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2 IN THE SUPREME COURT OF THE STATE OF NEVADA
3

4 Supreme Court No. 79689-COA Electronically Filed
5 District Court Case No. A-18-77276 Oct 28 2019 11:38 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

6 VENETIAN CASINO RESORT, LLC, a Nevada limited liability company;
7 LAS VEGAS SANDS, LLC, a Nevada limited liability company,
8 Petitioners,

9 v.

10 EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND
11 FOR THE COUNTY OF CLARK, AND THE HONORABLE KATHLEEN
12 DELANEY in her capacity as District Judge,
Respondent,
13 JOYCE SEKERA, an individual,
14 Real Party in Interest

15
16 **APPENDIX TO PETITIONERS' REPLY BRIEF**
17 **Volume 4 (Exhibits 23-26)**

18 Michael A. Royal, Esq. (SBN 4370)
19 Gregory A. Miles, Esq. (SBN 4336)
20 ROYAL & MILES LLP
21 1522 W. Warm Springs Rd.
22 Henderson, Nevada 89014
23 Telephone: (702) 471-6777
24 Facsimile: (702) 531-6777
25 Email: mroyal@royalmilesllp.com
26 gmiles@royalmilesllp.com
27
28

Petitioners, VENETIAN CASINO RESORT, LLC and LAS VEGAS SANDS, LLC, by and through their counsel of record, Royal & Miles LLP, hereby submit is Appendix in compliance with Nevada Rule of Appellate Procedure 30.

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3	Acknowledgment of First Aid Assistance & Advice to Seek Medical Care, No. 1611V-0680	VEN 007	1
4	Venetian Security Scene Photos	VEN 008-014	1
5	Transcript of Joyce Sekera Deposition (taken March 14, 2019)	VEN 015-032	1
6	First Amended Complaint (filed June 28, 2019)	VEN 038-41	1
7	Plaintiff's Request for Production of Documents and Materials to Defendant (served August 16, 2018)	VEN 042-049	1
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Tab	Document/Exhibit Description	Bate Number	<u>Vol.</u>
12	Sekera's Reply to Defendant Venetian Casino Resort, LLC's Opposition to Sekera's Motion for Terminating Sanctions, in the matter of Smith v. Venetian, case no. A-17-753362-C (filed March 12, 2019)	VEN 140-185	1
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21	Court Minutes, Discovery Commissioner (September 18, 2019)	VEN 484-485	3

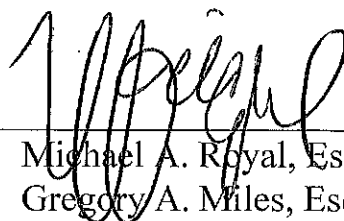
Tab	Document/Exhibit Description	Bate Number	<u>Vol.</u>
22	Privacy Policy, The Venetian Resort Las Vegas (July 7, 2019), https://www.venetian.com/policy.html	VEN 486-495	3
23	Order Regarding Plaintiff's Motion for Terminating Sanctions for Willful Suppression of Evidence Pursuant to Rule 37; and Defendant's Related Motion(s) to Strike	VEN 496-498	4
24	Defendants' Initial 16.1 List of Witnesses and Production of Documents for Early Case Conference (July 6, 2018)	VEN 499-508	4
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26	Notice of Taking Deposition (Gary Shulman) (April 1, 2019)	VEN 515-517	4

The Appendix shall be contained in 4 separate volumes in accordance with NRAP 30(c)(3) (2013), each volume containing no more than 250 pages.

DATED this 28 day of October, 2019.

ROYAL & MILES LLP

By: _____

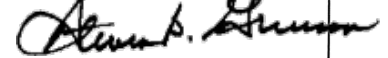


Michael A. Royal, Esq. (SBN 4370)
Gregory A. Miles, Esq. (SBN 4336)
1522 W. Warm Springs Rd.
Henderson, NV 89014
(702) 471-6777
Counsel for Petitioners

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Honorable Kathleen Delaney
Eighth Jud. District Court, Dept. 25
200 Lewis Avenue
Las Vegas, NV 89155
Respondent

V



1 **ORDR**

2 MICHAEL M. EDWARDS
3 Nevada Bar No. 6281
4 RYAN A. LOOSVELT
5 Nevada Bar No. 8550
6 **MESSNER REEVES LLP**
7 8945 W. Russell Road, Suite 300
8 Las Vegas, Nevada 89148
9 Telephone: (702) 363-5100
10 Facsimile: (702) 363-5101
11 Email: medwards@messner.com
12 Email: rloosvelt@messner.com
13 *Attorneys for Defendant*
14 *Venetian Casino Resort, LLC*

10 DISTRICT COURT

11 CLARK COUNTY, NEVADA

12 CAROL SMITH, an individual,

13 Plaintiff,

15 vs.

