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EXHIBIT 20

DISTRICT COURT
CLARK COUNTY, NEVADA

JOYCE SEKERA, an Individual,

Plaintiff,

vs.

Case No. A-18-772761-C
Dept. 25

VENETIAN CASINO RESORT, LLC,
d/b/a THE VENETIAN LAS VEGAS,
a Nevada Limited Liability
Company; LAS VEGAS SANDS, LLC
d/b/a THE VENETIAN LAS VEGAS,
a Nevada Limited Liability
Company; YET UNKNOWN EMPLOYEE;
DOES I through X, inclusive,

Defendants.

DEPOSITION OF MILAN GRAOVAC

Taken at the Galliher Law Firm
1850 East Sahara Avenue, Suite 107
Las Vegas, Nevada 89104

On Monday, April 22, 2019
At 2:40 p.m.

Reported By: PAULINE C. MAY
CCR 286, RPR

1 APPEARANCES:

2 For the Plaintiff: KEITH E. GALLIHER, JR., ESQ.
3 Galliher Law Firm
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5 Las Vegas, Nevada 89104
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6 For the Defendants: MICHAEL A. ROYAL, ESQ.
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25 -oOo-

1 MIKI KUZMANOVIC, SERBIAN INTERPRETER,
2 having been first duly sworn to interpret Serbian into
3 English and English into Serbian, interpreted as
4 follows:

5 MILAN GRAOVAC,
6 having been first duly sworn to tell the truth, the
7 whole truth and nothing but the truth, was examined
8 and testified as follows:

9
10 EXAMINATION

11 BY MR. GALLIHER:

12 Q Would you state your name, please.

13 A Milan Graovac. M-i-l-a-n. Last name,
14 G-r-a-o-v-a-c.

15 Q Your address.

16 A 7660 West Eldorado, Apartment Number 140.
17 ZIP code is 89113.

18 Q Is that in Las Vegas?

19 A Yes.

20 Q Have you ever had your deposition taken
21 before?

22 A No.

23 Q Do you understand that you are under oath
24 today?

25 A Yes.

1 Q And the oath you've been given today carries
2 with it the same solemnity as if you were testifying
3 in court before a judge or a jury?

4 A Yes.

5 Q And it also carries with it the penalties of
6 perjury. Do you understand that?

7 A Yes, I understand.

8 Q How did you prepare for today's deposition?

9 A As soon as I got the paper, what I know I'll
10 tell you and what I don't, I don't.

11 Q Did you meet with anyone before today's
12 deposition to prepare?

13 A Yes, I met with the gentleman. He showed me
14 the picture of what happened and that's all.

15 Q All right. You said you met with the
16 gentleman, who was the gentleman in the room with us?

17 A Yes, it is.

18 Q That would be Mr. Royal and you say he
19 showed you a picture. Is that what we call the
20 surveillance video?

21 A Yes, it is.

22 Q And when you met with Mr. Royal, did you
23 bring your interpreter with you?

24 A It was a megaphone connected.

25 Q A what?

1 THE INTERPRETER: On the phone, he had
2 someone interpreting over the phone.

3 BY MR. GALLIHER:

4 Q All right. So who was the person who
5 interpreted over the phone?

6 A The girl, I don't know the name. Just a
7 girl that was interpreting. Her name, I don't
8 remember.

9 Q Did you arrange for the girl to be on the
10 phone to interpret, or someone else?

11 A I asked for interpreter because I'm not very
12 good in English, so they arrange it.

13 Q When you say "they," you are referring to
14 Mr. Royal's office?

15 A Where I was. If that's his office, that's
16 where it was. I'm not sure.

17 Q And how long were you in the office
18 preparing for your deposition?

19 A What I was asked, I answered, and it was
20 maybe half an hour to 40 minutes at most.

21 Q So your preparation consisted of meeting
22 with Mr. Royal, having an interpreter present,
23 responding to the questions and reviewing surveillance
24 video; is that right?

25 A That's correct.

1 Q How long have you worked at the Venetian?

2 A Twenty years.

3 Q And when you started at the Venetian, what
4 was your job title?

5 A Casino porter.

6 Q Is that still your job title?

7 A Yes, it is.

8 Q Have you remained with your same job title
9 over the past 20 years?

10 A Yes, it is.

11 Q In reviewing the surveillance video of this
12 fall, did you see yourself?

13 A Yes, I have. When I was watching it, I saw
14 myself.

15 Q Did you actually see the fall happen?

16 A When I was watching the video, then I saw
17 the fall. But they called us when there was a spill.

18 Q And when you say "they called us," do you
19 know who called you?

20 A My supervisor.

21 Q Who is your supervisor?

22 A Maybe Dina or somebody. They change them
23 every six months to a year.

24 Q You said Dina?

25 A Dina.

1 Q Is that a male or female?
 2 A Female.
 3 Q And you see the video. You are the person
 4 in the video that's holding the mop.
 5 A Yes. My colleague was holding it.
 6 Q All right, so your colleague was holding the
 7 mop?
 8 A Yes.
 9 Q So what did you do at the scene?
 10 A When the spill happens, they called for us
 11 to come immediately. If we don't have the equipment
 12 that we need to clean it, we got to stand there so
 13 nobody else -- nobody falls.
 14 Q So did you arrive at the scene before the
 15 colleague with the mop arrived at the scene?
 16 A Yes, I did.
 17 Q How long were you at the scene before the
 18 colleague with the mop arrived?
 19 A Very short. It was couple of minutes.
 20 Q Did you make any calls that day?
 21 A No, I didn't. They were calling us to come
 22 there and stand there.
 23 Q And did you bring any equipment with you to
 24 the scene?
 25 A No, because I don't know if I was in the

1 bathroom or just passing by when I heard that on the
 2 radio, so I came there. And maybe the rag was in my
 3 hand that I was cleaning the machines with.
 4 Q So the colleague that arrived with the mop,
 5 do you know his name?
 6 A David. I know that his name was David.
 7 Q So how long after you arrived at the scene
 8 did David arrive?
 9 A Very short time.
 10 Q What did David do with the mop?
 11 A I was standing on the left side next to the
 12 pillar and he was standing on the right side of me.
 13 Q And so what did he do with the mop?
 14 A I don't know if there was a drop of
 15 something there. He was looking down to see.
 16 Q Did you see him mop the floor?
 17 A Yes.
 18 Q Did you see him wring out the mop in the
 19 pail?
 20 A No.
 21 Q Did you see that on the video?
 22 A Yes.
 23 Q Have you ever used a mop at the Venetian to
 24 clean up a spill?
 25 A Yes. Not that particular one, but another

1 one.
 2 Q So in your 20 years, have you only used a
 3 mop once on a spill?
 4 A If it's soaked, then we wipe it up and then
 5 we take a small mop to go over it. For that
 6 particular time, it wasn't needed to do that.
 7 Q So I'm trying to get the answer.
 8 During the 20 years that you've worked at
 9 the Venetian, have you only cleaned up one spill with
 10 a mop?
 11 THE INTERPRETER: He still didn't answer
 12 your question. He said: People walk around with a
 13 cup and they spill. I warn them not to keep spilling
 14 it and I go over with them with a rag and I clean it
 15 after them.
 16 Would you like me to explain?
 17 BY MR. GALLIHER:
 18 Q We'll try a little different. Why is it
 19 that you immediately clean up the spill at the
 20 Venetian? And I presume you are talking about the
 21 marble floor.
 22 A Yes, marble floor.
 23 Q And is that because the floor becomes
 24 dangerous when it's wet?
 25 A They're very dangerous. Even one drop.

1 Q So tell me about that. What makes you think
 2 it becomes very dangerous with one drop?
 3 A The shoes, if it's -- you know, the shoes
 4 and contact with the shoes, and the drop of something
 5 on marble, it's like ice. You can slip and fall real
 6 easy.
 7 Q Have you, in your 20 years, ever seen
 8 anybody slip and fall on a wet spot at the Venetian on
 9 the marble floor?
 10 A No, I have not.
 11 Q Go back to the question earlier. During
 12 your 20 years, on how many occasions have you had to
 13 clean up a spill on the marble floor at the Venetian?
 14 A It's not every day. When they call us, we
 15 go and we clean it up.
 16 Q So can you give me your best estimate of,
 17 say, how many times a week you would clean up a spill
 18 at the Venetian on the marble floor?
 19 A Maybe once, maybe not at all. And I'm not
 20 the only one.
 21 Q And I think we had previous testimony
 22 regarding the number of PAD workers that were
 23 stationed on the marble floors at the ground floor at
 24 the Venetian.
 25 Do you know how many there are?

1 A On the marble floor? On the cleaning?
 2 Q How many are stationed for the marble floor?
 3 A There's six or eight stations in the casino.
 4 I'm the only one in my station.
 5 Q And how about the other stations? Do you
 6 only have one?
 7 A We have the first shift, second shift and
 8 third shift.
 9 Q How many people are stationed in each
 10 station?
 11 A Just one.
 12 Q So on the day of this fall, were you
 13 stationed in the restroom?
 14 A I think I was. I cannot guarantee.
 15 Q How often are you stationed in the restroom
 16 as a PAD employee at the Venetian?
 17 A I am there nonstop, my eight hours.
 18 Q All right. So would it be fair to state
 19 that in your time at the Venetian as a PAD employee,
 20 you've been principally stationed in the restroom?
 21 A Not all the time. We were being shifted
 22 around like every three months, six months, but now
 23 for a year we've been staying in the same place.
 24 Q And when you say you've been staying in the
 25 same place, where is that?

1 A Restroom Number 2.
 2 Q And Restroom Number 2 is off the marble
 3 flooring in the casino?
 4 A Yes, it is.
 5 Q So you've been stationed solely in Restroom
 6 Number 2 over the past year. And did you mention to
 7 me that you were in the restroom at the time that you
 8 learned about this fall?
 9 A Most likely I was working then there, but
 10 it's been more than two, two and a half years.
 11 Q When you say working then there, you mean
 12 working in Restroom Number 2?
 13 A Yes.
 14 Q So we'll say over the past five years, how
 15 would you allocate the time that you spent as a PAD
 16 employee at the Venetian in terms of the restroom
 17 versus other stations?
 18 A We have like a poker room close by that I go
 19 and I check two bathrooms there and immediately I go
 20 back to my station, and then I go to lunch for one
 21 hour and that's all.
 22 Q Is that your station for the past five
 23 years, you're stationed in Restroom Number 2?
 24 A Last one year. I was working in the garage.
 25 Q Working in where?

1 A In the garage.
 2 Q So how long did you work in the garage?
 3 A Six months or three months, you know. It
 4 depends.
 5 Q And where else have you worked in the
 6 Venetian as a PAD employee?
 7 A Casino.
 8 Q I'm talking about the past five years.
 9 A The garage, Las Vegas Boulevard, the casino
 10 station and the balconies, casino.
 11 Q When you talk about Las Vegas Boulevard,
 12 what does that mean?
 13 A We have -- towards the Las Vegas Boulevard,
 14 if there's anything, or any trash or anything, we have
 15 to clean it up.
 16 Q Is that outside work?
 17 A Yes, it is.
 18 Q Okay. So you work outside, you have worked
 19 in the garages, you've worked in Restroom Number 2 and
 20 then you said you worked in casino stations?
 21 A Yes, everywhere. We keep rotating.
 22 Q Is that correct in terms of all the
 23 locations you've worked at over the past five years?
 24 A Yes, it is.
 25 Q When you talked about the casino stations,

1 can you tell me where you are positioned when you are
 2 working with the casino stations?
 3 A Cleaning the machines, carpet, ashtrays for
 4 cigarettes, pick up the glasses from the machines, put
 5 them away. If there's any spill, we clean it up. If
 6 not, not.
 7 Q When you talk about spills, sounds like when
 8 you were working at the casino you are talking about
 9 spills on the carpeted areas.
 10 A If someone spills something on the carpet,
 11 then you got to stand there and the machine -- they
 12 bring the machine to vacuum it and special cleaning so
 13 that it's not wet anywhere there.
 14 Q So when you work in the casino station,
 15 would it be fair to say, when there are spills, the
 16 spills happen on carpet?
 17 A Yeah. I have to call the supervisor if
 18 there is a spill to send the machine over.
 19 Q But is it your experience, as a PAD employee
 20 in the casino station, that when you clean up the
 21 spill or someone cleans up the spill, it's on the
 22 carpet?
 23 A Yes, it is.
 24 Q So let's go back to the scene of this fall.
 25 You said you arrived, you were called to the scene.

1 Do you remember who called you?
 2 (Crosstalk.)
 3 THE COURT REPORTER: Wait, wait. Your words
 4 are drowning his out.
 5 BY MR. GALLIHER:
 6 Q Yeah. Wait until you finish to interpret.
 7 I know what you're trying to do here.
 8 A What I said is, Dina or some other
 9 supervisor -- but I know it was some other supervisor
 10 who called. I didn't remember the name.
 11 Q When you arrived at the scene, did you do
 12 anything in terms of cleaning up the spill or anything
 13 of that nature?
 14 A I couldn't clean anything because she was
 15 still sitting on the floor.
 16 Q So the answer to my question is you didn't
 17 do anything to clean up anything that day?
 18 A Nothing. We cannot touch it until the
 19 person is moved from there.
 20 Q And the only person you saw clean it up is
 21 David?
 22 A David was cleaning it behind her back, but
 23 we couldn't see anything there. The mop was kind of
 24 dry.
 25 Q And so did you actually watch David clean

1 the floor?
 2 A Yes, I did.
 3 Q So you then saw David take his mop and put
 4 it in the bucket and wring it out?
 5 A No, no.
 6 Q You didn't see that?
 7 A No.
 8 Q Did you see it on the video?
 9 A I think I have seen it, but I can't really
 10 recall it.
 11 Q What else did you do at the scene other than
 12 stand there?
 13 A I didn't do anything because I didn't see
 14 anything that I needed to do. But there's a
 15 possibility that when she's carrying her own glass,
 16 that something could have spilled from her own glass.
 17 Q And what glass was she carrying?
 18 A I think that she was carrying the white
 19 plastic glass, from what I've seen on the picture.
 20 Q And how is it that you assumed that she was
 21 carrying a glass and that's what resulted in water or
 22 liquid on the floor?
 23 A When she was falling in the picture, she
 24 threw away the glass from her hand.
 25 Q Did you see the top come off the cup?

1 A No, I didn't. The only way to see it, we
 2 looked at the video.
 3 Q Did you -- did you see any liquid on the
 4 floor after the fall?
 5 A I saw some drops from the liquid, I was
 6 telling her, but I've seen it on the video as well.
 7 Q All right. So you have seen drops of liquid
 8 on the floor when you came to the scene of the fall?
 9 A Yes, and they were reaching a little bit to
 10 the carpet as well.
 11 Q All right. So but you don't know where that
 12 liquid came from?
 13 A It cannot come from anywhere except from
 14 her. Yeah, you could see when she was there and the
 15 other guests are walking by, if there was a little
 16 more of liquid, some other guest could have slipped.
 17 Q But do you know whether there was any liquid
 18 on the floor before she fell?
 19 A You cannot see it because she was on the
 20 floor sitting, so you can't see it whether it was or
 21 not.
 22 Q So the answer to my question is, you don't
 23 know whether there was any liquid on the floor before
 24 the fall?
 25 A That's -- I couldn't have seen anything

1 then.
 2 Q All right. I want to make sure we're clear
 3 on this.
 4 A I am sure on myself.
 5 Q All right. So you do not know, as you
 6 testify here today, whether there was any liquid on
 7 the floor before the fall?
 8 A I don't know.
 9 Q All right. How long did you remain at the
 10 scene?
 11 A I didn't stay much there because David was
 12 there. I left the scene.
 13 Q So did you leave the scene after David
 14 arrived?
 15 A Yes. He came with a mop and I left.
 16 Q So how long after David arrived did you
 17 leave?
 18 A Very short time.
 19 Q Were you there when the EMT security guard
 20 arrived?
 21 A No, I don't think I was there.
 22 Q Did you leave your name with anyone?
 23 A No.
 24 Q Did anybody contacted you after the date of
 25 the fall to get a statement from you?

