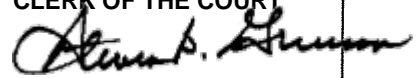
10 Matthew G. Pfau, Esq.
11 PARRY & PFAU
12 880 Seven Hills Drive, Suite 210
13 Henderson, Nevada 89052
14 *Co-Counsel for Plaintiff*

15 Loren S. Young, Esq.
16 LINCOLN GUSTAFSON & CERCOS
17 3960 Howard Hughes Pkwy., Suite 200
18 Las Vegas, Nevada 89169
19 *Attorneys for Defendant,*
20 *RAMPARTS, INC.*

21 Brian K. Terry, Esq.
22 THORNDAL ARMSTRONG, et al.
23 1100 East Bridger Avenue
24 Las Vegas, Nevada 89101
25 *Attorneys for Defendant, PRIDE*
26 *MOBILITY PRODUCTS CORP.*

LeAnn Sanders, Esq.
ALVERSON TAYLOR et al.
6605 Grand Montecito Pkwy., Suite 200
Las Vegas, Nevada 89149
Attorneys for Defendant/Third-Party
Plaintiff, DESERT MEDICAL

27 
28 An Employee of MOSS BERG INJURY LAWYERS



CAS
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Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

VIVIA HARRISON, an Individual,

Plaintiff,

CASE NO. A-16-732342-C
DEPT. NO. 29

v.

RAMPARTS, INC. d/b/a LUXOR HOTEL &
CASINO, a Nevada Domestic Corporation;
DESERT MEDICAL EQUIPMENT, a
Nevada Domestic Corporation; PRIDE
MOBILITY PRODUCTS CORPORATION,
a Nevada Domestic Corporation; DOES I
through X, inclusive; and ROE BUSINESS
ENTITIES I through X, inclusive,

Defendants.

CASE APPEAL STATEMENT

1. Vivia Harrison, Appellant;

1 2. Honorable David Jones;

2 3. Vivian Harrison
3 c/o Boyd B. Moss III, Esq.
4 Moss Berg Injury Lawyers
5 4101 Meadows Lane, Suite 110
6 Las Vegas, Nevada 89107
7 Telephone: (702) 222-4555;

8 4. Ramparts, Inc. d/b/a Luxor Hotel & Casino
9 c/o Loren S. Young, Esq.
10 Lincoln Gustafson & Cercos, LLP
11 3960 Howard Hughes Parkway, Suite 200
12 Las Vegas, Nevada 89169

13 5. The above-mentioned counsel is licensed to practice law in the State of Nevada;

14 6. The appellant was represented by retained counsel in the District Court;

15 7. The appellant is represented by retained counsel on appeal;

16 8. The appellant was not granted leave to proceed in forma pauperis;

17 9. The complaint in this matter was filed on February 2, 2015;

18 10. This is an action for personal injuries arising from an injury sustained as Ms. Harrison
19 was thrown from a motorized scooter on December 10, 2014

20 In December 2018, a nine-day trial took place. Prior to the jury's verdict, Plaintiff and
21 Defendant Desert Medical Equipment entered into a high-low settlement agreement. Pursuant to
22 the settlement agreement, no matter what the jury's verdict was, Desert Medical Equipment would
23 be obligated to pay Plaintiff according to the terms of the high-low settlement agreement. A
24 contract was entered into between the two parties and is not part of a net judgment. The settlement
25 amount was not confidential.

26 On December 20, 2018, the jury returned a verdict in favor of Defendants. In light of the
27 defense verdict, Desert Medical is required to pay Plaintiff \$150,000.00.

28 On December 20, 2018 and January 8, 2019, Plaintiff's counsel sent a Notice of Attorney

1 Lien to all parties.

2 On January 17, 2019, Defendant Luxor filed a Motion for Attorney's Fees and Costs,
3 which was granted on February 27, 2019 and an Order was entered on March 18, 2019. In the
4 Order, Luxor set forth the that judgement against Plaintiff must be offset from other settlement
5 funds received by Plaintiff prior to any satisfaction of liens, including the lien for attorney's fees
6 and costs incurred by Plaintiff's counsel during the course of litigation.

7
8 On March 28, 2019, Plaintiff filed a Motion for Reconsideration, asking the Court to
9 reconsider the Order granting Luxor an attorney lien offset.

10 On May 10, 2019, The Court issued a Minute Order denying Plaintiff's Motion for
11 Reconsideration.

12
13 11. This is the first appeal in the above-mentioned matter;

14 12. This appeal does not involve child custody or visitation; and

15 13. This appeal does involve the possibility of settlement.

16 DATED this 4 day of June 2019.

17 MOSS BERG INJURY LAWYERS

18
19
20 By:


BOYD B. MOSS III, ESQ.

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Facsimile: (702) 222-4556

Attorneys for Appellant

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY**CASE NO. A-16-732342-C**

Vivia Harrison, Plaintiff(s)
vs.
MGM Resorts International, Defendant(s)

§
 §
 §
 §
 §

Location: **Department 29**
 Judicial Officer: **Jones, David M**
 Filed on: **02/24/2016**
 Case Number History:
 Cross-Reference Case Number: **A732342**

CASE INFORMATIONCase Type: **Negligence - Premises Liability**

Case Status: **02/24/2016 Open**

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number A-16-732342-C
 Court Department 29
 Date Assigned 01/02/2017
 Judicial Officer Jones, David M

PARTY INFORMATION

Plaintiff	Harrison, Vivia	<i>Lead Attorneys</i> Moss, Boyd B., ESQ <i>Retained</i> 702-222-4555(W)
Defendant	Desert Medical Equipment	Sanders, LeAnn <i>Retained</i> 7023847000(W)
	MGM Resorts International	
	Pride Mobility Products Corp	Terry, Brian K. <i>Retained</i> 702-366-0622(W)
	Ramparts Inc	Young, Loren <i>Retained</i> 7022571997(W)
Third Party Defendant	Sawamoto, Stan Removed: 12/11/2018 Dismissed	Upson, Stacey A. <i>Retained</i> 702-408-3800(W)
Third Party Plaintiff	Desert Medical Equipment Removed: 12/11/2018 Dismissed	Sanders, LeAnn <i>Retained</i> 7023847000(W)
	Desert Medical Equipment Removed: 07/20/2016 Data Entry Error	

DATE**EVENTS & ORDERS OF THE COURT****INDEX**

02/24/2016

EVENTS














Complaint

Filed By: Plaintiff Harrison, Vivia

Complaint











CASE SUMMARY

CASE NO. A-16-732342-C

03/18/2016	 Proof of Service Filed by: Plaintiff Harrison, Vivian <i>Proof of Service -MGM Resorts International</i>
04/20/2016	 Initial Appearance Fee Disclosure Filed By: Defendant Desert Medical Equipment <i>Initial Appearance Fee Disclosure</i>
04/20/2016	 Demand for Jury Trial Filed By: Defendant Desert Medical Equipment <i>Demand for Jury Trial</i>
04/20/2016	 Answer to Complaint Filed by: Defendant Desert Medical Equipment <i>Desert Medical Equipment's Answer to Plaintiff's Complaint</i>
04/29/2016	 Amended Complaint Filed By: Plaintiff Harrison, Vivian <i>First Amended Complaint</i>
05/05/2016	 Answer to Amended Complaint Filed By: Defendant Desert Medical Equipment <i>Desert Medical Equipment's Answer To Plaintiff's First Amended Complaint</i>
05/11/2016	 Demand for Security of Costs Filed By: Defendant Desert Medical Equipment <i>Desert Medical Equipment's Demand for Security of Costs to Plaintiff Vivian Harrison</i>
05/16/2016	 Demand for Security of Costs Filed By: Defendant Ramparts Inc <i>Demand for Security of Costs</i>
05/16/2016	 Demand for Jury Trial Filed By: Defendant Ramparts Inc <i>Demand for Jury Trial</i>
05/16/2016	 Initial Appearance Fee Disclosure Filed By: Defendant Ramparts Inc <i>Initial Appearance and Fee Disclosure</i>
05/16/2016	 Disclosure Statement Party: Defendant Ramparts Inc <i>NRCP 7.1 Disclosure Statement</i>
05/26/2016	 Motion for Leave to File Party: Defendant Desert Medical Equipment <i>Defendant Desert Medical Equipment's Motion For Leave To File A Third-Party Complaint Against Stan Sawamoto For Breach Of Contract, Contractual Indemnity, Equitable/Implied Indemnity, Breach Of Implied Covenant Of Good Faith And Fair Dealing, And Contribution</i>
06/03/2016	 Commissioners Decision on Request for Exemption - Granted <i>Commissioner's Decision on Request for Exemption</i>














CASE SUMMARY

CASE NO. A-16-732342-C

06/14/2016	 Notice of Non Opposition Filed By: Defendant Desert Medical Equipment <i>Defendant Desert Medical Equipment's Notice Of Non Opposition To Defendant Desert Medical Equipment's Motion For Leave To File A Third-Party Complaint Against Stan Sawamoto For Breach Of Contract, Contractual Indemnity, Equitable/Implied Indemnity, Breach Of Implied Covenant Of Good Faith And Fair Dealing, And Contribution</i>
06/17/2016	 Undertaking for Security for Costs for Non-Resident Party: Plaintiff Harrison, Vivia <i>Undertaking for Security for Costs for Non-Resident</i>
06/17/2016	 Undertaking for Security for Costs for Non-Resident Party: Plaintiff Harrison, Vivia <i>Undertaking for Security for Costs for Non-Resident</i>
06/22/2016	 Notice Filed By: Plaintiff Harrison, Vivia <i>Notice of Posting of Security of Cost Bond</i>
07/19/2016	 Order Granting Motion Filed By: Defendant Desert Medical Equipment <i>Order Granting Defendant Desert Medical Equipment's Motion For Leave To File A Third-Party Complaint Against Stan Sawamoto For Breach Of Contract, Contractual Indemnity, Equitable/Implied Indemnity, Breach Of Implied Covenant Of Good Faith And Fair Dealing, And Contribution</i>
07/20/2016	 Third Party Complaint TPP: Third Party Plaintiff Desert Medical Equipment DEFENDANT DESERT MEDICAL EQUIPMENT'S THIRD-PARTY COMPLAINT AGAINST STAN SAWAMOTO
07/20/2016	 Notice of Entry of Order Filed By: Defendant Desert Medical Equipment <i>Notice of Entry of Order Granting Defendant Desert Medical Equipment's Motion for Leave to file a Third-Party Complaint Against Stan Sawamoto for Breach of Contract, Contractual Indemnity, Equitable/Implied Indemnity, Breach of Implied Covenant of Good Faith and Fair Dealing, and Contribution</i>
07/22/2016	 Joint Case Conference Report Filed By: Plaintiff Harrison, Vivia <i>Joint Case Conference Report</i>
07/22/2016	 Answer Filed By: Defendant Ramparts Inc <i>Ramparts, Inc. d/b/a Luxor Hotel & Casino's Answer to Plaintiff's First Amended Complaint</i>
08/19/2016	 Stipulation and Order to Amend Filed By: Plaintiff Harrison, Vivia <i>Stipulation and Order to Amend Complaint to Add Additional Defendant</i>
08/19/2016	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Harrison, Vivia <i>Notice of Entry of Stipulation and Order to Amend Complaint to Add Additional Defendant</i>
08/19/2016	 Amended













CASE SUMMARY

CASE NO. A-16-732342-C

	<p>Filed By: Plaintiff Harrison, Vivia <i>Second Amended Complaint</i></p>
08/23/2016	<p> Answer to Amended Complaint Filed By: Defendant Ramparts Inc <i>Ramparts, Inc. d/b/a Luxor Hotel & Casino's Answer to Plaintiff's Second Amended Complaint</i></p>
08/31/2016	<p> Substitution of Attorney Filed by: Defendant Ramparts Inc <i>Substitution of Attorneys for Defendant Ramparts, Inc. d/b/a Luxor Hotel & Casino</i></p>
09/08/2016	<p> Third Party Summons Filed by: Defendant Desert Medical Equipment <i>Third-Party Summons-Stan Sawamoto</i></p>
09/09/2016	<p> Scheduling Order <i>Scheduling Order</i></p>
09/23/2016	<p> Answer to Amended Complaint Filed By: Third Party Plaintiff Desert Medical Equipment <i>Desert Medical Equipment's Answer to Plaintiff's Second Amended Complaint</i></p>
09/27/2016	<p> Demand for Security of Costs Filed By: Defendant Pride Mobility Products Corp <i>Demand for Security of Costs</i></p>
09/27/2016	<p> Initial Appearance Fee Disclosure Filed By: Defendant Pride Mobility Products Corp <i>Initial Appearance Fee Disclosure (NRS Chapter 19)</i></p>
09/30/2016	<p> Order Setting Civil Jury Trial <i>Order Setting Civil Jury Trial</i></p>
10/18/2016	<p> Undertaking for Security for Costs for Non-Resident Party: Plaintiff Harrison, Vivia <i>Undertaking of Corporate Surety</i></p>
10/19/2016	<p> Notice Filed By: Plaintiff Harrison, Vivia <i>Notice of Posting of Security of Cost Bond</i></p>
10/19/2016	<p> Answer to Amended Complaint Filed By: Defendant Pride Mobility Products Corp <i>Defendant, Pride Mobility Products Corp.'s Answer to Plaintiff, Vivia Harrison's Second Amended Complaint</i></p>
10/19/2016	<p> Demand for Jury Trial Filed By: Defendant Pride Mobility Products Corp <i>Defendant, Pride Mobility Products Corp.'s Demand for Jury Trial</i></p>
11/03/2016	<p> Demand Filed By: Defendant Pride Mobility Products Corp <i>Defendant Pride Mobility Products Corp.'s Demand For Prior Discovery Pursuant To NRCP 26(h)</i></p>

CASE SUMMARY

CASE NO. A-16-732342-C

11/04/2016	 Response Filed by: Defendant Desert Medical Equipment <i>Defendant/Third-Party Plaintiff Desert Medical Equipment's Response to Defendant Pride Mobility Products Corp.'s Demand for Prior Discovery Pursuant to NRCP 26(h)</i>
11/10/2016	 Default Filed By: Defendant Desert Medical Equipment Default Prty: Third Party Defendant Sawamoto, Stan <i>(Set Aside 12/15/16) Default Against Stan Sawamoto</i>
11/17/2016	 Notice of Entry of Default Party: Defendant Desert Medical Equipment <i>Notice of Entry of Default</i>
12/08/2016	 Joint Case Conference Report Filed By: Plaintiff Harrison, Vivia <i>Supplemental Joint Case Conference Report</i>
12/15/2016	 Stipulation and Order Filed by: Third Party Defendant Sawamoto, Stan <i>Stipulation to Set Aside Default</i>
12/16/2016	 Initial Appearance Fee Disclosure Filed By: Third Party Defendant Sawamoto, Stan <i>Initial Appearance Fee Disclosure</i>
12/16/2016	 Notice of Appearance Party: Third Party Defendant Sawamoto, Stan <i>Notice of Appearance</i>
12/16/2016	 Demand for Jury Trial Filed By: Third Party Defendant Sawamoto, Stan <i>Third-Party Defendant Stan Sawamoto's Demand for Jury Trial</i>
12/16/2016	 Notice of Entry Filed By: Third Party Defendant Sawamoto, Stan <i>Notice of Entry of Stipulation to Set Aside Default</i>
12/16/2016	 Answer to Third Party Complaint Filed By: Third Party Defendant Sawamoto, Stan <i>Third-Party Defendant Stan Sawamoto's Answer to Desert Medical Equipment's Third-Party Complaint</i>
12/21/2016	 Demand for Prior Discovery Filed By: Third Party Defendant Sawamoto, Stan <i>Demand for Prior Discovery</i>
01/02/2017	Case Reassigned to Department 29 <i>Case reassigned from Judge Kenneth Cory Dept 01</i>
03/27/2017	 Motion to Amend Complaint Filed By: Plaintiff Harrison, Vivia <i>Motion for Leave to File First Amended Complaint to Remove a Cause of Action</i>

CASE SUMMARY

CASE NO. A-16-732342-C

03/28/2017	 Amended Order Setting Jury Trial <i>Amended Order Setting Civil Jury Trial</i>
04/06/2017	 Non Opposition Filed By: Defendant Pride Mobility Products Corp <i>Non-Opposition to Plaintiff's Motion for Leave to File First Amended Complaint</i>
05/01/2017	 Stipulation and Order Filed by: Plaintiff Harrison, Vivia <i>Stipulation and Order to Continue Trial (First Request)</i>
05/01/2017	 Stipulation and Order Filed by: Plaintiff Harrison, Vivia <i>Stipulation and Order to Amend Complaint to Remove Cause of Action</i>
05/02/2017	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Harrison, Vivia <i>Notice of Entry of Stipulation and Order to Continue Trial</i>
05/09/2017	 Amended Order Setting Jury Trial <i>Amended Order Setting Civil Jury Trial</i>
05/10/2017	 Offer of Judgment Filed By: Third Party Defendant Sawamoto, Stan <i>Offer of Judgment</i>
05/12/2017	 Motion for Summary Judgment Filed By: Defendant Pride Mobility Products Corp <i>Defendant, Pride Mobility Products Corp.'s Motion For Summary Judgment</i>
05/19/2017	 Opposition to Motion For Summary Judgment <i>Opposition to Pride Mobility Products Corp. for Summary Judgment</i>
06/13/2017	 Response Filed by: Defendant Ramparts Inc <i>Defendant Ramparts, Inc. d/b/a Luxor Hotel & Casino's Response to Plaintiff's Opposition to Defendant Pride Mobility Products Corp.'s Motion for Summary Judgment</i>
06/13/2017	 Reply in Support <i>Defendant, Pride Mobility Products Corp.'s Reply Brief in Support of Motion for Summary Judgment</i>
06/28/2017	 Notice of Change of Address Filed By: Defendant Desert Medical Equipment <i>Notice of Change of Address</i>
07/06/2017	 Order Denying Motion Filed By: Plaintiff Harrison, Vivia <i>Order Denying (without prejudice) Defendant, Pride Mobility Product Corp.'s Motion for Summary Judgment</i>
07/13/2017	 Notice of Entry of Order Filed By: Plaintiff Harrison, Vivia <i>Notice of Entry of Order Denying Defendant, Pride Mobility Product Corp. s Motion for</i>