16 VENETIAN CASINO RESORT, LLC; and
17 DOES 1 through 50, inclusive,

18 Defendant(s).

Case No.: A-17-753362-C

Dept. No.: X

**ORDER REGARDING PLAINTIFF'S
MOTION FOR TERMINATING
SANCTIONS FOR WILLFUL
SUPPRESSION OF EVIDENCE
PURSUANT TO RULE 37; AND
DEFENDANT'S RELATED MOTION(S)
TO STRIKE**

20 On May 8, 2019, the following motions came on for hearing before the Honorable Tierra D.
21 Jones in Department X of the Eighth Judicial District Court, Clark County, Nevada: (1) Plaintiff's
22 Motion for Terminating Sanctions, Monetary Sanctions for Willful Suppression of Evidence Pursuant
23 to Rule 37 ("Plaintiff's Motion for Terminating Sanctions"); (2) Defendant's Motion to Strike
24 Plaintiff's Reply in support of Motion for Terminating Sanctions; (3) Defendant's Motion to Strike
25 Plaintiff's Supplemental Opposition to Defendant's Reply to Plaintiff's Opposition to Defendant's
26 Motion to Strike ("Defendant's Motion to Strike Supplemental Opposition to Defendant's Reply in
27 support of Motion to Strike").

1 Peter Goldstein, Esq. of the law firm Peter Goldstein Law Corporation appeared on behalf of
2 Plaintiff Carol Smith ("Plaintiff"), and Michael Edwards, Esq. and Ryan Loosvelt Esq. appeared on
3 behalf of Defendant Venetian Casino Resort, LLC ("Defendant").

4 After full review of the motions, oppositions, replies, briefing and oral argument, the Court
5 hereby finds and rules as follows:

6 **IT IS HEREBY ORDERED ADJUDGED AND DECREED THAT** Defendant's Motion to
7 Strike Plaintiff's Supplemental Opposition to Plaintiff's Reply and Defendant's Motion to Strike
8 Plaintiff's Reply in Support of Motion for Terminating Sanctions are hereby GRANTED IN PART;
9 the Court will not consider the *Sekera v. Venetian* incident reports and related documents that is
10 subject to the *Sekera* Protective Order in ruling on the Motion for Terminating Sanctions ~~Terminating~~
11 ~~Sanctions~~, Monetary Sanctions for Willful Suppression of Evidence Pursuant to Rule 37; Defendant's
12 Motion to Strike Plaintiff's Reply in support of Motion for Terminating Sanctions; and Defendant's
13 Motion to Strike Plaintiff's Supplemental Opposition to Defendant's Reply to Plaintiff's Opposition to
14 Defendant's Motion to Strike.

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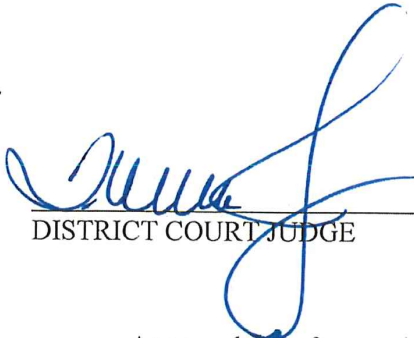
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IT IS FURTHER HEREBY ORDERED ADJUDGED AND DECREED THAT Plaintiff's
Motion for Terminating Sanctions is DENIED.

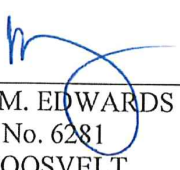
IT IS SO ORDERED.

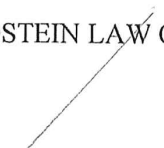
Dated this 25 day of July, 2019.


DISTRICT COURT JUDGE

Respectfully Submitted by:
MESSNER REEVES LLP

Approved as to form and content by:
PETER GOLDSTEIN LAW CORP


MICHAEL M. EDWARDS
Nevada Bar No. 6281
RYAN A. LOOSVELT
Nevada Bar No. 8550
8945 W. Russell Road, Suite 300
Las Vegas, Nevada 89148
Telephone: (702) 363-5100
Facsimile: (702) 363-5101
*Attorneys for Defendant
Venetian Casino Resort, LLC*


PETER GOLDSTEIN
Nevada Bar No. 6992
10785 W. Twain Avenue, #230
Las Vegas, NV 89135
Telephone: (702) 474-6400
Facsimile: (888) 400-8799
*Attorneys for Plaintiff
Carol Smith*

1 **ECC**

2 Michael A. Royal, Esq.

3 Nevada Bar No. 4370

4 Gregory A. Miles, Esq.

5 Nevada Bar No. 4336

6 **ROYAL & MILES LLP**

7 1522 West Warm Springs Road

8 Henderson Nevada 89014

9 Tel: (702) 471-6777

10 Fax: (702) 571-6777

11 Email: mroyal@royalmilesllp.com

12 *Attorneys for Defendants*

13 *VENETIAN CASINO RESORT, LLC and*

14 *LAS VEGAS SANDS, LLC*

9 **DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 JOYCE SEKERA, an Individual;

CASE NO.: A-18-772761-C

DEPT. NO.: XXIV

12 Plaintiff,

13 v.