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1 A One time I went to see the -- to view the
2 footage, if I can remember anything, and that was such
3 a long time ago. But no.
4 Q So when did you go review the footage?
5 A Three or four months ago.
6 Q And it was at somewhere other than
7 Mr. Royal's office?
8 A This gentleman wasn't there. It was just a
9 secretary and in the office.
10 Q What office?
11 A This gentleman's office; yes.
12 Q So you went to Mr. Royal's office and you
13 watched the video with the secretary present?
14 A Well, where the secretary is sitting, that's
15 where I --
16 Q But that was at Mr. Royal's office?
17 A Where I was sitting with him, it was a
18 different office.
19 Q Was it the same location?
20 A Same location.
21 Q So apart from the two times you've seen the
22 surveillance video at Mr. Royal's office, have you
23 seen it anywhere else?
24 A No. Just with him at this office and the
25 lady's office.

Page 20

1 Q Have you told me everything you can remember
2 about the fall and your involvement in it?
3 A Everything.
4 Q Is there anything else that you can recall
5 about the fall that we haven't talked about?
6 A I wouldn't have anything, and I wouldn't
7 want to add anything that I'm not sure of and that I
8 don't know about.
9 Q Have you understood all my questions today?
10 A Yes, yes, I understood questions and my
11 translation.
12 Q And any questions you want me to repeat or
13 rephrase for you?
14 A Not really. What bugs me is when somebody
15 falls and won't move from that spot until security
16 comes so that we can see if there is any water or
17 anything there.
18 Q So what if that person is injured to the
19 point where they were unable to move?
20 A Then they should sit and wait and see who's
21 spilled that, whether it's their spill or somebody
22 else.
23 Q And is that what the lady you saw on the
24 floor did in this case?
25 A She was waiting for security and I left.

Page 21

1 When people are walking around with a glass
2 in their hand, they are looking around and a lot of
3 times they accidentally, you know, turn the glass and
4 start spilling. So we have to remind them to watch it
5 so that whatever they have, they don't spill around.
6 Q And that's because one drop on a marble
7 floor at the Venetian makes it extremely dangerous?
8 MR. ROYAL: Objection, foundation.
9 Go ahead.
10 THE WITNESS: Very dangerous.
11 MR. GALLIHER: Pass the witness.
12
13 EXAMINATION
14 BY MR. ROYAL:
15 Q When you reviewed footage of the incident,
16 did you have to leave the Venetian property?
17 A I continued to work after.
18 Q Okay. Today you are at a deposition. Did
19 you drive here?
20 A Yes, I have.
21 Q When you reviewed video either of the times
22 that you referenced in your responses to
23 Mr. Galliher's questions, did you ever have to drive
24 and leave the property?
25 A After I finished work, I drive home.

Page 22

1 Q Okay. Okay. When you first arrived at the
2 scene -- strike that. You know what? Hold on, strike
3 that.
4 I'm going to show you what has been
5 identified as VEN019, and this is a video and it's at
6 12:39:34.
7 MR. GALLIHER: If he's going to commentate,
8 I think we need to know what you're saying.
9 THE INTERPRETER: I'm going to come from the
10 left side.
11 BY MR. ROYAL:
12 Q So wait for a question. All right. At
13 12:39:34, I'm going to start this. I want you to
14 watch for yourself, okay? I stopped it at three --
15 sorry -- 12:39:36. Can you see yourself?
16 A Yes, right here.
17 Q Is that you in a PAD uniform?
18 A Yes, it is.
19 Q And there's a column to your right in at
20 least what's depicted here?
21 A Yes, it is.
22 Q Do you see a woman on the floor?
23 A Yes.
24 Q As you look at this, does this refresh your
25 memory about anything you've testified to?

7 (Pages 19 to 22)

1 A Yes, it does.
 2 Q In what way?
 3 A That when I came, I saw that she was
 4 sitting. I was bending my head to look at the spill
 5 and I didn't see any at all where I'm looking at.
 6 Q Did you look anywhere else in this area for
 7 a spill?
 8 A That part, the part over there, I couldn't
 9 see it.
 10 Q Okay.
 11 A I'm moving.
 12 Q Hold on. I'm going to let it run from that
 13 point. I'm going to stop it at 12:39:51.
 14 Do you see David?
 15 A I think that's David there.
 16 Q Okay. And that would be at the top right
 17 area of this stopped video?
 18 A Yeah.
 19 Q Do you see someone else from PAD there?
 20 A I think Maria is her name.
 21 Q Okay. Do you know Maria's last name?
 22 A No. On the last name, I don't.
 23 Q I'm going to now run it a little further.
 24 I'm going to stop it at 12:39:55.
 25 A They took a mop and they started to clean.

1 See how he's bending his head looking for a spill?
 2 Q Okay. You are still there at 12:39:53?
 3 A Yes, I am.
 4 Q 55, I should say.
 5 Were you watching David mop at this time?
 6 A I was standing there so nobody walks into it
 7 to protect the area.
 8 Q Okay. Did you see anything on the floor
 9 where David was mopping at this particular point, at
 10 12:39:55?
 11 A We have to check and then go over it just in
 12 case there is something.
 13 Q Okay. Starting again, okay. I'm going to
 14 stop it at 12:40:01. You were just doing something
 15 with your foot. Do you recall? I'm going to go
 16 backward.
 17 A I was showing that there was a little bit
 18 there where it had spilled from her glass.
 19 Q Okay. So at 12:39:57, I'm going to start
 20 it. I want you to watch yourself.
 21 A Okay.
 22 Q Pointing with your foot. I'll stop it at
 23 12:40:01. Do you remember having a conversation with
 24 David?
 25 A Yeah. What I said was -- and he told me to

1 stand there so that nobody goes into it.
 2 Q Okay. Now at 12:40:04, you have now left.
 3 A Yes, to my station.
 4 Q Okay. Now, David's mop at that point is in
 5 the area where you are pointing with your foot
 6 earlier.
 7 A Yes, it is.
 8 Now he's draining it.
 9 Q Okay. So at any time, do you specifically
 10 recall seeing something on the floor other than the
 11 woman sitting?
 12 A Not really. The only thing it could be was
 13 that there was a little -- a little spill from a glass
 14 that would be on the floor.
 15 Q What glass do you have -- but did you
 16 actually see anything on the floor?
 17 A When I came there, only her spill would be
 18 from the white coffee or something.
 19 Q Did you talk with Maria or David after the
 20 incident?
 21 A No. We don't talk about that.
 22 Q You said you worked in the casino area and
 23 there's a lot of carpet. Is there also a marble floor
 24 that goes through the casino area?
 25 A Marble is usually when you're going towards

1 the exit or to front desk or sports book.
 2 Q I see. When you were working Restroom 2, I
 3 think you testified that you also do poker the
 4 restroom.
 5 A Yes. That's the same job that I have.
 6 Q Okay. And how far away are the restrooms
 7 between the poker rooms and the one by the Grand Lux
 8 in the casino area?
 9 A Three or four machines, maybe one table, and
 10 then I move into poker room about 20 yards, my first
 11 room on the right.
 12 When I finish with that one, I go further
 13 forward on the corner on the left, and then further
 14 forward on the right side. I check what I need to do,
 15 I have some paper and then I go back.
 16 Q I see, okay. In between the two restrooms,
 17 as you walk in between, do you have any kind of
 18 responsibility?
 19 A If I see anything in the way of spill or
 20 dirty papers or anything, I'm supposed to take care of
 21 it. I need to clean it up.
 22 Q In your experience in your 20 years at the
 23 Venetian as a PAD employee, what are some of the
 24 reasons that you have to use a mop as a PAD employee?
 25 A To pick up spill and clean it so

1 everything's okay.
 2 Q Do you use a mop in the bathrooms?
 3 A Yes.
 4 Q Do you only use it in the bathroom if
 5 there's a spill, or do you use it for other reasons?
 6 A The complete cleaning for the floor and
 7 everything.
 8 Q In your experience as a Venetian PAD
 9 employee, how important is it to you to maintain the
 10 floors in the course of your duties?
 11 MR. GALLIHER: Objection, foundation.
 12 But you can answer.
 13 THE WITNESS: To me, it's the most important
 14 because of the company and because of me so that
 15 nobody can fall down.
 16 BY MR. ROYAL:
 17 Q All right. And you saw the woman on the
 18 floor when you got to the scene?
 19 A Yes.
 20 Q How many times have you seen that occur in
 21 your 20 years?
 22 A Maybe I've seen a couple of times. It
 23 doesn't happen to all the stations. I can be here and
 24 it could happen half of the casino, so I don't go all
 25 the way there to look.

1 Q I'm just asking about what you have
 2 personally seen.
 3 A Personally that I've seen, maybe two times.
 4 Q All right. Would this be one of those two
 5 times?
 6 A I'm including this time as the second time.
 7 Q All right. Thank you.
 8
 9 FURTHER EXAMINATION
 10 BY MR. GALLIHER:
 11 Q So let me clarify this. So in the 20 years
 12 you've worked at the Venetian as a PAD employee, you
 13 have seen two falls on the marble floors with liquid?
 14 A That's for sure. Two times, but not more.
 15 Q Two times at the most?
 16 A From all these 20 years that since I started
 17 working.
 18 Q And you've never seen or heard of any other
 19 falls, other than the two that you've witnessed, of
 20 the marble?
 21 A Only what I see with my eyes I believe it's
 22 true, but not what else you talk about.
 23 Q All right. So I want to make sure we're
 24 clear. Two falls at the most?
 25 A At the most, me personally with my eyes.

1 Q Is the poker room carpeted?
 2 A Yes. There's one circle of marble and,
 3 yeah, it's a combination. They're like little squares
 4 of marble and then carpet and so on, repeated like
 5 that.
 6 Q How about where the players walk and sit?
 7 A That's carpet there.
 8 Q And would that also be true of the casino?
 9 A Where the machines are, the casino, yes, and
 10 tables too.
 11 Q So wherever the players walk or sit is
 12 carpeted in the casino?
 13 A Yes.
 14 Q I think you testified earlier that as a PAD
 15 employee, you've used a mop on a number of occasions;
 16 is that right?
 17 A That mop that we use when there's a spill
 18 outside of the bathroom. But if it's being used in
 19 the bathroom, it's not being used outside of the
 20 bathroom.
 21 Q I want to make sure we're clear on this. In
 22 your 20 years, you've presumed you've used a mop in
 23 your 20 years as PAD employee.
 24 A If something dirty. There's no people, no
 25 spill, I've never used it.

1 Q So let's try this again. In your 20 years
 2 as a PAD employee at the Venetian, have you used a mop
 3 and a bucket?
 4 A I always use it in the bathroom and then if
 5 there's a spill outside.
 6 Q So on how many occasions would you say
 7 you've used your mop and bucket in the last 20 years?
 8 A When I'm working in the bathroom, I use it
 9 more than five times a day, maybe 10 times a day
 10 because of urinary.
 11 Q And so when we talk about using it in the
 12 bathroom, you've used the mop to clean up liquids?
 13 A Yes.
 14 Q And then after you clean up the liquids,
 15 what do you do with the mop and your bucket?
 16 A I wash it in a bucket, I change the water.
 17 Q Do you wring out the mop?
 18 A Of course.
 19 MR. GALLIHER: Pass the witness.
 20 THE WITNESS: I can't allow it if somebody
 21 falls, then I carry it on myself.
 22
 23 FURTHER EXAMINATION
 24 BY MR. ROYAL:
 25 Q In the times you've used -- or strike that.

1 Do you also use a mop to clean up scuffs?
 2 A Yeah. You have to clean it.
 3 Q Have you ever used a mop as a precautionary
 4 measure?
 5 MR. GALLIHER: Objection, vague.
 6 You may answer.
 7 THE WITNESS: If there's anything dirty, any
 8 spill, I have to. I cannot leave it dirty anywhere.
 9 BY MR. ROYAL:
 10 Q You don't -- you don't -- when David was
 11 using a mop in this case or in this instance, when you
 12 arrived at the scene, you didn't see what he was
 13 mopping up; correct?
 14 A If there was a spill, I guarantee that I
 15 would have seen it. If it was a lot of spill, yeah,
 16 you would have seen a lot of spill.
 17 If they spill a big glass, it would be the
 18 size of half of this table, the area.
 19 Q Okay. You didn't see -- strike that.
 20 Did you see anything that looked like water
 21 in the area on the floor when you were there?
 22 A No.
 23 MR. ROYAL: That's it.
 24
 25 /////

1 wearing; right?
 2 A No, I don't. And I cannot even ask.
 3 MR. GALLIHER: Thank you. Nothing further.
 4 MR. ROYAL: That's it for me.
 5 MR. GALLIHER: All right. Thanks very much,
 6 sir.
 7 (The deposition concluded at 3:35 p.m.)
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1 FURTHER EXAMINATION
 2 BY MR. GALLIHER:
 3 Q But a little spot of water at that location
 4 would have made that lady fall; right?
 5 MR. ROYAL: Objection, form; calls for
 6 speculation.
 7 BY MR. GALLIHER:
 8 Q You may answer.
 9 A Depends on the shoes.
 10 Q So what would make a difference in her
 11 shoes?
 12 A Some shoes that are easily -- you slip with.
 13 Q Some shoes that would easily slip on a spot
 14 of water?
 15 A One drop you can slip if the shoe is not
 16 good.
 17 Q So one drop you can slip on the shoes on the
 18 marble floor at the Venetian if the shoe wasn't good?
 19 MR. ROYAL: Objection, foundation.
 20 THE WITNESS: Yes, you could.
 21 BY MR. GALLIHER:
 22 Q So did you look carefully at this lady's
 23 shoes?
 24 A No.
 25 Q So you don't know what shoes she was

REPORTER'S DECLARATION

STATE OF NEVADA)
COUNTY OF CLARK)

I, Pauline C. May, CCR No. 286, declare as follows:

That I reported the taking of the deposition of the witness, MILAN GRAOVAC, commencing on Monday, April 22, 2019 at the hour of 2:40 p.m.

That prior to being examined, the witness was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth.

That I thereafter transcribed said shorthand notes into typewriting and that the typewritten transcript of said deposition is a complete, true and accurate transcription of said shorthand notes taken down at said time, and that a request has not been made to review the transcript.

I further declare that I am not a relative or employee of counsel of any party involved in said action, nor a relative or employee of the parties involved in said action, nor a person financially interested in the action.

Dated at Las Vegas, Nevada this _____ day of _____, 2019.

Pauline C. May, CCR 286, RPR

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EXHIBIT 24

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ELIZABETH ROWLAND,

Plaintiff,

vs.

PARIS LAS VEGAS; CAESARS

ENTERTAINMENT OPERATING

COMPANY, INC., and DOES 1 TO 25,

Defendants

Case No.: 13CV2630 GPC (DHB)

**JOINT MOTION TO COMPEL
COMPLIANCE WITH DISCOVERY
REQUESTS**

Dept.: 2D

Judge: Hon. Gonzalo P. Curiel

Magistrate Judge: Hon. David H. Bartick

Filed: 9/6/13

Plaintiff Elizabeth Rowland ("Rowland") and defendant Paris Las Vegas Operating Company, LLC ("Paris Las Vegas") respectfully submit this joint motion to compel compliance with discovery requests served by Rowland upon Paris Las Vegas.

I.

FACTUAL BACKGROUND

On April 27, 2015, Rowland served Interrogatories (Set One), Request for Production of Documents (Set One), and Requests for Admissions (Set One), upon Paris Las Vegas. A true and correct copy of the written discovery is attached hereto as **Exhibit A**. On May 27, 2015, Paris Las

Vegas served by mail its responses to this written discovery. A true and correct copy of the responses to this written discovery is attached hereto as **Exhibit B**. On June 1, 2015, Rowland sent a meet-and-confer letter to Paris Las Vegas. A true and correct copy of the meet-and-confer letter is attached hereto as **Exhibit C**. Paris Las Vegas refused to respond in writing, and instead attended an in-person meet-and-confer on June 15, 2015. Shortly thereafter, Paris Las Vegas sent a written meet-and-confer response, a true and correct copy of which is attached hereto as **Exhibit D**.

II.

DISCOVERY IN DISPUTE

A. Interrogatories (Set One)

(1) Plaintiff's Position

Counsel for Paris Las Vegas claims an attorney-client relationship with each and every employee of Paris Las Vegas, past and present, and specifically instructed counsel for Rowland not to communicate with any employee, past and present, other than through defense counsel's office. True and correct copies of emails from counsel for Paris Las Vegas are attached hereto as **Exhibit E**. Despite the existing attorney-client relationship between its counsel and its employees, Paris Las Vegas refuses to state the facts known by each of its employees. (See Interrogatories (Set One) Nos. 1, 2, 6, 7, 8, 9, 10, and 11; see also Responses to Interrogatories (Set One).) Following meet-and-confer, Paris Las Vegas served further responses, but none of the further responses stated any facts.