CASE SUMMARY

CASE NO. A-16-732342-C

Summary Judgment

08/08/2017	 Stipulation and Order Filed by: Defendant Desert Medical Equipment <i>Stipulation and Order to Exgtend Discovery (First Request)</i>
09/21/2017	 Motion for Summary Judgment Filed By: Third Party Defendant Sawamoto, Stan <i>Third Party Defendant Stan Sawamoto's Motion for Summary Judgment</i>
09/29/2017	 Joinder To Motion Filed By: Plaintiff Harrison, Vivia <i>Plaintiff's Joinder to Third-Party Defendant Stan Sawamoto's Motion for Summary Judgment</i>
10/02/2017	 Initial Appearance Fee Disclosure Filed By: Plaintiff Harrison, Vivia <i>Initial Appearance Fee Disclosure</i>
10/09/2017	 Opposition to Motion For Summary Judgment Filed By: Defendant Desert Medical Equipment <i>Third-Party Plaintiff Desert Medical Equipment's Opposition to Third-Party Defendant Stan Sawamoto's Motion for Summary Judgment and Plaintiff's Joinder to the Same</i>
10/09/2017	 Notice of Association of Counsel Filed By: Plaintiff Harrison, Vivia <i>Notice of Association of Counsel</i>
10/24/2017	 Reply to Motion Filed By: Third Party Defendant Sawamoto, Stan <i>Third Party Defendant Stan Sawamoto's Reply in Support on Motion for Summary Judgment</i>
11/06/2017	 Motion for Leave to File Party: Defendant Desert Medical Equipment <i>Motion for Leave to File Amended Third-Party Complaint Against Stan Sawamoto</i>
11/20/2017	 Stipulation and Order Filed by: Plaintiff Harrison, Vivia <i>Stipulation and Order to Extend Discovery and Continue Trial (Second Request)</i>
11/29/2017	 Order Denying Motion Filed By: Defendant Desert Medical Equipment; Third Party Plaintiff Desert Medical Equipment <i>Order on Third-Party Defendant Stan Sawamoto's Motion for Summary Judgment</i>
11/29/2017	 Order Setting Civil Jury Trial <i>Amended Order Setting Civil Jury Trial</i>
11/30/2017	 Notice of Entry of Order Filed By: Defendant Desert Medical Equipment <i>Notice of Entry of Order on Third-Party Defendant Stan Sawamoto's Motion for Summary Judgment</i>
01/03/2018	 Substitution of Attorney Filed by: Third Party Defendant Sawamoto, Stan

CASE SUMMARY

CASE NO. A-16-732342-C

Substitution of Counsel

01/11/2018



Stipulated Protective Order

Filed By: Defendant Pride Mobility Products Corp

Stipulated Protective Order

01/15/2018



Order Granting

Filed By: Third Party Plaintiff Desert Medical Equipment

Order Granting Desert Medical Equipment's Motion for Leave to File Amended Third-Party Complaint Against Stan Sawamoto

01/16/2018



Notice of Entry of Order

Filed By: Third Party Plaintiff Desert Medical Equipment

Notice of Entry of Order Granting Desert Medical Equipment's Motion for Leave to File Amended Third-Party Complaint Against Stan Sawamoto

01/16/2018



First Amended Complaint

Filed By: Third Party Plaintiff Desert Medical Equipment

Defendant Desert Medical Equipment's First Amended Third-Party Complaint Against Stan Sawamoto

01/17/2018



Notice of Entry

Filed By: Defendant Pride Mobility Products Corp

Notice of Entry of Order

01/23/2018



Stipulation and Order

Filed by: Plaintiff Harrison, Vivia

Stipulation and Order to Extend Discovery (Third Request)

02/12/2018



Answer to Third Party Complaint

Filed By: Third Party Defendant Sawamoto, Stan

Defendant Stan Sawamoto's Answer to Defendant Desert Medical Equipment's First Amended Third Party Complaint

02/22/2018



Order

Amended Order Scheduling Calendar Call

03/13/2018



Stipulation and Order

Filed by: Defendant Desert Medical Equipment

Stipulation and Order to Extend Discovery Deadlines (Fourth Request)

03/13/2018



Notice of Entry of Stipulation and Order

Filed By: Defendant Desert Medical Equipment

Notice of Entry of Stipulation and Order to Extend Discovery Deadlines -Fourth Request

03/16/2018



Amended Scheduling Order

Amended Order Scheduling Calendar Call

03/16/2018



Motion for Summary Judgment

Filed By: Defendant Desert Medical Equipment

Defendant Desert Medical Equipment's Motion for Summary Judgment

04/02/2018



Opposition to Motion For Summary Judgment

Filed By: Plaintiff Harrison, Vivia

CASE SUMMARY

CASE NO. A-16-732342-C

Opposition to Desert Medical Equipment's Motion for Summary Judgment

04/23/2018



Reply in Support

Filed By: Defendant Desert Medical Equipment

Defendant Desert Medical Equipment's Reply in Support of Motion for Summary Judgment

05/22/2018



Motion

Filed By: Plaintiff Harrison, Vivia

Plaintiff's Motion for an Adjudication as to Liability or, in the Alternative, for an Adverse Inference Based on Defendant's Spoliation of Evidence

06/06/2018



Opposition to Motion

Filed By: Defendant Pride Mobility Products Corp

Defendant, Pride Mobility Products Corp.'s Limited Opposition to Plaintiff's Motion for an Adjudication as to Liability or, in the Alternative, for an Adverse Inference Based on Defendant's Spoliation of Evidence.

06/11/2018



Order

Filed By: Plaintiff Harrison, Vivia

Order Denying Defendant Desert Medical Equipment's Motion for Summary Judgment without Prejudice

06/11/2018



Notice of Entry of Order

Filed By: Plaintiff Harrison, Vivia

Notice of Entry of Order Denying Defendant Desert Medical Equipment's Motion for Summary Judgment without Prejudice

06/11/2018



Opposition to Motion

Filed By: Defendant Desert Medical Equipment

Defendant Desert Medical Equipment's Opposition to Plaintiff's Motion for Adjudication as to Liability or, in the Alternative, For an Adverse Inference Based on Defendant's Spoliation of Evidence

07/05/2018



Motion for Summary Judgment

Filed By: Defendant Pride Mobility Products Corp

Defendant, Pride Mobility Products Corp.'s, Renewed Motion for Summary Judgment

07/23/2018



Recorders Transcript of Hearing

Recorders Transcript of Hearing Defendant's Motion for Summary Judgment 04/30/18

07/23/2018



Opposition

Filed By: Plaintiff Harrison, Vivia

Plaintiff's Opposition to Defendant Pride Mobility Products Corp's Renewed Motion for Summary Judgment

08/01/2018



Reply in Support

Filed By: Defendant Pride Mobility Products Corp

Reply in Support of Defendant, Pride Mobility Products Corp.'s, Renewed Motion for Summary Judgment

08/01/2018



Reply in Support

Filed By: Plaintiff Harrison, Vivia

Reply in Support of Plaintiff's Motion for an Adjudication as to Liability or, in the Alternative, for an Adverse Inference Based on Defendant's Spoliation of Evidence

08/06/2018

CASE SUMMARY

CASE NO. A-16-732342-C

	 Notice of Firm Name Change Filed By: Defendant Desert Medical Equipment <i>Notice of Firm Name Change</i>
08/08/2018	 Reply to Opposition <i>Defendant Ramparts, Inc. dba Luxor Hotel & Casino's Limited Reply to Plaintiff's Opposition to Defendant Pride Mobility Products Corp.'s Renewed Motion for Summary Judgment</i>
08/20/2018	 Motion for Summary Judgment Filed By: Defendant Desert Medical Equipment <i>Defendant Desert Medical Equipment's Renewed Motion for Summary Judgment</i>
08/20/2018	 Motion for Summary Judgment Filed By: Defendant Ramparts Inc <i>Defendant Ramparts, Inc. d/b/a Luxor Hotel & Casino's Motion for Summary Judgment</i>
09/07/2018	 Opposition Filed By: Plaintiff Harrison, Vivia <i>Opposition to Defendant Ramparts, Inc. d/b/a Luxor Hotel & Casino's Motion for Summary Judgment</i>
09/07/2018	 Opposition Filed By: Plaintiff Harrison, Vivia <i>Opposition to Desert Medical Equipment's Renewed Motion for Summary Judgment</i>
09/07/2018	 Opposition <i>Defendant Ramparts, Inc. dba Luxor Hotel & Casino's Limited Opposition to Defendant Desert Medical Equipment's Renewed Motion for Sumary Judgment</i>
09/07/2018	 Motion in Limine <i>Defendant Ramparts, Inc. dba Luxor Hotel & Casino's Motion in Limine to Preclude the Testimony and Opinions of Plaintiff's Expert, Timothy M. Hicks, P.E., or Alternatively, to Limit the Testimony and Opinions of Plaintiff's Expert, Timothy M. Hicks, P.E. [Motion in Limine No. 1]</i>
09/07/2018	 Motion in Limine <i>Defendant Ramparts, Inc. dba Luxor Hotel & Casino's Motion in Limine to Preclude the Testimony and Opinions of Plaintiff's Expert, Michael P. Gibbens, CASp, ICC, CASI, or Alternatively, to Limit the Testimony and Opinions of Plaintiff's Expert, Michael P. Gibbens, CASp, ICC, CASI [Motion in Limine No. 2]</i>
09/07/2018	 Motion in Limine Filed By: Defendant Desert Medical Equipment <i>Defendant Desert Medical Equioment's Motion in Limine No. 1 to Exclude Testimony from Plaintiff's Scooter Expert, Timothy Hicks, P.E.</i>
09/07/2018	 Motion in Limine Filed By: Defendant Desert Medical Equipment <i>Defendant Desert Medical Equioment's Motion in Limine No. 2 to Preclude Testimony and Argument that Desert Medical Equipment Altered or Modified the Subject Scooter</i>
09/07/2018	 Motion in Limine Filed By: Plaintiff Harrison, Vivia <i>Vivia Harrison's Motion in Limine No. 1 to Limit Vivia's Testimony to Reading of her Deposition Transcript</i>

CASE SUMMARY

CASE NO. A-16-732342-C

09/07/2018	 Motion in Limine Filed By: Defendant Desert Medical Equipment <i>Defendant Desert Medical Equipment's Motion in Limine No. 3 to Preclude Testimony and Argument that the Subject Scooter was Defective</i>
09/07/2018	 Motion in Limine Filed By: Defendant Desert Medical Equipment <i>Defendant Desert Medical Equipment's Motion in Limine No. 4 to Preclude Argument that Plaintiff Should Have Been Rented the Larger 4-Wheeled Maxima Scooter</i>
09/07/2018	 Motion in Limine Filed By: Defendant Desert Medical Equipment <i>Defendant Desert Medical Equipment's Motion in Limine No. 5 to Exclude Photographs of Wal-Mart Scooters Plaintiff has Allegedly Used in the Past</i>
09/07/2018	 Motion in Limine Filed By: Plaintiff Harrison, Vivia <i>Plaintiff's Motion in Limine #2 to Limit Defendant Desert Medical Equipment's 30(b)(6) Witness Testimony</i>
09/07/2018	 Motion in Limine Filed By: Plaintiff Harrison, Vivia <i>Plaintiff's Motion in Limine #3 to Limit Defendant's ADA Expert - Michelle J. Robbins' Opinions</i>
09/07/2018	 Motion in Limine Filed By: Defendant Desert Medical Equipment <i>Defendant Desert Medical Equipment's Motion in Limine No. 6 to Preclude Argument that Desert Medical Equipment Failed to Provide Adequate Operating Instructions to Plaintiff</i>
09/07/2018	 Motion in Limine Filed By: Defendant Desert Medical Equipment <i>Defendant Desert Medical Equipment's Motion in Limine No. 7 to Preclude Argument that Desert Medical Equipment Did Not Properly Maintain the Subject Scooter</i>
09/07/2018	 Motion in Limine Filed By: Defendant Desert Medical Equipment <i>Defendant Desert Medical Equipment's Motion in Limine No. 8 to Preclude Argument that Desert Medical Equipment Failed to Provide Adequate Training to Luxor Employees</i>
09/07/2018	 Motion in Limine Filed By: Defendant Desert Medical Equipment <i>Defendant Desert Medical Equipment's Motion in Limine No. 9 to Exclude Evidence of Past Medical Expenses Not Actually Incurred</i>
09/07/2018	 Motion in Limine Filed By: Defendant Desert Medical Equipment <i>Defent Desert Medical Equioment's Motion in Limine No. 10 to Exclude "Reptile", "Golden Rule", and other Improper Arguments at Trial</i>
09/17/2018	 Joinder to Motion in Limine Filed By: Third Party Defendant Sawamoto, Stan <i>Third-Party Defendant, Stan Sawamoto's Joinder to Defendant, Desert Medical Equipment's Motion in Limine NO. 10 to Exclude "Reptile", "Golden Rule" and Other Improper Arguments at Trial</i>

CASE SUMMARY

CASE NO. A-16-732342-C

09/17/2018	 Reply in Support Filed By: Defendant Desert Medical Equipment <i>Defendant Desert Medical Equipment's Reply in Support of Renewed Motion for Summary Judgment</i>
09/17/2018	 Reply in Support Filed By: Defendant Ramparts Inc <i>Defendant Ramparts, Inc. dba Luxor Hotel & Casino's Reply in Support of its Motion for Summary Judgment</i>
09/17/2018	 Opposition Filed By: Defendant Desert Medical Equipment <i>Defendant Desert Medical Equipment's Opposition to Defendant Ramparts, Inc. d/b/a Luxor Hotel & Casino's Limited Opposition to Desert Medical's Renewed Motion for Summary Judgment</i>
09/17/2018	 Joinder To Motion Filed By: Third Party Defendant Sawamoto, Stan <i>Third-Party Defendant, Stan Sawamoto's Joinder to Defendant, Desert Medical Equipment's Motion in Limine No. 9 to Exclude Evidence of Past Medical Expenses Not Actually Incurred</i>
09/17/2018	 Joinder <i>Defendant Ramparts, Inc. dba Luxor Hotel & Casino's Joinder to Defendant Desert Medical Equipment's Motion in Limine No. 9 to Exclude Evidence of Past Medical Expenses Not Actually Incurred</i>
09/19/2018	 Order Filed By: Plaintiff Harrison, Vivia <i>Order Granting In Part, Plaintiff's Motion for an Adjudication as to Liability or, in the Alternative, for an Adverse Inference Based on Defendant's Spoliation of Evidence</i>
09/21/2018	 Pre-Trial Disclosure Party: Plaintiff Harrison, Vivia <i>Viva Harrison's Pre-Trial Disclosures</i>
09/21/2018	 Opposition to Motion in Limine Filed By: Plaintiff Harrison, Vivia <i>Vivia Harrison's Opposition to Defendant's Desert Medical Equipment's Motion in Limine No. 5 to Exclude Photographs of Wal-Mart Scooters Plaintiff Has Allegedly Used in the Past</i>
09/21/2018	 Opposition to Motion in Limine Filed By: Plaintiff Harrison, Vivia <i>Vivia Harrison's Opposition to Defendant Desert Medical Equipment's Motion Limine No. 7 to Preclude Argument that Desert Medical Equipment Did Not Properly Maintain the Subject Scooter</i>
09/21/2018	 Opposition to Motion For Summary Judgment Filed By: Plaintiff Harrison, Vivia <i>Vivia Harrison's Opposition to Defendant Desert Medical Equipment's Motion in Limine No. 8 to Preclude Argument that Desert Medical Equipment Failed to Provide Adequate Training to Luxor Employees</i>
09/21/2018	 Opposition to Motion in Limine Filed By: Plaintiff Harrison, Vivia <i>Vivia Harrison's Opposition to Defendant Desert Medical Equipment's Motion in Limine No. 9 to Exclude Evidence of Past Medical Expenses Not Actually Incurred</i>

CASE SUMMARY

CASE NO. A-16-732342-C

09/21/2018	 Opposition to Motion in Limine Filed By: Plaintiff Harrison, Vivia <i>Vivia Harrison's Opposition to Defendant Desert Medical Equipment's Motion in Limine No. 10 to Exclude "Reptile," "Golden Rule," and Other Improper Arguments at Trial</i>
09/21/2018	 Pre-Trial Disclosure Party: Third Party Defendant Sawamoto, Stan <i>Third Party Defendant, Stan Sawamoto's Pre-Trial Disclosures</i>
09/21/2018	 Pre-Trial Disclosure Party: Defendant Desert Medical Equipment <i>Defendant and Third-Party Plaintiff Desert Medical Equipment's Pre-Trial Disclosures</i>
09/21/2018	 Pre-Trial Disclosure <i>Defendant Ramparts, Inc. dba Luxor Hotel & Casino's List of Trial Witnesses and Exhibits pursuant to NRCP 16.1(a)(3)</i>
09/24/2018	 Opposition to Motion in Limine Filed By: Plaintiff Harrison, Vivia <i>Vivia Harrison's Opposition to Defendant Ramparts, Inc. d/b/a Luxor Hotel & Casino's Motion in Limine to Preclude the Testimony and Opinions of Plaintiff's Expert, Timothy M. Hicks, P.E., or Alternative;y, to Limit the Testimony and Opinions of Plaintiff's Expert, Timothy M. Hicks, P.E.</i>
09/24/2018	 Opposition to Motion in Limine Filed By: Plaintiff Harrison, Vivia <i>Vivia Harrison's Opposition to Defendant Desert Medical Equipment's Motion in Limine No. 1 to Exclude Testimony From Plaintiff's Scooter Expert, Timothy Hicks, P.E.</i>
09/24/2018	 Opposition to Motion in Limine Filed By: Defendant Desert Medical Equipment <i>Defendant Desert Medical Equipment's Opposition to Plaintiff's Motion in Limine No. 1 to Limit Vivia Harrison's Testimony to a Reading of her Deposition Transcript</i>
09/24/2018	 Opposition to Motion in Limine Filed By: Defendant Desert Medical Equipment <i>Defendant Desert Medical Equipment's Opposition to Plaintiff's Motion in Limine No. 2 to Limit Desert Medical Equipment's 30(b)(6) Witness Testimony</i>
09/24/2018	 Opposition to Motion in Limine Filed By: Plaintiff Harrison, Vivia <i>Plaintiff's Opposition to Defendant Desert Medical Equipment's Motion in Limine No. 3 to Preclude Testimony and Argument that Subject Scooter was Defective</i>
09/24/2018	 Opposition to Motion in Limine Filed By: Plaintiff Harrison, Vivia <i>Plaintiff's Opposition to Defendant Desert Medical Equipment's Motion in Limine #2 to Preclude Testimony and Argument that Desert Medical Equipment Altered or Modified the Subject Scooter</i>
09/24/2018	 Opposition to Motion in Limine Filed By: Plaintiff Harrison, Vivia <i>Plaintiff's Opposition to Defendant Desert Medical Equipment's Motion in Limine No. 4 to Preclude Argument that Plaintiff Should Have Been Rented the Larger 4-Wheeled Maxima Scooter</i>

CASE SUMMARY

CASE NO. A-16-732342-C

09/24/2018



Opposition

Filed By: Defendant Ramparts Inc

Defendant Ramparts, Inc. d/b/a Luxor Hotel & Casino's Limited Opposition to Plaintiff Vivia Harrison's Motion in Limine No. 1 to Limit Vivia's Testimony to a Reading of Her Deposition Transcript