14
15 VENETIAN CASINO RESORT, LLC, d/b/a
16 THE VENETIAN LAS VEGAS, a Nevada
17 Limited Liability Company; LAS VEGAS
18 SANDS, LLC d/b/a THE VENETIAN LAS
19 VEGAS, a Nevada Limited Liability Company;
20 YET UNKNOWN EMPLOYEE; DOES I
through X, inclusive,

Defendants.

21 **DEFENDANTS' INITIAL 16.1 LIST OF WITNESSES AND PRODUCTION OF**
22 **DOCUMENTS FOR EARLY CASE CONFERENCE**

23 Defendants, VENETIAN CASINO RESORT, LLC, and LAS VEGAS SANDS, LLC, by and
24 through their counsel, Michael A. Royal, Esq., of the law firm of Royal & Miles LLP, pursuant to
25 N.R.C.P. 16.1, provides their list of witnesses and documents as follows:

26 **Documents**

- 27 1. Complaint (VEN 001 - 004);
28 2. Venetian Security CR-1 (1611V-0680) (11/04/16) (VEN 005);

3. Venetian Security Case MO (1611V-0680) (11/04/16) (VEN 006);
4. Venetian Security Person Profile (1611V-0680) (11/04/16) (VEN 007);
5. Venetian Security Narrative Report (1611V-0680) (11/04/16) (VEN 008 - 009);
6. Venetian Security Photographs (VEN 010 - 016);
7. Venetian Acknowledgment of First Aid Assistance & Advice to Seek Medical Care (1611V-0680) (11/04/16) (VEN 017);
8. Venetian Accident Scene Check (1611V-0680) (11/04/16) (VEN 018);
9. Venetian Surveillance Footage (1611V-0680) (11/04/16) (VEN 019);
10. Plaintiff's medical records (produced by Plaintiff, identified herein as PLF 001 - 624), including but not limited to:
 - a. Centennial Hills Hospital
 - b. Shadow Emergency Physicians
 - c. Desert Radiologists
 - d. Core Rehab.
 - e. Las Vegas Radiology
 - f. Southern Nevada Medical Group
 - g. Radar Medical Group
 - h. PayLater/WellCare Pharmacy
 - i. Las Vegas Pharmacy
 - j. Walter M. Kidwell, MD (Pain Inst. Nevada)
 - k. Valley View Surgery Center
 - l. Steinberg Diagnostics
 - m. Desert Institute of Spine Care
11. Plaintiff's employment records (produced by Plaintiff, identified herein as PLF 625), including but not limited to:
 - a. Undated letter from Warren Church, Jr., CEO, Brand Las Vegas, LLC
12. Brand Vegas Ticket Broker Agreement (VEN 020 - 034).

Defendants reserve the right to supplement this document disclosure pursuant NRCP 16.1.

Defendants further reserve the right to use any document or item identified by Plaintiffs at any time in the course of this litigation.

Witnesses

1.
Louie Calleros
2557 Land Rush Dr.
Henderson NV 89002
(702) (702) 414-9956

This witness was a Venetian front desk employee present when the subject incident occurred and is expected to testify as to facts and circumstances surrounding this controversy. *This witness is to be contacted only through defense counsel for the exception of service of a subpoena.*

2.
Rafael Chavez
c/o Royal & Miles LLP
1522 W. Warm Springs Rd.
Henderson, NV 89014
(702) 471-6777

This witness responded to the subject incident as a Venetian facilities employee and is expected to testify of facts and circumstances surrounding this controversy. *This witness is to be contacted only through defense counsel for the exception of service of a subpoena.*

3.
Warren Church, Jr.
Brand Las Vegas, LLC
3130 S Rainbow Blvd Suite 305
Las Vegas, NV 89146
(702) 538-9000

This witness is believed to have been Plaintiff's employer at the time of the subject incident and is expected to testify about Plaintiff's employment, including but not limited to Plaintiff's claim for loss of earnings, and other facts and circumstances surrounding this controversy.