During meet-and-confer, counsel for Paris Las Vegas explained he is not required to state the facts known by his clients because those clients are available for deposition. Counsel is incorrect. A party is required to state all known facts in response to written discovery. Paris Las Vegas is a limited liability company comprised of its employees, agents, etc. Counsel for Paris Las Vegas claims an attorney-client relationship with each such employee, agent, etc. As such, Paris Las Vegas is required to state all facts known by its employees, agents, etc., especially in light of the existing attorney-client relationship. To hold otherwise would allow defendants to sidestep written discovery by claiming "just take our depositions," needlessly increasing the cost of discovery for plaintiffs.

Rowland also asked Paris Las Vegas to identify each person who previously complained, reported, or otherwise informed Paris Las Vegas that the tile floors in the hotel rooms of the hotel were slippery. (See Interrogatories (Set One) No. 5.) This interrogatory relates to the issue of prior notice of the slippery condition of the tile floor. Paris Las Vegas refused to identify any persons, and instead asserted meritless objections and privilege claims. (See Response to Interrogatories (Set One) No. 5.) Paris Las Vegas is obviously trying to conceal its prior knowledge of the slippery condition of the tile floor.

Based on the foregoing, the Court should order Paris Las Vegas to serve further responses to Interrogatories (Set One) Nos. 1, 2, 6, 7, 8, 9, 10, and 11, stating the facts known by each employee and/or agent of Paris Las Vegas, for which counsel asserted an attorney-client relationship. Paris Las Vegas should also be ordered to provide a further response to Interrogatories (Set One) No. 5, stating the name, address, and telephone number of each person who complained, reported, or otherwise informed Paris Las Vegas that the tile floor was slippery.

(2) Defendant's Position

* Defendant refused to provide its contribution to this joint motion. Today is the 45-day deadline, with three extra days for service by mail. Defendant refused to extend the deadline, so Plaintiff notified the court by telephone of the situation and filed this motion without Defendant's contribution.

B. Requests for Production of Documents

(1) Plaintiff's Position

Rowland requested production of all documents relating to prior complaints, reports, or information received by Paris Las Vegas that the tile floors in the hotel rooms were slippery. (See Request for Production (Set One) Nos. 5, 6, and 7.) This request goes to the issue of prior notice of the slippery condition of the tile floor. Paris Las Vegas refused to produce any such documents, and instead asserted meritless objections and privilege claims. (See Response to Request for Production of Documents (Set One) No. 5, 6, and 7.) Paris Las Vegas is obviously trying to conceal its prior knowledge of complaints, reports, and information relating to the slippery condition of the tile floor.

Rowland also requested production of documents relating to Paris Las Vegas' factual and legal contentions. (See Requests for Production (Set One) Nos. 8, 9, 10, 11, 12, and 13.) Contention interrogatories and requests for production of documents relating to contentions are commonplace in litigation. Paris Las Vegas' took the position that "we have not made any contentions." (See Response to Request for Production (Set One) Nos. 8, 9, 10, 11, 12, and 13.) Paris Las Vegas did, in fact, answer Rowland's complaint, specifically denying all Rowland's allegations. As such, Paris Las Vegas asserted "contentions," i.e., that Rowland's allegations are not true. Paris Las Vegas also objected on the basis of "expert opinion" even though the expert disclosure deadline has passed. Paris Las Vegas is required to produce the documents supporting its contentions, i.e., denials, of Rowland's allegations, including documents known to its experts.

Based on the foregoing, the Court should order Paris Las Vegas to serve further responses, and produce documents, in response to Requests for Production of Documents (Set One) Nos. 5, 6, 7, 8, 9, 10, 11, 12, and 13.

(2) Defendant's Position

* Defendant refused to provide its contribution to this joint motion. Today is the 45-day deadline, with three extra days for service by mail. Defendant refused to extend the deadline, so Plaintiff notified the court by telephone of the situation and filed this motion without Defendant's contribution.

C. Requests for Admission (Set One)

(1) Plaintiff's Position

Rowland requested that Paris Las Vegas admit that it owned, operated, maintained, and controlled the hotel commonly known as Paris Las Vegas Hotel & Casino at the time of the incident. (See Requests for Admission (Set One) Nos. 1, 2, 3, and 4.) Paris Las Vegas admitted it is currently the owner and operator, but refuses to admit or deny that it owned, operated, maintained, and controlled the hotel at the time of the incident. (See Responses to Requests for Admission (Set One) Nos. 1, 2, 3, and 4.) Following meet-and-confer, Paris Las Vegas served further responses to Nos. 1 and 2, but still did not respond as of "the time of the incident."

Rowland also requested that Paris Las Vegas admit it received prior complaints, reports, or information indicating the tile floor in the hotel rooms was slippery. (See Requests for Admission (Set One) No. 10.) This request relates to the issue of prior notice of the slippery condition of the tile floor. Paris Las Vegas refused to admit or deny the request, and instead asserted meritless objections. (See Response to Requests for Admission (Set One) No. 10.) Paris Las Vegas is obviously trying to conceal its prior notice of complaints, reports, or information relating to the slippery condition of the tile floor.

Based on the foregoing, the Court should order Paris Las Vegas to serve further responses to Requests for Admission (Set One) Nos. 1, 2, 3, 4, and 10.

(2) Defendant's Position

* Defendant refused to provide its contribution to this joint motion. Today is the 45-day deadline, with three extra days for service by mail. Defendant refused to extend the deadline, so Plaintiff notified the court by telephone of the situation and filed this motion without Defendant's contribution.

III.

CONCLUSION

A. Plaintiff's Position

Based on the foregoing, Plaintiff respectfully requests the court issue an order compelling Defendant to provide further responses to Interrogatories (Set One) Nos. 1, 2, 5, 6, 7, 8, 9, 10, and 11. Also based on the foregoing, the Court should order Paris Las Vegas to serve further responses, and produce documents, in response to Requests for Production of Documents (Set One) Nos. 5, 6, 7, 8, 9, 10, 11, 12, and 13. Also Based on the foregoing, the Court should order Paris Las Vegas to serve further responses to Requests for Admission (Set One) Nos. 1, 2, 3, 4, and 10.

B. Defendant's Position

* Defendant refused to provide its contribution to this joint motion. Today is the 45-day deadline, plus three days for service by mail, so Plaintiff notified the court by telephone of this situation, and filed this motion without Defendant's contribution.

///

CERTIFICATE OF COMPLIANCE (SD Cal Civ LR 26.1(b))

In accordance with Local Rule 26.1(a), counsel for the respective parties to this joint motion, whose signatures appear below, met and conferred in person on June 15, 2015, to discuss the written discovery set forth above. The parties could not resolve the discovery dispute, thus requiring this joint motion.

DATED: July 13, 2015

LAW OFFICES OF DANIEL J. WILLIAMS

By: /s/ Daniel J. Williams

Daniel J. Williams
Attorneys for Plaintiff
ELIZABETH ROWLAND

DATED: _____

SWEENEY GREENE & ROBERTS

By: _____

Maria C. Roberts
Ryan Blackstone-Gardner
Andrew C. Myers
Attorneys for Defendants Caesars
Entertainment Corporation and Paris
Las Vegas Operating Company, LLC
(erroneously named herein as Paris Las
Vegas Propco, LLC)

EXHIBIT 25

NV S. Comm. Min., 4/5/2005

Nevada Senate Committee Minutes, April 5, 2005

April 5, 2005

Nevada Senate Committee on Commerce and Labor
Seventy-Third Session, 2005

The Senate Committee on Commerce and Labor was called to order by Chair Randolph J. Townsend at 8:02 a.m. on Tuesday, April 5, 2005, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4406, 555 East Washington Avenue, Las Vegas, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Randolph J. Townsend, Chair

Senator Warren B. Hardy II, Vice Chair

Senator Sandra J. Tiffany

Senator Joe Heck

Senator Michael Schneider

Senator Maggie Carlton

Senator John Lee

STAFF MEMBERS PRESENT:

Kelly Gregory, Committee Policy Analyst

Kevin Powers, Committee Counsel

Scott Young, Committee Policy Analyst

Shirley Parks, Committee Secretary

OTHERS PRESENT:

Raymond L. Badger, Nevada Trial Lawyers Association

Marvin Gross, Nevada Trial Lawyers Association

John (Jack) E. Jeffrey, Southern Nevada Building and Construction Trades

Danny L. Thompson, Nevada State American Federation of Labor - Congress of Industrial Organizations

Nancyann Leeder, Nevada Attorney for Injured Workers, Department of Business and Industry

Robert A. Ostrovsky, Employer's Insurance Company of Nevada, a Mutual Company

Don Jayne, Nevada Self Insurers Association

Paul J. Enos, Retail Association of Nevada

Daryl E. Capurro, Nevada Motor Transport Association

James Wilcher, International Association of Rehabilitation Professionals
Bobbette Bond, Hotel Employees and Restaurant Employees International Union Welfare Fund
David Kallas, Las Vegas Police Protective Association; Police Managers and Supervisors Association
Raymond McAllister, Professional Firefighters of Nevada
Ronald P. Dreher, Peace Officers Research Association of Nevada
Bill Welch, Nevada Hospital Association
Marilyn Skibinski, Regulatory Manager, Bureau of Consumer Protection, Office of the Attorney General
Kathleen Delaney, Deputy Attorney General, Bureau of Consumer Protection, Office of the Attorney General
James Jackson, Consumer Data Industry Association
Cheryl Blomstrom, Nevada Consumer Finance Association
Chris MacKenzie, American Express
William R. Uffelman, Nevada Bankers Association
James F. Nadeau, Nevada Association of Realtors
Renny Ashleman, Southern Nevada Home Builders Association
Richard L. Peel, Mechanical Contractors of America of Southern Nevada, Incorporated
Steve G. Holloway, Associated General Contractors, Las Vegas Chapter
Richard Lisle, Mechanical Contractors of America of Southern Nevada, Incorporated
Berlyn D. Miller, Nevada Contractors Association
William Buzz Harris, Nevada State Contractors' Board

CHAIR TOWNSEND:

I will open the hearing on Senate Bill (S.B.) 225

SENATE BILL 225: Making various changes relating to industrial insurance. (BDR 53-975)

RAYMOND L. BADGER (Nevada Trial Lawyers Association):

I am an attorney in Carson City. I have Marvin Gross of Las Vegas with me. He is an attorney who practices primarily with injured workers. He will present a part of the bill that deals with independent medical examinations, and I will present the part on vocational rehabilitation.

MARVIN GROSS (Nevada Trial Lawyers Association):

The provisions of this bill would accomplish two things. They would allow the injured worker to seek an independent evaluation if denied continuing medical treatment, compensation for temporary total disability or vocational rehabilitation benefits. It also allows the results of an independent medical examination admitted and considered as evidence for proof of the same issue. The law as it currently exists does not allow a hearing officer or a appeals officer to rely on any other evidence the injured worker may provide indicating the need for additional treatment.

Sections 7 and 10 of the bill show proof under the *Nevada Revised Statutes (NRS) 616C.475* and *616C.590* that additional compensation benefits for inability to return to a former occupation can only be made by the individual previously designated as the injured person's treating physician. This section of S.B. 225 would allow the injured worker to seek an opinion from another doctor. If there is a recommendation from the doctor stating the need for more treatment, this opinion would be given equal weight with the original doctor's position. This bill would bring a fairer approach to the injured worker's follow-up treatment.

MR. BADGER:

I want to make a clarification on Exhibit D that I handed out earlier. On line 36 of the amendment, it states: "... the provider is entitled to be paid not more than the amount which is allowed for the treatment" I assume this would happen if the patient is paying or if the health plan is paying. This certainly is our intent.

CHAIR TOWNSEND:

Mr. Powers, your draft with the new language for the bill is admirable. We will close the hearing on S.B. 226 and open the hearing on S.B. 435.

SENATE BILL 435: Enacts provisions relating to security of personal information. (BDR 52-571)

MARILYN SKIBINSKI (Regulatory Manager, Bureau of Consumer Protection, Office of the Attorney General):

I am here on behalf of Attorney General Brian Sandoval. He requested this bill to protect personal information held by certain businesses to address identity theft and to ensure security breaches of business databases containing personal information will be disclosed to the persons affected by the breach. The need for this bill was highlighted recently in an incident involving ChoicePoint, Incorporated, which is an Atlanta company providing consumer data services to insurance companies, other businesses and government agencies. Individuals posed as legitimate businesses in order to obtain personal information maintained in the company's database. Among the data available through the company services, and possibly accessed by the criminals, are consumers' names, addresses, social security numbers and credit reports. Several fraudulent accounts were set up and the personal information of more than 145,000 individuals was compromised; 739 of those individuals were Nevadans. When this happened, California was the only state with legislation requiring companies to notify its residents when their personal data had been compromised. Therefore, ChoicePoint, Incorporated, originally notified 35,000 California residents who were affected by the security breach that their personal data was stolen. Other states, including Nevada, became aware of the problem and were able to put pressure on ChoicePoint to notify everyone affected by the scam. The company then notified approximately 110,000 people outside the state of California that their data had been compromised. Attorney General Sandoval made a public promise to seek legislation to require businesses to provide notification of security breaches of personal data to those affected by the breach. He enlisted the help of consumer advocate Adriana Escobar-Chanos who has offered her full support and any needed assistance for passage of S.B. 435. The bill provides measures to be implemented by businesses relating to the security of personal information. This morning, Kathleen Delaney, Deputy Attorney General, Bureau of Consumer Protection, in Las Vegas is here to explain the bill and walk you through the bill if you would like.

CHAIR TOWNSEND:

Senator Wiener has a bill that is identical and is in the Senate Committee on Judiciary next week.

MS. SKIBINSKI:

There are several bills addressing this topic. There may be some differences. I know Ms. Delaney has reviewed this bill and may be able to explain any differences between the two.

CHAIR TOWNSEND:

There are additions including penalties for defrauding the elderly and changes in requirements for credit card issuers and creating penalties for financial forgeries to laboratories. We do not want to do this twice. You might want to pull up this bill and do a quick analysis. I do not want to take away jurisdiction of the Judiciary Committee on issues much broader relative to theft.

KATHLEEN DELANEY (Deputy Attorney General, Bureau of Consumer Protection, Office of the Attorney General):

I will try to address the Chair's question for the purposes of S.B. 435. There is some significant overlap with these bills with regard to data collectors providing notices to consumers upon a breach of their personal information. Both bills were in the pipeline at the same time. I discussed this matter with Senator Wiener briefly. Our largest concern is that her bill did not contain two provisions we see as very important which are in our bill. The overlap occurs with the requirement to provide notification of a breach of security. With what our bill contains, we would be more than pleased if Senator Wiener is amenable to amend the provisions we are concerned about in her bill or in some way take on this responsibility in our bill with an amendment, whatever are her preferences. The two key provisions apply to data collectors and require reasonable security measures be taken to maintain the data while they have it and to ensure that anyone they contract with as a subcontractor, having access to the data, also take those reasonable measures. These are efforts to help prevent a breach rather than deal with the breach after it has occurred. The other measure applies more broadly. It requires that any business having personal data and no longer maintaining those records will take reasonable steps to dispose of the records properly. These provisions are very important, and this is why they are included in our bill. I have one minor amendment to propose based on how the bill was introduced and a miscommunication (Exhibit E).

SENATOR LEE:

Concerning section 9, subsection 1, "... following discovery or notification of the breach ...," is there a period of time that notification takes place? Is it immediate or within three days? I am looking for the time limit and when the notification begins.

MS. DELANEY:

In the same subsection 1 of section 9, the requirement is that the response be expedient and without unreasonable delay. We did not want to overly burden these companies to put a specific time requirement on it, because it will depend on the number of consumers whose personal information is involved and other factors. If there is no impediment with the law enforcement investigation that may be involved, notification will be done promptly.

SENATOR LEE

Is my opinion of "expedient and without reasonable delay" going to hold up in a court of law? Because I am a business owner, I would like something more defined as to my responsibility within a certain time limit. As someone whose personal data may have been breached, I would like to know the amount of time before I could expect to be notified. This is a concern of mine.

MS. DELANEY:

The understanding of not having a specific reference is an advantage to the business in order to allow the business to make its determination of the extent of the breach and to give the appropriate notification to those involved.

A point of clarification is Exhibit E; the changes are to sections 7 and 8 and are underlined for clarification for the Committee. These are minor changes to effectuate the original intent of the Office of the Attorney General.

