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Attorneys for Plaintiff, Vivia Harrison

DISTRICT COURT

CLARK COUNTY, NEVADA

VIVIA HARRISON, an individual,

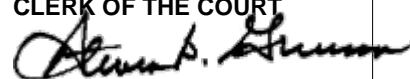
Plaintiff,

vs.

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

Defendants.

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12/3/2019 4:39 PM
Steven D. Grierson
CLERK OF THE COURT



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Dec 06 2019 03:43 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No.: A-16-732342-C
Dept. No.: XXIX

AMENDED NOTICE OF APPEAL

1 Plaintiff, Vivia Harrison, by and through her attorneys of record, Marquis Aurbach
2 Coffing; Moss Berg Injury Lawyers; and Parry & Pfau, hereby files this amended appeal to the
3 Supreme Court of Nevada from: (1) the order granting Defendant Ramparts, Inc. dba Luxor
4 Hotel & Casino's motion for attorney's fees and costs, which was filed on March 18, 2019 and
5 attached as **Exhibit 1**; (2) the order denying Plaintiff's motion to reconsider the Court's order
6 granting Luxor an attorney lien offset, which was filed on May 21, 2019 and attached as
7 **Exhibit 2**; and (3) the stipulation and order to dismiss Defendant Desert Medical Equipment,
8 only, which was filed on November 26, 2019 and is attached as **Exhibit 3**.

9 Dated this 3rd day of December, 2019.

10 MARQUIS AURBACH COFFING

11
12 By /s/ Micah S. Echols
13 Micah S. Echols, Esq.
14 Nevada Bar No. 8437
15 Tom W. Stewart, Esq.
16 Nevada Bar No. 14280
17 10001 Park Run Drive
18 Las Vegas, Nevada 89145
19 *Attorneys for Plaintiff, Vivia Harrison*
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **AMENDED NOTICE OF APPEAL** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 3rd day of December, 2019. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹

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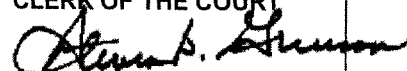
I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

N/A.

/s/ Leah Dell
Leah Dell, an employee of
Marquis Aurbach Coffing

¹ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

Exhibit 1



1 **OGM**
2 **LOREN S. YOUNG, ESQ.**
3 Nevada Bar No. 7567
4 **THOMAS W. MARONEY, ESQ.**
5 Nevada Bar No. 13913
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15 Attorneys for Defendant, RAMPARTS, INC.
16 d/b/a LUXOR HOTEL & CASINO

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DISTRICT COURT

CLARK COUNTY, NEVADA

VIVIA HARRISON, an individual,
Plaintiff,

v.

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

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

**ORDER GRANTING DEFENDANT
RAMPARTS, INC. d/b/a LUXOR HOTEL &
CASINO'S MOTION FOR ATTORNEY'S
FEES AND COSTS**

Defendant RAMPARTS, INC. d/b/a LUXOR HOTEL & CASINO's Motion for Attorney's
Fees and Costs and Memorandum of Costs and Disbursements coming on for hearing on February 27,
2019; the Honorable David M. Jones presiding with appearances by Loren S. Young, Esq. appearing
on behalf of Defendant, RAMPARTS, INC. d/b/a LUXOR HOTEL & CASINO; Boyd B. Moss, Esq.

1 of Moss Berg Injury Lawyers and Matthew Pfau, Esq. of Parry & Pfau appearing on behalf of Plaintiff,
2 VIVIA HARRISON; the Court, having reviewed the papers and pleadings on file herein, having heard
3 the arguments of counsel, and good cause appearing therefore, the Court hereby finds and enters the
4 following:

5 FINDINGS OF FACT

6 Trial in this matter started on December 10, 2018 and concluded on December 20, 2018 with
7 the Jury returning a Defense Verdict against Plaintiff and in Luxor's favor. Thus, Luxor is the
8 prevailing party pursuant to NRS §18.000 et seq.