4.
Maria Cruz
911 Melrose Dr.
Las Vegas, NV 89101
(702) 504-1742

This witness was a Venetian PAD employee assigned to patrol the area in question and responded to the scene, and is expected to testify as to facts and circumstances surrounding this controversy. *This witness is to be contacted only through defense counsel for the exception of service of a subpoena.*

5.
Milan Graovac
7660 W. Eldorado Ln. #140
Las Vegas, NV 89113

1 This witness was a Venetian PAD employee assigned to the area in question and responded to
2 the scene, and is expected to testify as to facts and circumstances surrounding this controversy. *This*
3 *witness is to be contacted only through defense counsel for the exception of service of a subpoena.*

4 6. Sang Han
5 9997 Heritage Desert St.
6 Las Vegas, NV 89178
7 (702) 607-2262

8 This witness was a Venetian Housekeeping executive present at the scene shortly after the
9 incident and is expected to testify as to facts and circumstances surrounding this controversy. *This*
10 *witness is to be contacted only through defense counsel for the exception of service of a subpoena.*

11 7. Chris Johnson
12 8445 Las Vegas Blvd. So, #2106
13 Las Vegas, NV 89123
14 (702) 241-2302

15 This witness was a Venetian responding security officer and is expected to testify as to facts
16 and circumstances surrounding this controversy. *This witness is to be contacted only through defense*
17 *counsel for the exception of service of a subpoena.*

18 8. Joe Larson, EMT
19 3339 Horned Lark Court
20 Las Vegas, NV 89117
21 619-961-8167

22 This witness was the responding/reporting Venetian security EMT and is expected to testify
23 as to facts and circumstances surrounding this controversy. *This witness is to be contacted only*
24 *through defense counsel for the exception of service of a subpoena.*

25 9. David Martinez
26 517 North Yale St.
27 Las Vegas, NV 89107
28 (702) 878-2504

This witness was a Venetian PAD employee responding to the incident area in question and
is expected to testify as to facts and circumstances surrounding this controversy. *This witness is to be*
contacted only through defense counsel for the exception of service of a subpoena.

10. Joyce Sekera
c/o THE GALLIHER LAW FIRM
1850 E. Sahara Avenue, Suite 107
Las Vegas, NV 89014

1 This witness is the Plaintiff in this matter and is expected to testify about claims set forth in the
2 Complaint and to other facts and circumstances surrounding this controversy.

3 11. Gary Shulman
4 10263 Jamapa Dr.
5 Las Vegas, NV 89178-4028
6 (702) 487-2207

7 This witness was a Venetian table games supervisor present when the subject incident occurred
8 and is expected to testify as to facts and circumstances surrounding this controversy. *This witness is*
9 *to be contacted only through defense counsel for the exception of service of a subpoena.*

10 12. Brand Las Vegas, LLC, NRCP 30(b)(6)
11 3130 S Rainbow Blvd Suite 305
12 Las Vegas, Nevada 89146.
13 (702) 538-9000

14 This witness is believed to have been Plaintiff's employer at the time of the subject incident
15 and is expected to testify about Plaintiff's employment, including but not limited to Plaintiff's claim
16 for loss of earnings, Plaintiff's workers compensation claim, and issues surrounding the tenancy of
17 Brand Las Vegas, LLC, and other facts and circumstances surrounding this controversy.

18 13. Centennial Hills Hospital, NRCP 30(b)(6)
19 6900 N Durango Dr.
20 Las Vegas, NV 89149
21 (702) 835-9700

22 This witness is expected to testify about examination and treatment of the Plaintiff in this
23 matter following the subject incident and to other facts and circumstances surrounding this controversy.

24 14. Shadow Emergency Physicians, NRCP 30(b)(6)
25 620 Shadow Ln.
26 Las Vegas, NV 89106
27 (800) 355-2470

28 This witness is expected to testify about examination and treatment of the Plaintiff in this
matter following the subject incident and to other facts and circumstances surrounding this controversy.

15. Desert Radiologists, NRCP 30(b)(6)
3920 S Eastern Ave.
Las Vegas, NV 89119
(702) 759-8600

This witness is expected to testify about examination and treatment of the Plaintiff in this
matter following the subject incident and to other facts and circumstances surrounding this controversy.

1 16. Desert Chiro. & Rehab/Core Rehab, NRCP 30(b)(6)
2 7810 W Ann Rd, 110
3 Las Vegas, NV 89149
4 (702) 463-9508

5 This witness is expected to testify about examination and treatment of the Plaintiff in this
6 matter following the subject incident and to other facts and circumstances surrounding this controversy.

7 17. Las Vegas Radiology, NRCP 30(b)(6)
8 7500 Smoke Ranch Rd #100
9 Las Vegas, NV 89128
10 (702) 254-5004

11 This witness is expected to testify about examination and treatment of the Plaintiff in this
12 matter following the subject incident and to other facts and circumstances surrounding this controversy.