09/24/2018



Opposition

Filed By: Defendant Ramparts Inc

Defendant Ramparts, Inc. d/b/a Luxor Hotel & Casino's Opposition to Plaintiff's Motion in Limine # 2 to Limit Defendant Desert Medical Equipment's 30(b)(6) Witness Testimony

09/24/2018



Opposition

Filed By: Defendant Ramparts Inc

Defendant Ramparts, Inc. d/b/a Luxor Hotel & Casino's Opposition to Plaintiff's Motion in Limine #3 to Limit Defendant's ADA Expert - Michelle J. Robbins' Opinions

09/24/2018



Opposition

Filed By: Defendant Ramparts Inc

Defendant Ramparts, Inc. d/b/a Luxor Hotel & Casino's Opposition to Defendant Desert Medical Equipment's Motion in Limine No. 8 to Preclude Argument That Desert Medical Equipment Failed to Provide Adequate Training to Luxor Employees

09/24/2018



Opposition to Motion in Limine

Filed By: Plaintiff Harrison, Vivia

Plaintiff's Opposition to Defendant Desert Medical Equipment's Motion in Limine No. 6 to Preclude Argument That Desert Medical Equipment Failed to Provide Adequate Operating Instructions to Plaintiff

09/24/2018



Opposition to Motion in Limine

Filed By: Plaintiff Harrison, Vivia

Plaintiff's Opposition to Defendant Ramparts, Inc. d/b/a Luxor Hotel & Casino's Motion in Limine to Preclude the Testimony and Opinions of Plaintiff's Expert, Michael P. Gibbons, CASp, ICC, CASI, or Alternatively, to Limit the Testimony and Opinions of Plaintiff's Expert, Michael P. Gibbons, CASp, ICC, CASI

09/28/2018



Recorders Transcript of Hearing

Recorders Transcript of Hearing Re: August 29, 2018

10/05/2018



Reply in Support

Filed By: Plaintiff Harrison, Vivia

Reply in Support of Vivia Harrison's Motion in Limine No. 1 to Limit Vivia's Testimony to a Reading of Her Deposition Transcript

10/05/2018



Reply to Opposition

Filed by: Plaintiff Harrison, Vivia

Plaintiff's Reply to Defendant Ramparts, Inc. d/b/a Luxor Hotel & Casino's Opposition to Plaintiff's Motion in Limine #2 to Limit Defendant Desert Medical Equipment's 30(b)(6) Witness Testimony

10/05/2018



Reply to Opposition












Filed by: Plaintiff Harrison, Vivia

Plaintiff's Reply to Defendant Ramparts, Inc. d/b/a Luxor Hotel & Casino's Opposition to Plaintiff's Motion in Limine #3 to Limit Defendant;s Ada Expert - Michelle J. Robbins' Opinions

10/05/2018

CASE SUMMARY

CASE NO. A-16-732342-C

	 Reply to Opposition Filed by: Plaintiff Harrison, Vivian <i>Plaintiff's Reply to Defendant Desert Medical Equipment's Opposition to Plaintiff's Motion in Limine #2 Defendant Desert Medical Equipment's 30(b)(6) Witness Testimony</i>
10/05/2018	 Reply in Support Filed By: Defendant Desert Medical Equipment <i>Reply in Support of Desert Medical Equipment's Motion in Limine No. 1 to Exclude Testimony from Plaintiff's Scooter Expert, Timothy Hicks, PE</i>
10/05/2018	 Reply in Support Filed By: Defendant Desert Medical Equipment <i>Reply in Support of Desert Medical Equipment's Motion in Limine No. 2 to Preclude Testimony and Argument that Desert Medical Equipment Altered or Modified the Subject Scooter</i>
10/05/2018	 Reply in Support Filed By: Defendant Desert Medical Equipment <i>Reply in Support of Desert Medical Equipment's Motion in Limine No. 3 to Preclude Testimony and Argument that the Subject Scooter was Defective</i>
10/05/2018	 Reply in Support Filed By: Defendant Desert Medical Equipment <i>Reply in Support of Desert Medical Equipment's Motion in Limine No. 4 to Preclude Argument that Plaintiff Should Have Been Rented the Larger 4-Wheeled Maxima Scooter</i>
10/05/2018	 Reply in Support Filed By: Defendant Desert Medical Equipment <i>Reply in Support of Desert Medical Equipment's Motion in Limine No. 5 to Exclude Photographs of Wal-Mart Scooters Plaintiff has Allegedly Used in the Past</i>
10/05/2018	 Reply in Support Filed By: Defendant Desert Medical Equipment <i>Reply in Support of Desert Medical Equipment's Motion in Limine No. 6 to Preclude Argument that Desert Medical Equipment Failed to Provide Adequate Operating Instructions to Plaintiff</i>
10/05/2018	 Reply in Support Filed By: Defendant Desert Medical Equipment <i>Reply in Support of Desert Medical Equipment's Motion in Limine No. 7 to Preclude Argument that Desert Medical Equipment did not Properly Maintain the Subject Scooter</i>
10/05/2018	 Reply in Support Filed By: Defendant Desert Medical Equipment <i>Reply in Support of Desert Medical Equipment's Motion in Limine No. 8 to Preclude Argument that Desert Medical Equipment Failed to Provide Adequate Training to Luxor Employees</i>
10/05/2018	 Reply in Support Filed By: Defendant Desert Medical Equipment <i>Reply in Support of Desert Medical Equipment's Motion in Limine No. 9 to Exclude Evidence of Past Medical Expenses not Actually Incurred</i>
10/05/2018	 Reply in Support Filed By: Defendant Desert Medical Equipment <i>Reply in Support of Desert Medical Equipment's Motion in Limine No. 10 to Exclude "Reptile", "Golden Rule" and other Improper Arguments at Trial</i>

CASE SUMMARY

CASE NO. A-16-732342-C

10/05/2018	 Reply Filed by: Defendant Desert Medical Equipment <i>Reply to Luxor's Opposition to Desert Medical Equipment's Motion in Limine No. 8 to Preclude Argument that Desert Medical Equipment Failed to Provide Adequate Training to Luxor Employees</i>
10/05/2018	 Objection Filed By: Defendant Desert Medical Equipment <i>Defendant Desert Medical Equipment's Objections to Plaintiff's Pre-Trial Disclosures</i>
10/05/2018	 Reply <i>Defendant Ramparts, Inc. dba Luxor Hotel & Casino s Reply in Support of its Motion in Limine to Preclude the Testimony and Opinions of Plaintiff s Expert, Timothy M. Hicks, P.E., or Alternatively, to Limit the Testimony and Opinions of Plaintiff s Expert, Timothy M. Hicks, P.E. [Motion in Limine No. 1]</i>
10/05/2018	 Reply <i>Defendant Ramparts, Inc. dba Luxor Hotel & Casino s Reply in Support of its Motion in Limine to Preclude the Testimony and Opinions of Plaintiff s Expert, Michael P. Gibbens, CASp, ICC, CASI, or Alternatively, to Limit the Testimony and Opinions of Plaintiff s Expert, Michael P. Gibbens, CASp, ICC, CASI [Motion in Limine No. 2]</i>
10/05/2018	 Affidavit Filed By: Plaintiff Harrison, Vivia <i>Affidavit of Michael P. Gibbens in Support of Plaintiff's Opposition to Ramparts, Inc.'s Motion in Limine #2</i>
10/10/2018	 Recorders Transcript of Hearing <i>Recorders Transcript of Hearing Re: September 24, 2018</i>
11/01/2018	 Order Filed By: Plaintiff Harrison, Vivia <i>Order Denying Desert Medical's Motion for Summary Judgment</i>
11/07/2018	 Notice of Entry of Order Filed By: Plaintiff Harrison, Vivia <i>Plaintiff's Notice of Entry of Order Denying Desert Medical's Motion for Summary Judgment</i>
11/16/2018	 Recorders Transcript of Hearing <i>Recorders Transcript of Hearing Re: October 12, 2018</i>
11/26/2018	 Pre-trial Memorandum <i>Defendant Ramparts, Inc. dba Luxor Hotel & Casino's Pre-Trial Memorandum</i>
11/26/2018	 Joint Pre-Trial Memorandum Filed By: Plaintiff Harrison, Vivia <i>Joint Pre-Trial Memorandum</i>
11/26/2018	 Pre-trial Memorandum Filed by: Defendant Desert Medical Equipment <i>Defendant Desert Medical Equipment's Pre-Trial Memorandum</i>
11/28/2018	 Notice of Change of Firm Name Filed By: Third Party Defendant Sawamoto, Stan <i>Notice of Change of Firm Name</i>

CASE SUMMARY

CASE NO. A-16-732342-C

11/28/2018	 Acceptance of Service Filed By: Third Party Defendant Sawamoto, Stan <i>Acceptance of Service</i>
11/28/2018	 Order Denying Filed By: Defendant Desert Medical Equipment <i>Order Denying Defendant Desert Medical Equipment's MIL No. 2</i>
11/28/2018	 Order Denying Filed By: Defendant Desert Medical Equipment <i>Order Denying Defendant Desert Medical Equipment's Motion in Limine No. 8 to Preclude Argument that Desert Medical Equipment Failed to Provide Adequate Training to Luxor Employees</i>
11/28/2018	 Order Denying Filed By: Defendant Desert Medical Equipment <i>Order Denying Defendant Desert Medical Equipment's Motion in Limine No. 9 to Exclude Evidence of Past Medical Expenses not Actually Incurred</i>
11/28/2018	 Order Filed By: Defendant Desert Medical Equipment <i>Order Granting in Part Defendant Desert Medical Equipment's MIL No. 4</i>
11/28/2018	 Order Filed By: Defendant Desert Medical Equipment <i>Order Regarding Defendant Desert Medical Equipment's Motion in Limine No. 7 to Preclude Argument that Desert Medical Equipment did not Properly Maintain the Subject Scooter</i>
11/28/2018	 Order Filed By: Defendant Desert Medical Equipment <i>Order Regarding Defendant Desert Medical Equipment's Motion in Limine No. 10 to Exclude Reptile, Golden Rule, and Other Improper Arguments at Trial</i>
11/28/2018	 Order Granting Filed By: Defendant Desert Medical Equipment <i>Order Granting Defendant Desert Medical Equipment's Motion in Limine No. 3 to Preclude Testimony and Argument that the Subject Scooter was Defective</i>
11/28/2018	 Order Granting Filed By: Defendant Desert Medical Equipment <i>Order Granting Defendant Desert Medical Equipment's Motion in Limine No. 5 to Exclude Photographs of Wal-Mart Scooters Plaintiff has Allegedly Used in the Past</i>
11/28/2018	 Order Granting Filed By: Defendant Desert Medical Equipment <i>Order Granting Defendant Desert Medical Equipment's Motion in Limine No. 6 to Preclude Argument that Desert Medical Equipment Failed to Provide Adequate Operating Instructions to Plaintiff</i>
11/30/2018	 Audiovisual Transmission Equipment Appearance Request Party: Plaintiff Harrison, Vivian <i>Audiovisual Transmission Equipment Appearance Request</i>
11/30/2018	 Notice of Entry of Order

CASE SUMMARY

CASE NO. A-16-732342-C

	<p>Filed By: Defendant Desert Medical Equipment <i>Notice of Entry of Order re: Desert Medical Equipment's MIL No. 2</i></p>
11/30/2018	<p> Notice of Entry of Order Filed By: Defendant Desert Medical Equipment <i>Notice of Entry of Order re: Desert Medical Equipment's MIL No. 3</i></p>
11/30/2018	<p> Notice of Entry of Order Filed By: Defendant Desert Medical Equipment <i>Notice of Entry of Order re: Desert Medical Equipment's MIL No. 4</i></p>
11/30/2018	<p> Notice of Entry of Order Filed By: Defendant Desert Medical Equipment <i>Notice of Entry of Order re: Desert Medical Equipment's MIL No. 5</i></p>
11/30/2018	<p> Notice of Entry of Order Filed By: Defendant Desert Medical Equipment <i>Notice of Entry of Order re: Desert Medical Equipment's MIL No. 6</i></p>
11/30/2018	<p> Notice of Entry of Order Filed By: Defendant Desert Medical Equipment <i>Notice of Entry of Order Regarding Desert Medical Equipment's Motion in Limine No. 7 to Preclude Argument that Desert Medical Equipment did not Properly Maintain the Subject Scooter</i></p>
11/30/2018	<p> Notice of Entry of Order Filed By: Defendant Desert Medical Equipment <i>Notice of Entry of Order Denying Defendant Desert Medical Equipment's Motion in Limine No. 8 to Preclude Argument that Desert Medical Equipment Failed to Provide Adequate Training to Luxor Employees</i></p>
11/30/2018	<p> Notice of Entry of Order Filed By: Defendant Desert Medical Equipment <i>Notice of Entry of Order Denying Defendant Desert Medical Equipment's Motion in Limine No. 9 to Exclude Evidence of Past Medical Expenses not Actually Incurred</i></p>
11/30/2018	<p> Notice of Entry of Order Filed By: Defendant Desert Medical Equipment <i>Notice of Entry of Order Regarding Defendant Desert Medical Equipment's Motion in Limine No. 10 to Exclude Reptile, Golden Rule, and Other Improper Arguments at Trial</i></p>
12/03/2018	<p> Trial Subpoena Filed by: Defendant Ramparts Inc <i>Trial Subpoena</i></p>
12/03/2018	<p> Notice Filed By: Defendant Desert Medical Equipment <i>Notice of Deposition on File with the Court</i></p>
12/03/2018	<p> Trial Subpoena Filed by: Defendant Ramparts Inc <i>Trial Subpoena and Acceptance of Service of Trial Subpoena</i></p>
12/04/2018	<p> Trial Subpoena Filed by: Defendant Ramparts Inc</p>

CASE SUMMARY


CASE NO. A-16-732342-C

Trial Subpoena

12/05/2018	 Notice Filed By: Plaintiff Harrison, Vivia <i>Notice of Deposition on File with the Court</i>
12/06/2018	 Affidavit of Service Filed By: Plaintiff Harrison, Vivia <i>Affidavit of Service to Kimberly Digiacomio</i>
12/06/2018	 Affidavit of Service Filed By: Plaintiff Harrison, Vivia <i>Affidavit of Service to Gabriella Bush</i>
12/06/2018	 Notice Filed By: Plaintiff Harrison, Vivia <i>Notice of Deposition on File With the Court</i>
12/11/2018	 Stipulation and Order for Dismissal With Prejudice Filed By: Defendant Desert Medical Equipment <i>Stipulation and Order to Dismiss Third-Party Defendant Stan Sawamoto, with Prejudice</i>
12/11/2018	 Notice of Entry of Stipulation and Order Filed By: Defendant Desert Medical Equipment <i>Notice of Entry of Stipulation and Order to Dismiss Third-Party Defendant Stan Sawamoto, With Prejudice</i>
12/11/2018	 Jury List
12/13/2018	 Order <i>Order Granting in Part Defendant Ramparts, Inc. dba Luxor Hotel & Casino's Motion in Limine to Preclude the Testimony and Opinions of Plaintiff's Expert, Timothy M. Hicks, P.E., or Alternatively, to Limit the Testimony and Opinions of Plaintiff's Expert, Timothy M. Hicks, P.E.</i>
12/13/2018	 Order <i>Order Granting in Part Defendant Ramparts, Inc. dba Luxor Hotel & Casino's Motion in Limine to Preclude the Testimony and Opinions of Plaintiff's Expert, Michael P. Gibbens, CASp, ICC, CASI, or Alternatively, to Limit the Testimony and Opinions of Plaintiff's Expert, Michael P. Gibbens, CASp, ICC, CASI</i>
12/14/2018	 Order Filed By: Plaintiff Harrison, Vivia <i>Order Regarding Plaintiff's Motion in Limine #1 To Limit Vivia's Testimony To a Reading of Her Deposition Transcript</i>
12/14/2018	 Order Filed By: Plaintiff Harrison, Vivia <i>Order Regarding Plaintiff's Motion in Limine #2 to Limit Defendant Desert Medical Equipment's 30(b)(6) Witness Testimony</i>
12/14/2018	 Order Filed By: Plaintiff Harrison, Vivia <i>Order Regarding Plaintiff's Motion In Limine #3 To Limit Defendant's ADA Expert Michelle J. Robbins Opinions</i>

CASE SUMMARY

CASE NO. A-16-732342-C

12/14/2018	 Notice of Entry of Order <i>Notice of Entry of Order Granting in Part Defendant Ramparts, Inc. dba Luxor Hotel & Casino's Motion in Limine to Preclude the Testimony and Opinions of Plaintiff's Expert, Timothy M. Hicks, P.E., or Alternatively, to Limit the Testimony and Opinions of Plaintiff's Expert, Timothy M. Hicks, P.E.</i>
12/14/2018	 Notice of Entry of Order <i>Notice of Entry of Order Granting in Part Defendant Ramparts, Inc. dba Luxor Hotel & Casino's Motion in Limine to Preclude the Testimony and Opinions of Plaintiff's Expert, Michael P. Gibbens, CASp, ICC, CASI, or Alternatively, to Limit the Testimony and Opinions of Plaintiff's Expert, Michael P. Gibbens, CASp, ICC, CASI.</i>
12/14/2018	 Notice of Entry of Order Filed By: Plaintiff Harrison, Vivia <i>Notice of Entry of Order Regarding Plaintiff's Motion in Limine #1</i>
12/14/2018	 Notice of Entry of Order Filed By: Plaintiff Harrison, Vivia <i>Notice of Entry of Order</i>
12/14/2018	 Notice of Entry of Order Filed By: Plaintiff Harrison, Vivia <i>Notice of Entry of Order</i>
12/18/2018	 Recorders Transcript of Hearing <i>Recorders Transcript of Hearing Re: December 12, 2018 (Plaintiffs opening statements)</i>
12/20/2018	 Verdict
12/20/2018	 Jury List
12/20/2018	 Jury Instructions
01/16/2019	 Judgment on Jury Verdict <i>Judgment on Jury Verdict</i>
01/17/2019	 Notice of Entry of Judgment <i>Notice of Entry of Judgment on Jury Verdict</i>
01/17/2019	 Motion for Attorney Fees and Costs <i>Defendant Ramparts, Inc. dba Luxor Hotel & Casino's Motion for Attorney's Fees and Costs</i>
01/17/2019	 Memorandum of Costs and Disbursements <i>Defendant Ramparts, Inc. dba Luxor Hotel & Casino's Memorandum of Costs and Disbursements</i>
01/29/2019	 Order Granting Summary Judgment Filed By: Defendant Pride Mobility Products Corp <i>Order Granting Defendant, Pride Mobility Products Corp.'s Renewed Motion for Summary Judgment</i>
01/29/2019	 Notice of Entry of Order