9 Judgment was entered on the Jury Verdict on January 16, 2019. As the prevailing party, Luxor
10 moved for recovery of costs pursuant to NRS §18.020 and NRS §18.005 by filing a memorandum of
11 costs and disbursements on January 17, 2019. Plaintiff did not file a motion to re-tax the costs.

12 Luxor also filed a motion for recovery of attorney's fees and costs on January 17, 2019
13 pursuant to NRS §18.010, NRS §18.020, NRS §18.005, NRS 7.085, and NRCP 68. Plaintiff filed an
14 Opposition to the Motion for attorney's fees and costs on February 4, 2019 opposing the award of fees
15 and only disputing costs of the experts. Luxor filed a Reply brief on February 20, 2019.

16 CONCLUSIONS OF LAW

17 As the prevailing party, Luxor is entitled to award of costs pursuant to NRS §18.005 and NRS
18 §18.020. Pursuant to NRS §18.110, a memorandum of costs must be filed within 5 days after the entry
19 of order or judgment. NRS §18.110(4) provides, "Within 3 days after service of a copy of the
20 memorandum, the adverse party may move the court, upon 2 days' notice, to retax and settle the costs,
21 notice of which motion shall be filed and served on the prevailing party claiming costs. Upon the
22 hearing of the motion the court or judge shall settle the costs." See Nev. Rev. Stat. Ann. § 18.110(4).

23 Under NRS 18.005(5), an expert witness who does not testify may recover costs equal to or
24 under \$1,500, and consistent with *Khoury*, "[w]hen a district court awards expert fees in excess of
25 \$1,500 per expert, it must state the basis for its decision." *Public Employees' Ret. Sys. v. Gitter*, 393
26 P.3d 673, 681, 133 Nev. Adv. Rep. 18 (April 27, 2017).

27 Any award of expert witness fees in excess of \$1,500 per expert under NRS 18.005(5) must be
28 supported by an express, careful, and preferably written explanation of the court's analysis of factors

1 pertinent to determining the reasonableness of the requested fees and whether "the circumstances
2 surrounding the expert's testimony were of such necessity as to require the larger fee." *Frazier v.*
3 *Drake*, 357 P.3d 365, 377-378, 131 Nev. Adv. Rep. 64 (Nev. 2015).

4 In evaluating requests for such awards, district courts should consider the importance of the
5 expert's testimony to the party's case; the degree to which the expert's opinion aided the trier of fact in
6 deciding the case; whether the expert's reports or testimony were repetitive of other expert witnesses;
7 the extent and nature of the work performed by the expert; whether the expert had to conduct
8 independent investigations or testing; the amount of time the expert spent in court, preparing a report,
9 and preparing for trial; the expert's area of expertise; the expert's education and training; the fee
10 actually charged to the party who retained the expert; the fees traditionally charged by the expert on
11 related matters; comparable experts' fees charged in similar cases; and, if an expert is retained from
12 outside the area where the trial is held, the fees and costs that would have been incurred to hire a
13 comparable expert where the trial was held. *Id.*

14 From review of the Memorandum, Motion, and related briefs, the Court finds the uncontested
15 costs incurred by Luxor were reasonable and necessary pursuant to NRS §18.005 and NRS §18.020.
16 Costs must be allowed of course to the prevailing party against an adverse party against whom judgment
17 is rendered when money damages of \$2,500 or greater is sought. Here, Plaintiff sought recovery of
18 damages in excess of \$2,500. Thus, the Court finds that Luxor is entitled to an award of reasonable
19 and necessary costs incurred that were uncontested totaling **\$22,097.28**.

20 From review of the Memorandum, Motion, and related briefs, and the factors identified in
21 *Frazier v. Drake*, the Court finds the contested costs incurred by Luxor for the three experts were
22 reasonable and necessary pursuant to NRS §18.005 and NRS §18.020, however, the Court hereby
23 exercises its' discretion and reduces the recoverable expert costs to the following amounts to be
24 awarded to Luxor as follows: Dr. Clifford Segil = \$5,000.00; Michelle Robbins = \$7,500.00; Aubrey
25 Corwin = \$5,000.00. Thus, the Court finds that Luxor is entitled to an award of reasonable and
26 necessary expert costs incurred that were contested totaling **\$17,500.00**, for a total award of costs to
27 Luxor equaling **\$39,597.28**.