13 18. Southern Nevada Medical Group, NRCP 30(b)(6)
14 1485 E Flamingo Rd.
15 Las Vegas, NV 89119
16 (702) 386-0882

17 This witness is expected to testify about examination and treatment of the Plaintiff in this
18 matter following the subject incident and to other facts and circumstances surrounding this controversy.

19 19. Radar Medical Group, NRCP 30(b)(6)
20 2628 W Charleston Blvd.
21 Las Vegas, NV 89102
22 (702) 644-0500

23 This witness is expected to testify about examination and treatment of the Plaintiff in this
24 matter following the subject incident and to other facts and circumstances surrounding this controversy.

25 20. Paylater Pharmacy, NRCP 30(b)(6)
26 552 E Charleston Blvd.
27 Las Vegas, NV 89104
28 (702) 852-6600

This witness is expected to testify about examination and treatment of the Plaintiff in this
matter following the subject incident and to other facts and circumstances surrounding this controversy.

21. Las Vegas Pharmacy, NRCP 30(b)(6)
2600 W Sahara Ave # 120
Las Vegas, NV 89102
(702) 220-3906

This witness is expected to testify about examination and treatment of the Plaintiff in this
matter following the subject incident and to other facts and circumstances surrounding this controversy.

1 22. Pain Institute of Nevada, NRCP 30(b)(6)
2 7435 W Azure Dr #190
3 Las Vegas, NV 89130
4 (702) 878-8252

5 This witness is expected to testify about examination and treatment of the Plaintiff in this
6 matter following the subject incident and to other facts and circumstances surrounding this controversy.

7 23. Valley View Surgery Center, NRCP 30(b)(6)
8 1330 S. Valley View Blvd.
9 Las Vegas, NV 89102
10 (702) 675-3276

11 This witness is expected to testify about examination and treatment of the Plaintiff in this
12 matter following the subject incident and to other facts and circumstances surrounding this controversy.

13 24. Steinberg Diagnostics, NRCP 30(b)(6)
14 800 N Gibson Rd., Suite 110
15 Henderson, NV 89011
16 (702) 732-6000

17 This witness is expected to testify about examination and treatment of the Plaintiff in this
18 matter following the subject incident and to other facts and circumstances surrounding this controversy.

19 25. Desert Institute of Spine Care, NRCP 30(b)(6)
20 56 N Pecos Rd.
21 Henderson, NV 89074
22 (702) 630-3472

23 This witness is expected to testify about examination and treatment of the Plaintiff in this
24 matter following the subject incident and to other facts and circumstances surrounding this controversy.

25 26. Plaintiff's Workers Compensation Insurer, NRCP 30(b)(6)
26 Address Unknown

27 This witness is expected to testify about Plaintiff's course of medical care and benefits provided
28 following the subject incident and to other facts and circumstances surrounding this controversy.

29 27. Venetian Casino Resort, LLC - NRCP 30(b)(6)
30 c/o Royal & Miles LLP
31 1522 W. Warm Springs Rd.
32 Henderson, NV 89014
33 (702) 471-6777

34 This witness is expected to testify regarding employees identified in the surveillance footage
35 (identified as VEN 019), Venetian's security report, PAD cleaning activities, and to other facts and
36 circumstances surrounding this controversy. *This witness is to be contacted only through defense
37 counsel for the exception of service of a subpoena.*

1 Defendants reserve the right to supplement this witness disclosure pursuant NRCP 16.1.
2 Defendants further reserve the right to call any witness identified by Plaintiffs at any time in the course
3 of this litigation.

4 **COMPUTATION OF DAMAGES**

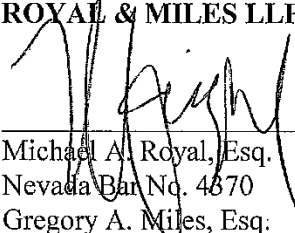
5 Defendant reserves the right to seek reimbursement of any incurred attorneys' fees and costs
6 and permitted under applicable law.