CASE SUMMARY

CASE NO. A-16-732342-C

	<p>Filed By: Defendant Pride Mobility Products Corp <i>Notice of Entry of Order</i></p>
02/04/2019	<p> Opposition Filed By: Plaintiff Harrison, Vivia <i>Opposition to Defendant Ramparts, Inc. d/b/a Luxor Hotel & Casino s Motion for Attorney s Fees and Costs</i></p>
02/20/2019	<p> Reply Filed by: Defendant Ramparts Inc <i>Defendant Ramparts, Inc. d/b/a Luxor Hotel & Casino's Reply in Support of its Motion for Attorney's Fees and Costs</i></p>
03/18/2019	<p> Order Granting Motion Filed By: Defendant Ramparts Inc <i>Order Granting Defendant Ramparts, Inc. d/b/a Luxor Hotel & Casino's Motion for Attorney's Fees and Costs</i></p>
03/18/2019	<p> Notice of Entry of Order Filed By: Defendant Ramparts Inc <i>Notice of Entry of Order</i></p>
03/20/2019	<p> Records Transcript of Hearing <i>Recorders Transcript of Hearing Re: February 27, 2019</i></p>
03/28/2019	<p> Motion to Reconsider Filed By: Plaintiff Harrison, Vivia <i>Motion to Reconsider the Court's Order Granting Luxor an Attorney Lien Offset</i></p>
03/29/2019	<p> Clerk's Notice of Hearing <i>Notice of Hearing</i></p>
04/11/2019	<p> Opposition <i>Defendant Ramparts, Inc. dba Luxor Hotel & Casino's Opposition to Plaintiff's Motion to Reconsider the Court's Order Granting Luxor an Attorney Lien Offset</i></p>
05/13/2019	<p> Notice of Entry Filed By: Plaintiff Harrison, Vivia <i>Notice of Entry of Minute Order Denying Plaintiff s Motion to Reconsider the Court s Order Granting Luxor an Attorney Lien Offset</i></p>
05/20/2019	<p> Motion to Interplead Filed By: Defendant Desert Medical Equipment <i>Defendant Desert Medical Equipment's Motion for Interpleader and to Deposit Funds with the Court</i></p>
05/20/2019	<p> Clerk's Notice of Hearing <i>Notice of Hearing</i></p>
05/21/2019	<p> Order Denying Motion Filed By: Defendant Ramparts Inc <i>Order Denying Plaintiff's Motion to Reconsider the Court's Order Granting Luxor an Attorney Lien Offset</i></p>
05/21/2019	<p> Notice of Entry of Order</p>

CASE SUMMARY

CASE NO. A-16-732342-C

Filed By: Defendant Ramparts Inc
Notice of Entry of Order

06/04/2019



Notice of Appeal

Filed By: Plaintiff Harrison, Vivian
Notice of Appeal

06/04/2019



Case Appeal Statement

Filed By: Plaintiff Harrison, Vivian
Case Appeal Statement

DISPOSITIONS

12/11/2018

Order of Dismissal With Prejudice (Judicial Officer: Jones, David M)

Debtors: Stan Sawamoto (Third Party Defendant)
Creditors: Desert Medical Equipment (Third Party Plaintiff)
Judgment: 12/11/2018, Docketed: 12/11/2018

12/20/2018

Verdict (Judicial Officer: Jones, David M)

Debtors: Vivian Harrison (Plaintiff)
Creditors: Desert Medical Equipment (Defendant), Ramparts Inc (Defendant)
Judgment: 12/20/2018, Docketed: 12/28/2018

01/16/2019

Judgment Upon the Verdict (Judicial Officer: Jones, David M)

Debtors: Vivian Harrison (Plaintiff)
Creditors: Desert Medical Equipment (Defendant), Ramparts Inc (Defendant)
Judgment: 01/16/2019, Docketed: 01/16/2019

01/29/2019

Summary Judgment (Judicial Officer: Jones, David M)

Debtors: Vivian Harrison (Plaintiff)
Creditors: Pride Mobility Products Corp (Defendant)
Judgment: 01/29/2019, Docketed: 01/29/2019

HEARINGS

06/27/2016



Motion for Leave (3:00 AM) (Judicial Officer: Cory, Kenneth)

Defendant Desert Medical Equipment's Motion For Leave To File A Third-Party Complaint Against Stan Sawamoto For Breach Of Contract, Contractual Indemnity, Equitable/Implied Indemnity, Breach Of Implied Covenant Of Good Faith And Fair Dealing, And Contribution Granted;

Journal Entry Details:

Motion having been duly filed and served, no opposition having been filed, pursuant to EDCR 2.20 and for good cause shown, COURT ORDERED, Defendant Desert Medical Equipment's Motion For Leave To File A Third-Party Complaint Against Stan Sawamoto For Breach Of Contract, Contractual Indemnity, Equitable/Implied Indemnity, Breach Of Implied Covenant Of Good Faith And Fair Dealing, And Contribution GRANTED. Mr. Herling to prepare the Order. CLERK'S NOTE: The above minute order has been distributed to: Matthew Pfau, Esq. (matt@pickardparry.com), Troy Peyton, Esq. (tpeyton@mgmresorts.com), and Jared Herling, Esq. (jherling@hpslaw.com). /mlt;

05/08/2017



Motion to Amend Complaint (3:00 AM) (Judicial Officer: Jones, David M)

Plaintiff's Motion for Leave to File First Amended Complaint to Remove a Cause of Action Moot; Plaintiff's Motion for Leave to File First Amended Complaint to Remove a Cause of Action

Journal Entry Details:

Court Find Stipulation and Order FILED 5/01/17 and this matter is now Moot and Ordered, OFF CALENDAR.;




06/08/2017

CANCELED Pretrial/Calendar Call (9:00 AM) (Judicial Officer: Jones, David M)

Vacated - per Attorney or Pro Per

CASE SUMMARY




CASE NO. A-16-732342-C

06/26/2017	 Motion for Summary Judgment (9:30 AM) (Judicial Officer: Jones, David M) <i>Defendant Pride Mobility Products Corp.'s Motion for Summary Judgment</i> Denied Without Prejudice; Journal Entry Details: <i>Kylee Gloeckner, Esq. and Dean Tanenbaum, Esq., on behalf of the Defendants, also present. Following arguments by Mr. Terry and Mr. Pfau, COURT ORDERED, Motion DENIED WITHOUT PREJUDICE. Court directed Mr. Pfau to prepare the order.;</i>
06/26/2017	CANCELED Jury Trial (1:30 PM) (Judicial Officer: Jones, David M) <i>Vacated - per Attorney or Pro Per</i>
07/05/2017	CANCELED Status Check (10:30 AM) (Judicial Officer: Jones, David M) <i>Vacated</i>
07/17/2017	CANCELED Pre Trial Conference (10:30 AM) (Judicial Officer: Jones, David M) <i>Vacated</i>
07/26/2017	CANCELED Calendar Call (10:30 AM) (Judicial Officer: Jones, David M) <i>Vacated</i>
07/31/2017	CANCELED Jury Trial (10:30 AM) (Judicial Officer: Jones, David M) <i>Vacated</i>
11/01/2017	Motion for Summary Judgment (9:00 AM) (Judicial Officer: Jones, David M) <i>Third Party Defendant Stan Sawamoto's Motion for Summary Judgment</i> Denied;
11/01/2017	Joinder (9:00 AM) (Judicial Officer: Jones, David M) <i>Plaintiff's Joinder to Third-Party Defendant Stan Sawamoto's Motion for Summary Judgment</i> Granted;
11/01/2017	 All Pending Motions (9:00 AM) (Judicial Officer: Jones, David M) Matter Heard; Journal Entry Details: <i>THIRD-PARTY DEFENDANT STAN SAWAMOTO'S MOTION FOR SUMMARY JUDGMENT....PLAINTIFF'S JOINDER TO THIRD-PARTY DEFENDANT STAN SAWAMOTO'S MOTION FOR SUMMARY JUDGMENT Vincent Godinho, Esq., on behalf of the Defendant, Pride Mobility Products Corp, also present. Following arguments by Mr. Clark, Mr. Herling and Mr. Pfau, COURT ORDERED, Motion DENIED. Court directed Mr. Herling to prepare the order.;</i>
12/11/2017	 Motion for Leave (9:00 AM) (Judicial Officer: Jones, David M) <i>Defendant/Third Party Plaintiff Desert Medical Equipment's Motion for Leave to File Amended Third-Party Complaint Against Stan Sawamoto</i> Granted; Journal Entry Details: <i>Defendant/Third Party Plaintiff Desert Medical Equipment's Motion for Leave to File Amended Third-Party Complaint Against Stan Sawamoto There being no opposition. COURT ORDERED, motion GRANTED.;</i>
02/26/2018	CANCELED Status Check (10:30 AM) (Judicial Officer: Jones, David M) <i>Vacated - per Stipulation and Order</i>
03/12/2018	CANCELED Pre Trial Conference (10:30 AM) (Judicial Officer: Jones, David M) <i>Vacated - per Stipulation and Order</i>
03/21/2018	CANCELED Calendar Call (10:30 AM) (Judicial Officer: Jones, David M) <i>Vacated - per Stipulation and Order</i>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

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03/26/2018	CANCELED Jury Trial (1:00 PM) (Judicial Officer: Jones, David M) <i>Vacated - per Stipulation and Order</i>
04/30/2018	 Motion for Summary Judgment (9:00 AM) (Judicial Officer: Jones, David M) <i>Defendant Desert Medical Equipment's Motion for Summary Judgment</i> Denied Without Prejudice; Defendant Desert Medical Equipment's Motion for Summary Judgment Journal Entry Details: <i>Mr. Hoyt argued it is undisputed Pltf. unknowingly ran over base of table. Further, it is alleged proper instructions were not give to Pltf. as to the scooter and Mr. Hoyt argued Pltf. admitted after renting scooter, Deft. came out and showed her how to use it. Mr. Pfau argued appropriate scooter should of been provided to Pltf. Further, 350 pound limit for scooter which is relevant and also advised Pltf. has had stability issues as well. Court inquired as to who had notice Pltf. fell off scooter. Mr. Pfau advised the hotel did, argued question of fact, training inadequate, do not know if there were modifications done to scooter, now have spoliation issues as the scooter has disappeared. Colloquy. Additional argument by Mr. Hoyt in support of motion. COURT ORDERED, motion DENIED WITHOUT PREJUDICE. Counsel for Pltf. to prepare the order.;</i>
08/29/2018	Motion (9:00 AM) (Judicial Officer: Jones, David M) <i>Plaintiff Vivia Harrison's Motion for an Adjudication as to Liability or, in the Alternative, for an Adverse Inference Based on Defendant's Spoliation of Evidence</i> Decision Pending;
08/29/2018	Motion for Summary Judgment (9:00 AM) (Judicial Officer: Jones, David M) <i>Defendant, Pride Mobility Products Corp.'s, Renewed Motion for Summary Judgment</i> Motion Granted;
08/29/2018	 All Pending Motions (9:00 AM) (Judicial Officer: Jones, David M) Matter Heard; Journal Entry Details: <i>APPEARANCES CONTINUED: Margaret Christopher, Esq. present. DEFENDANT, PRIDE MOBILITY PRODUCTS CORP.'S, RENEWED MOTION FOR SUMMARY JUDGMENT... PLAINTIFF VIVIA HARRISON'S MOTION FOR AN ADJUDICATION AS TO LIABILITY OR, IN THE ALTERNATIVE, FOR AN ADVERSE INFERENCE BASED ON DEFENDANT'S SPOILIATION OF EVIDENCE Arguments by counsel regarding Pride Mobility Products' Renewed Motion for Summary Judgment. Court stated ITS FINDINGS and ORDERED, Motion GRANTED as to design defect. Mr. Terry to prepare the order. Arguments by counsel regarding Vivia Harrison's Motion for an Adjudication as to Liability or, in the Alternative, for an Adverse Inference Based on Defendant's Spoliation of Evidence. Court noted answer will not be stricken. Court advised will draft document on decision for what inference will be granted and is forthcoming at time testimony heard. Mr. Pfau requested after testimony to have separate hearing on the inference issue; COURT SO ORDERED. Mr. Pfau to prepare order as discussed.;</i>
09/24/2018	Motion for Summary Judgment (9:00 AM) (Judicial Officer: Jones, David M) <i>Defendant Desert Medical Equipment's Renewed Motion for Summary Judgment</i> Denied Without Prejudice;
09/24/2018	Motion for Summary Judgment (9:00 AM) (Judicial Officer: Jones, David M) <i>Defendant Ramparts Inc d/b/a Luxor Hotel & Casino's Motion for Summary Judgment</i> Denied Without Prejudice;
09/24/2018	 All Pending Motions (9:00 AM) (Judicial Officer: Jones, David M) Matter Heard; Journal Entry Details: <i>STATUS CHECK: TRIAL READINESS ... DEFENDANT DESERT MEDICAL EQUIPMENT'S RENEWED MOTION FOR SUMMARY JUDGMENT ... DEFENDANT RAMPARTS INC D/B/A LUXOR HOTEL & CASINO'S MOTION FOR SUMMARY JUDGMENT Courtney Christopher, Esq., present on behalf of Desert Medical Equipment. Argument by Ms. Christopher and Mr. Moss. COURT ORDERED, Desert Medical Equipment's Renewed Motion for Summary Judgment DENIED WITHOUT PREJUDICE. Court noted a potential</i>

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conflict with Ms. Upson. Upon Court's inquiry, parties agreed there is no issue of conflict. Further arguments by Mr. Maroney and Mr. Moss. COURT FURTHER ORDERED, Defendant Rampart's Motion for Summary Judgment DENIED WITHOUT PREJUDICE; Plaintiff is to prepare the Order. Court noted a trial date will issue.;

09/24/2018



Status Check (10:30 AM) (Judicial Officer: Jones, David M)

Status Check: Trial Readiness

Matter Heard;

Journal Entry Details:

Courtney Christopher, Esq., present in behalf of Desert Medical Equipment. Upon Court's inquiry, Counsel agreed that trial will last two week and most witnesses are out of state. Colloquy regarding trial dates. COURT SO NOTED. COURT ORDERED, all Motions in Limine RESET to 10/12/18.;

10/08/2018



Pre Trial Conference (10:30 AM) (Judicial Officer: Jones, David M)

Trial Date Set;

Journal Entry Details:

Upon Court's inquiry, counsel advised two weeks for trial. Colloquy. COURT ORDERED, trial date VACATED and RESET. Joint Pre-Trial Memorandum due by December 5, 2018, parties to meet and confer as to jury instructions to be presented to the Court. Motions set for October 12, 2018, STAND. Ms. Upson inquired if the Court would be okay with someone else from her office appearing on December 5, 2018. Court stated that is okay as long as that person knows what is going on with this trial. 12/5/18 10:00 AM CALENDAR CALL 12/10/18 9:00 AM JURY TRIAL;

10/12/2018

CANCELED Calendar Call (10:30 AM) (Judicial Officer: Jones, David M)

Vacated - per Judge

10/12/2018

Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M)

Events: 09/07/2018 Motion in Limine

Defendant Ramparts, Inc. dba Luxor Hotel & Casino's Motion in Limine to Preclude the Testimony and Opinions of Plaintiff's Expert, Timothy M. Hicks, P.E., or Alternatively, to Limit the Testimony and Opinions of Plaintiff's Expert, Timothy M. Hicks, P.E. [Motion in Limine No. 1]

Granted in Part;

10/12/2018

Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M)

Events: 09/07/2018 Motion in Limine

Defendant Ramparts, Inc. dba Luxor Hotel & Casino's Motion in Limine to Preclude the Testimony and Opinions of Plaintiff's Expert, Michael P. Gibbens, CASp, ICC, CASI, or Alternatively, to Limit the Testimony and Opinions of Plaintiff's Expert, Michael P. Gibbens, CASp, ICC, CASI [Motion in Limine No. 2]

Granted in Part;

10/12/2018

Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M)

Events: 09/07/2018 Motion in Limine

Defendant Desert Medical Equipment's Motion in Limine No. 2 to Preclude Testimony and Argument that Desert Medical Equipment Altered or Modified the Subject Scooter

Denied Without Prejudice;

10/12/2018

Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M)

Events: 09/07/2018 Motion in Limine

Defendant Desert Medical Equioment's Motion in Limine No. 1 to Exclude Testimony from Plaintiff's Scooter Expert, Timothy Hicks, P.E.