JAMES JACKSON (Consumer Data Industry Association):

I represent the Consumer Data Industry Association (CDIA). I want to apologize to the Committee; I provided a proposed amendment and did not put my name on it.

CHAIR TOWNSEND:

When paperwork is submitted by someone without a name on it, it will not be accepted by the Committee. This is a posted rule.

MR. JACKSON:

We support the concept of S.B. 435. Senate Bill 347 goes beyond this and contains criminal provisions. The document that I have provided to the Committee on behalf of the CDIA proposes coordination in terms of timing for distribution and content of the notices (Exhibit F). With respect to section 11 in the current draft of the bill, we are requesting the enforcement of the notification procedure in the hands of the Office of the Attorney General. Administratively, this would be correct.

SENATE BILL 347: Makes various changes concerning personal identifying information. (BDR 15-15)

CHERYL BLOMSTROM (Nevada Consumer Finance Association):

The Nevada Consumer Finance Association echoes Mr. Jackson's comments. In addition to those comments, we would add two amendments (Exhibit G). We would amend section 3, on page 2, on line 8, by adding the words, "materially compromises the security," so that we are looking at a material breach as opposed to insignificant breach. Additionally, we would like to amend section 6, page 3, on line 26, by adding, "or widely distributed media" so that information that is generally available in a broad distribution such as the Internet would not be subject to the provision. We ask that the bill be amended to include an effective date of January 1, 2006. Time will be needed to revise and execute the contracts. And, we would like a July 1, 2006, effective date to provide time for compliance to accept penalties as imposed.

CHRIS MACKENZIE (American Express):

My clients have some concern regarding this bill. In terms of operating nationwide, there has been some federal legislation recently enacted addressing these topics and more specifically to financial institutions. I have an amendment proposal (Exhibit H). The amendment seeks to unify the legislation for all businesses subject to federal legislation. If they satisfy this legislation, they would then be in compliance with sections 7 and 8 of S.B. 435. We are concerned that there will be 51 different standards, one federal standard and those of each of the 50 states. This is the basis for wanting a uniform statement. Mr. Uffelman, on behalf of the banking industry, has provided a packet with further federal information (Exhibit I, original is on file at the Research Library).

WILLIAM R. UFFELMAN (Nevada Bankers Association):

I have provided an amendment today (Exhibit J). Basically, we ask you to remember that this is personal information which by the terms of the bill on page 2, line 17, speaks of encryption. If in fact, the data is encrypted and it is not lost, you may determine internally the likelihood of a breach of data itself is very slim. This affords the opportunity of not going through the notification process. I provided you with the Federal Register notice. The three entities regulating the financial community have co-adopted a set of regulations dealing with the safety and security of consumer data and the reporting on this data as a compliance guideline.

MR. MACKENZIE:

There are a number of measures proposed on this issue. Coordination will be called for in all of the bills.

JAMES F. NADEAU (Nevada Association of Realtors):

The Nevada Association of Realtors will work with a subcommittee on any language changes.

CHAIR TOWNSEND:

We have not decided on a subcommittee as yet. We will close the hearing on S.B. 435. We will now begin a work session on S.B. 300.

SENATE BILL 300: Revises provisions governing regulation of contractors. (BDR 54-1061)

EXHIBIT 21

DISTRICT COURT
CLARK COUNTY, NEVADA

JOYCE SEKERA, an Individual,

Plaintiff,

vs.

Case No. A-18-772761-C
Dept. 25

VENETIAN CASINO RESORT, LLC,
d/b/a THE VENETIAN LAS VEGAS,
a Nevada Limited Liability
Company; LAS VEGAS SANDS, LLC
d/b/a THE VENETIAN LAS VEGAS,
a Nevada Limited Liability
Company; YET UNKNOWN EMPLOYEE;
DOES I through X, inclusive,

Defendants.

DEPOSITION OF MARIA CONSUELO CRUZ

Taken at the Galliher Law Firm
1850 East Sahara Avenue, Suite 107
Las Vegas, Nevada 89104

On Wednesday, April 17, 2019
At 2:00 p.m.

Reported By: PAULINE C. MAY
CCR 286, RPR

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18 I N D E X

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20	WITNESS	PAGE
	MARIA CONSUELO CRUZ	
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1 GRACIA M. FELDMAN, SPANISH INTERPRETER,
2 having been first duly sworn to interpret Spanish into
3 English and English into Spanish, interpreted as
4 follows:

5 MARIA CONSUELO CRUZ,
6 having been first duly sworn to tell the truth, the
7 whole truth and nothing but the truth, was examined
8 and testified as follows:

9
10 EXAMINATION

11 BY MR. GALLIHER:

12 Q Would you state your name, please.

13 A Maria Consuelo Cruz.

14 Q Your address.

15 A I live at 911 Melrose Drive, Las Vegas,
16 Nevada 89101.

17 Q Is that a home?

18 A Yes.

19 Q Do you own the home or rent it?

20 A It's mine.

21 Q Have you ever had your deposition taken
22 before?

23 A No.

24 Q Do you understand today we're going to take
25 your testimony under oath?

1 A Yes.

2 Q How many?

3 A Three.

4 Q And how old are you?

5 A 34, 36, and 39.

6 Q Do any of your children still live with you?

7 A One lives with me.

8 Q And which one would that be?

9 A The middle one.

10 Q All right. Are you presently working?

11 A Oh, yes. I work.

12 Q And where do you work now?

13 A Me?

14 Q Yes.

15 A At the Plaza Hotel.

16 Q The Plaza downtown?

17 A Yes.

18 Q How long have you been at the Plaza?

19 A It's going to be two years and two months.

20 Q What do you do at the Plaza?

21 A Casino porter.

22 Q Were you ever employed at the Venetian?

23 A Yes, for 13 years.

24 Q And why did you leave Venetian and go to the
25 Plaza?

1 A Yes.

2 Q The oath you've taken today carries with it
3 the same solemnity as if you were testifying in court
4 before a judge or a jury.

5 Do you understand that?

6 A Yes.

7 Q It also carries with it the penalties of
8 perjury. Do you know what "perjury" means?

9 A I would be fined.

10 Q Perjury means lying under oath.

11 A Oh. Okay.

12 Q Do you understand?

13 A Yes.

14 Q A little general background on you first.

15 How long have you lived in Las Vegas?

16 A Almost 16 years.

17 Q Where did you come from?

18 A I came from my country in Guatemala, but I
19 lived in California for about 13 years before.

20 Q So you have lived 29 years in the United
21 States?

22 A Yes.

23 Q Are you married?

24 A No. I was married.

25 Q Do you have any children?

1 A Problems.

2 Q Were they problems with you at the Venetian?

3 A Yes.

4 Q Can you tell me what the problems were?

5 A It's personal.

6 Q Well, I understand that. Did you leave the
7 Venetian voluntarily or were you fired?

8 A I was fired.

9 Q And do you believe the firing was justified?

10 A No, but -- but if they do it, there's
11 nothing that I could say.

12 Q How long were you out of work before you
13 went to the Plaza after leaving the Venetian?

14 A A week.

15 Q So let's back up, then, to your time at the
16 Venetian.

17 What was your position when you worked at
18 the Venetian?

19 A Casino porter.

20 Q Were you a casino porter for the entire 13
21 years you worked at the Venetian?

22 A No, I was a maid for one year.

23 Q Is that -- were you a maid when you first
24 started at the Venetian for one year?

25 A Yes.

1 Q Then, were you a casino porter for the next
2 12 years?
3 A Yes.
4 Q Tell me what a casino porter does at the
5 Venetian.
6 A Cleans slot machines, takes care of the
7 floors, no spills, no trash, vacuum, clean bathrooms,
8 pick up the trash and customer service.
9 Q When you say "customer service," what do you
10 mean?
11 A We are aware if the customer needs something
12 and offer assistance.
13 Q When you worked at the Venetian, did you
14 work in a specific area of the hotel?
15 A No, they moved us around. They switched us
16 to a different station every day.
17 Q Do you know how many stations there are on
18 the ground floor at the Venetian?
19 A Gosh, so many. That's a very large casino.
20 Q Do you know how many casino porters work the
21 same shift that you worked at the Venetian when you
22 worked there?
23 A Like 20, maybe, or 24.
24 Q Is that your best estimate?
25 A Approximation.

1 Q All right. So when you were working at the
2 Venetian as a casino porter, there were approximately
3 20 other casino porters working the same shift?
4 A Yes.
5 Q And do you understand I'm talking strictly
6 about the Venetian and not the Plaza?
7 A Yes.
8 Q So when we're talking about 20 casino
9 porters, we're talking strictly about the Venetian?
10 A Yes.
11 Q Did you have a specific shift that you
12 worked at the Venetian?
13 A I was working for some time in the
14 afternoon, then later on in the night shift, and then
15 during toward the end, in the morning.
16 Q So you actually worked all three shifts at
17 the Venetian when you were employed there as a casino
18 porter?
19 A Yes, yes.
20 Q What are the hours of the morning shift?
21 A It used to be from 7:00 to 3:00, and then it
22 was switched to from 8:00 to 4:00 in the daytime.
23 Q And then what about the afternoon shift?
24 A It was from 3:00 to 11:00, and then it was
25 3:00 -- 4:00 to 12:00, and graveyard was from midnight

1 to 8:00.
2 Q And did it ever change?
3 A Those were shifts, you know, that for a
4 season you would work like that, and then they would
5 be switched.
6 Q My question is, was the graveyard shift ever
7 from 11:00 to 7:00 and then changed from 12:00 to
8 8:00 like the other shifts?
9 A Yes. When one shifts, the three of them
10 change.
11 Q Did you work one shift more than any of the
12 other shifts?
13 A No.
14 Q When I say worked more, did you spend more
15 time working the day shift versus the afternoon shift
16 versus the evening shift?
17 A I was more at night.
18 Q And when you talk "more at night," you are
19 talking about the 11:00 a.m. -- or 11:00 p.m. to
20 7:00 a.m. or 12:00 a.m. to 8:00 a.m. shift?
21 A What happened is, while we worked from
22 11:00 to 7:00 and then somehow we were switched from
23 midnight to 8:00 a.m. It was not me, the one who was
24 switched.
25 Q But it's your recollection that most of the

1 time when you worked at the Venetian, you worked the
2 evening shift?
3 A Yes.
4 Q We call it graveyard. Do you understand
5 what I mean?
6 A Yes.
7 Q You talked earlier about one of your duties
8 as a casino porter was to clean and maintain the
9 floors.
10 A Yes.
11 Q When you talk about the floors, I'm talking
12 strictly now about the ground floor. Is that where
13 you worked?
14 A Yes.
15 Q So for the 13 years that you were employed
16 at the Venetian, you would work on the ground floor?
17 A When I was in the day shift; yes.
18 Q And --
19 A Also when I was in the graveyard shift. But
20 since they would switch us around to different
21 stations, there were times when I was assigned to the
22 small tower and another day I would be assigned close
23 to the food court.
24 But they were the ones -- say somebody does
25 not show up for a shift, and then we are placed in a

1 different station.
 2 Q All right. So as I understand it, you are
 3 saying most of the time you would work on the ground
 4 floor, but on occasion you would be called upon to
 5 work near the food court or, as you referred to it,
 6 the small tower?
 7 A Oh, no. Food court is the ground floor,
 8 yes.
 9 Q I understand. When you worked the small
 10 tower, did you work the ground floor or did you work
 11 another floor?
 12 A No. I was on the third floor, below the
 13 fourth floor.
 14 Q Did you ever work the same floor as the
 15 Bouchon Restaurant was located?
 16 A Oh, yes.
 17 Q Is the Bouchon Restaurant in the small
 18 tower?
 19 A Yes.
 20 Q So when you worked in the small tower, did
 21 you work on the same floor as the Bouchon Restaurant?
 22 A Yes.
 23 Q How would you describe the floors at the
 24 Venetian? In other words, what their composition is.
 25 A Well, I guess they are floors, they call it

1 tile or --
 2 Q Marble?
 3 A -- marble, and they shampoo a lot -- no, no,
 4 not shampoo. There is wax.
 5 Q All right. So the floors, the ground floor
 6 of the Venetian, the floors are marble?
 7 A They are marble.
 8 Q And the floor where the Venetian is located
 9 or the Bouchon Restaurant is located, is that also
 10 marble?
 11 A Yes. All around it.
 12 Q You talked earlier about the marble floors
 13 being cleaned. Can you tell me how that's done?
 14 A Me or who?
 15 Q Well, if you did the cleaning.
 16 A We were just trying to see that there were
 17 no spills and no trash, but the special cleaning was
 18 done by their graveyard shift.
 19 Q And when we talk about "special cleaning,"
 20 did you ever do any special cleaning yourself?
 21 A No, not me. That's done with a special
 22 machinery. I can't use them.
 23 Q And that's a machine that you did not
 24 operate?
 25 A No, no. I couldn't.

1 Q Did you have a specific area that you were
 2 supposed to keep watch on when you were working as
 3 casino porter?
 4 A Usually by the restaurants or around the
 5 restaurants in the food court, because that also
 6 includes the area where the dealers are.
 7 Q And was that -- when you talk about the
 8 restaurants, are we talking about the Lux Cafe?
 9 A All of that, all around it. The stations
 10 were pretty large.
 11 Q When you say pretty large, can you give me
 12 an idea of how large the stations were?
 13 A Like -- I don't know if you know the place.
 14 From where the bathrooms are, all the way around the
 15 corner where the bathrooms are going by the security
 16 podium. It also includes where the escalators are,
 17 close to the elevators.
 18 Q And does it include the areas that are next
 19 to the Lux Cafe in the food court?
 20 A Yes.
 21 Q So when you worked that area, were you the
 22 only person responsible for making sure that area was
 23 clean?
 24 A No. From the stairs where the escalators,
 25 to that side, there was someone else.

1 Q And when you say "to that side," are you
 2 talking about the side that's adjacent to the food
 3 court and the Bouchon Bakery?
 4 A No, the Grand Lux Cafe.
 5 Q And so what I'm trying to determine is, it
 6 sounds like you are splitting the area in two
 7 stations. Would that be correct?
 8 A Correct, yes. Uh-huh.
 9 Q Were you ever responsible for making sure
 10 that one station versus the other station was safe?
 11 A Yes. That's our duty.
 12 Q Was there a concern on your part about what
 13 would happen if there was water or liquid on these
 14 floors?
 15 A Yes, even though it wasn't my station.
 16 Q And were these floors -- when they were wet,
 17 were they slippery?
 18 A Yes, because we are pretty careful. Even
 19 just a little tiny spill of coffee, we would clean it
 20 up.
 21 Q And why would you do that?
 22 A It was -- otherwise, we would have been
 23 disciplined. That was our job.
 24 Q And did you -- did you have an understanding
 25 that the floors, when they were wet, were dangerous to

1 your customers?
 2 MR. ROYAL: Objection, form.
 3 THE WITNESS: Yes, yes.
 4 BY MR. GALLIHER:
 5 Q So you knew the floors, when they were wet,
 6 they were slippery and dangerous to customers?
 7 MR. ROYAL: Same objection.
 8 THE WITNESS: Yes.
 9 BY MR. GALLIHER:
 10 Q And did you --
 11 A You don't move away from them.
 12 Q Did you find that yourself, or did anyone at
 13 the Venetian tell you that the floors were dangerous
 14 when they were slippery?
 15 MR. ROYAL: Objection, form.
 16 THE WITNESS: No. We are pretty
 17 conscientious about it and we have seen videos.
 18 BY MR. GALLIHER:
 19 Q So my question is, do you know if -- who
 20 were your supervisors?
 21 A Oh, gosh. I had so many.
 22 Q Do you know what their titles were -- job
 23 titles were?
 24 A Supervisor.
 25 Q Did your supervisors ever tell you that the

1 floors at the Venetian, the marble floors, were
 2 slippery and dangerous when wet?
 3 A Of course.
 4 Q Is that why you kept a close -- you tried to
 5 keep a close eye on the floors, to make sure they
 6 didn't get wet?
 7 A Yes. We had a radio. If they were pretty
 8 wet, we needed to call to have someone come help us.
 9 Q And when you see a floor that was pretty
 10 wet, who did you call to come help you?
 11 A Our supervisor, that we call the supervisor
 12 to ask for someone to come.
 13 Q And when you asked for someone to come, who
 14 would usually come?
 15 A Whoever it was close by.
 16 Q So was it another casino porter?
 17 A Yes.
 18 Q Now, when you worked as a casino porter, did
 19 you use or carry around any specific equipment?
 20 A Yeah, our cleaners, a broom and a dust mop.
 21 Q Did you say "cleaners"?
 22 A No, no, towels.
 23 Q So how many towels would you carry?
 24 A Two.
 25 Q Were they cloth towels?