8 **INSURANCE**

9 Defendant is in the process of obtaining a copy of its policy and will supplement accordingly.

10 DATED this 6 day of July, 2018.

11 **ROYAL & MILES LLP**

12
13 By: 

14 Michael A. Royal, Esq.
15 Nevada Bar No. 4370
16 Gregory A. Miles, Esq.
17 Nevada Bar No. 4336
18 1522 W. Warm Springs Road
19 Henderson, NV 89014
20 *Attorneys for Defendants*
21 *VENETIAN CASINO RESORT, LLC and*
22 *LAS VEGAS SANDS, LLC*
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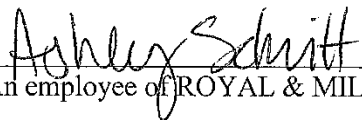
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 10 day of July, 2018, and pursuant to NRCP 5(b), I caused a true and correct copy of the foregoing **DEFENDANTS' INITIAL 16.1 LIST OF WITNESSES AND PRODUCTION OF DOCUMENTS FOR EARLY CASE CONFERENCE** to be served as follows:

- ☒ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or
- ☐ to be served via facsimile; and/or
- ☐ pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served through the Eighth Judicial Court's electronic filing system, with the date and time of the electronic service substituted for the date and place of deposit in the mail; and/or
- ☐ to be hand delivered;

to the attorneys and/or parties listed below at the address and/or facsimile number indicated below:

Keith E. Galliher, Jr., Esq.
THE GALLIHER LAW FIRM
1850 E. Sahara Avenue, Suite 107
Las Vegas, NV 89014
Attorneys for Plaintiff
Facsimile: 702-735-0204
Email: kgalliher@galliherlawfirm.com


An employee of ROYAL & MILES LLP



THE VENETIAN® | THE PALAZZO®

Team Member Discipline History

Date	Type of Event	Infraction
11/20/18	SPI	FTCDP – FAILED TO FOLLOW COMPANY DEPARTMENT PROCEDURES.
05/02/18	FWW	PJP - TM FAILED TO VERIFY A \$5,000 CHIP, WHICH ALLOWED AN UNKNOWN PATRON TO PLAY WITH UNVERIFIED CHIPS.
05/02/18	WW	INPRP - WHILE AWAITING FOR FILLS IN PIT 6, GARY SAT DOWN ON A DEAD GAME AND USED HIS CELL PHONE, SUCH DEVICES ARE PROHIBITED ON THE GAMING FLOOR WHEN ON DUTY.
04/13/18	WW	PJP - TM DID NOT CHECK THE TABLE COUNTS IN TABLE MANAGER, TO ENSURE THAT THE HIGH VALUE CHIPS MATCH WHAT IS ACTUALLY IN THE RACK.
09/14/17	COACH	PJP - TM WAS REMINDED HE NEEDS TO CHECK WITH AN AREA SUPERVISOR OR ACM BEFORE GOING HOME.
07/28/17	PIP	PJP - TM ALLOWED A FILL TO BE PUT ON THE WRONG TABLE.
12/15/16	PIP	PJP - TM FAILED TO FOLLOW UP ON A GUEST COMPLAINT.
08/13/15	CDD	PJP - FAILURE TO PROVIDE UNMATCHED GUEST SERVICE STANDARDS.
05/27/15	CDD	PJP - TM APPROVED A COLOR UP THAT WAS INCORRECT WITHOUT VISUALLY VERIFYING THE AMOUNT. IN ADDITION FAILED TO INVESTIGATE AND WHEN GUEST QUESTIONED THE AMOUNT OF THE COLOR UP. GUEST WAS SHORTED \$1,500.
09/13/14	COACH	PJP - CAME OUT TO THE MAIN FLOOR AT THE BEGINNING OF THE SHIFT, AND INSTEAD OF HELPING OPEN GAMES, SENT THE 10:45AM FLOOR SUPERVISOR ON BREAK AT 11:50AM.
04/26/14	COACH	PJP - GARY DID NOT CHECK IF THE COLOR UP WAS CORRECT.
01/08/10	CDD	ATTDN – 10PTS – NCNS DURING PEAK PERIOD.

Team Member:	Gary Shulman	TM#:	17184	DOH:	05/03/06
Department:	Table Games	Position:	Supervisor		
TMR Specialist :	Marnie Pipp				

Performance Improvement Notice

Please type or print clearly.

Team Member Name: Gary Shulman TM#: 17184
 Position/Department: Supervisor / Table Games Date of Issuance: 11/20/2018
 Issued by (Name & TM#): Michael Conery #8240 Date of Incident: 11/17/2018

Level: ☐ Verbal Warning ☐ Written Warning ☐ Final Written Warning

Concern: ☐ Behavior ☐ Job Performance ☐ Attendance

☒ Suspension Pending Investigation - possible discipline up to termination.

HR will contact the TM within 48 hours to schedule a meeting.

To Be Completed by Manager

Description of Performance Problem or Issue: Rules of Conduct: Inappropriate or threatening comments made toward another team member.

Impact on Business: _____

Dates of Previous Performance Improvement Notices: See file.

Expected Performance Improvement: _____

To Be Completed by Team Member

I commit to correcting the above and following through on my written commitment. I understand that if I do not meet the performance standards of The Venetian | The Palazzo, I will be subject to termination of employment.