Granted in Part;

10/12/2018

Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M)

Events: 09/07/2018 Motion in Limine

Vivia Harrison's Motion in Limine No. 1 to Limit Vivia's Testimony to a Reading of her Deposition Transcript

Granted in Part;

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10/12/2018	<p>Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M) Events: 09/07/2018 Motion in Limine <i>Defendant Desert Medical Equipment's Motion in Limine No. 3 to Preclude Testimony and Argument that the Subject Scooter was Defective</i> Granted;</p>
10/12/2018	<p>Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M) Events: 09/07/2018 Motion in Limine <i>Defendant Desert Medical Equipment's Motion in Limine No. 4 to Preclude Argument that Plaintiff Should Have Been Rented the Larger 4-Wheeled Maxima Scooter</i> Granted in Part;</p>
10/12/2018	<p>Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M) Events: 09/07/2018 Motion in Limine <i>Defendant Desert Medical Equipment's Motion in Limine No. 5 to Exclude Photographs of Wal-Mart Scooters Plaintiff has Allegedly Used in the Past</i> Granted;</p>
10/12/2018	<p>Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M) Events: 09/07/2018 Motion in Limine <i>Plaintiff's Motion in Limine #2 to Limit Defendant Desert Medical Equipment's 30(b)(6) Witness Testimony</i> Granted;</p>
10/12/2018	<p>Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M) Events: 09/07/2018 Motion in Limine <i>Defendant Desert Medical Equipment's Motion in Limine No. 6 to Preclude Argument that Desert Medical Equipment Failed to Provide Adequate Operating Instructions to Plaintiff</i> Granted;</p>
10/12/2018	<p>Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M) Events: 09/07/2018 Motion in Limine <i>Defendant Desert Medical Equipment's Motion in Limine No. 7 to Preclude Argument that Desert Medical Equipment Did Not Properly Maintain the Subject Scooter</i> Deferred Ruling;</p>
10/12/2018	<p>Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M) Events: 09/07/2018 Motion in Limine <i>Defendant Desert Medical Equipment's Motion in Limine No. 9 to Exclude Evidence of Past Medical Expenses Not Actually Incurred</i> Denied;</p>
10/12/2018	<p>Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M) Events: 09/07/2018 Motion in Limine <i>Defendant Desert Medical Equipment's Motion in Limine No. 8 to Preclude Argument that Desert Medical Equipment Failed to Provide Adequate Training to Luxor Employees</i> Denied;</p>
10/12/2018	<p>Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M) Events: 09/07/2018 Motion in Limine <i>Defendant Desert Medical Equipment's Motion in Limine No. 10 to Exclude "Reptile", "Golden Rule", and other Improper Arguments at Trial</i> Matter Heard;</p>
10/12/2018	<p>Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M) Events: 09/07/2018 Motion in Limine <i>Plaintiff's Motion in Limine #3 to Limit Defendant's ADA Expert - Michelle J. Robbins' Opinions</i> Denied;</p>

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10/12/2018	<p>Joinder to Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M)</p> <p>Events: 09/17/2018 Joinder to Motion in Limine</p> <p><i>Third-Party Defendant, Stan Sawamoto's Joinder to Defendant, Desert Medical Equipment's Motion in Limine NO. 10 to Exclude "Reptile", "Golden Rule" and Other Improper Arguments at Trial</i></p> <p>Matter Heard;</p>
10/12/2018	<p>Joinder to Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M)</p> <p><i>Third-Party Defendant, Stan Sawamoto's Joinder to Defendant, Desert Medical Equipment's Motion in Limine No. 9 to Exclude Evidence of Past Medical Expenses Not Actually Incurred</i></p> <p>Denied;</p>
10/12/2018	<p>Joinder to Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M)</p> <p><i>Defendant Ramparts, Inc. dba Luxor Hotel & Casino's Joinder to Defendant Desert Medical Equipment's Motion in Limine No. 9 to Exclude Evidence of Past Medical Expenses Not Actually Incurred</i></p> <p>Denied;</p>
10/12/2018	<p> All Pending Motions (1:00 PM) (Judicial Officer: Jones, David M)</p> <p>ALL PENDING - PLAINTIFF'S MOTIONS IN LIMINE 1-3... DEFENDANT RAMPARTS, INC'S MOTIONS IN LIMINE 1-2... DEFENDANT DESERT MEDICAL MOTIONS IN LIMINE 1-10... THIRD PARTY, STAN SAWAMOTO'S JOINDER & DEFENDANT RAMPARTS, INC'S JOINDER TO DEFENDANT DESERT MEDICAL EQUIPMENT'S MOTION IN LIMINE 9...THIRD PARTY DEFENDANT, STAN SAWAMOTO'S JOINDER TO DEFENDANT DESERT MEDICAL EQUIPMENT'S MOTION IN LIMINE 10</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p>ALL PENDING - PLAINTIFF'S MOTIONS IN LIMINE 1-3... DEFENDANT RAMPARTS, INC'S MOTIONS IN LIMINE 1-2... DEFENDANT DESERT MEDICAL MOTIONS IN LIMINE 1-10... THIRD PARTY, STAN SAWAMOTO'S JOINDER & DEFENDANT RAMPARTS, INC'S JOINDER TO DEFENDANT DESERT MEDICAL EQUIPMENT'S MOTION IN LIMINE 9...THIRD PARTY DEFENDANT, STAN SAWAMOTO'S JOINDER TO DEFENDANT DESERT MEDICAL EQUIPMENT'S MOTION IN LIMINE 10 Following arguments by Mr. Moss, Mr. Pfau, Mr. Young, and Ms. Christopher as to their respective positions; COURT ORDERED, the following: PLAINTIFF, VIVIA HARRISON S MIL #1 TO LIMIT VIVIA S TESTIMONY TO A READING OF HER DEPOSITION TRANSCRIPT COURT ORDERED, Motion GRANTED IN PART; plaintiff's testimony will be limited to video conference and will be limited to the scope of her deposition. There will be no repetitive questions in regards to anything. Plaintiff's counsel to prepare the Order. PLAINTIFF, VIVIA HARRISON S MIL#2 TO LIMIT DEFENDANT DESERT MEDICAL EQUIPMENT S 30(b)(6) WITNESS TESTIMONY Court STATED it would allow Mr. Schultz to testify as to what his observations were and will be limited in his statements as to what was or not wrong with the scooter. He may testify as to what photographs he took and he may comment on what Luxor did and what photographs they took. There will be no negative inference against Luxor, but against the Scooter company; a special instruction will be given. COURT ORDERED, Motion GRANTED. Plaintiff to prepare the Order. PLAINTIFF, VIVIA HARRISON S MIL#3 TO LIMIT DEFENDANT S ADA EXPERT MICHELLE J. ROBBINS OPINIONS Court STATED it would limit testimony in regards to Ms. Robbins understanding as to ingress and mobility of the furniture. COURT ORDERED, Motion DENIED. Plaintiff to prepare the Order. DEFENDANT RAMPARTS, INC. MIL#1 TO PRECLUDE THE TESTIMONY & OPINIONS OF PLTF S EXPERT TIMOTHY HICKS, PE, OR ALTERNATIVELY, TO LIMIT THE TESTIMONY & OPINIONS COURT ORDERED, Motions GRANTED IN PART. Mr. Hicks will be allowed to testify in regards to the design, stability, and the turn ratio. He cannot testify as to what questions or what type of training the individuals at Luxor should go through in order to rent the scooters out. MATTER RECALLED: Arguments as to supplemental expert report and photographs. COURT ORDERED, the photographs cannot come. Mr. Young & Ms. Christopher to prepare the Order. DEFENDANT RAMPARTS, INC. MIL#2 TO PRECLUDE THE TESTIMONY & OPINIONS OF PLTF S EXPERT, MICHAEL P. GIBBENS, CASI, ICC, CASI, OR ALTERNATIVELY TO LIMIT THE TESTIMONY & OPINIONS COURT ORDERED, Motion GRANTED IN PART. Mr. Gibbens can testify as to his review of the footprint and his review of the video tape, but cannot testify as to causation. Mr. Young to prepare the Order. DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#1 TO EXCLUDE TESTIMONY FROM PLAINTIFF S SCOOTER EXPERT, TIMOTHY HICKS, P.E Arguments as to supplemental expert report and photographs. COURT ORDERED, the photographs cannot come. Mr. Hicks can opine there are heavier duty scooters out there. Mr. Young & Ms.</p>


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Christopher to prepare the Order. DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#2 TO EXCLUDE TESTIMONY AND ARGUMENT THAT DESERT MEDICAL EQUIPMENT ALTERED OR MODIFIED THE SUBJECT SCOOTER COURT ORDERED, Motion DENIED WITHOUT PREJUDICE at this time based on the testimony at the time of trial. DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#3 TO PRECLUDE TESTIMONY AND ARGUMENT THAT THE SUBJECT SCOOTER WAS DEFECTIVE COURT ORDERED, Motion GRANTED; there is no evidence it was defective. DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#4 TO PRECLUDE ARGUMENT THAT PLTF SHOULD HAVE RENTED THE LARGER 4-WHEELED MAXIMA SCOOTER COURT ORDERED, Motion GRANTED IN PART; testimony will be allowed as to the ability of whether the scooter could tip over. DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#5 TO EXCLUDE PHOTOGRAPHS OF WAL-MART SCOOTERS PLTF HAS ALLEGEDLY USED IN THE PAST COURT ORDERED, Motion GRANTED. Defendant to prepare the Order. DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#6 TO PRECLUDE ARGUMENT THAT DESERT MEDICAL EQUIPMENT FAILED TO PROVIDE ADEQUATE OPERATING INSTRUCTIONS TO PLTF COURT ORDERED, Motion GRANTED. DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#7 TO PRECLUDE ARGUMENT THAT DESERT MEDICAL EQUIPMENT DID NOT PROPERLY MAINTAIN THE SUBJECT SCOOTER COURT ORDERED, Ruling held in abeyance until the time of trial based upon any evidence that shows maintenance was an issue. DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#8 TO PRECLUDE ARGUMENT THAT DESERT MEDICAL EQUIPMENT FAILED TO PROVIDE ADEQUATE TRAINING TO LUXOR EMPLOYEES COURT ORDERED, Motion DENIED as it is a question for the jury. Plaintiff to prepare the Order. DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#9 TO EXCLUDE EVIDENCE OF PAST MEDICAL EXPENSES NOT ACTUALLY INCURRED THIRD PARTY DEFENDANT, STAN SAWAMOTO S JOINDER...DEFENDANT RAMPARTS, INC. dba LUXOR HOTEL & CASINO S JOINDER COURT ORDERED, Motion DENIED; if can prove between now and the time of trial the plaintiff paid cash and expenses were reduced, the matter may be revisited. Plaintiff to prepare the Order. DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#10 TO EXCLUDE REPTILE , GOLDEN RULE , AND OTHER IMPROPER ARGUMENTS AT TRIAL THIRD PARTY DEFENDANT, STAN SAWAMOTO S JOINDER COURT ORDERED, as to "REPTILE" the matter is held in abeyance until the time of trial. As to "Golden Rule" this Court will obey the State laws of Nevada.;

10/22/2018 CANCELED Jury Trial (10:30 AM) (Judicial Officer: Jones, David M)
Vacated - per Judge

12/05/2018  Calendar Call (10:00 AM) (Judicial Officer: Jones, David M)
Matter Heard;
Journal Entry Details:
Upon Court's inquiry, Mr. Young advised he had not received the Emergency Order Shortening Time. Court noted there was an issue regarding which witnesses would be appearing in person versus audio-visual appearances and stated it was concerned about the case going forward. Colloquy regarding witnesses.;

12/10/2018  Jury Trial (9:00 AM) (Judicial Officer: Herndon, Douglas W.)
12/10/2018-12/14/2018, 12/17/2018-12/20/2018
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Jury Deliberating;
Verdict;
Journal Entry Details:
Verdict and Jury Instructions FILED IN OPEN COURT. INSIDE THE PRESENCE OF THE JURY: At the hour of 1:26 p.m. the jury returned with a verdict in favor of the Defendants. Jury polled. OUTSIDE THE PRESENCE OF THE JURY: Ms. Christopher noted the Defendants name read in the verdict indicated "Desert Mechanical Equipment" and the correct name was "Desert Medical Equipment". Upon Court's inquiry, the parties agreed to bring the jury back into the Courtroom to clarify. INSIDE THE PRESENCE OF THE JURY: Court inquired and jury affirmed that although the Verdict for Defendant indicated "Desert

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Mechanical" their verdict applied to "Desert Medical." OUTSIDE THE PRESENCE OF THE JURY: COURT NOTED it received affirmation from all six jurors through nods that they indicated that they voted in favor of the verdict.;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Jury Deliberating;

Verdict;

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding admitted exhibits. JURY PRESENT. Closing argument by Defendants. Rebuttal closing argument by the Plaintiff. At the hour of 12:42 p.m., the Jury retired to deliberate. OUTSIDE THE PRESENCE OF THE JURY. Juror questions addressed. COURT ORDERED, matter CONTINUED. CONTINUED TO: 12/20/18 10:00 AM;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Jury Deliberating;

Verdict;

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding proposed verdict forms. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT BENCH. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding spoliation motion by Plaintiff. JURY PRESENT. Court instructed the Jury. Closing argument by the Plaintiff. COURT ORDERED, matter CONTINUED. CONTINUED TO: 12/19/18 11:00 AM;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Jury Deliberating;

Verdict;

Journal Entry Details:

POTENTIAL JURY PRESENT. Testimony and exhibits presented. (See worksheets) Plaintiff rested their case in chief. OUTSIDE THE PRESENCE OF THE JURY. Oral Motion and argument by Mr. Alverson for dismissal of the verdict based on 50(a). Argument by Mr. Pfau for directed verdict to be denied. Mr. Young indicated he also planned on moving for dismissal. Further arguments by counsel. COURT STATED ITS FINDINGS and ORDERED, oral motion DENIED. POTENTIAL JURY PRESENT. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding witnesses and jury instructions. JURY PRESENT. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. Court directed counsel to submit the stipulated jury instructions to Chambers. Colloquy. COURT ORDERED, matter CONTINUED. CONTINUED TO: 12/18/18 10:00 AM;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Jury Deliberating;

Verdict;

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Journal Entry Details:

OUTSIDE THE PRESENCE OF POTENTIAL JURY. Colloquy regarding trial schedule. POTENTIAL JURY PRESENT. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF POTENTIAL JURY. Colloquy regarding jury instructions. POTENTIAL JURY PRESENT. CONFERENCE AT BENCH. Testimony and exhibits presented. (See worksheets) COURT ORDERED, matter CONTINUED. CONTINUED TO: 12/17/18 9:30 AM;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Jury Deliberating;

Verdict;

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY. Colloquy. Testimony and exhibits presented. (See worksheets) CONFERENCE AT BENCH. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. Court noted its admonitions in regards to influencing counsel on the exhibits and video taped depositions and other materials and warned parties the next time it happened, the Court would issue sanctions and strike the testimonies. POTENTIAL JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT BENCH. Testimony and exhibits presented. (See worksheets) COURT ORDERED, matter CONTINUED. CONTINUED TO: 12/14/18 8:30 AM;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Jury Deliberating;

Verdict;

Journal Entry Details:

OUTSIDE THE PRESENCE OF POTENTIAL JURY. Mr. Pfau advised he had received notice Desert Medical's client would be unavailable due to illness. POTENTIAL JURY PRESENT. Jury SELECTED and SWORN. Opening Statement by Plaintiff. Opening Statement by Defendants. OUTSIDE THE PRESENCE OF THE JURY. Upon Court's inquiry, Ms. Christopher advised her client was still sick and was not certain if he could appear tomorrow. Upon Court's inquiry, Mr. Alverson stated the company C.O.O. would be unable to appear as a substitute witness until tomorrow. Mr. Pfau advised he would accept the substitute on the provision that the substitute witness appear today. Court directed Defendant to make the witness available. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding redacting and replacing previously admitted exhibit. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT BENCH. OUTSIDE THE PRESENCE OF THE JURY. Colloquy with and regarding Juror #5 who claimed to know a witness. Outside presence of Juror #5. Parties agreed there was no conflict. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT BENCH. Testimony and exhibits presented. (See worksheets) COURT ORDERED, matter CONTINUED. CONTINUED TO: 12/13/18 10:00 AM;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Jury Deliberating;




Verdict;

Journal Entry Details:

OUTSIDE THE PRESENCE OF POTENTIAL JURY. Colloquy regarding potential jurors. Oral Motion to Strike potential juror #165 by Mr. Pfau. Arguments by counsel. COURT ORDERED, oral motion DENIED. Further colloquy regarding potential jurors. Mr. Pfau advised he received notice yesterday defendant's counsel would like to call a new 30(b)(6) and

CASE SUMMARY

CASE NO. A-16-732342-C

	<p><i>stated his position is that he would prefer to play the video and not have the new 30(b)(6) present. Mr. Young argued he would prefer to present a live witness to testify as to the issues. Court directed parties to go over portions of the deposition together by the end of the day. Potential juror present to discuss scheduling issues. POTENTIAL JURY PRESENT. Voire Dire continued. CONFERENCE AT BENCH. OUTSIDE THE PRESENCE OF POTENTIAL JURY. Peremptory Challenges exercised. COURT ORDERED, matter CONTINUED. CONTINUED TO: 12/12/18 10:30 AM;</i></p> <p>Trial Continues; Trial Continues; Trial Continues; Trial Continues; Trial Continues; Trial Continues; Trial Continues; Jury Deliberating;</p> <p>Verdict; Journal Entry Details: <i>OUTSIDE THE PRESENCE OF POTENTIAL JURY. Colloquy regarding stipulated and admitted exhibits. Colloquy regarding deposition delineations. Mr. Alverson stated he would stipulate to the authenticity of the medical records exhibits but would not stipulate to admit them at this time. Mr. Young advised during discovery he was unable to obtain the original depositions from counsel for the third party defendants; Court allowed Mr. Young to admit copies for future publication. POTENTIAL JURY PRESENT. Voire Dire Oath given. OUTSIDE THE PRESENCE OF POTENTIAL JURY. Colloquy regarding signed orders from the Motions in Limine heard the week prior. POTENTIAL JURY PRESENT. Voir Dire began. OUTSIDE THE PRESENCE OF POTENTIAL JURY. Colloquy regarding excusing potential jurors. POTENTIAL JURY PRESENT. Voire Dire continued. COURT ORDERED, matter CONTINUED. CONTINUED TO: 12/11/18 11:00 AM;</i></p>
02/27/2019	<p> Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Jones, David M)</p> <p><i>Defendant Ramparts Inc dba Luxor Hotel and Casino's Motion for Attorney's Fees and Costs Granted;</i></p> <p>Journal Entry Details: <i>Arguments by Mr. Young. Mr. Pfau argued the fees are not reasonable. COURT ORDERED under the factors under the Nevada Supreme Court, Expert Fees in the amount of \$5,000.00 and \$7,500.00, reduce the one requested from \$16,000.00 to \$7,000.00, the ones requested at \$7,000.00 reduced to \$5,000.00 each, Costs in the amount of \$22,097.28 for the other costs that were not imposed and re-taxed, GRANTED. Arguments by counsel regarding fees. COURT FURTHER ORDERED, fees incurred in December, allowed, in the amount of \$69,688.00. Counsel for the Defendant to prepare the order.;</i></p>
05/01/2019	<p> Motion to Reconsider (3:00 AM) (Judicial Officer: Jones, David M)</p> <p>Events: 03/28/2019 Motion to Reconsider <i>Motion to Reconsider the Court's Order Granting Luxor an Attorney Lien Offset</i></p> <p>Denied; Journal Entry Details: <i>No parties present. Court advised there was a valid motion and opposition thereto, COURT ORDERED, motion DENIED.;</i></p>
05/10/2019	<p> Minute Order (7:30 AM) (Judicial Officer: Jones, David M)</p> <p>Minute Order - No Hearing Held; Journal Entry Details: <i>This matter came before the Court in a Chambers Hearing on May 1, 2019. After considering the papers and pleadings on file, this Court DENIES Plaintiff's Motion to reconsider the Court's Order Granting Luxor an Attorney Lien Offset. CLERK'S NOTE: The above minute order has been distributed to: Boyd B. Moss, Esq. - boyd@mossberglv.com Loren Young, Esq. - lyoung@lgclawoffice.com Matthew Pfau, Esq. - matt@p2lawyers.com;</i></p>
07/03/2019	<p>Motion to Interplead (9:00 AM) (Judicial Officer: Jones, David M)</p> <p><i>Defendant Desert Medical Equipments Motion for Interpleader and to Deposit Funds With the Court</i></p>
DATE	FINANCIAL INFORMATION

CASE SUMMARY**CASE NO. A-16-732342-C****Third Party Plaintiff** Desert Medical Equipment

Total Charges	138.50
Total Payments and Credits	138.50
Balance Due as of 6/6/2019	0.00

Third Party Defendant Sawamoto, Stan

Total Charges	423.00
Total Payments and Credits	423.00
Balance Due as of 6/6/2019	0.00

Defendant Desert Medical Equipment

Total Charges	623.00
Total Payments and Credits	623.00
Balance Due as of 6/6/2019	0.00

Defendant Pride Mobility Products Corp

Total Charges	623.00
Total Payments and Credits	623.00
Balance Due as of 6/6/2019	0.00

Defendant Ramparts Inc

Total Charges	423.00
Total Payments and Credits	423.00
Balance Due as of 6/6/2019	0.00

Plaintiff Harrison, Vivia

Total Charges	494.00
Total Payments and Credits	494.00
Balance Due as of 6/6/2019	0.00

DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No. _____

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): Vivia Harrison	Defendant(s) (name/address/phone): MGM Resorts International, dba Luxor Hotel and Casino Desert Medical Equipment
Attorney (name/address/phone): Matthew G. Pfau, Esq. 10120 South Eastern Avenue, Suite 140 Henderson, Nevada 89052 T: 702-910-4300	Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

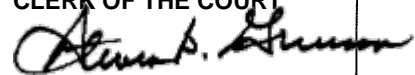
Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input checked="" type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

Date

Signature of initiating party or representative

See other side for family-related case filings.