1 A Yes.
 2 Q All right. So you carried cloth towels, a
 3 broom and a dust mop with you when you worked as a
 4 casino porter?
 5 A Yes. We also had a locker as well.
 6 Q So what was in the locker?
 7 A More towels, glass cleaner, towels for vomit
 8 and red bags.
 9 Q And what?
 10 A Red bags.
 11 Q Red bags?
 12 A For -- for throw-ups.
 13 Q Anything else?
 14 A No, not that I can remember.
 15 Q So when you saw a larger spill on the floor
 16 at the Venetian and called for help, did that usually
 17 mean that someone would come to the spill with a mop?
 18 A Yes, with a bucket.
 19 Q So for the larger spills, someone would come
 20 by and clean it up with a mop and a bucket; is that
 21 right?
 22 A Yes, uh-huh. And also the security would be
 23 close by.
 24 Q All right. So what I'm trying to get at is,
 25 when you talked about calling for help earlier when

1 you saw a larger spill, that would usually mean that
 2 another casino porter would come to the scene of the
 3 spill with a mop and a bucket?
 4 A Yes. If it was large, we would say: Please
 5 send someone with a bucket.
 6 Because there are people that have
 7 containers with ice and sometimes they drop it on the
 8 floor, so we have to call someone.
 9 Q Have you ever seen situations where people
 10 spill water on the floor?
 11 A Yes, yes. That's why we are keeping an eye.
 12 Otherwise, you have to follow them to see where that
 13 spill is coming from.
 14 Q What about soft drinks?
 15 A Same; we clean. It's just the same; we're
 16 cleaning everything.
 17 Q But what I'm trying to get at, though, is
 18 have you ever seen spills at the Venetian, when you
 19 were employed there as a casino porter, involving soft
 20 drinks?
 21 A No, not that. Mostly water, because people
 22 carry some ice coolers.
 23 Q Have you ever seen people carrying water
 24 bottles?
 25 A Yes.

1 Q So do you actually know where the water
2 would come from? Whether it would come from the ice
3 or whether it would come from a bottle?
4 MR. ROYAL: Objection, form.
5 THE WITNESS: No. When the water spill is
6 from a water cooler, you can see the water coming from
7 it.
8 BY MR. GALLIHER:
9 Q When you say water cooler, what do you mean?
10 A An ice cooler.
11 Q So people carry ice coolers over those
12 floors?
13 A Yes.
14 Q Now, have you ever seen anyone use the food
15 court and leave the food court with drinks?
16 A Sometimes, yes.
17 Q And how about the Bouchon Bakery; have you
18 ever seen anyone order drinks from the Bouchon Bakery
19 and leave from it?
20 A No, hu-huh.
21 Q Have you ever seen anyone walk around with
22 liquor or alcohol in a glass or cup?
23 A Everyone does it in the casino; yep.
24 Q So would it be fair to say that you have
25 seen that?

1 A Oh, yes.
2 Q Now I want you to isolate, on a given
3 shift -- we'll say the day shift.
4 On the average, what's your best estimate of
5 how many spills you would see during the day shift
6 when you were a casino porter at the Venetian?
7 A Sometimes I did, but I did not work always
8 at the same station.
9 Q Well, I understand. What I'm looking for is
10 your best estimate of the number of times on one shift
11 that you would see spills when you were employed at
12 the Venetian.
13 MR. ROYAL: Object to form.
14 THE WITNESS: At times two or three times.
15 BY MR. GALLIHER:
16 Q Would that be an average?
17 A Yes.
18 Q And we're talking about spills that would be
19 in the area that you were responsible for?
20 A The floor close to the food court and Lux
21 Cafe, it's floor. But there are areas that are
22 carpeted.
23 Q Well, I'm talking strictly about the marble
24 floors.
25 A In rare occasions.

1 Q So are you saying that on rare occasions,
2 you would see spills on the floor, the marble floors,
3 next to the Lux Cafe or the food court?
4 A Not spills -- spills, but say that someone
5 just dropped a little bit of a soda.
6 Q And if someone dropped a little bit of soda,
7 that's something that you would clean up?
8 A Yes, yes.
9 Q And why would you do that?
10 A Because I had to. I was being paid to do
11 that.
12 Q And was there a concern about whether or not
13 the floor was dangerous with that little bit of liquid
14 on it?
15 MR. ROYAL: Objection, form.
16 THE WITNESS: Yes. It also gets stained.
17 BY MR. GALLIHER:
18 Q And is that why you cleaned it up, to
19 protect the customers?
20 A Yes.
21 Q That was your job; right?
22 A Yes, and I would also get tips.
23 Q When you say you get tips, who would give
24 you tips?
25 A The guests, when they say that you are

1 keeping an eye to make sure that they didn't fall.
2 Q During your time at the Venetian, had you
3 ever seen a customer fall on liquid on the marble
4 floor?
5 A Yes.
6 Q And how many occasions?
7 A The one I recall is a lady that fell with a
8 coffee.
9 Q And you recall a lady that fell with a
10 coffee?
11 A Yes.
12 Q And how do you recall that?
13 A Well, we were cleaning and suddenly I think
14 a lady came out with a coffee from a bakery, the
15 Bouchon Bakery on the first floor.
16 Q And so was that a fall that you personally
17 saw?
18 A Well, we saw her fall and we were close by.
19 I had been checking the floor.
20 Q So is that the only time that you've seen a
21 customer fall at the Venetian on the marble floor?
22 A Oh, many, but they were drunk.
23 Q So you've seen a lot of drunk people fall on
24 the marble floor at the Venetian?
25 A No, just that they had fallen because they

1 were drunk.
 2 Q And how do you know that?
 3 A Because you can see it.
 4 Q Did you witness those falls?
 5 A Yes.
 6 Q So how many of these falls did you witness?
 7 A Well, about three I would say, the ones that
 8 I watched.
 9 Q When you saw these people that you described
 10 as drunk fall, were they hurt?
 11 A These people were not alone. There were
 12 other drinkers.
 13 Q All right. But my question is when you saw
 14 these people fall, were they hurt?
 15 MR. ROYAL: Objection, form.
 16 THE WITNESS: I don't know because we can't
 17 get involved with that. And if they're drunk, they
 18 get up. They are to get up on their own or someone
 19 picks them up.
 20 BY MR. GALLIHER:
 21 Q So it sounds to me like you are saying you
 22 don't know whether they were hurt or not.
 23 A Well, no. No.
 24 Q Is that right?
 25 A Yes, because if they were drunk, they would

1 just get up and go. We can't stick our hands in that
 2 situation.
 3 Q I understand. But you don't know whether
 4 those people, when they got up, were hurt?
 5 A No.
 6 Q We're here today basically to -- because
 7 we're involved in a lawsuit as a result of a fall
 8 occurring on November 4, 2016. It happened in the
 9 early afternoon hours.
 10 A Early wasn't it?
 11 Q Yeah. Do you know?
 12 A I was in that morning shift.
 13 Q So how is it that you know which fall I'm
 14 talking about?
 15 A Because I was sent the video.
 16 Q And you were sent the video by whom?
 17 A I don't know who.
 18 Q So you've seen the video showing the fall?
 19 A Yes.
 20 Q So you didn't see the fall until you saw the
 21 video?
 22 A No, I remember that lady.
 23 Q Do you remember seeing the lady fall?
 24 A Yes.
 25 Q All right. So you were sent a video that

1 showed a fall on November 4, 2016; right?
 2 A Yes.
 3 Q And you watched the video?
 4 A Yes.
 5 Q And that fall was a fall that you personally
 6 saw when it occurred?
 7 A Yes. I was there.
 8 Q So when you talked about a fall involving a
 9 lady with coffee, is that the fall you were talking
 10 about?
 11 A She's the one.
 12 Q So how is it that you determined that she
 13 fell carrying coffee?
 14 A Because I was there.
 15 Q Did anyone discuss this fall with you?
 16 A No, but I remember it. But I no longer work
 17 at the Venetian.
 18 Q I understand. Did you meet with anyone in
 19 preparation for today's deposition?
 20 A I just received some documents stating that
 21 I had to come.
 22 Q Did you -- so you did not meet with anyone
 23 to discuss today's deposition?
 24 A No.
 25 Q Did you discuss today's deposition with

1 anyone over the telephone?
 2 A I was only called and told to be here today.
 3 Q So what I'm trying to determine is, where
 4 did you form your opinion that the lady was carrying
 5 coffee?
 6 A Because I know that she was coming from
 7 purchasing coffee.
 8 Q And you testified that she was coming from
 9 purchasing coffee at the Bouchon Bakery; right?
 10 A I think so, because she was coming down next
 11 to the area where they sell coffee.
 12 Q So you did not discuss your testimony of
 13 today's deposition with anyone before you showed up?
 14 A No.
 15 Q And I want to make sure I'm clear on this:
 16 That you personally witnessed this fall when it
 17 happened, separate and apart from what you saw in the
 18 video?
 19 A Yes.
 20 Q So you actually saw the fall twice. You saw
 21 the fall in person when it happened and then you saw
 22 it again on the video; is that right?
 23 A Yes, yes. I was there. I was cleaning in
 24 the surroundings.
 25 Q When the video was sent to you, was it sent

1 to you in a letter?
 2 A No.
 3 Q How was it sent to you?
 4 A I don't know. I received -- no. The next
 5 day I received these papers.
 6 Q Well, my question was, how was the video
 7 sent to you?
 8 A I don't know.
 9 Q Well, did you receive it at your home?
 10 A No, my phone.
 11 Q All right. So the video that you described
 12 was sent to you on your telephone?
 13 A Uh-huh, yes.
 14 Q And you don't know who sent it?
 15 A No.
 16 Q Did the sender identify themselves in any
 17 way to tell you who sent it to you?
 18 A No. I was only mailed these papers and then
 19 I was called from the telephone.
 20 Q All right. When you say you were called
 21 from the telephone, did the call from the telephone
 22 result in the video being sent to you?
 23 A I believe so. That's how I got it.
 24 Q So when the person called you on the
 25 telephone, did they identify themselves?

1 Q So when the person that talked to you on the
 2 telephone about this case, did they tell you they were
 3 from the Venetian?
 4 A Yes. It was from the Venetian, about an
 5 accident that happened at the Venetian.
 6 Q Did the video that was sent to you, was it
 7 accompanied by any type of a message?
 8 A No.
 9 Q No text or anything of that nature?
 10 A No. I was only sent the video and that
 11 paper that I received.
 12 Q All right. So you were sent the video, you
 13 were sent the paper, which is the subpoena to today's
 14 deposition.
 15 A And I don't even know why.
 16 Q And you weren't sent anything else?
 17 A No. I don't even know why I'm here.
 18 Q So have you understood all my questions
 19 today?
 20 A Yes.
 21 Q Anything you want me to repeat or rephrase
 22 for you?
 23 A No.
 24 MR. GALLIHER: Pass the witness.
 25 /////

1 A Yes. I was told that it was from here.
 2 Q From where?
 3 A From this page, what it says on this page.
 4 Q So did someone tell you that the video was
 5 coming from my office?
 6 A No, no. I didn't pay attention. They only
 7 send me a video and this letter stating that I had to
 8 be here. And I don't know why I'm involved in this.
 9 Q I'm still trying to figure out how you
 10 received the video.
 11 So when the person called you on the
 12 telephone, did they -- how did they get your telephone
 13 number?
 14 MR. ROYAL: I'm going to -- I'm sorry -- a
 15 belated objection as to form.
 16 Go ahead.
 17 BY MR. GALLIHER:
 18 Q So when the person called, did you ask them
 19 how they got your telephone number?
 20 A No, but since it was coming from the
 21 Venetian, they know my telephone number.
 22 Q All right. So then, you knew that the video
 23 that was being sent to you on your telephone was
 24 coming from the Venetian; is that right?
 25 A Yes.

1 EXAMINATION
 2 BY MR. ROYAL:
 3 Q Okay. I just have a few questions for you.
 4 A Again?
 5 Q I'm going to show you -- strike that.
 6 You testified that you saw a video, and I'm
 7 going to show you what's been identified -- I'm not
 8 sure how you want to do this, but I've got it right
 9 here.
 10 MR. GALLIHER: Okay. Just for the record,
 11 you are showing her your -- the video on computer.
 12 MR. ROYAL: Exactly.
 13 BY MR. ROYAL:
 14 Q So it's been identified as VEN019. And I
 15 have a laptop and I'm going to try and turn this so
 16 you can see it with the witness as best I can. A
 17 little bit tricky here. One second. You can scoot
 18 back just a little bit.
 19 Okay. I'm just going to -- and what I'm
 20 going to do for the record, I'm just going to indicate
 21 numbers so we can identify what we're looking at.
 22 Right now it's paused. It's at 12:31:33 of the -- of
 23 the footage.
 24 Do you recognize the area?
 25 A That's in front of the Grand Lux Cafe.

1 Q And when you said that you patrolled an
2 area -- strike that. What would this --
3 When you're assigned to work this area, what
4 would the area be called?
5 A Station 2.
6 Q Okay. And you kind of broadly told us what
7 you did in Station 2. Did that include cleaning the
8 restroom?
9 A No, not -- the bathrooms were something
10 separate.
11 Q Okay. So you weren't cleaning bathrooms?
12 A No, no.
13 Q Do you know who was cleaning bathrooms on
14 the day this happened?
15 A I don't remember.
16 Q Okay. So if you are not cleaning bathrooms,
17 what was your general job -- strike that. Let me ask
18 it again.
19 Looking at VEN019 at 12:31:33, does this
20 depict an area that you would have been patrolling on
21 the day of the incident?
22 A That's called the rotunda. It's a big round
23 circle and then you take the hallway on the way to the
24 corner. Around the corner by security that passes in
25 front of the Grand Lux Cafe, that's Station 2.

1 Q Okay. Okay. I'm going to let this run
2 starting at 12:33:10, and I'm going to make it go a
3 little bit faster to kind of move it along here.
4 There's a -- at 12:33:35, there's a woman
5 approaching a man. He's looking down. Do you know
6 who that woman is?
7 A No.
8 Q I want you to watch from the left over here.
9 Okay. It's 12:33 -- I'm going to go back here, sorry.
10 12:33:52. I want -- there's a woman coming from the
11 left with a broom and so forth.
12 Do you recognize that person?
13 A No. Maybe it was me.
14 Q Well, that's my question. I want you to
15 watch again.
16 A I think I am.
17 Q Okay.
18 A Yes.
19 Q Do you think that was you?
20 A Yes, it's me. It's me.
21 Q So starting at -- I want to get the times
22 right. So starting at 12:33:52, on the left side
23 that's a person. You think that's you?
24 A I think so.
25 Q Okay. And what was -- what did you notice?

1 What was that person doing?
2 A Me?
3 Q Yeah. What were you doing?
4 A Checking around.
5 Q Okay.
6 A We went to the bathroom to check the towels
7 to get a clean towel.
8 Q Okay. Do you recall, or can you tell
9 watching this at 12:33:52, whether or not you noticed
10 there was anything on the floor in the area to your
11 immediate right?
12 A No, no. I was -- I would have walked right
13 over it.
14 Q You didn't see anything?
15 A No.
16 Q All right. You were -- okay.
17 I'm going to continue and we're now moving
18 ahead to about 12:38:40, we'll call it. There is a
19 woman depicted sitting on the floor and a couple of
20 men in suit jackets.
21 Do you remember this scene as it's depicted
22 here generally?
23 A You mean where she fell?
24 Q Yes. Do you remember seeing something
25 similar to this?

1 A That's not the lady that fell.
2 Q Well, okay. Let's move to --
3 A Or this is her.
4 Q Okay. At 12:39:37 we see a PAD -- a male
5 PAD person. Do you know who that is kind of at the
6 top of the screen? Okay. I'm just trying to identify
7 people. Maybe you can't tell from this.
8 At 12:39:48, do you see yourself?
9 A Yes.
10 Q Okay. And that's you on the right?
11 A As I said, the other one is David.
12 Q There is a man with a bucket at 12:39:51.
13 Who is that?
14 A That's David.
15 Q David Martinez?
16 A Yes, uh-huh.
17 Q Now he's pointing to someone at 12:40:01.
18 Do you know who that is?
19 A I don't know.
20 Q Okay. Now, Mr. Martinez, you see him
21 mopping up an area?
22 A But it wasn't wet there.
23 Q Okay. Do you know -- well, that was my
24 question. You see him -- we're at 12:40:15. He's got
25 a bucket.