Team Member's Commitment to Improve: _____

To assist with my performance improvement, I am requesting: ☐ Re-training ☐ HR Support ☐ Other: _____

Team Member's Signature & TM#: _____ Date: _____

Manager's Signature & TM#: M Conery 8240 Date: 11/20/18

Human Resources/Witness Signature & TM#: _____ Date: _____

Original to Human Resources: copies to Team Member and Department Manager.

THE VENETIAN® | THE PALAZZO®

January 23, 2019

Hand Delivered

Gary Shulman
10263 Jamapa Dr.
Las Vegas, NV 89178

Re: Termination of Employment

Dear Gary:

This letter is in regard to your position as Table Games Supervisor at The Venetian | The Palazzo. As you know, you were placed on Suspension Pending Investigation (SPI) on November 20, 2018, based on a report we received that you made inappropriate and threatening comments. Shortly after you requested and was approved for a leave of absence; therefore was unable to meet for your due process meeting.

The due process meeting was held on January 8, 2019, with you, Norman Blinder, Assistant Casino Manager and me. During this meeting, you were informed the reason for the SPI was based on a report from Area Supervisor, Barry Goldberg stating that on November 17, 2018, in Pit 1 on the Casino Floor, you said, "She is going to have Hell to pay," referencing Area Supervisor, Rhonda Salinas.

In this meeting, you acknowledged making this comment to Goldberg, and stated that what you were referring to was discipline. You admitted that you were angry with Salinas and had complained about her actions. You further acknowledged that when you made this comment, Goldberg advised you that your comment was inappropriate and could be considered a threat. You stated that you did not think this would be perceived in a negative way.

We reviewed with you that on November 16, 2018, you met with Mike Conery, Casino Manager and Beverly Shields, Director of Human Resources regarding issues you had with Salinas. In our meeting with you, you stated that after that meeting with them, you had wanted to drop your complaints against Salinas. However, on November 20, 2018, you made the comment, "She is going to have hell to pay."

Also in our meeting, you stated that you recognize that there is a lot of violence, and understand that people could look at these comments negatively. However, you added it was just a comment that came out and you didn't mean anything by it."

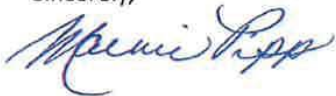
As part of the investigation, we reviewed your discipline record, which reflects the following disciplinary actions issued to you:

- Final Written Warning - May 2, 2018, for failure to verify a \$5,000 chip, allowing an unknown patron to play with unverified chips.
- Written Warning - May 2, 2018, for sitting down on a dead game, in Pit 6 on the Casino Floor, and using your cell phone.
- Written Warning - April 13, 2018, for failure to ensure that the high value chips match what was actually in the rack.

Gary, although you deny any intent of wrongdoing, the comment you made in Pit 1, was inappropriate and was perceived to be threatening in manner.

As a result of our investigation the Company will be terminating your employment effective January 23, 2019, for Violation of the Company's Rules of Conduct and progressive discipline. Please contact me at (702) 414-0484 if you should have any questions.

Sincerely,



Marnie Pipp
Specialist, Team Member Relations – Human Resources

Please sign below to indicate that you have read and understood this letter and that you have had the opportunity to ask any questions to clarify its contents.



Gary Shulman, Table Games Supervisor

1-23-19

Date

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): ☐ FEPA ☒ EEOC 487-2019-00532	
Nevada Equal Rights Commission and EEOC <i>State or local Agency, if any</i>			
Name (indicate Mr., Ms., Mrs.) Mr. Gary Shulman		Home Phone (702) 487-2207	Year of Birth 1961
Street Address City, State and ZIP Code 10263 Jamapa Dr, LAS Vegas, NV 89178			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name VENETIAN CASINO RESORT (LAS VEGAS SANDS)		No. Employees, Members 501+	Phone No. (702) 414-1617
Street Address City, State and ZIP Code 3355 Las Vegas Blvd S, LAS VEGAS, NV 89109			
Name		No. Employees, Members	Phone No.
Street Address City, State and ZIP Code			
DISCRIMINATION BASED ON (Check appropriate box(es).) ☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN ☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ GENETIC INFORMATION ☐ OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 01-23-2019 01-23-2019 ☐ CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): I was an employee with the Venetian since on or about May 3, 2006; lastly as a Table Game Supervisor. For in or around 5 years I had been on intermittent FMLA for a medical condition and had been afforded an opportunity to take my leave as needed. I was subjected to negative comments regarding taking my leave by my co-workers; however, they were disciplined for their harassing behavior towards me. In or around November 2018, I filed a complaint with HR regarding the harassing behavior of my Supervisor towards all employees. After filing the complaint, I was accused of making a threatening comment regarding the manager I filed against and was discharged for my alleged threat. I believe I was discriminated against due to my medical condition, and retaliated against for engaging in a protected activity, in violation of the Americans with Disabilities Act of 1990, as amended.			