1 **ODM**
2 **LOREN S. YOUNG, ESQ.**
3 Nevada Bar No. 7567
4 **THOMAS W. MARONEY, ESQ.**
5 Nevada Bar No. 13913
6 **LINCOLN, GUSTAFSON & CERCOS, LLP**
7 **ATTORNEYS AT LAW**
8 3960 Howard Hughes Parkway
9 Suite 200
10 Las Vegas, Nevada 89169
11 Telephone: (702) 257-1997
12 Facsimile: (702) 257-2203
13 lyoung@lgclawoffice.com
14 tmaroney@lgclawoffice.com

15 Attorneys for Defendant, RAMPARTS, INC.
16 d/b/a LUXOR HOTEL & CASINO
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12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

15 VIVIA HARRISON, an individual,
16
17 Plaintiff,

18 v.

19
20 RAMPARTS, INC. d/b/a LUXOR HOTEL &
21 CASINO, a Nevada Domestic Corporation;
22 DESERT MEDICAL EQUIPMENT, a Nevada
23 Domestic Corporation, DOES I through XXX,
24 inclusive, and ROE BUSINESS ENTITIES I
through XXX, inclusive,

Defendants.

CASE NO.: A-16-732342-C
DEPT. NO.: XXIX

**ORDER DENYING PLAINTIFF'S
MOTION TO RECONSIDER THE
COURT'S ORDER GRANTING LUXOR
AN ATTORNEY LIEN OFFSET**

25 Plaintiff VIVIA HARRISON's Motion to Reconsider the Court's Order Granting Luxor an
26 Attorney Lien Offset, and Defendant RAMPARTS, INC. d/b/a LUXOR HOTEL & CASINO's
27 Opposition to Plaintiff's Motion to Reconsider the Court's Order Granting Luxor an Attorney Lien
28 Offset coming on for hearing on May 10, 2019 (in chambers); the Court, having reviewed the papers

1 and pleadings on file herein, and good cause appearing therefore, the Court hereby finds and enters
2 the following:

3 IT IS HEREBY ORDERED that Plaintiff VIVIA HARRISON's Motion to Reconsider the
4 Court's Order Granting Luxor an Attorney Lien Offset is DENIED.

5 DATED this 16 day of May, 2019.

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8 Nancy L Alf #2764
DISTRICT COURT JUDGE
9 #29

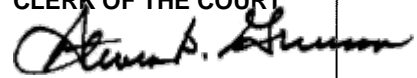
10 Respectfully Submitted by:

11 **LINCOLN, GUSTAFSON & CERCOS, LLP**

12
13 
LOREN S. YOUNG, ESQ.

14 Nevada Bar No. 7567
15 3960 Howard Hughes Pkwy, Suite 200
16 Las Vegas, NV 89169
17 Attorneys for Defendant, RAMPARTS, INC.
18 d/b/a LUXOR HOTEL & CASINO

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LOREN S. YOUNG, ESQ.
Nevada Bar No. 7567
THOMAS W. MARONEY, ESQ.
Nevada Bar No. 13913
LINCOLN, GUSTAFSON & CERCOS, LLP
ATTORNEYS AT LAW
3960 Howard Hughes Parkway, Suite 200
Las Vegas, Nevada 89169
Telephone: (702) 257-1997
Facsimile: (702) 257-2203
lyoung@lgclawoffice.com
tmaroney@lgclawoffice.com

Attorneys for Defendant, RAMPARTS, INC.
d/b/a LUXOR HOTEL & CASINO

DISTRICT COURT
CLARK COUNTY, NEVADA

VIVIA HARRISON, an individual,
Plaintiff,

v.

RAMPARTS, INC. d/b/a LUXOR HOTEL &
CASINO, a Nevada Domestic Corporation;
DESERT MECHANICAL EQUIPMENT, a
Nevada Domestic Corporation, DOES I through
XXX, inclusive, and ROE BUSINESS
ENTITIES I through XXX, inclusive,
Defendants.

DESERT MEDICAL EQUIPMENT, a Nevada
Domestic Corporation,

Third-Party Plaintiff,

v.

STAN SAWAMOTO, an individual,

Third Party Defendant.

CASE NO.: A-16-732342-C
DEPT. NO.: XXIX


NOTICE OF ENTRY OF ORDER

1 TO: ALL INTERESTED PARTIES AND THEIR COUNSEL OF RECORD:

2 YOU AND EACH OF YOU will please take notice that an Order was entered on the 21st day
3 of May, 2019; a true and correct copy is attached hereto.

4 DATED this 21st day of May, 2019.

5 **LINCOLN, GUSTAFSON & CERCOS, LLP**

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7 
LOREN S. YOUNG, ESQ.

Nevada Bar No. 7567

8 **THOMAS W. MARONEY, ESQ.**

Nevada Bar No. 13913

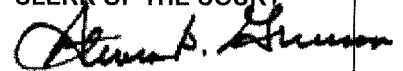
9 3960 Howard Hughes Parkway, Suite 200

10 Las Vegas, NV 89169

11 Attorneys for Defendant, RAMPARTS, INC.

12 d/b/a LUXOR HOTEL & CASINO

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1 **ODM**
2 **LOREN S. YOUNG, ESQ.**
3 Nevada Bar No. 7567
4 **THOMAS W. MARONEY, ESQ.**
5 Nevada Bar No. 13913
6 **LINCOLN, GUSTAFSON & CERCOS, LLP**
7 **ATTORNEYS AT LAW**
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9 Suite 200
10 Las Vegas, Nevada 89169
11 Telephone: (702) 257-1997
12 Facsimile: (702) 257-2203
13 lyoung@lgclawoffice.com
14 tmaroney@lgclawoffice.com

15 Attorneys for Defendant, RAMPARTS, INC.
16 d/b/a LUXOR HOTEL & CASINO

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DISTRICT COURT

CLARK COUNTY, NEVADA

VIVIA HARRISON, an individual,
Plaintiff,

v.

RAMPARTS, INC. d/b/a LUXOR HOTEL &
CASINO, a Nevada Domestic Corporation;
DESERT MEDICAL EQUIPMENT, a Nevada
Domestic Corporation, DOES I through XXX,
inclusive, and ROE BUSINESS ENTITIES I
through XXX, inclusive,

Defendants.

CASE NO.: A-16-732342-C
DEPT. NO.: XXIX

**ORDER DENYING PLAINTIFF'S
MOTION TO RECONSIDER THE
COURT'S ORDER GRANTING LUXOR
AN ATTORNEY LIEN OFFSET**

Plaintiff VIVIA HARRISON's Motion to Reconsider the Court's Order Granting Luxor an Attorney Lien Offset, and Defendant RAMPARTS, INC. d/b/a LUXOR HOTEL & CASINO's Opposition to Plaintiff's Motion to Reconsider the Court's Order Granting Luxor an Attorney Lien Offset coming on for hearing on May 10, 2019 (in chambers); the Court, having reviewed the papers

1 and pleadings on file herein, and good cause appearing therefore, the Court hereby finds and enters
2 the following:

3 IT IS HEREBY ORDERED that Plaintiff VIVIA HARRISON's Motion to Reconsider the
4 Court's Order Granting Luxor an Attorney Lien Offset is DENIED.

5 DATED this 16 day of May, 2019.

6
7
8 Nancy L Alf #27 Gr
DISTRICT COURT JUDGE
9 #29

10 Respectfully Submitted by:

11 **LINCOLN, GUSTAFSON & CERCOS, LLP**

12
13 
LOREN S. YOUNG, ESQ.

14 Nevada Bar No. 7367
15 3960 Howard Hughes Pkwy, Suite 200
16 Las Vegas, NV 89169
17 Attorneys for Defendant, RAMPARTS, INC.
18 d/b/a LUXOR HOTEL & CASINO

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1 **Vivia Harrison v. Ramparts, Inc. dba Luxor Hotel & Casino, et al.**
2 **Clark County Case No. A-16-732342-C**

3 **CERTIFICATE OF SERVICE**

4 I HEREBY CERTIFY that on the 21st day of May, 2019, I served a copy of the attached
5 **NOTICE OF ENTRY OF ORDER** via electronic service to all parties on the Odyssey E-Service
6 Master List.

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10 Barbara J. Pederson, an employee
11 of the law offices of
12 Lincoln, Gustafson & Cercos, LLP

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

June 27, 2016

A-16-732342-C Vivian Harrison, Plaintiff(s)
vs.
MGM Resorts International, Defendant(s)

June 27, 2016 3:00 AM Motion for Leave

HEARD BY: Cory, Kenneth **COURTROOM:** RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Motion having been duly filed and served, no opposition having been filed, pursuant to EDCR 2.20 and for good cause shown, COURT ORDERED, Defendant Desert Medical Equipment's Motion For Leave To File A Third-Party Complaint Against Stan Sawamoto For Breach Of Contract, Contractual Indemnity, Equitable/Implied Indemnity, Breach Of Implied Covenant Of Good Faith And Fair Dealing, And Contribution GRANTED. Mr. Herling to prepare the Order.

CLERK'S NOTE: The above minute order has been distributed to: Matthew Pfau, Esq. (matt@pickardparry.com), Troy Peyton, Esq. (tpeyton@mgmresorts.com), and Jared Herling, Esq. (jherling@hpslaw.com). /mlt

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

May 08, 2017

A-16-732342-C Vivian Harrison, Plaintiff(s)
vs.
MGM Resorts International, Defendant(s)

May 08, 2017	3:00 AM	Motion to Amend Complaint	Plaintiff's Motion for Leave to File First Amended Complaint to Remove a Cause of Action
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HEARD BY: Jones, David M

COURTROOM: RJC Courtroom 03B

COURT CLERK: Alan Castle

RECORDER: Melissa Murphy-Delgado

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Court Find Stipulation and Order FILED 5/01/17 and this matter is now Moot and Ordered, OFF CALENDAR.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

June 26, 2017

A-16-732342-C Vivian Harrison, Plaintiff(s)
vs.
MGM Resorts International, Defendant(s)

**June 26, 2017 9:30 AM Motion for Summary
Judgment**

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 03B

COURT CLERK: Aja Brown

RECORDER: Melissa Murphy-Delgado

REPORTER:

PARTIES

PRESENT: Herling, Jared F. Attorney
Pfau, Matthew Attorney
Terry, Brian K. Attorney

JOURNAL ENTRIES

- Kylee Gloeckner, Esq. and Dean Tanenbaum, Esq., on behalf of the Defendants, also present.

Following arguments by Mr. Terry and Mr. Pfau, COURT ORDERED, Motion DENIED WITHOUT PREJUDICE. Court directed Mr. Pfau to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

November 01, 2017

A-16-732342-C Vivian Harrison, Plaintiff(s)
vs.
MGM Resorts International, Defendant(s)

November 01, 2017 9:00 AM All Pending Motions

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 03B

COURT CLERK: Aja Brown

RECORDER: Melissa Murphy-Delgado

REPORTER:

PARTIES

PRESENT:	Clark, Troy A, ESQ	Attorney
	Herling, Jared F.	Attorney
	Pfau, Matthew	Attorney
	Young, Loren	Attorney

JOURNAL ENTRIES

- THIRD-PARTY DEFENDANT STAN SAWAMOTO'S MOTION FOR SUMMARY JUDGMENT....PLAINTIFF'S JOINDER TO THIRD-PARTY DEFENDANT STAN SAWAMOTO'S MOTION FOR SUMMARY JUDGMENT

Vincent Godinho, Esq., on behalf of the Defendant, Pride Mobility Products Corp, also present.

Following arguments by Mr. Clark, Mr. Herling and Mr. Pfau, COURT ORDERED, Motion DENIED. Court directed Mr. Herling to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 11, 2017

A-16-732342-C Vivian Harrison, Plaintiff(s)
vs.
MGM Resorts International, Defendant(s)

December 11, 2017 9:00 AM Motion for Leave

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 03B

COURT CLERK: Alice Jacobson

RECORDER:

REPORTER:

PARTIES

PRESENT: Acker, Paul Anthony Attorney
Herling, Jared F. Attorney
Terry, Brian K. Attorney

JOURNAL ENTRIES

- Defendant/Third Party Plaintiff Desert Medical Equipment's Motion for Leave to File Amended Third-Party Complaint Against Stan Sawamoto

There being no opposition. COURT ORDERED, motion GRANTED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability**COURT MINUTES****April 30, 2018**

A-16-732342-C

Vivia Harrison, Plaintiff(s)

vs.

MGM Resorts International, Defendant(s)

April 30, 2018**9:00 AM****Motion for Summary
Judgment****Defendant Desert
Medical Equipment's
Motion for Summary
Judgment****HEARD BY:** Jones, David M**COURTROOM:** RJC Courtroom 03B**COURT CLERK:** April Watkins**RECORDER:** Melissa Murphy-Delgado**REPORTER:****PARTIES****PRESENT:**

Maroney, Thomas

Attorney

O'Gorman-Hoyt, Liam Q.

Attorney

Pfau, Matthew

Attorney

Terry, Brian K.

Attorney

Upson, Stacey A.

Attorney

JOURNAL ENTRIES

- Mr. Hoyt argued it is undisputed Pltf. unknowingly ran over base of table. Further, it is alleged proper instructions were not give to Pltf. as to the scooter and Mr. Hoyt argued Pltf. admitted after renting scooter, Deft. came out and showed her how to use it. Mr. Pfau argued appropriate scooter should of been provided to Pltf. Further, 350 pound limit for scooter which is relevant and also advised Pltf. has had stability issues as well. Court inquired as to who had notice Pltf. fell off scooter. Mr. Pfau advised the hotel did, argued question of fact, training inadequate, do not know if there were modifications done to scooter, now have spoliation issues as the scooter has disappeared. Colloquy. Additional argument by Mr. Hoyt in support of motion. COURT ORDERED, motion DENIED WITHOUT PREJUDICE. Counsel for Pltf. to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

August 29, 2018

A-16-732342-C Vivia Harrison, Plaintiff(s)
vs.
MGM Resorts International, Defendant(s)

August 29, 2018 9:00 AM All Pending Motions

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Christopher Darling

RECORDER: Melissa Murphy-Delgado

REPORTER:

PARTIES

PRESENT: Maroney, Thomas Attorney
Moss, Boyd B., ESQ Attorney
Pfau, Matthew Attorney
Terry, Brian K. Attorney
Upton, Stacey A. Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Margaret Christopher, Esq. present.

DEFENDANT, PRIDE MOBILITY PRODUCTS CORP.'S, RENEWED MOTION FOR SUMMARY JUDGMENT...PLAINTIFF VIVIA HARRISON'S MOTION FOR AN ADJUDICATION AS TO LIABILITY OR, IN THE ALTERNATIVE, FOR AN ADVERSE INFERENCE BASED ON DEFENDANT'S SPOILIATION OF EVIDENCE

Arguments by counsel regarding Pride Mobility Products' Renewed Motion for Summary Judgment. Court stated ITS FINDINGS and ORDERED, Motion GRANTED as to design defect. Mr. Terry to prepare the order. Arguments by counsel regarding Vivia Harrison's Motion for an Adjudication as to Liability or, in the Alternative, for an Adverse Inference Based on Defendant's Spoliation of Evidence. Court noted answer will not be stricken. Court advised will draft document on decision for what inference will be granted and is forthcoming at time testimony heard. Mr. Pfau requested after testimony to have separate hearing on the inference issue; COURT SO ORDERED. Mr. Pfau to prepare order as discussed.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

September 24, 2018

A-16-732342-C Vivian Harrison, Plaintiff(s)
vs.
MGM Resorts International, Defendant(s)

September 24, 2018 9:00 AM All Pending Motions

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Haly Pannullo

RECORDER: Melissa Murphy-Delgado

REPORTER:

PARTIES

PRESENT:	Maroney, Thomas	Attorney
	Moss, Boyd B., ESQ	Attorney
	Pfau, Matthew	Attorney
	Upton, Stacey A.	Attorney
	Young, Loren	Attorney

JOURNAL ENTRIES

- STATUS CHECK: TRIAL READINESS ... DEFENDANT DESERT MEDICAL EQUIPMENT'S RENEWED MOTION FOR SUMMARY JUDGMENT ... DEFENDANT RAMPARTS INC D/B/A LUXOR HOTEL & CASINO'S MOTION FOR SUMMARY JUDGMENT

Courtney Christopher, Esq., present on behalf of Desert Medical Equipment.

Argument by Ms. Christopher and Mr. Moss. COURT ORDERED, Desert Medical Equipment's Renewed Motion for Summary Judgment DENIED WITHOUT PREJUDICE. Court noted a potential conflict with Ms. Upton. Upon Court's inquiry, parties agreed there is no issue of conflict. Further arguments by Mr. Maroney and Mr. Moss. COURT FURTHER ORDERED, Defendant Rampart's Motion for Summary Judgment DENIED WITHOUT PREJUDICE; Plaintiff is to prepare the Order. Court noted a trial date will issue.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

September 24, 2018

A-16-732342-C Vivian Harrison, Plaintiff(s)
vs.
MGM Resorts International, Defendant(s)

September 24, 2018 10:30 AM Status Check

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Haly Pannullo

RECORDER: Melissa Murphy-Delgado

REPORTER:

PARTIES

PRESENT:	Maroney, Thomas	Attorney
	Moss, Boyd B., ESQ	Attorney
	Pfau, Matthew	Attorney
	Upson, Stacey A.	Attorney
	Young, Loren	Attorney

JOURNAL ENTRIES

- Courtney Christopher, Esq., present in behalf of Desert Medical Equipment.

Upon Court's inquiry, Counsel agreed that trial will last two week and most witnesses are out of state. Colloquy regarding trial dates. COURT SO NOTED. COURT ORDERED, all Motions in Limine RESET to 10/12/18.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

October 08, 2018

A-16-732342-C Vivian Harrison, Plaintiff(s)
vs.
MGM Resorts International, Defendant(s)

October 08, 2018 10:30 AM Pre Trial Conference

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: April Watkins

RECORDER: Rubina Feda

REPORTER:

PARTIES

PRESENT: Christopher, Courtney Attorney
Moss, Boyd B., ESQ Attorney
Pfau, Matthew Attorney
Upson, Stacey A. Attorney
Young, Loren Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, counsel advised two weeks for trial. Colloquy. COURT ORDERED, trial date VACATED and RESET. Joint Pre-Trial Memorandum due by December 5, 2018, parties to meet and confer as to jury instructions to be presented to the Court. Motions set for October 12, 2018, STAND. Ms. Upson inquired if the Court would be okay with someone else from her office appearing on December 5, 2018. Court stated that is okay as long as that person knows what is going on with this trial.