1 What's your recollection of what he was
2 doing at this particular time depicted here on the
3 video?
4 A It seems like she dropped something -- she
5 spilled some coffee.
6 Q Okay. Did you actually see anything on the
7 floor?
8 A No.
9 Q And then I'm going to fast-forward a little
10 here. Okay. I'm going to go back.
11 At 12:41:07, do you see yourself?
12 A Before she fell, you mean?
13 Q No. I'm looking at -- right now it's at
14 12:41:09, the video. Do you see yourself in the
15 video?
16 A Yes.
17 Q Okay, I'm going to let it run now. What are
18 you doing?
19 A Drying whatever the other one has been
20 cleaning.
21 Q Okay. So just tell me the process. You've
22 got a towel on the floor that you are using under your
23 foot.
24 A To dry whatever. To dry whatever is being
25 wet by the other one with a bucket, but there was

1 nothing there.
2 Q I see, okay.
3 So when Mr. Martinez goes over an area with
4 a mop, your job was to follow with a dry towel?
5 A Well, yes. At that moment, yes.
6 Q Okay. Now I'm going to go back. I'm going
7 to go back to -- okay. I'm going to go back to
8 12:36:49 and I want you to watch. I'm going to start
9 it.
10 A They are in suits.
11 Q Is that something that you recall seeing,
12 what we just watched there? I stopped it at 12:36:58.
13 A Yes. I remember the lady falling.
14 Q Did you ever talk to the lady who was --
15 A No, you can't. You can't.
16 Q Do you remember hearing any conversations
17 between the lady who fell and anyone else as you were
18 at the scene?
19 A No, because the security guards are the ones
20 that speak to them.
21 Q Okay. You didn't hear any of the
22 conversation?
23 A No.
24 Q Now, I heard you say something about shoes.
25 A Some people fake falls to get something,

1 but...
2 Q Okay. So...
3 A What happened to -- the floor right there
4 you see is waxed.
5 THE COURT REPORTER: I'm sorry, I'm having a
6 hard time.
7 THE INTERPRETER: "It was waxed."
8 THE COURT REPORTER: Could you repeat the
9 whole response?
10 MR. ROYAL: Well, I don't think there's a
11 question pending, but go ahead.
12 THE WITNESS: The floor is heavy with wax
13 right there.
14 BY MR. ROYAL:
15 Q Okay. Now, do you remember cleaning the
16 area beyond what we watched on the video as you
17 remember what you did?
18 A Yes. We clean the entire surroundings.
19 People left beer, soda, coffee.
20 Q When you say the entire surroundings, what
21 were you making reference to?
22 A Well, look, we have to be careful going
23 around this column because the floor -- everything
24 that has to do with cleaning.
25 Q Well, okay. I just want to make sure. I'm

1 going to show you -- I'm just going to show this. I'm
2 not going to run it at 12:43:17.
3 Okay. You mentioned something about beer,
4 sodas and so forth. What are you making reference to?
5 A Right there at the corner, people leave beer
6 cans, soda cans, so we have to clean it.
7 Q I meant in what we're looking at at
8 12:43:17. Do you see any beer cans or soda cans
9 there?
10 A No, no. No, but this is the least busy
11 time.
12 Q Okay. All right. I just want to focus on
13 this time. So I'm clear with my question, do you
14 remember completing the task of cleaning up this area
15 or working with David Martinez after the woman got up
16 and left?
17 A Well, yes. It was cleaned. We had to clean
18 because she spilled coffee.
19 Q Okay. Other than her -- the woman spilling
20 coffee, did you see anything else on the floor when
21 you were cleaning after she fell?
22 A No, but we have to check everything anyway.
23 Q Okay. Now, earlier when you're talking
24 about equipment, I heard you say you have cleaners,
25 towels, broom and dust pans.

1 A Yes.
2 Q Okay. Because I made a note here that I was
3 confused whether you had a dust pan or dust mop.
4 A Dust pan.
5 Q So when I showed that video of you earlier
6 walking around the area when you were carrying some
7 things, can you tell us what you had in your hands?
8 A Dust pan and a broom.
9 Q Okay. You were also asked about the tower.
10 Does that area have, like, the bridge? Does that have
11 a bridge that goes over the Las Vegas Boulevard?
12 A No.
13 Q I wasn't clear what you meant by "tower." I
14 know there's a bell tower or a clock tower.
15 A I was talking about the small tower where
16 there was sun coming in.
17 Q Oh, I see what you mean. I see. I was
18 confused.
19 A And now they have Bouchon Bakery around it,
20 but the restaurant is at the small tower.
21 Q Okay. All right. You were asked earlier
22 about when mops and a bucket would come to an area.
23 And in this particular case, what we just saw in the
24 video was a mop and a bucket came to the area.
25 A David is the one who brought it to see if

1 there was a big spill.
2 Q Was there a big spill?
3 A No, no, there was not. I had just walked by
4 that area.
5 Q Was there a little spill?
6 A No, no.
7 Q Were there pieces of ice that you found on
8 the floor?
9 A No, no.
10 Q You testified about drunk people that you
11 have seen in the past fall.
12 A Yes.
13 Q For any of those people, do you recall
14 inquiring as to why they fell?
15 A No. What for? They drink and then they
16 fall and then between each other, they pick up each
17 other. They usually are not alone.
18 Q Okay. And I want to make sure I understand.
19 When you were asked about falls and you said the lady
20 that fell with coffee, is that the lady that we saw in
21 the video that I showed you that's been marked as
22 VEN019?
23 A Yes. I remember the lady falling.
24 Q And that's the lady you were making
25 reference to?

1 A Yes. It's the most recent. She's the one
2 that I remember.
3 MR. ROYAL: Thanks. I'll pass.
4
5 FURTHER EXAMINATION
6 BY MR. GALLIHER:
7 Q I heard you remark during your testimony in
8 response to Mr. Royal's question, some people, they
9 fall to get something. What did you mean by that?
10 A Sometimes they look like they fall.
11 Q And is that what you saw in the video,
12 someone who looked like they fell?
13 A I don't know. I don't know her intentions,
14 but there was no water there.
15 Q Did she look like she fell or not?
16 A Yes, she slips, but it must have been her
17 shoe. It wasn't water.
18 Q And you mentioned also that the area where
19 the fall happened had been heavily waxed. What did
20 you mean by that?
21 A I wasn't talking about that area in
22 particular. Those floors are cleaned every night.
23 Q Are they waxed every night?
24 A No, no. They clean them with a machine.
25 Q And that's every night?

1 A No. I don't recall.
2 Q Do you know one way or the other?
3 A Yes, they do it.
4 Q So as I understand what you are saying, you
5 never saw anything liquid on the floor where the fall
6 happened at any time that day; is that right?
7 MR. ROYAL: I object. Misstates testimony.
8 THE WITNESS: No, no, that is correct.
9 BY MR. GALLIHER:
10 Q All right. So you didn't see any water on
11 the floor, you didn't see any coffee on the floor, you
12 didn't see anything wet on the floor; is that right?
13 A No -- yes, that is correct.
14 Q So the only fluid you saw in connection with
15 this fall on that day was a dry floor?
16 A Yes. I think what you see is that she
17 slipped, but it was her shoe.
18 Q All right. So your testimony is that she
19 didn't slip because she hit anything wet, she slipped
20 because of her shoe?
21 A Because of her shoe.
22 Q All right. So the answer to my question is
23 yes?
24 A Yes.
25 Q Thank you. Nothing further.

1 THE WITNESS: Is that it?
2 MR. ROYAL: Yes. Nothing for me.
3 MR. GALLIHER: Okay, we're done. Thank you.
4 (The deposition concluded at 3:09 p.m.)
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1 REPORTER'S DECLARATION

2 STATE OF NEVADA)

3 COUNTY OF CLARK)

4 I, Pauline C. May, CCR No. 286, declare as
5 follows:

6 That I reported the taking of the deposition of the
7 witness, MARIA CONSUELO CRUZ, commencing on Wednesday,
8 April 17, 2019 at the hour of 2:00 p.m.

9 That prior to being examined, the witness was by me
10 duly sworn to testify to the truth, the whole truth,
11 and nothing but the truth.

12 That I thereafter transcribed said shorthand notes
13 into typewriting and that the typewritten transcript
14 of said deposition is a complete, true and accurate
15 transcription of said shorthand notes taken down at
16 said time, and that a request has not been made to
17 review the transcript.

18 I further declare that I am not a relative or
19 employee of counsel of any party involved in said
20 action, nor a relative or employee of the parties
21 involved in said action, nor a person financially
22 interested in the action.

23 Dated at Las Vegas, Nevada this _____ day of
24 _____, 2019.

25 _____
Pauline C. May, CCR 286, RPR

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DISTRICT COURT
CLARK COUNTY, NEVADA

JOYCE SEKERA, an Individual,

Plaintiff,

vs.

Case No. A-18-772761-C
Dept. 25

VENETIAN CASINO RESORT, LLC,
d/b/a THE VENETIAN LAS VEGAS,
a Nevada Limited Liability
Company; LAS VEGAS SANDS, LLC
d/b/a THE VENETIAN LAS VEGAS,
a Nevada Limited Liability
Company; YET UNKNOWN EMPLOYEE;
DOES I through X, inclusive,

Defendants.

DEPOSITION OF KECIA POWELL

Taken at the Galliher Law Firm
1850 East Sahara Avenue, Suite 107
Las Vegas, Nevada 89104

On Friday, July 12, 2019
At 3:33 p.m.

Reported By: PAULINE C. MAY
CCR 286, RPR

Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676

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I N D E X

19

20 WITNESS

PAGE

21 KECIA POWELL

Examination By Mr. Galliher

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22 Examination By Mr. Royal

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Further Examination By Mr. Galliher

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1 **KECIA POWELL,**
2 having been first duly sworn to tell the truth, the
3 whole truth and nothing but the truth, was examined
4 and testified as follows:

6 **EXAMINATION**

7 **BY MR. GALLIHER:**

8 Q Would you state your name, please.

9 A Kecia Powell.

10 Q And where do you work?

11 A At the Venetian Hotel.

12 Q And you still work at the Venetian?

13 A Yes.

14 Q How long have you worked there?

15 A I've been there 20 years and three months.

16 Q So it sounds to me like you were there from
17 the time it opened.

18 A Yes, I was there.

19 Q So have you been working strictly at the
20 Venetian as opposed to the Palazzo during that time?

21 A No, just Venetian.

22 Q When you started at the Venetian, what was
23 your job title?

24 A PAD.

25 Q What's your job title today?

1 A PAD.

2 Q So has it been the PAD for the 20-plus
3 years?

4 A Yes.

5 Q And when you talk about the PAD, we're
6 talking about --

7 A Public Area Department.

8 Q And tell me, give me an idea of the duties
9 that you have as a PAD employee.

10 A Interior maintenance like clean the casino,
11 the public area of the casino, restrooms, slot
12 machines. We clean offices.

13 Q And do you clean just on a regular basis or
14 are you summoned, for example, to areas where spills
15 occur to clean up?

16 A No. We clean everything that's in the
17 public area.

18 Q So if there's a spill on the floor at the
19 Venetian, that's something that you might be required
20 to come and clean?

21 A Yes.

22 Q You are familiar with the fact that much of
23 the flooring at the Venetian, at least at the casino
24 level, is marble?

25 A Yes.

1 Q Has anyone in your department ever informed
2 you that the marble floors are slippery when wet?

3 A No.

4 Q Okay. Do you have any understanding that
5 the marble floors are slippery when wet?

6 A Yes.

7 Q What do you base that on?

8 A What do you mean, I base that on?

9 Q In other words, do you have experience with
10 marble floors being slippery when wet --

11 A No.

12 Q -- personally?

13 A No.

14 Q Have you ever been called upon to clean a
15 spill on a marble floor at the Venetian during your
16 time as a PAD?

17 A Yes, I have.

18 Q How many occasions; your best estimate?

19 A I'd say about four.

20 Q All right. So how many hours a day do you
21 work?

22 A Eight.

23 Q And how many days a week?

24 A Five.

25 Q Have you had the same days off since you

1 were employed at the Venetian or have you changed?

2 A Yes, sir.

3 Q What are your days off?

4 A Saturday and Sunday.

5 Q So you work Monday through Friday?

6 A Yes.

7 Q Eight hours a day, seven days a week?

8 A Yes -- 40 hours a week.

9 Q So during the 20-plus years you've been
10 employed at the Venetian, if I understand your
11 testimony correctly, you have been summoned to a spill
12 to clean up on approximately four occasions?

13 A Yeah.

14 Q Wouldn't be any more than that?

15 A No, not that I recall.

16 Q All right. Do you have a specific area as a
17 PAD employee that you patrol?

18 A Yes. I clean the back-of-the-house offices.

19 Q And when you talk about back-of-the-house
20 offices, where are they?

21 A Located behind like -- in, like, the
22 basement of the Venetian.

23 Q And what is the flooring there?

24 A Regular carpet, regular floor.

25 Q So are you stationed there?

1 A Not the whole time, no. I've been all
2 around the Venetian.

3 Q Have you ever had a time when you were
4 stationed in the areas adjacent to the marble floors
5 at the Venetian?

6 A Yes.

7 Q And on how many occasions would that be the
8 case; in other words, how many years?

9 A I did trash for about two years.

10 Q When you say you "did trash," tell me what
11 that means.

12 A I walked through the casino with a trash
13 bucket and collected the trash out of the trash cans.

14 Q And you've seen the video surveillance of
15 the video of this fall showing you?

16 A Yes.

17 Q And looks like you were pushing a cart with
18 trash being located in some type of a container on
19 that carpet; is that right?

20 A Uh-huh.

21 Q Is that yes?

22 A Yes.

23 Q So what you were doing, apparently, you were
24 stationed at that point in time in the position of
25 collecting the trash.

1 A Yes.

2 Q So that would be during that two-year time
3 frame that you were just talking about?

4 A Yes.

5 Q Apart from that two-year time frame where
6 you picked up trash, did you ever -- or were you ever
7 stationed anywhere else adjacent to the marble floors?

8 A Slot machines is carpet. So not...

9 Q So during that 20-plus years -- is the back
10 offices, by the way, where you are presently
11 stationed?

12 A Yes.

13 Q And out of the 20 years, how much time did
14 you spend being stationed at the back office?

15 A The last three years.

16 Q So let's go back in time. During, for
17 example, your first 10 years, were you stationed at
18 one location or a different location?

19 A Yes, I was stationed at one.

20 Q What was that?

21 A The pool deck.

22 Q The pool deck, is that outside?

23 A Outside.

24 Q So how many of the 20 years were you
25 stationed at the pool deck?

1 A From '99. 1999 all the way up until
2 twenty -- like 2010, 2009.

3 Q So sounds like 10, 11 years; would that be
4 right?

5 A Uh-huh.

6 Q Is that yes?

7 A Yes.

8 Q So let's separate, now, those 10, 11 years
9 from the 20.

10 A Okay.

11 Q We've got two years at the station picking
12 up trash. How about the other years?

13 A The other years I worked in casino cleaning
14 slot machines.

15 Q And when you worked in casino cleaning slot
16 machines, would you describe to me what that entails?

17 A That's interiors, emptying ashtrays and
18 cleaning off machines.

19 Q And the slot machines are located in
20 carpeted areas?

21 A Yeah, carpet area.

22 Q Are there any slot machines located above
23 the marble floors?

24 A No.

25 Q So when we talk about the times that you

1 have been summoned somewhere to clean up a spill on a
2 marble floor -- you remembered four -- would that be a
3 situation where you are called maybe away from your
4 station, cleaning a spill?

5 A Yes.

6 Q So you were not normally called to clean
7 spills on marble floors because there were other
8 people stationed at those locations?

9 A Yes.

10 Q So this would have been a relatively rare
11 event for you to be called away from your station to
12 clean a spill on a marble floor?

13 A For help, yes.

14 Q And have you ever been called to the scene
15 of an injury fall on a marble floor at the Venetian?

16 A No, sir.

17 Q That's not anything you have done in your
18 entire 20 years at the Venetian; is that right?

19 A No.

20 Q Now, the video, have you seen the video?

21 A Yes.

22 Q At least what I can see, it looks like you
23 are pushing a cart. Is it one container of trash or
24 two on the cart?