1 The Nevada Supreme Court outlined a four factor test for awarding discretionary attorneys'
2 fees under NRCP 68 in *Beattie v. Thomas*, 99 Nev. 579, 588 (1983). The four *Beattie* factors include:
3 (1) whether the plaintiff's claim was brought in good faith; (2) whether the defendant's offer of
4 judgment was reasonable and in good faith in both its timing and amount; (3) whether the plaintiff's
5 decision to reject the offer and proceed to trial was grossly unreasonable or in bad faith; and (4)
6 whether the fees sought by the offeror are reasonable and justified in amount. As the prevailing party,
7 Luxor seeks recovery of attorney's fees incurred pursuant to NRCP 68, NRS §18.010(2)(b), and NRS
8 7.085. Nevada's statute provides that a prevailing party may also be awarded attorney's fees if a claim
9 is brought or maintained without reasonable ground. *Id.*

10 To apply the *Beattie* factors to the case at bar, the Court finds: (1) Plaintiff's complaint included
11 many statements of fact and allegations contrary to their own witnesses testimony; (2) Luxor's offer
12 of judgment was made after some discovery was conducted and renewed after additional discovery
13 was performed, and prior to trial; however, deposition of Luxor's witnesses were not conducted until
14 much later in discovery; (3) Plaintiff was aware of the substantial defects in the case and still rejected
15 Luxor's offer of judgment; and (4) Luxor's requested attorneys' fees, in the amount of \$202,398.00,
16 reflect the actual and reasonable attorneys' fees incurred by Luxor from the date of service on the offer
17 of judgment to the date of entry of the final judgment. Thus, under the *Beattie* factors, this Court finds
18 an award of a portion of the post-offer attorneys' fees is appropriate.

19 On March 23, 2017, Luxor served an offer of judgment to Plaintiff for \$1,000.00 pursuant to
20 NRCP 68. Pursuant to the rule, if an offeree rejects an offer and fails to obtain a more favorable
21 judgment, the Court may order the offeree to pay reasonable attorney's fees incurred from the date of
22 the service of the offer. As Plaintiff did not prove a claim or damages against Luxor, leading to a
23 defense verdict, this Court finds the offer served by Luxor was reasonable and Plaintiff did not obtain
24 a more favorable judgment than the offer. Thus, the Court finds that Luxor is entitled to a partial
25 award of attorney's fees incurred during the month of December only.

26 In considering an award of attorney's fees, the Court examines: (1) the qualities of the
27 advocate; (2) the character of the work to be done; (3) the work actually performed; and (4) the result.
28

1 *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349, 455 P.2d 31 (1969). "Hourly time schedules
2 are helpful in establishing the value of counsel services." Id.

3 After analyzing a request attorney's fees, this Court finds Luxor's Counsel, Loren S. Young,
4 Esq. and Thomas W. Maroney, Esq. are qualified, competent, and experienced attorneys and are
5 respected and qualified attorneys. The character of the work involved legal issues, medical complaints
6 and damages, as well as oral arguments that required a competent and skilled trial attorney. The work
7 actually performed by Luxor's Counsel was significant in time and effort, preparing the motion work,
8 trial preparation, and attendance at the two week trial. The result obtain by way of a defense verdict
9 was a success in Luxor's favor. Thus, this Court finds that Luxor's motion fully addressed and
10 satisfied the factors enumerated in *Brunzell*, namely, the advocate's professional qualities, the nature
11 of the litigation, the work performed, and the result. *Brunzell*, 85 Nev. 345, 349, 455 P.2d 31, 33
12 (1969).