12/5/18 10:00 AM CALENDAR CALL

12/10/18 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

October 12, 2018

A-16-732342-C Vivia Harrison, Plaintiff(s)
vs.
MGM Resorts International, Defendant(s)

October 12, 2018 1:00 PM All Pending Motions

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Michele Tucker

RECORDER: Melissa Murphy-Delgado

REPORTER:

PARTIES

PRESENT: Christopher, Courtney Attorney
Moss, Boyd B., ESQ Attorney
Pfau, Matthew Attorney
Smith, Karl H. Attorney
Young, Loren Attorney

JOURNAL ENTRIES

- ALL PENDING - PLAINTIFF'S MOTIONS IN LIMINE 1-3... DEFENDANT RAMPARTS, INC'S MOTIONS IN LIMINE 1-2... DEFENDANT DESERT MEDICAL MOTIONS IN LIMINE 1-10... THIRD PARTY, STAN SAWAMOTO'S JOINDER & DEFENDANT RAMPARTS, INC'S JOINDER TO DEFENDANT DESERT MEDICAL EQUIPMENT'S MOTION IN LIMINE 9...THIRD PARTY DEFENDANT, STAN SAWAMOTO'S JOINDER TO DEFENDANT DESERT MEDICAL EQUIPMENT'S MOTION IN LIMINE 10

Following arguments by Mr. Moss, Mr. Pfau, Mr. Young, and Ms. Christopher as to their respective positions; COURT ORDERED, the following:

PLAINTIFF, VIVIA HARRISON S MIL #1 TO LIMIT VIVIA S TESTIMONY TO A READING OF HER DEPOSITION TRANSCRIPT

COURT ORDERED, Motion GRANTED IN PART; plaintiff's testimony will be limited to video

conference and will be limited to the scope of her deposition. There will be no repetitive questions in regards to anything.

Plaintiff's counsel to prepare the Order.

PLAINTIFF, VIVIA HARRISON S MIL#2 TO LIMIT DEFENDANT DESERT MEDICAL EQUIPMENT S 30(b)(6) WITNESS TESTIMONY

Court STATED it would allow Mr. Schultz to testify as to what his observations were and will be limited in his statements as to what was or not wrong with the scooter. He may testify as to what photographs he took and he may comment on what Luxor did and what photographs they took. There will be no negative inference against Luxor, but against the Scooter company; a special instruction will be given.

COURT ORDERED, Motion GRANTED.

Plaintiff to prepare the Order.

PLAINTIFF, VIVIA HARRISON S MIL#3 TO LIMIT DEFENDANT S ADA EXPERT MICHELLE J. ROBBINS OPINIONS

Court STATED it would limit testimony in regards to Ms. Robbins understanding as to ingress and mobility of the furniture. COURT ORDERED, Motion DENIED.

Plaintiff to prepare the Order.

DEFENDANT RAMPARTS, INC. MIL#1 TO PRECLUDE THE TESTIMONY & OPINIONS OF PLTF S EXPERT TIMOTHY HICKS, PE, OR ALTERNATIVELY, TO LIMIT THE TESTIMONY & OPINIONS

COURT ORDERED, Motions GRANTED IN PART. Mr. Hicks will be allowed to testify in regards to the design, stability, and the turn ratio. He cannot testify as to what questions or what type of training the individuals at Luxor should go through in order to rent the scooters out.

MATTER RECALLED: Arguments as to supplemental expert report and photographs. COURT ORDERED, the photographs cannot come.

Mr. Young & Ms. Christopher to prepare the Order.

DEFENDANT RAMPARTS, INC. MIL#2 TO PRECLUDE THE TESTIMONY & OPINIONS OF PLTF S EXPERT, MICHAEL P. GIBBENS, CASI, ICC, CASI, OR ALTERNATIVELY TO LIMIT THE TESTIMONY & OPINIONS

COURT ORDERED, Motion GRANTED IN PART. Mr. Gibbens can testify as to his review of the footprint and his review of the video tape, but cannot testify as to causation.

Mr. Young to prepare the Order.

DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#1 TO EXCLUDE TESTIMONY FROM PLAINTIFF S SCOOTER EXPERT, TIMOTHY HICKS, P.E

Arguments as to supplemental expert report and photographs. COURT ORDERED, the photographs cannot come. Mr. Hicks can opine there are heavier duty scooters out there.

Mr. Young & Ms. Christopher to prepare the Order.

DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#2 TO EXCLUDE TESTIMONY AND ARGUMENT THAT DESERT MEDICAL EQUIPMENT ALTERED OR MODIFIED THE SUBJECT SCOOTER

COURT ORDERED, Motion DENIED WITHOUT PREJUDICE at this time based on the testimony at the time of trial.

DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#3 TO PRECLUDE TESTIMONY AND ARGUMENT THAT THE SUBJECT SCOOTER WAS DEFECTIVE

COURT ORDERED, Motion GRANTED; there is no evidence it was defective.

DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#4 TO PRECLUDE ARGUMENT THAT PLTF SHOULD HAVE RENTED THE LARGER 4-WHEELED MAXIMA SCOOTER

COURT ORDERED, Motion GRANTED IN PART; testimony will be allowed as to the ability of whether the scooter could tip over.

DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#5 TO EXCLUDE PHOTOGRAPHS OF WAL-MART SCOOTERS PLTF HAS ALLEGEDLY USED IN THE PAST

COURT ORDERED, Motion GRANTED.

Defendant to prepare the Order.

DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#6 TO PRECLUDE ARGUMENT THAT DESERT MEDICAL EQUIPMENT FAILED TO PROVIDE ADEQUATE OPERATING INSTRUCTIONS TO PLTF

COURT ORDERED, Motion GRANTED.

DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#7 TO PRECLUDE ARGUMENT THAT DESERT MEDICAL EQUIPMENT DID NOT PROPERLY MAINTAIN THE SUBJECT SCOOTER

COURT ORDERED, Ruling held in abeyance until the time of trial based upon any evidence that shows maintenance was an issue.

DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#8 TO PRECLUDE ARGUMENT THAT DESERT MEDICAL EQUIPMENT FAILED TO PROVIDE ADEQUATE TRAINING TO LUXOR EMPLOYEES

COURT ORDERED, Motion DENIED as it is a question for the jury.

Plaintiff to prepare the Order.

DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#9 TO EXCLUDE EVIDENCE OF PAST MEDICAL EXPENSES NOT ACTUALLY INCURRED THIRD PARTY DEFENDANT, STAN SAWAMOTO S JOINDER...DEFENDANT RAMPARTS, INC. dba LUXOR HOTEL & CASINO S JOINDER

COURT ORDERED, Motion DENIED; if can prove between now and the time of trial the plaintiff paid cash and expenses were reduced, the matter may be revisited.

Plaintiff to prepare the Order.

DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#10 TO EXCLUDE REPTILE , GOLDEN RULE , AND OTHER IMPROPER ARGUMENTS AT TRIAL THIRD PARTY DEFENDANT, STAN SAWAMOTO S JOINDER

COURT ORDERED, as to "REPTILE" the matter is held in abeyance until the time of trial. As to "Golden Rule" this Court will obey the State laws of Nevada.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 05, 2018

A-16-732342-C Vivian Harrison, Plaintiff(s)
vs.
MGM Resorts International, Defendant(s)

December 05, 2018 10:00 AM Calendar Call

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Michaela Tapia

RECORDER: Rubina Feda

REPORTER:

PARTIES

PRESENT:	Christopher, Courtney	Attorney
	Moss, Boyd B., ESQ	Attorney
	Pfau, Matthew	Attorney
	Young, Loren	Attorney

JOURNAL ENTRIES

- Upon Court's inquiry, Mr. Young advised he had not received the Emergency Order Shortening Time. Court noted there was an issue regarding which witnesses would be appearing in person versus audio-visual appearances and stated it was concerned about the case going forward. Colloquy regarding witnesses.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 10, 2018

A-16-732342-C Vivian Harrison, Plaintiff(s)
vs.
MGM Resorts International, Defendant(s)

December 10, 2018 9:00 AM Jury Trial

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Michaela Tapia

RECORDER: Melissa Murphy-Delgado

REPORTER:

PARTIES

PRESENT:	Alverson, J. Bruce	Attorney
	Christopher, Courtney	Attorney
	Maroney, Thomas	Attorney
	Moss, Boyd B., ESQ	Attorney
	Pfau, Matthew	Attorney
	Young, Loren	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF POTENTIAL JURY. Colloquy regarding stipulated and admitted exhibits. Colloquy regarding deposition delineations. Mr. Alverson stated he would stipulate to the authenticity of the medical records exhibits but would not stipulate to admit them at this time. Mr. Young advised during discovery he was unable to obtain the original depositions from counsel for the third party defendants; Court allowed Mr. Young to admit copies for future publication. POTENTIAL JURY PRESENT. Voire Dire Oath given. OUTSIDE THE PRESENCE OF POTENTIAL JURY. Colloquy regarding signed orders from the Motions in Limine heard the week prior. POTENTIAL JURY PRESENT. Voir Dire began. OUTSIDE THE PRESENCE OF POTENTIAL JURY. Colloquy regarding excusing potential jurors. POTENTIAL JURY PRESENT. Voire Dire continued. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 12/11/18 11:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 11, 2018

A-16-732342-C Vivian Harrison, Plaintiff(s)
vs.
MGM Resorts International, Defendant(s)

December 11, 2018 10:00 AM Jury Trial

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Michaela Tapia

RECORDER: Melissa Murphy-Delgado

REPORTER:

PARTIES

PRESENT:	Alverson, J. Bruce	Attorney
	Christopher, Courtney	Attorney
	Maroney, Thomas	Attorney
	Moss, Boyd B., ESQ	Attorney
	Pfau, Matthew	Attorney
	Young, Loren	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF POTENTIAL JURY. Colloquy regarding potential jurors. Oral Motion to Strike potential juror #165 by Mr. Pfau. Arguments by counsel. COURT ORDERED, oral motion DENIED. Further colloquy regarding potential jurors. Mr. Pfau advised he received notice yesterday defendant's counsel would like to call a new 30(b)(6) and stated his position is that he would prefer to play the video and not have the new 30(b)(6) present. Mr. Young argued he would prefer to present a live witness to testify as to the issues. Court directed parties to go over portions of the deposition together by the end of the day. Potential juror present to discuss scheduling issues. POTENTIAL JURY PRESENT. Voire Dire continued. CONFERENCE AT BENCH. OUTSIDE THE PRESENCE OF POTENTIAL JURY. Peremptory Challenges exercised. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 12/12/18 10:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability**COURT MINUTES****December 12, 2018**

A-16-732342-C Vivian Harrison, Plaintiff(s)
 vs.
 MGM Resorts International, Defendant(s)

December 12, 2018 10:30 AM Jury Trial

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Michaela Tapia

RECORDER: Melissa Murphy-Delgado

REPORTER:

PARTIES

PRESENT:	Alverson, J. Bruce	Attorney
	Christopher, Courtney	Attorney
	Maroney, Thomas	Attorney
	Moss, Boyd B., ESQ	Attorney
	Pfau, Matthew	Attorney
	Young, Loren	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF POTENTIAL JURY. Mr. Pfau advised he had received notice Desert Medical's client would be unavailable due to illness. POTENTIAL JURY PRESENT. Jury SELECTED and SWORN. Opening Statement by Plaintiff. Opening Statement by Defendants. OUTSIDE THE PRESENCE OF THE JURY. Upon Court's inquiry, Ms. Christopher advised her client was still sick and was not certain if he could appear tomorrow. Upon Court's inquiry, Mr. Alverson stated the company C.O.O. would be unable to appear as a substitute witness until tomorrow. Mr. Pfau advised he would accept the substitute on the provision that the substitute witness appear today. Court directed Defendant to make the witness available. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding redacting and replacing previously admitted exhibit. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT BENCH. OUTSIDE THE PRESENCE OF THE JURY. Colloquy with and regarding Juror #5 who claimed to know a witness. Outside presence of Juror #5. Parties agreed there was no conflict. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT BENCH. Testimony and exhibits

presented. (See worksheets) COURT ORDERED, matter CONTINUED.

CONTINUED TO: 12/13/18 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 13, 2018

A-16-732342-C Vivian Harrison, Plaintiff(s)
vs.
MGM Resorts International, Defendant(s)

December 13, 2018 10:00 AM Jury Trial

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Michaela Tapia

RECORDER: Melissa Murphy-Delgado

REPORTER:

PARTIES

PRESENT:	Alverson, J. Bruce	Attorney
	Christopher, Courtney	Attorney
	Maroney, Thomas	Attorney
	Moss, Boyd B., ESQ	Attorney
	Pfau, Matthew	Attorney
	Young, Loren	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY. Colloquy. Testimony and exhibits presented. (See worksheets) CONFERENCE AT BENCH. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. Court noted its admonitions in regards to influencing counsel on the exhibits and video taped depositions and other materials and warned parties the next time it happened, the Court would issue sanctions and strike the testimonies. POTENTIAL JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT BENCH. Testimony and exhibits presented. (See worksheets) COURT ORDERED, matter CONTINUED.

CONTINUED TO: 12/14/18 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 14, 2018

A-16-732342-C Vivian Harrison, Plaintiff(s)
vs.
MGM Resorts International, Defendant(s)

December 14, 2018 8:30 AM Jury Trial

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK:

RECORDER: Melissa Murphy-Delgado

REPORTER:

PARTIES

PRESENT:	Alverson, J. Bruce	Attorney
	Christopher, Courtney	Attorney
	Maroney, Thomas	Attorney
	Moss, Boyd B., ESQ	Attorney
	Pfau, Matthew	Attorney
	Young, Loren	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF POTENTIAL JURY. Colloquy regarding trial schedule.
POTENTIAL JURY PRESENT. Testimony and exhibits presented. (See worksheets) OUTSIDE THE
PRESENCE OF POTENTIAL JURY. Colloquy regarding jury instructions. POTENTIAL JURY
PRESENT. CONFERENCE AT BENCH. Testimony and exhibits presented. (See worksheets)
COURT ORDERED, matter CONTINUED.

CONTINUED TO: 12/17/18 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 17, 2018

A-16-732342-C Vivian Harrison, Plaintiff(s)
vs.
MGM Resorts International, Defendant(s)

December 17, 2018 9:30 AM Jury Trial

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Michaela Tapia

RECORDER: Melissa Murphy-Delgado

REPORTER:

PARTIES

PRESENT:	Alverson, J. Bruce	Attorney
	Christopher, Courtney	Attorney
	Maroney, Thomas	Attorney
	Moss, Boyd B., ESQ	Attorney
	Pfau, Matthew	Attorney
	Young, Loren	Attorney

JOURNAL ENTRIES

- POTENTIAL JURY PRESENT. Testimony and exhibits presented. (See worksheets) Plaintiff rested their case in chief. OUTSIDE THE PRESENCE OF THE JURY. Oral Motion and argument by Mr. Alverson for dismissal of the verdict based on 50(a). Argument by Mr. Pfau for directed verdict to be denied. Mr. Young indicated he also planned on moving for dismissal. Further arguments by counsel. COURT STATED ITS FINDINGS and ORDERED, oral motion DENIED. POTENTIAL JURY PRESENT. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding witnesses and jury instructions. JURY PRESENT. Testimony and exhibits presented. (See worksheets) OUTSIDE THE PRESENCE OF THE JURY. Court directed counsel to submit the stipulated jury instructions to Chambers. Colloquy. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 12/18/18 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 18, 2018

A-16-732342-C Vivian Harrison, Plaintiff(s)
vs.
MGM Resorts International, Defendant(s)

December 18, 2018 10:00 AM Jury Trial

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK:

RECORDER: Melissa Murphy-Delgado

REPORTER:

PARTIES

PRESENT:	Alverson, J. Bruce	Attorney
	Christopher, Courtney	Attorney
	Maroney, Thomas	Attorney
	Moss, Boyd B., ESQ	Attorney
	Pfau, Matthew	Attorney
	Young, Loren	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding proposed verdict forms. JURY PRESENT. Testimony and exhibits presented. (See worksheets) CONFERENCE AT BENCH. OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding spoliation motion by Plaintiff. JURY PRESENT. Court instructed the Jury. Closing argument by the Plaintiff. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 12/19/18 11:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 19, 2018

A-16-732342-C Vivian Harrison, Plaintiff(s)
vs.
MGM Resorts International, Defendant(s)

December 19, 2018 11:00 AM Jury Trial

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Michaela Tapia

RECORDER: Melissa Murphy-Delgado

REPORTER:

PARTIES

PRESENT:	Alverson, J. Bruce	Attorney
	Christopher, Courtney	Attorney
	Maroney, Thomas	Attorney
	Moss, Boyd B., ESQ	Attorney
	Pfau, Matthew	Attorney
	Young, Loren	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding admitted exhibits. JURY PRESENT. Closing argument by Defendants. Rebuttal closing argument by the Plaintiff. At the hour of 12:42 p.m., the Jury retired to deliberate. OUTSIDE THE PRESENCE OF THE JURY. Juror questions addressed. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 12/20/18 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 20, 2018

A-16-732342-C Vivian Harrison, Plaintiff(s)
vs.
MGM Resorts International, Defendant(s)

December 20, 2018 10:00 AM Jury Trial

HEARD BY: Herndon, Douglas W. **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Natalie Ortega

RECORDER: Melissa Murphy-Delgado

REPORTER:

PARTIES

PRESENT: Christopher, Courtney Attorney
Moss, Boyd B., ESQ Attorney
Pfau, Matthew Attorney

JOURNAL ENTRIES

- Verdict and Jury Instructions FILED IN OPEN COURT.

INSIDE THE PRESENCE OF THE JURY: At the hour of 1:26 p.m. the jury returned with a verdict in favor of the Defendants. Jury polled.

OUTSIDE THE PRESENCE OF THE JURY: Ms. Christopher noted the Defendants name read in the verdict indicated "Desert Mechanical Equipment" and the correct name was "Desert Medical Equipment". Upon Court's inquiry, the parties agreed to bring the jury back into the Courtroom to clarify.

INSIDE THE PRESENCE OF THE JURY: Court inquired and jury affirmed that although the Verdict for Defendant indicated "Desert Mechanical" their verdict applied to "Desert Medical."