25 A Two.

1 Q Looks like there's two. And you are walking
2 to an area over the marble floor and it appears to me,
3 when you're walking through the area, you are looking
4 straight ahead.

5 Is that right?

6 A Yes.

7 Q Did you spend any time that you can recall
8 looking at the floor?

9 A I'm always glancing down at the floor.

10 Q Do you see yourself glancing at the floor in
11 the video?

12 A Yes.

13 Q And on how many occasions have you glanced
14 at the floor?

15 A I don't recall.

16 Q Did you glance right or left; do you
17 remember that?

18 A No, I don't recall.

19 Q Of course, you were not able to see over the
20 cart in front of you?

21 A Am I able to see over the cart? Yes, I am.
22 It's not that high.

23 Q So when you walked -- how high would you say
24 the cart is?

25 A I don't know.

1 Q Well, you would agree with me that the video
2 will show whether or not you were looking at the floor
3 and, if so, for how long.

4 A Just a glance, like walking.

5 Q Right. When we talk about that, as I look
6 at you now at the deposition, looks like you are
7 looking side to side with your eyes.

8 Am I correct?

9 A Am I looking side to side with my eyes? No.
10 I'm watching you.

11 Q Well, I watched you, your expression. So
12 when you were describing how you were looking, you
13 were doing this. That's what I was looking at.

14 A Oh. Okay.

15 Q But in any event, when we talk about the
16 video, the video is going to show you what you were
17 focused on as you were pushing that cart; is that
18 right?

19 A Uh-huh.

20 Q Is that yes?

21 A Yes.

22 Q And also, it looks like the video does show
23 you pushing the cart over the marble floor.

24 A Yes.

25 Q So we have established now how many times

1 you responded to spills; four over 20 years?

2 A Over 20 years.

3 Q And during that entire time frame, it sounds
4 to me like, with the exception of the two years where
5 you were picking up trash -- and by the way, that
6 would be everything throughout the entire casino?

7 A Yes.

8 Q And that would be both the carpeted areas --

9 A The carpet area, the front lobby area,
10 Restaurant Row. Through the whole casino at the
11 Venetian.

12 Q Now, the front lobby area is marble as well?

13 A Yes, it is.

14 Q How about the Restaurant Row?

15 A Restaurant Row is marble as well.

16 Q And then we also have the walkway through
17 the casino, they are marble?

18 A They are marble.

19 Q And then also the area in front of the Grand
20 Lux Cafe where this fall occurred is marble; or do you
21 know?

22 A Yes. It's marble, yes.

23 Q Are there any other areas on the ground
24 floor at the Venetian that you are aware of that I
25 haven't described?

1 A That's marble? Yes; the breezeway.

2 Q And tell me what the breezeway is.

3 A It's the area that goes to the valet, the
4 parking garage. They have a parking garage up on the
5 second floor.

6 Q So it's actually on the second floor?

7 A Up on the second floor.

8 Q Is that the same floor as the Canal Shops?

9 A No, it's different.

10 Q So what floor would the Canal Shops be on?

11 A It's on the second floor, but Canal Shops is
12 different from the breezeway from the Venetian. The
13 breezeway is marble, the Canal Shops is like a rock.

14 Q All right. So what you are talking about is
15 the floor surfaces?

16 A Yes.

17 Q So the breezeway is a marble floor surface?

18 A Yes.

19 Q And the Canal Shops is, as you described it,
20 kind of a rock surface?

21 A Yeah.

22 Q And would you agree with me it's kind of
23 irregular in the sense that it's not smooth, or do you
24 know?

25 A No, I don't know because I really don't go

1 up there. They have a different department that works
2 up there.

3 Q I just have a few more questions for you.
4 Before I ask those questions, I want to speak to my
5 colleague here.

6 (Short Break.)

7 **BY MR. GALLIHER:**

8 Q Have you understood all my questions today?

9 A Yes, I have.

10 Q Anything you want me to repeat or rephrase
11 for you?

12 A No, sir.

13 **MR. GALLIHER:** Pass the witness.

14

15 **EXAMINATION**

16 **BY MR. ROYAL:**

17 Q Earlier when you said that you had
18 normally -- strike that.

19 I'm going to show you the video. This was
20 marked as VEN019 and I'm going to show it to you at
21 12:14:20, and I'm just going to start it until you go
22 off the screen. I'm going to narrate it as it's going
23 just so we have the times.

24 We're going to start at 12:14:20. We see
25 you coming from the left side pushing the cart and you

1 are gone at 12:14:32. Okay. And that was you pushing
2 the cart; correct?

3 A Yes.

4 Q Is there anything about what you observed
5 there that refreshes your recollection about anything
6 you testified to today?

7 A No. Well, the marble don't look slippery.
8 It's two different shines from the rotunda and this
9 casino marble.

10 Q Okay.

11 A But I don't know if they use different
12 chemicals on it.

13 Q Okay. Let me show you again. I'm going to
14 show you pushing this.

15 There's a couple of people that are standing
16 to your right as you go by this column.

17 A I spoke to them.

18 Q How do you know you spoke to them?

19 A I'm talking to them.

20 Q How do you know you are talking to them?

21 A Because I see my mouth moving. I must have
22 asked them how they were doing.

23 Q And that would be people to your right as
24 you are --

25 A Pushing the cart.

1 Q I got it, okay. Now, obviously you don't
2 remember -- do you remember this?

3 A No, I don't. Not at all.

4 Q As you are pushing this cart, if you happen
5 to see something -- I don't know -- paper on the
6 floor, spill, whatever, what is the protocol that you
7 follow?

8 A Well, if there's a spill, if I don't have
9 the equipment to clean, I have to call someone over
10 the radio and they come right away, and I stand there
11 until they come. If it's a piece of paper, I just
12 bend down and pick it up.

13 Q Okay. So if you had seen a spill at this
14 particular time that we just showed you on the video,
15 would you expect to see anything different than what
16 was depicted here?

17 A Yeah. If there was a spill there, I don't
18 think the people would have been standing there. They
19 probably would have -- I would have seen it if there
20 was a spill.

21 Q Okay. All right. No more questions.

22

23 **FURTHER EXAMINATION**

24 **BY MR. GALLIHER:**

25 Q I have another question for you. I presume

1 that you have supervisors --

2 A Yes.

3 Q -- as PAD employees; is that right?

4 A Yes.

5 Q Have you ever had any conversations with
6 your supervisors about the safety of the marble floors
7 when wet?

8 A Yes.

9 Q And can you tell me about those
10 conversations.

11 A The conversations about the floor when it's
12 wet, if we see something, we clean it. We have to --
13 if we don't have the equipment, we have to stand there
14 and call someone to come with a mop bucket, rags and a
15 "Wet Floor" sign. We cannot move.

16 Q And did your supervisor tell you why that is
17 the case?

18 A Yes, just in case somebody slips and falls.

19 Q All right. Have your supervisors ever told
20 you that the marble floors, when wet, are slippery?

21 A No.

22 Q You understood that to be the case?

23 A Yes.

24 Q Based on what you just described; is that
25 right?

1 A Yes.

2 Q So the supervisors basically give you a
3 protocol that you've described?

4 A Yes.

5 Q And the purpose of that protocol, I assume,
6 was to ensure the safety of the guests.

7 A Yes.

8 Q To make sure that the guest did not impact
9 whatever liquid was on the floor --

10 A Well, it's not --

11 Q Let me finish -- and slip and fall?

12 A Yes.

13 Q All right.

14 A It's not just the floors, it's the carpet
15 too. If we have something spilt on the carpet, we
16 have to stand there until someone comes with the "Wet
17 Floor" sign. Or if it's a bio, we have to stand there
18 until the specialists do come.

19 It's not just the casino floor, the marble;
20 it's the whole entire casino.

21 Q But I guess my question is this, then. When
22 we talk about the marble floors when wet, versus the
23 carpeted floors when wet, which one is the most
24 slippery?

25 **MR. ROYAL:** Objection; form.

1 **BY MR. GALLIHER:**

2 Q If you know.

3 A Excuse me?

4 Q If you know.

5 A If I know?

6 Q Yeah.

7 A It's the same, basically.

8 Q All right. So your testimony is that a
9 carpeted floor, when wet, would be as slippery?

10 A Yeah.

11 Q But not more slippery than a marble floor
12 when wet; is that right?

13 **MR. ROYAL:** Objection, form.

14 **THE WITNESS:** I really don't know the
15 question, but our procedure is if we see something,
16 clean it. That's our terms in our department. If you
17 see paper, pick it up. If you see a wet floor, mop
18 it.

19 **BY MR. GALLIHER:**

20 Q So if you see a wet carpeted floor, you
21 wouldn't mop that?

22 A No. They have to send a specialist too.

23 Q So has your supervisor told you why you
24 would secure the wet floor and then mop it?

25 A "Secure the wet floor," what do you mean by

1 that?

2 Q Well, if you see a spill --

3 A Yes.

4 Q And we're talking about a spill on a marble
5 floor because that's what would be mopped; right?

6 A Yes.

7 Q And I want to make sure I understood this.
8 If you have a wet spill on a marble floor, your PAD
9 protocol would be to secure the area and have someone
10 come to that area --

11 A Right away.

12 Q -- right away and clean the area with a
13 mop --

14 A Yes.

15 Q -- right?

16 A Yes, if it's a big spill.

17 Q All right.

18 A And if it's a small spill, we can wipe it
19 with a rag.

20 Q So if -- when you are talking about big
21 versus small -- again, we're lawyers, we try to be as
22 precise as we can.

23 Talking about a big spill, how would you
24 describe that?

25 A A big spill would be if somebody spilled a

1 drink, ice chest leaked, somebody dropped a cup of
2 coffee, a bottle of water.

3 Q An alcoholic drink?

4 A An alcoholic drink, yeah, that too.

5 Q And then when we talk about a small spill,
6 describe that.

7 A A small spill is like if somebody just got a
8 cupful of water and they just dripped.

9 Q So if we -- if we walked through the
10 Venetian and we see a PAD employee mopping the floor
11 where a spill had occurred, we can assume that was a
12 big spill?

13 **MR. ROYAL:** Objection, form.

14 **THE WITNESS:** No, not necessarily. It can
15 be something sticky. It's not just spills. If
16 something sticky is on the floor, we have to get it
17 up.

18 **BY MR. GALLIHER:**

19 Q Well, I'm talking strictly now about big
20 spills versus small.

21 A Oh. Yeah, if you see somebody mopping --
22 no, they could be just cleaning the floor.

23 Q Okay. My understanding of the protocol is
24 that big spill equals mop, small spill equals wipe up
25 with some kind of a rag; right?

1 A Yes.

2 Q And that would be the primary difference
3 between your protocol in these types of spills; is
4 that right?

5 A Right.

6 **MR. GALLIHER:** Okay. Thank you. All I
7 have.

8 **MR. ROYAL:** No questions.

9 **MR. GALLIHER:** We are done.

10 (The deposition concluded at 3:55 p.m.)

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REPORTER'S DECLARATION

STATE OF NEVADA)
)
COUNTY OF CLARK)

I, Pauline C. May, CCR No. 286, declare as follows:

That I reported the taking of the deposition of the witness, **KECIA POWELL**, commencing on Friday, July 12, 2019 at the hour of 3:33 p.m.

That prior to being examined, the witness was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth.

That I thereafter transcribed said shorthand notes into typewriting and that the typewritten transcript of said deposition is a complete, true and accurate transcription of said shorthand notes taken down at said time, and that a request has not been made to review the transcript.

I further declare that I am not a relative or employee of counsel of any party involved in said action, nor a relative or employee of the parties involved in said action, nor a person financially interested in the action.

Dated at Las Vegas, Nevada this _____ day of _____, 2019.

Pauline C. May, CCR 286, RPR

Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676

DISTRICT COURT
CLARK COUNTY, NEVADA

JOYCE SEKERA, an Individual,

Plaintiff,

vs.

Case No. A-18-772761-C
Dept. 25

VENETIAN CASINO RESORT, LLC,
d/b/a THE VENETIAN LAS VEGAS,
a Nevada Limited Liability
Company; LAS VEGAS SANDS, LLC
d/b/a THE VENETIAN LAS VEGAS,
a Nevada Limited Liability
Company; YET UNKNOWN EMPLOYEE;
DOES I through X, inclusive,

Defendants.

DEPOSITION OF PETE A. KRUEGER

Taken at the Galliher Law Firm
1850 East Sahara Avenue, Suite 107
Las Vegas, Nevada 89104

On Friday, July 12, 2019
At 2:00 p.m.

Reported By: PAULINE C. MAY
CCR 286, RPR

Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676

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- And -

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I N D E X

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21 WITNESS

PAGE

PETE A. KRUEGER

22 Examination By Mr. Galliher

3

Examination By Mr. Royal

17

23 Further Examination By Mr. Galliher

21

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1 **PETE A. KRUEGER,**
2 having been first duly sworn to tell the truth, the
3 whole truth and nothing but the truth, was examined
4 and testified as follows:

5
6 **EXAMINATION**

7 **BY MR. GALLIHER:**

8 Q Would you state your full name, please.

9 A Pete A. Krueger.

10 Q Where do you work?

11 A I work at the Venetian and Palazzo Resort as
12 a security officer.

13 Q You say "the Venetian and Palazzo." Do you
14 work at both places?

15 A I do.

16 Q And how long have you been employed at the
17 Venetian Palazzo?

18 A Nine years.

19 Q Do you work principally at the Venetian or
20 principally at the Palazzo, or is it split time?

21 A Both are equal as they are two in one
22 property, the same.

23 Q What is your usual shift?

24 A 7:30 a.m. to 3:30 p.m., day shift.

25 Q What are your days off?

1 A Saturday and Sunday.

2 Q Has that always been the case?

3 A No.

4 Q When you started at the Venetian nine years
5 ago -- I'll use the term Venetian, you understand
6 we're talking about Venetian Palazzo.

7 You understand that?

8 A I do.

9 Q All right. So when you started at the
10 Venetian, did you start as a security officer?

11 A I did.

12 Q When you started as a security officer, what
13 was your shift?

14 A It was the overnight shift from 10:45 p.m.
15 to 6:45 a.m.

16 Q That would be called graveyard?

17 A Correct.

18 Q How long did you work graveyard?

19 A 15 months.

20 Q And after that 15 months, did you go to the
21 day shift?

22 A I did.

23 Q And have you been on the day shift ever
24 since?

25 A I have.

1 Q Do you have a specific function as a
2 security officer, or are you just what I would call a
3 general security officer?

4 A I, at the present time in the last 18
5 months, have now been acclimated to the SST team which
6 is Security Saturation Team. So we patrol the whole
7 property in total.

8 Q So when we talk about Venetian Palazzo,
9 we're talking about the over the last 15 months or
10 have you been patrolling both hotels for a longer
11 period of time?

12 A Both hotels. I have been on the day shift
13 for approximately seven years and in that time frame I
14 have been, majority of the time, on the Venetian.

15 The last, let's say, two years they started
16 breaking us over to both sides of the property as in
17 Venetian Palazzo.

18 The last 18 months I've been doing a patrol
19 which incorporates both Venetian, Palazzo and the
20 Sands Expo or the conference center, so I have the
21 ability to patrol the whole property in general.

22 Q You've been named as a witness in this case.
23 Do you understand that?

24 A Yes, sir.

25 Q Do you know why?

1 A Yes, sir.

2 Q Tell me why.

3 A I believe that there was an area of the
4 resort that seemed to have an issue with an individual
5 who slipped and fell.

6 Q And how is it that you were involved?

7 A I was named as one of the officers who was
8 on patrol that day in that area, I believe the time
9 frame close to when the incident occurred and, in
10 general, I was on property that day.

11 Q And did you review the video surveillance of
12 that day?

13 A I did.

14 Q And did you review the video surveillance
15 that showed you at approximately 12:26:42, according
16 to the information that was disclosed by the Venetian?

17 A Walking in the general vicinity of the
18 incident?

19 Q Yes.

20 A Yes, sir.

21 Q And when you were walking in the general
22 vicinity of the incident, would you agree with me that
23 initially you were looking straight ahead?

24 A Initially? Sure.

25 Q And then shortly before the end of the

1 video, it looked like your head turned to the right
2 and turned down.

3 Do you remember that?

4 A I was going to say the opposite, but I do
5 recall somewhat my head moving to one side or the
6 other and looking that way.