13 The Court finds that Luxor is entitled to recover attorney's fees pursuant to the *Brunzell* factors,
14 however, the Court exercises its discretion to reduce the amount of fees based on the forgoing facts
15 and findings. The Court reviewed Luxor's attorneys' invoices and affidavits and finds that Luxor's
16 attorneys' fees are reasonable and utilizes its discretion to award a portion of Luxor's attorney's fees
17 for the month of December 2018 that would include trial preparation and trial. Accordingly, Luxor
18 shall be awarded attorneys' fees in the total amount of **\$69,688.00**.

19 **ORDER AND JUDGMENT**

20 Based on the forgoing, and for good cause shown, **IT IS HEREBY ORDERED** that
21 Defendant Luxor's Memorandum of Allocated Costs and Disbursements and Motion and Application
22 for Costs is hereby **GRANTED** in the amount of Thirty Nine Thousand Five Hundred and Ninety
23 Seven Dollars and Twenty-Eight Cents (**\$39,597.28**).

24 Based on the forgoing, and for good cause shown, **IT IS HEREBY FURTHER ORDERED**
25 that Defendant, Luxor's Motion and Application for Attorney's Fees is hereby **GRANTED** pursuant
26 to NRCP 68 from the date of the offer of judgment totaling Sixty Nine Thousand Six Hundred and
27 Eighty Eight Dollars and No Cents (**\$69,688.00**).
28

1 Based on the forgoing, **IT IS HEREBY FURTHER ORDERED** that total final judgment is
2 entered against Plaintiff, VIVIA HARRISON, in favor of Defendant, RAMPARTS, INC. d/b/a
3 LUXOR HOTEL & CASINO, totaling One Hundred and Nine Thousand Two Hundred and Eighty
4 Five Dollars and Twenty-Eight cents (**\$109,285.28**).

5 Based on the forgoing, **IT IS HEREBY FURTHER ORDERED** that this total final judgment
6 must first be offset from other settlement funds received by Plaintiff and Plaintiff's attorney as part of
7 the trial judgment before any distribution and this total final judgment in favor of Luxor takes priority
8 over any other lien, including an attorney's lien. *John J. Muije, Ltd. v. North Las Vegas Cab Co.*, 106
9 Nev. 664, 666, 799 P.2d 559, 560 (1990).

10 DATED this 15 day of March, 2019.

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13 
14 DISTRICT COURT JUDGE 73

15 Respectfully Submitted by:

16 **LINCOLN, GUSTAFSON & CERCOS, LLP**

17
18 
19 **LOREN S. YOUNG, ESQ.**

20 Nevada Bar No. 7567
21 3960 Howard Hughes Pkwy, Suite 200
22 Las Vegas, NV 89169
23 Attorneys for Defendant, RAMPARTS, INC.
24 d/b/a LUXOR HOTEL & CASINO

25 Approved as to form and content by:

26 **PARRY & PFAU**

27 **MOSS BERG INJURY LAWYERS**

28 Refused to Sign
MATTHEW G. PFAU, ESQ.

Nevada Bar No. 11439
880 Seven Hills Drive, Suite 210
Henderson, NV 89052
Attorneys for Plaintiff, VIVIA HARRISON

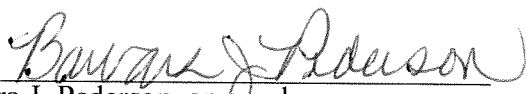
Refused to Sign
BOYD B. MOSS, ESQ.

Nevada Bar No. 8856
4101 Meadows Lane, Suite 110
Las Vegas, NV 89107
Attorneys for Plaintiff, VIVIA HARRISON

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

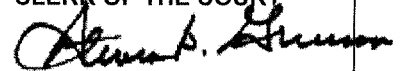
3 **CERTIFICATE OF SERVICE**

4 I HEREBY CERTIFY that on the 18th day of March, 2019, I served a copy of the attached
5 **NOTICE OF ENTRY OF ORDER** via electronic service to all parties on the Odyssey E-Service
6 Master List.