OUTSIDE THE PRESENCE OF THE JURY: COURT NOTED it received affirmation from all six jurors through nods that they indicated that they voted in favor of the verdict.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

February 27, 2019

A-16-732342-C Vivian Harrison, Plaintiff(s)
vs.
MGM Resorts International, Defendant(s)

**February 27, 2019 9:00 AM Motion for Attorney Fees
and Costs**

HEARD BY: Jones, David M **COURTROOM:** RJC Courtroom 15A

COURT CLERK: Nancy Maldonado

RECORDER: Melissa Murphy-Delgado

REPORTER:

PARTIES

PRESENT:	Moss, Boyd B., ESQ	Attorney
	Pfau, Matthew	Attorney
	Young, Loren	Attorney

JOURNAL ENTRIES

- Arguments by Mr. Young. Mr. Pfau argued the fees are not reasonable. COURT ORDERED under the factors under the Nevada Supreme Court, Expert Fees in the amount of \$5,000.00 and \$7,500.00, reduce the one requested from \$16,000.00 to \$7,000.00, the ones requested at \$7,000.00 reduced to \$5,000.00 each, Costs in the amount of \$22,097.28 for the other costs that were not imposed and re-taxed, GRANTED. Arguments by counsel regarding fees. COURT FURTHER ORDERED, fees incurred in December, allowed, in the amount of \$69,688.00. Counsel for the Defendant to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

May 01, 2019

A-16-732342-C Vivia Harrison, Plaintiff(s)
vs.
MGM Resorts International, Defendant(s)

May 01, 2019

3:00 AM

Motion to Reconsider

HEARD BY: Jones, David M

COURTROOM: Chambers

COURT CLERK: Nancy Maldonado

RECORDER: Melissa Murphy-Delgado

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- No parties present.

Court advised there was a valid motion and opposition thereto, COURT ORDERED, motion DENIED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

May 10, 2019

A-16-732342-C Vivian Harrison, Plaintiff(s)
vs.
MGM Resorts International, Defendant(s)

May 10, 2019 7:30 AM Minute Order

HEARD BY: Jones, David M **COURTROOM:** Chambers

COURT CLERK: Nancy Maldonado

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- This matter came before the Court in a Chambers Hearing on May 1, 2019. After considering the papers and pleadings on file, this Court DENIES Plaintiff's Motion to reconsider the Court's Order Granting Luxor an Attorney Lien Offset.

CLERK'S NOTE: The above minute order has been distributed to:

Boyd B. Moss, Esq. - boyd@mossberglv.com
Loren Young, Esq. - lyoung@lgclawoffice.com
Matthew Pfau, Esq. - matt@p2lawyers.com

EXHIBITS LIST

Case No.: A-16-732342-C
 Dept. No.: 29
 Plaintiff: Vivia Harrison

Trial Date:
 Judge:
 Court Clerk:

December 10, 2018
David M. Jones
MICHAELA TAPIA
Matthew G. Pfau and Boyd B. Moss

vs.

Counsel for Plaintiff:

Ramparts, Inc. dba Luxor Hotel &
 Defendant: Casino; Desert Medical Equipment

Counsel for Defendant:

Loren S. Young and Thomas W. Maroney for Defendant Ramparts, Inc. dba Luxor Hotel & Casino;
Courtney Christopher for Defendant Desert Medical Equipment

JURY TRIAL BEFORE THE COURT

PLAINTIFF'S TRIAL EXHIBITS

Binder Number	Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1	1	MASTER SERVICES AGREEMENT 00001-13 -- Bell and Concierge Master Services Agreement			
1	2	A1.1, A2.1, A8.1 -- Deli Floor Plans			
1	3	DEF0001-4 -- Luxor's Incident Report			
1	4	DEF00042-73 -- Subject Scooter Photos and Reports			
1	5	DEF00083-102 -- Luxor (Ramparts) Photos			
1	6	DEF103 -- Backstage Deli Layout (MARKED)	12/13/18	yes	12/13/18
1	7	DEF103 -- Backstage Deli Layout (UNMARKED)	12/13/18	yes	12/13/18
1	8	DME Inspection Photos 0001-00042 -- Deli Inspection Photos			
1	9	HARRISON 2, 5-6 -- Scene Photos			
1	10	HARRISON 3, 8-9 -- Vivia's Hospital Photos			
1	11	HARRISON 3664 -- Victory Scooter Product Manual			
1	12	HARRISON 4155-4156 -- DME Types of Scooters			

all non-admitted exhibits were returned to counsel. Mt

PLAINTIFF'S TRIAL EXHIBITS

Binder Number	Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1	13	HARRISON 4157-4158 -- Maxima 3-Wheel Pride Electric Scooters			
1	14	PMPC000001-7 -- Pride Mobility Invoice to DME			
1	15	PMPC000008-9 -- Victory 10 Specifications			
1	16	PMPC000012-63 -- Victory Owner's Manual			
1	17	PMPC000158-181 -- Pride Mobility Consumer Safety Guide			
1	18	PRIDE00001-94 -- Pride's Deli Photos			
1	19	TC00001 & INS00001 -- DME Insurance Document and Sawamoto Rental Agreement			
1	20	HARRISON Video 1 -- Scene of Deli Immediately After Fall			
1	21	HARRISON 10-26 -- AMR Medical and Billing Records			
4,5	22	HARRISON 27-2038 -- Spring Valley Hospital Complete Medical Records			
6	23	HARRISON 2039-2084 -- Spring Valley Hospital Complete Billing Records			
6	24	HARRISON 2085 -- Shadow Emergency Billing Statement			
6	25	HARRISON 2086 -- Desert Radiology Billing Statement			
6	26	HARRISON 2087-2499 -- HealthSouth Medical and Billing Records			
7,8	27	HARRISON 2500-3153 -- Ridgeview Health Services Medical and Billing Records			
8	28	HARRISON 3514-3637 -- Encore Rehabilitation Medical and Billing Records			
8	29	HARRISON 3638-3663 -- Southern Orthopedic Medical Records			
8	30	HARRISON 3669-3719 -- Claude Osula Medical Records			
8	31	HARRISON 3720-3823 -- Claude Osula Medical Records Part 2			
9	32	HARRISON 3824-3957 -- Advanced HealthCare of Summerlin Medical Records			
9	33	HARRISON 3958-4003 -- Drayer Medical Records			

PLAINTIFF'S TRIAL EXHIBITS

Binder Number	Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
9	34	HARRISON 4111-4154 -- Drake Enterprises (Southern Orthopedic) Medical Records			
9	35	HARRISON 4159-4160 -- Dr. Russell Future Care Estimate			
9	36	HARRISON 4161-4186 -- Claude Osula Medical Records Part 3			
9	37	HARRISON 4187-4342 -- Charles Fagan Medical Records			
10	38	HARRISON 4482-4748 -- Encore Rehabilitation Medical and Billing Records Part 2			
10	39	HARRISON 4749-4846 -- Simon Williamson Medical and Billing Records			
11	40	HARRISON 4847-4930 -- Deli Inspection Photos			
WA	22.140	Consultation pg 106 of 2,002	12/18/18	NO	12/18/18
WA	22.143	" " pg 109 " "	↓	↓	↓
WA	22.145	" " pg 111 " "	↓	↓	↓
WA	22.149	" " pg 115 " "	↓	↓	↓
WA	22.395	" " pg 361 " "	↓	↓	↓
WA	26.2154	Physician Evaluation	↓	↓	↓
WA	29.3681		↓	↓	↓
WA	28.3632		↓	↓	↓
WA	28.3555		12/18/18	NO	12/18/18
WA	28.3580		↓	↓	↓

EXHIBIT(S) LIST

Case No.: A-16-732342-C Date: December 10, 2018

Dept. No.: XXIX Judge: Hon. David M. Jones

VIVIA HARRISON, Court Clerk: MICHAELA TAPIA

vs.

RAMPARTS, INC. dba LUXOR HOTEL & CASINO, DESERT MEDICAL EQUIPMENT, PRIDE MOBILITY PRODUCTS CORP.

Recorder: Melissa Murphy

Counsel for Plaintiff: Matthew P. Pfau and Boyd B. Moss Loren S. Young, and Thomas W. Maroney for Defendant Ramparts, Inc. dba Luxor Hotel & Casino

Counsel for Defendant: Courtney Christopher for Defendant Desert Medical Equipment

DEFENDANTS' EXHIBITS:

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
A1	Incident Report dated December 10, 2014 (DEF0001-DEF0005)	12/10/18	Stip	12/10/18	WA
A2	Bell and Concierge Master Services Agreement-Mobility and Medical Equipment (DEF0018, 25, 6, 19, 17, 24, 16, 20, 8, 23, 15, 14, 22)				
A3	Voluntary statement by Nicolas Sanchez dated December 10, 2014 (DEF0007)	12/10/18	Stip	12/10/18	WA
A4	Guest Accident/Illness Report by Diane Lucas Dated December 10, 2014 (DEF0009)				WA
A5	Voluntary statement by Barbara Bradley dated December 10, 2014 (DEF0010)				WA
A6	Voluntary statement by Vanna Bounnvalithy dated December 10, 2014 (DEF0011)				WA
A7	Voluntary statement by Jessica Atchley dated December 10, 2014 (DEF0012)				WA
A8	Luxor Engineering Department Incident Inspection Report by Thomas Burris dated December 10, 2014 (DEF0013)				WA
A9	Voluntary statement by Melissa Myers dated December 10, 2014 (DEF0021)				WA
A10	Photos of Subject Scooter and Deli (DEF0026-DEF0039)				WA
A11	Security Video (1 DVD) (DEF0040)				WA

All non-admitted exhibits were returned to counsel.

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
A12	Surveillance Footage (1 VHS) (DEF0041)	12/10/18	Ship	12/10/18	WA
A13.	Photograph of Serial Number on Scooter (DEF0042)				
A14.	Photograph of Scooter (DEF0043)				
A15.	Evidence Record (DEF0044)				
A16.	Incident Reports dated December 9, 2014 (DEF0045-DEF0056)				
A17.	Guest Accident/Illness Report by Vivian Harrison dated December 9, 2014 (DEF61, 57)				
A18.	Luxor Engineering Department Incident Inspection Report by Thomas Burris dated December 9, 2014 (DEF0058)				
A19.	Luxor Room Confirmation (DEF0059)				
A20.	Voluntary statement by Lee Smithson dated December 9, 2014 (DEF0060)				
A21.	Photographs regarding incident on December 9, 2014 (DEF0062-DEF0073)	12/14/18	Ship	12/14/18	WA
A22	Video from December 9, 2014 Incident (DEF0074)	12/14/18	Ship	12/14/18	WA
A23.	Desert Medical Equipment Rental Agreement No. 10325 signed by Stanley Sawamoto (DEF0075-DEF0076)				
A24.	OPERA Notes and Revenue Comps (DEF0077-DEF0082)				
A25.	Photographs of Backstage Deli Furnishings and Subject Scooter (DEF0083-DEF0102)	12/10/18	Ship	12/10/18	WA
A26.	Backstage Deli Layout (DEF0103)	12/13/18	no	12/13/18	WA
A27	December 10, 2014 Security Video (DEF0104)				
A28.	Hamilton Anderson Associates Plans (DEF0105-DEF0107)				
A29.	Madsen, Kneppers & Associates, Inc.'s Expert Report, dated May 8, 2018 and Michelle Robbins' Curriculum Vitae, Fee Schedule, List of Prior Deposition and Trial Testimony (DEF0108-DEF0118)				
A30.	Vocational Diagnostics, Inc.'s Rebuttal Report, dated June 14, 2018 (DEF0119-DEF0144)				
A31.	Madsen, Kneppers & Associates, Inc.'s Rebuttal to Michael Gibbens' Report, dated June 14, 2018 (DEF0145-DEF0159)				
A32.	Madsen, Kneppers & Associates, Inc.'s Rebuttal to Timothy Hicks' Report, dated June 14, 2018 (DEF0160-DEF0193)				

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
A33.	Clifford Segil's Rebuttal Report dated June 11, 2018 (DEF0194-DEF0204)			
A34.	Terms and Conditions of Rental Agreement (TC 00001)	12/12/18	NO	12/12/18
A35.	Scooter Instructions (INS 00001)	12/12/18	NO	12/12/18
A36.	Employee Policy Manual (EMP POLICY 00001-00044)			
A37.	Sample Service Log (SERVICE LOG 00001)			
A38.	New Hire Job Description for Delivery Driver/Maintenance Technician (JOB DESCRIPTION DELIVERY DRIVER 00001)			
A39.	Redacted Master Services Agreement with accompanying Privilege Log (MASTER SERVICES AGREEMENT 00001-00013)			
A40.	Letter from Pfau dated December 24, 2014			
A41.	Affidavit of Jessica Gandy, Esq. re: inspection of Backstage Deli on October 24, 2017			
A42.	Color Photographs of Backstage Deli taken on October 24, 2017 (DME INSPECTION PHOTOS 00001-00042)	12/10/18	Srip	12/10/18
A43.	Medical & Billing records from Encore Rehabilitation (ENCORE REHAB 00002-00054)			
A44.	Pride Invoice No. 12102894, dated September 30, 2014 (PMPC000001-000007)			
A45.	Pride Victory 10 Specifications (PMPC000008-000009)			
A46.	Pride Owner Manual – Victory Series (PMPC000012-000063)			
A47.	Consumer Safety Guide (PRIDE000158-000181)			
A48.	Test Report from Ammer Consulting & Curriculum Vitae, Fee Schedule, List of Prior Deposition and Trial Testimony (PRIDE 000346-000351)			
A49.	Bill Ammer's Initial Expert Report and Addendum to Initial Expert Report			
A50.	Bill Ammer's Rebuttal Expert Report			
A51.	Clifford Segil, DO's Curriculum Vitae, Fee Schedule, List of Prior Deposition and Trial Testimony			

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
A52.	Aubrey Corwin's Curriculum Vitae, Fee Schedule, List of Prior Deposition and Trial Testimony			
A53.	Victory Owners Manual (PMPC000012-63)			
A54.	DME Scooters & Wheelchairs (HARRISON 4155-4156)			
A55	Timeline of incident			
A56	Timeline of medical care			
A57	Charts, diagrams, anatomical renderings, medical illustrations and animations as needed			
A58	The subject table			
A59	An exemplar scooter			
A60.	Backstage Deli Layout with dimensions			
A61.	Medical records from Simon Williamson Clinic (HARRISON 4749-4846)			
A62.	Medical records from Spring Valley Hospital (HARRISON 28, 365, and 620)			
A63.	Medical records from Claude Osula, MD (HARRISON 4004-4110)			
A64.	Plaintiff's deli inspection photos (HARRISON 4847-4930)			
A65.	Pride Mobility's inspection photos (HARRISON 3665-3758)			
	Deposition transcript of Vivia Harrison			
	Deposition transcript of Stan Sawamoto			
	Deposition transcript of Diane Lucas			
	Deposition transcript of Rebecca Charles			
	Deposition transcript of Chuck Denmark			
	Deposition transcript of Lyndsi Stull			
Q61.013	Patient Medical History 1/23/13	12/13/18	NO	12/13/18
Q61.014	" " pg. 2			
Q61.019	" " 5/9/13			
Q61.020	" " pg. 2			
Q63.068	Patient Records			
Q61.092	assessment Plan			
Q63.071	Patient Records			
Q63.072	" " pg. 2			
Q63.020	Picture - Table	12/14/18	NO	12/14/18
Q63.009	Patient Records	12/18/18	NO	12/18/18
Q61.034	Followup Office Visit		SHR	
Q63.018	Patient Medical History		NO	
Q66.032	" " pg. 2		NO	

EXHIBIT(S) LIST

Case No.: A732342

Trial Date: 12/10/18

Dept. No.: XXIX

Judge: David Jones

Court Clerk: MICHAELA TAPIA

Plaintiff: Vivia Harrison

Recorder: Melissa Murphy-Delgado

Counsel for Plaintiff: Matthew Pfau

vs.

Defendant: MGM Resorts International

Boyd Moss

Counsel for Defendant: Loren Young,

Thomas Maroney, Courtney Christopher
Bruce Alverson

TRIAL BEFORE THE COURT

COURT'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted	
1	Note from Juror # 367	12/10/18	NO	12/10/18	WA
2	" " 353	↓	↓	↓	WA
3	" " 299	↓	↓	↓	WA
4	" " 163	12/11/18	NO	12/11/18	WA
5	" " 153	↓	↓	↓	WA
6	" " 384	↓	↓	↓	WA
7	" " 244	↓	↓	↓	WA
8	" " 162	↓	↓	↓	WA
9	" " 5	12/12/18	NO	12/12/18	WA
10	Question from Juror # 4 - asked	12/12/18	NO	12/12/18	WA
11	" " 6 - asked	12/13/18	NO	12/13/18	WA
12	" " 10 - asked	↓	NO	↓	WA
13	" " 10 - asked	12/14/18	NO	12/14/18	WA
14	" " 4 - not asked	↓	↓	↓	WA
15	" " 4 - asked	12/17/18	NO	12/17/18	WA
16	" " 4 - not asked	12/18/18	NO	12/18/18	WA
17	" " 6 - not asked	12/18/18	NO	12/18/18	WA
18	" " asked	12/19/18	NO	12/19/18	WA



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

BOYD B. MOSS III, ESQ.
4101 MEADOW LANE, STE 110
LAS VEGAS, NV 89107

DATE: June 6, 2019
CASE: A-16-732342-C

RE CASE: VIVIA HARRISON vs. RAMPART, INC. DBA LUXOR HOTEL & CASINO; DESERT MEDICAL EQUIPMENT; PRIDE MOBILITY PRODUCTS CORPORATION

NOTICE OF APPEAL FILED: June 4, 2019

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☐ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER DENYING PLAINTIFF'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING LUXOR AN ATTORNEY LIEN OFFSET; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

VIVIA HARRISON,

Plaintiff(s),

vs.

RAMPART, INC. DBA LUXOR HOTEL &
CASINO; DESERT MEDICAL EQUIPMENT;
PRIDE MOBILITY PRODUCTS
CORPORATION,

Defendant(s),

Case No: A-16-732342-C

Dept No: XXIX

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 6 day of June 2019.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

MOSS BERG INJURY LAWYERS

COST ACCOUNT
4101 MEADOWS LANE STE 110
LAS VEGAS, NEVADA 89107

CHASE
JPMorgan Chase Bank, N.A.
www.Chase.com

90-7162/9222

DEPOSIT

5/30/2019

PAY TO THE
ORDER OF

Clerk of The Supreme Court

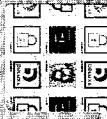
\$ 250.00

Two Hundred Fifty and 00/100

DOLLARS

MEMO

VIVIA HARRISON



[Signature]
AUTHORIZED SIGNATURE

⑈017511⑈ ⑆322271627⑆

622121650⑈

MOSS BERG INJURY LAWYERS

Clerk of The Supreme Court

17511

5/30/2019

250.00

Cost Chase #1650

VIVIA HARRISON

250.00

MOSS BERG INJURY LAWYERS

Clerk of The Supreme Court

17511

5/30/2019

250.00

Cost Chase #1650

VIVIA HARRISON

250.00