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY - When necessary for State and Local Agency Requirements
I declare under penalty of perjury that the above is true and correct.	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT
Digitally signed by Gary Shulman on 02-22-2019 02:03 PM EST	SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

THE GALLIHER LAW FIRM
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
702-735-0049 Fax: 702-735-0204

1 THE GALLIHER LAW FIRM
2 Keith E. Galliher, Jr., Esq.
3 Nevada Bar No. 220
4 Jeffrey L. Galliher, Esq.
5 Nevada Bar No. 8078
6 George J. Kunz, Esq.
7 Nevada Bar No. 12245
8 1850 East Sahara Avenue, Suite 107
9 Las Vegas, Nevada 89104
10 Telephone: (702) 735-0049
11 Facsimile: (702) 735-0204
12 kgalliher@galliherlawfirm.com
13 jgalliher@galliherlawfirm.com
14 gkunz@lvlawguy.com
15 Attorneys for Plaintiff

11 DISTRICT COURT
12 CLARK COUNTY, NEVADA

14 JOYCE SEKERA, an Individual,) CASE NO.: A-18-772761-C
15) DEPT. NO.: 25
16 Plaintiff,)
17 v.)
18 VENETIAN CASINO RESORT, LLC,)
19 d/b/a THE VENETIAN LAS VEGAS, a)
20 Nevada Limited Liability Company;)
21 LAS VEGAS SANDS, LLC d/b/a THE)
22 VENETIAN LAS VEGAS, a Nevada)
23 Limited Liability Company; YET)
24 UNKNOWN EMPLOYEE; DOES I)
25 through X, inclusive,)
26 Defendants.)

24 **NOTICE OF TAKING DEPOSITION**

26 PLEASE TAKE NOTICE that at 3:00 p.m. on Wednesday, April 17, 2019, at The Galliher
27 Law Firm located at 1850 E. Sahara Avenue, Suite 107, Las Vegas, Nevada, the Plaintiff in the
28 above entitled action will take the deposition of Gary Shulman, upon oral examination, pursuant to

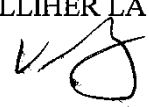
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Las Vegas, Nevada 89104
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1 Rules 26 and 30 of the Nevada Rules of Civil Procedure, before a Notary Public, or before some
2 other officer authorized by the law to administer oaths. Oral examination will continue from day to
3 day until completed. You are invited to attend and cross examine.

4 PLEASE TAKE FURTHER NOTICE that Plaintiff has not retained the services of a
5 licensed interpreter for this deposition, and hereby requests that deponent's attorney provide
6 immediate notice of the need for a licensed interpreter for this deposition if such a need is
7 required by the deponent. In the event deponent and his/her attorney appear at the deposition
8 without providing at least seventy-two (72) hours' notice prior to the deposition of the need for
9 a licensed interpreter, and the deposition cannot proceed because of this lack of notice and the
10 resulting absence of a licensed interpreter, the deponent and his/her attorney will be held
11 jointly and severally responsible for any and all attorney fees and costs, including court
12 reporter charges, incurred by Plaintiff for this deposition.
13

14 DATED this 15th day of April, 2019
15
16

17 THE GALLIHER LAW FIRM

18 
19 Keith E. Galliher, Jr., Esq.
20 Nevada Bar Number 220
21 1850 E. Sahara Ave., Suite 107
22 Las Vegas, NV 89104
23 Attorney for Plaintiffs
24
25
26
27
28

THE GALLIHER LAW FIRM
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
702-735-0049 Fax: 702-735-0204

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of THE GALLIHER LAW FIRM and that service of a true and correct copy of the above and foregoing **NOTICE OF TAKING DEPOSITION** was served on the 1st day of April, 2019, to the following addressed parties by:

☐ First Class Mail, postage prepaid from Las Vegas, Nevada pursuant to N.R.C.P 5(b)

☐ Facsimile, pursuant to EDCR 7.26 (as amended)

☒ Electronic Mail/Electronic Transmission

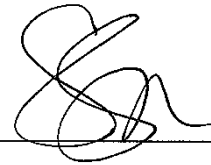
☐ Hand Delivered to the addressee(s) indicated

☐ Receipt of Copy on this _____ day of _____, 2019,

acknowledged by, _____

Michael A. Royal, Esq.
Gregory A. Miles, Esq.
ROYAL & MILES LLP
1522 W. Warm Springs Road
Henderson, Nevada 89014
Attorney for Defendant

Canyon Court Reporting
Via email only
admin@canyoncr.com



An employee of THE GALLIHER LAW FIRM