7 Q And I'm just telling you what I saw. It
8 looked to me what I saw, you were walking straight
9 forward, you were looking forward and up. And then
10 just toward the end of the clip where you were shown
11 on the video, your head turned to the right and it
12 appeared, at least, that you were looking down.

13 A Okay.

14 Q Does that square with your recollection?

15 A So from your viewpoint, are you looking
16 straight at me in the camera?

17 Q Yes.

18 A So that would be my left as in looking down.

19 Q I'm looking -- so see if we get this
20 straight. I'm looking at -- the camera angle shows
21 you from the left.

22 A Correct.

23 Q But what appears to me from the camera that
24 I saw, you are walking looking straight ahead and just
25 toward the end of the clip where you were shown, you

1 turn away from the camera and you are looking down.

2 A Okay.

3 Q Does that --

4 A I mean, I could have. I'm not -- you know,
5 I haven't only looked at the video several times.

6 I honestly would have to say I don't recall,
7 but as I walked through any area in general I do scan
8 left, right. So I can't really say, you know,
9 honestly. I don't want -- I'm not going to fabricate
10 something.

11 Q Do you have any recollection of what caught
12 your attention?

13 A No. I'm sorry.

14 Q I understand.

15 A Three years ago, it's hard for me to recall.

16 Q Now, in your capacity as a security officer
17 at the Venetian Palazzo, is it your obligation to
18 respond to what I will call an injury fall?

19 A If the call is made, absolutely.

20 Q Did you -- are you also responsible for
21 writing reports?

22 A I am.

23 Q Are you trained for that?

24 A I am.

25 Q And when you write reports regarding an

1 injury fall, is there any specific information that
2 must be contained in the report?

3 A And just to clarify. If there is an actual
4 injury that occurs within the incident and the report
5 is generated, typically seeing an EMT will step in and
6 take over the report as the EMTs usually do respond to
7 injury incidents.

8 Q All right, so correct me if I'm wrong. From
9 what I understand, you have a report of a fall, you
10 probably arrive there first, and then the security EMT
11 arrives probably after you do and then takes over?

12 A Every circumstance or situation is
13 different. If I'm the first responding, then yes.

14 Q But you're not an EMT.

15 A I'm not.

16 Q So you don't administer injury care if
17 someone is injured in a fall?

18 A All I can do is try to assist to the best of
19 my ability, whatever I can do.

20 Q Have you ever been informed by anyone in
21 management at the Venetian that the marble floors at
22 the Venetian are dangerous when wet?

23 A No.

24 Q Have you ever been made aware of that by
25 anyone?

1 A No.

2 Q Do you understand that to be the case?

3 A I couldn't really agree with that or
4 disagree with that.

5 Q All right. So you have no opinion, as you
6 testify here today, concerning whether or not the
7 marble floors at the Venetian are dangerous to
8 customers or people walking through them when wet?

9 **MR. ROYAL:** Objection, form.

10 **THE WITNESS:** I would have to say that any
11 floor, no matter what surface it is, if it's wet
12 should be cleaned up.

13 **BY MR. GALLIHER:**

14 Q And why is that?

15 A Because it's wet.

16 Q And is it just because it poses some type of
17 a danger to someone that's walking through it?

18 **MR. ROYAL:** Objection, form.

19 **THE WITNESS:** Like I said, any surface wet
20 should be cleaned up.

21 **BY MR. GALLIHER:**

22 Q And do you distinguish between any surface
23 and a marble surface when you talk about that concern?

24 A No.

25 Q So as you testify here today, do you think

1 that a marble floor when wet is any more dangerous
2 than any other surface when wet?

3 **MR. ROYAL:** Objection, form.

4 **THE WITNESS:** I would have to say no.

5 **BY MR. GALLIHER:**

6 Q All right. So the answer to my question is
7 no, you don't believe the marble floor is any more
8 dangerous?

9 A No.

10 **MR. ROYAL:** Objection, form.

11 **BY MR. GALLIHER:**

12 Q Right. We're doing double negatives.

13 A I got you.

14 Q So the answer to my question is you do not
15 believe that a marble floor, when wet, is any more
16 dangerous than any other surface when wet; is that
17 right?

18 A Correct.

19 **MR. ROYAL:** Objection, form.

20 **BY MR. GALLIHER:**

21 Q Do you work five days a week?

22 A I do.

23 Q And have you worked five days a week from
24 the time since you were employed at the Venetian up to
25 the present?

1 A Yes, sir.

2 Q And during that time frame, can you give me
3 your best estimate on how many occasions you have been
4 asked to respond to an injury fall on marble flooring
5 at the Venetian or Palazzo?

6 A Such as a -- this incident?

7 Q Yeah.

8 A Like a fall?

9 Q Where someone falls and claims injury.

10 A An estimate?

11 Q Your best estimate.

12 A Of how many times --

13 Q You've been --

14 A -- in the nine years that I've been there?

15 Q Yes.

16 A I really don't have a number for you. I
17 mean, I go to calls whenever they call me and how many
18 of these have been injury calls, transient calls or
19 pertaining to this circumstance, I really don't have a
20 number for you.

21 Q Maybe I'm not being specific enough. When I
22 talk about an injury fall event, I'm talking about a
23 situation where someone slips on a marble floor, falls
24 and claims injury; you understand that?

25 A Yes, sir.

1 Q So my question is that specific event, your
2 best estimate of how many times you've been called
3 upon as a security officer at the Venetian to respond
4 to the scene of one of those events.

5 **MR. ROYAL:** Object, form.

6 **THE WITNESS:** On the nine years that I've
7 been there where it actually turns into an actual
8 injury as in somebody going to the hospital?

9 **BY MR. GALLIHER:**

10 Q No. Just someone claiming injury where a
11 security/EMT responds to the scene to tend to the
12 person who has fallen.

13 A Okay. I would say in the nine years, sir,
14 just to be somewhat accurate, I would say maybe two.

15 Q All right. So your best recollection, best
16 estimate is, during the nine years as a security
17 officer at Venetian, slash, Palazzo, you have
18 responded to approximately two injury falls within
19 that time frame; is that right?

20 A I've responded to many different calls and
21 whether I was there as a first responder or a traffic
22 control as in foot traffic, pedestrian traffic patrol
23 officer, I sometimes don't, you know, get involved in
24 what the actual injury is.

25 But if someone needs help, we're going to go

1 regardless of the circumstance. So how many times, I
2 can't give you an accurate.

3 Q Well, see, I'm not asking you to define the
4 information from the person's perspective. You are
5 summoned, I assume, by some type of a device to the
6 scene of the fall.

7 A Sure.

8 Q What's the device?

9 A Security radio, transmit radio.

10 Q Who is it usually dispatches you on the
11 security radio?

12 A Security dispatch office.

13 Q And when the security dispatch office
14 dispatches you to the scene of a fall event, what do
15 they usually tell you?

16 A "Guest down on the floor, please respond to
17 this area."

18 Q During your time at the Venetian, over that
19 nine-year time frame at the Venetian Palazzo, how many
20 times have you received that communication from the
21 security department?

22 **MR. ROYAL:** Objection, form.

23 **THE WITNESS:** I'm going to say, myself, I'm
24 going to stick with two.

25 / / / / /

1 **BY MR. GALLIHER:**

2 Q All right. So during the nine years you've
3 been employed at the Venetian Palazzo, in your
4 eight-hour shift, five days a week, you have been
5 dispatched by your security department, to the best of
6 your recollection, on two occasions regarding fall
7 events; is that right?

8 A Yes. As my name comes up, yes.

9 Q When you say as your name comes up --

10 A Well, you are asking me to state how many
11 times I've been called, but I will also go to respond
12 and back up my EMTs, slash, security officers with a
13 dispatch.

14 Q All right. So how many calls have you
15 received, whether it's directed to you personally or
16 directed to the fact that a security EMT is to be
17 dispatched regarding injury falls?

18 A I wish I could give you an accurate number,
19 sir, but it wouldn't be appropriate because I don't --
20 I don't recollect. I just go.

21 Q All right. So your testimony again in
22 response to that question is, you don't have an intact
23 recollection of how many times you've been dispatched
24 by your security department under those circumstances;
25 is that right?

1 A I'm going to say two.

2 Q All right, so right back. We'll try to see
3 if we get this better.

4 It's your best recollection, over the nine
5 years you've been employed as a security officer,
6 eight hours a day, five days a week, that the security
7 department dispatched you to the scene of a fall event
8 on two occasions?

9 A Yes.

10 Q All right. Now, you were not present at the
11 time of this fall; is that right?

12 A Correct.

13 Q And you didn't witness the fall?

14 A Correct.

15 Q And have you spoken with anyone about the
16 fall, other than Mr. Royal?

17 A No.

18 Q Now, during your time as a security officer,
19 has anyone in your department ever voiced any concerns
20 to you about the safety of the marble flooring at the
21 Venetian?

22 A No.

23 The safety?

24 Q Yes.

25 A No, sir.

1 Q And so -- and I think you might have
2 answered this earlier. I want to make sure we're
3 clear on the record.

4 During that entire time frame that you've
5 been employed at the Venetian, that no one has voiced
6 any concerns to you about the safety of the marble
7 flooring at the Venetian when wet?

8 A Correct.

9 **MR. GALLIHER:** George, take a little break.
10 I may be done.

11 (Short Break.)

12 **BY MR. GALLIHER:**

13 Q All right. Mr. Krueger, have you understood
14 all my questions today?

15 A Yes.

16 Q Anything you want me to repeat or rephrase
17 for you?

18 A If I answered everything you said, I'm fine.

19 **MR. GALLIHER:** All right. Pass the witness.

20 **MR. ROYAL:** Okay.

21

22 **EXAMINATION**

23 **BY MR. ROYAL:**

24 Q I'm just going to show you what's been
25 marked as VEN019, and this is -- I'm going to start

1 the video that was referred by Counsel. And I'm going
2 to start it at 12:26:40 and I'm going to play it, and
3 you tell us when you first see yourself and then when
4 you depart.

5 Okay?

6 A Okay.

7 Q Ready?

8 A Yes. Here I am; there I go.

9 Q Okay. All right, so I'm going to go back
10 here. At 12:26:41, you appear on the right side in a
11 blue uniform; correct?

12 A Yes.

13 Q Okay. You walk past this column that's on
14 your right that's on the left side of the video;
15 correct?

16 A Uh-huh.

17 Q You need to say yes or no.

18 A Yes.

19 Q And you said, "I'm gone," that was at
20 12:26:45. See that?

21 A Yes, I do.

22 Q All right. So Counsel had asked you
23 questions looking down and so forth, so I want to give
24 you an opportunity to kind of watch this and see if
25 you -- this refreshes your recollection in any way.

1 I continue to play it to 12:27:00. Any of
2 that refresh your recollection?

3 A No. No, sir.

4 Q Okay. All right. Now, if you were looking
5 down to your right and, hypothetically, you noticed
6 something on the floor, what's your typical protocol?

7 A Stop and acknowledge the problem.

8 Q Okay.

9 A What is the problem or whatever I see.
10 Whatever I see, I'm going to radio in and deal with
11 it.

12 Q How do you deal with it?

13 A Use my radio and call my security dispatch
14 office and, therefore, we then take the steps
15 necessary to fix it with another department, if
16 necessary, or just handle it ourselves.

17 Q Okay. Now, can you give us an idea of where
18 you were stationed on that particular day?

19 A I believe that day I was a Charlie, which is
20 otherwise as a casino patrol officer.

21 Q What do you do in that capacity?

22 A I walk around and identify threats, assist
23 guests, look for issues, look to help, look to do any
24 kind of escorts, and identify anything that looks to
25 be something that needs to be addressed.

1 Q Okay. All right, all right. Do you have
2 any idea of where you were headed at the time you were
3 depicted on video in this particular -- on this day?

4 A That area I believe, if I'm correct, is
5 right across from Grand Lux Cafe where the escalators
6 are that come down from the mall level. And I
7 believe, from the direction of travel, I should be
8 headed into the casino.

9 Q Okay. Now, there's a theater. Do you know
10 where the theater is?

11 A Yes, sir, the Venetian Theater.

12 Q Do you know where the restaurants are? I'm
13 sorry, strike that.

14 Do you know where the restrooms are?

15 A Yes.

16 Q In that area?

17 A Yes.

18 Q I'm going to show you this again. Looking
19 at VEN019 and it's a still shot at 12:27:06.

20 A All right.

21 Q I want you to look at that. Do you see
22 where the casino is from that view?

23 A I do.

24 Q Do you know where the restrooms are in that
25 view?

1 A Should be right around the left-hand side of
2 this column that's on the screen.

3 Q Okay. On the left side of the screen?

4 A I believe so.

5 Q Okay. So does that refresh your
6 recollection as to where you were headed?

7 A I would say there's also an ATM bank right
8 here. There's also a map -- a display map of the
9 property right there for guests to look at. I very
10 could have well been going over to assist a guest with
11 a map.

12 Q So those things you just made reference to
13 are off camera. We don't see them, but they would be
14 off somewhere to the left of this particular view at
15 12:27:06?

16 A Correct.

17 **MR. ROYAL:** All right. I don't have
18 anything further.

19

20 **FURTHER EXAMINATION**

21 **BY MR. GALLIHER:**

22 Q Now I have a question. You are walking
23 through the casino, you see a spill on the marble
24 floor; what do you do?

25 A We stop, radio it into our security dispatch

1 office on the radio; and one of my other officers, if
2 available, will try to find what we call a PAD team
3 member, a Public Area Department, and they will come
4 over and clean up the mess or whatever it may be that
5 needs to be picked up.

6 Q So during your time at the Venetian as a
7 security officer, over that nine-year time frame, how
8 many times did you do that?

9 A A few. Nine years I mean, you know, it
10 happens. I can't control how many times people are
11 going to spill their water and beer or coffee. It
12 happens. I would have to not generalize, but I mean,
13 whatever. I do what I do what I do, you know.

14 Q Can you give me maybe an average per shift?

15 A Average per shift?

16 Q Again, your best estimate.

17 A Yeah. No, I -- I mean because it doesn't
18 happen every day and it doesn't happen all the time.
19 I mean it happens occasionally.

20 Q Does it happen multiple times on a shift --

21 **MR. ROYAL:** Objection, form.

22 **BY MR. GALLIHER:**

23 Q -- from your experience?

24 A Well, I -- like I say, it's hard for me to
25 sit here and say yes to that because that's not true.

1 Q Well, I'm not asking you to tell me what's
2 not true.

3 A Right.

4 Q What I'm asking you is, during your time at
5 the Venetian as a security officer when you were
6 working a shift, did you ever notice spills on the
7 marble floors on multiple occasions during the same
8 shift?

9 A I'm going to say maybe on a couple of
10 occasions over the past nine years, yes.

11 Q All right. So other than a couple of
12 occasions over the past nine years, no other times did
13 you notice multiple spills during the same shift when
14 you were patrolling the casino?

15 A Not to my recollection.

16 Q Okay. That's all I'm asking for, is your
17 recollection.

18 So it would be fair to state, then, as you
19 testified earlier, on the two occasions where you were
20 dispatched to what appeared to be a fall event; right?

21 A In the past two times?

22 Q No, in the past nine years.

23 A Yes.

24 Q And that on a few occasions -- you can't
25 tell me how many -- there have been multiple spills

1 that you've noticed during your patrolling the casino
2 on the marble floors during your shift; correct?

3 A Yes, yes.

4 Q And you can't give me a best estimate of the
5 total number of times that you have seen spills on the
6 marble floors during your shift while patrolling the
7 Venetian on the marble floors; is that right?

8 A Correct.

9 **MR. GALLIHER:** Thank you. That's all I
10 have.

11 **MR. ROYAL:** Nothing.

12 (The deposition concluded at 2:32 p.m.)
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REPORTER'S DECLARATION

STATE OF NEVADA)
)
COUNTY OF CLARK)

I, Pauline C. May, CCR No. 286, declare as follows:

That I reported the taking of the deposition of the witness, **PETE A. KRUEGER**, commencing on Friday, July 12, 2019 at the hour of 2:00 p.m.

That prior to being examined, the witness was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth.

That I thereafter transcribed said shorthand notes into typewriting and that the typewritten transcript of said deposition is a complete, true and accurate transcription of said shorthand notes taken down at said time, and that a request has not been made to review the transcript.

I further declare that I am not a relative or employee of counsel of any party involved in said action, nor a relative or employee of the parties involved in said action, nor a person financially interested in the action.

Dated at Las Vegas, Nevada this _____ day of _____, 2019.

Pauline C. May, CCR 286, RPR