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

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Exhibit 2



1 **ODM**
2 **LOREN S. YOUNG, ESQ.**
3 Nevada Bar No. 7567
4 **THOMAS W. MARONEY, ESQ.**
5 Nevada Bar No. 13913
6 **LINCOLN, GUSTAFSON & CERCOS, LLP**
7 **ATTORNEYS AT LAW**
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13 lyoung@lgclawoffice.com
14 tmaroney@lgclawoffice.com

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

11
12 **DISTRICT COURT**

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14 **CLARK COUNTY, NEVADA**

15 VIVIA HARRISON, an individual,
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17 Plaintiff,

18 v.

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

26 Defendants.

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

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

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

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

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

5 DATED this 16 day of May, 2019.

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

10 Respectfully Submitted by:

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

12
13 
LOREN S. YOUNG, ESQ.

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

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

3 **CERTIFICATE OF SERVICE**

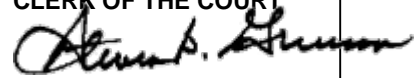
4 I HEREBY CERTIFY that on the 21st day of May, 2019, I served a copy of the attached
5 **NOTICE OF ENTRY OF ORDER** via electronic service to all parties on the Odyssey E-Service
6 Master List.

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

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Exhibit 3



SAO
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MARCUS A. BERG, ESQ.
Nevada Bar No. 9760
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MOSS BERG INJURY LAWYERS
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Las Vegas, Nevada 89107
Telephone: (702) 222-4555
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

VIVIA HARRISON, an individual;

Plaintiff,

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

v.

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

Defendants.

**STIPULATION AND ORDER TO DISMISS DEFENDANT DESERT MEDICAL
EQUIPMENT, ONLY**

Plaintiff, Vivian Harrison ("Plaintiff"), by and through her counsel of record, Moss Berg
Injury Lawyers and Parry & Pfau, and Defendant Desert Medical Equipment ("Desert Medical"),
by and through its counsel of record, Alverson Taylor & Sanders, hereby stipulate as follows:

1. Plaintiff alleged claims for negligence, and negligent hiring, training, maintenance, and supervision against Desert Medical in her second amended complaint, filed on August 19, 2016.
2. In December 2018, Plaintiff and Desert Medical reached a settlement during trial but before the verdict was reached.
3. Settlement documents have been executed, and the settlement funds have been deposited with the Court pursuant to the Court's July 23, 2019 order granting Desert Medical Equipment's motion for interpleader and to deposit funds with the Court.
4. All of Plaintiff's claims against Desert Medical only are hereby dismissed and Desert Medical is hereby dismissed, with prejudice.

IT IS SO STIPULATED.

CASE NO. A-16-732342-C

ORDER

Based upon the foregoing stipulation, and good cause appearing, **IT IS HEREBY ORDERED:**

1. Plaintiff, Vivia Harrison's, claims of negligence, and negligent hiring, training, maintenance, and supervision against Defendant Desert Medical Equipment are hereby dismissed, with prejudice.
2. Defendant Desert Medical Equipment is dismissed, with prejudice.

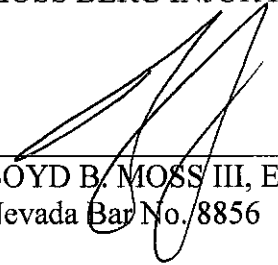
IT IS SO ORDERED.

DATED this 21 day of November, 2019


DISTRICT COURT JUDGE

SUBMITTED BY:

MOSS BERG INJURY LAWYERS


BOYD B. MOSS III, ESQ.
Nevada Bar No. 8856

1 APPROVED AS TO FORM AND CONTENT

2

3 PARRY & PFAU

MOSS BERG INJURY LAWYERS

4

5 MATTHEW G. PFAU, ESQ.
6 Attorney for Plaintiff, Vivia Harrison

BOYD B. MOSS, III, ESQ.
Attorney for Plaintiff Vivia Harrison

7 ALVERSON, TAYLOR & SANDERS

8

9 COURTNEY CHRISTOPHER, ESQ.
10 Attorney for Defendant
Desert Medical Equipment

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1 APPROVED AS TO FORM AND CONTENT

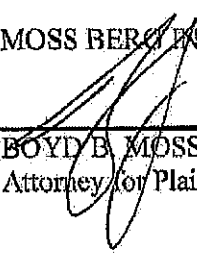
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3 PARRY & PFAU

MOSS BERG INJURY LAWYERS

4

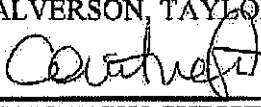

MATTHEW G. PFAU, ESQ.
Attorney for Plaintiff, Vivia Harrison


BOYD B. MOSS, III, ESQ.
Attorney for Plaintiff Vivia Harrison

6

7 ALVERSON, TAYLOR & SANDERS

8


COURTNEY CHRISTOPHER, ESQ.
Attorney for Defendant
Desert Medical Equipment

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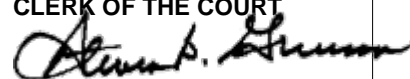
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Nevada Bar No. 8856
4101 Meadows Lane, Suite 110
Las Vegas, Nevada 89107
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Facsimile: (702) 222-4556
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Nevada Bar No. 11439
880 Seven Hills Drive, Suite 210
Henderson, Nevada 89052
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matt@p2lawyers.com**Marquis Aurbach Coffing**Micah S. Echols, Esq.
Nevada Bar No. 8437
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Nevada Bar No. 14280
10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
mechols@maclaw.com
tstewart@maclaw.com*Attorneys for Plaintiff, Vivia Harrison***DISTRICT COURT****CLARK COUNTY, NEVADA**

VIVIA HARRISON, an individual,

Plaintiff,

vs.

Case No.: A-16-732342-C

Dept. No.: XXIX

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

Defendant.

AMENDED CASE APPEAL STATEMENT

Plaintiff, Vivia Harrison, by and through her attorneys of record, Marquis Aurbach Coffing; Moss Berg Injury Lawyers; and Parry & Pfau, hereby files this case appeal statement.

1. Name of appellant filing this Case Appeal Statement:

Plaintiff, Vivia Harrison.

2. Identify the Judge issuing the decision, judgment, or order appealed from:

Honorable David M. Jones.

3. Identify each appellant and the name and address of counsel for each appellant:

Appellant: Vivia Harrison ("Plaintiff")

Moss Berg Injury Lawyers

Boyd B. Moss III, Esq.
4101 Meadows Lane, Suite 110
Las Vegas, Nevada 89107

and

Marquis Aurbach Coffing

Micah S. Echols, Esq.
Tom W. Stewart, Esq.
10001 Park Run Drive
Las Vegas, Nevada 89145

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicated as much and provide the name and address of that respondent's trial counsel):

Respondent: Ramparts, Inc. dba Luxor Hotel & Casino ("Luxor")

Lincoln, Gustafson & Cercos, LLP

Loren S. Young, Esq.
Thomas W. Maroney, Esq.
3960 Howard Hughes Parkway, Suite 200
Las Vegas, Nevada 89169

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

N/A.

6. Indicated whether appellant was represented by appointed or retained counsel in the district court:

Retained.

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

Retained.

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

N/A.

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint indictment, information, or petition was filed):

February 2, 2015.

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

This is an action for personal injuries sustained by Plaintiff when she was thrown from a motorized scooter on December 10, 2014. Plaintiff initiated the instant case on February 24, 2016.

In her second amended complaint, filed on August 19, 2016, Plaintiff alleged causes of action for (1) negligence; and (2) negligent hiring, training, maintenance, and supervision against Luxor; (3) negligence; and (4) negligent hiring, training, maintenance and supervision against Defendant Desert Medical Equipment ("Desert Medical"); and (5) negligence; and (6) strict products liability against Defendant Pride Mobility Products Corp. ("Pride Mobility"). Plaintiff stipulated with Luxor to remove the second cause of action for negligent hiring, training, maintenance, and supervision.

Pride Mobility filed a third-party complaint against Third-Party Defendant Stan Sawamoto ("Sawamoto"). Pride Mobility stipulated to dismissal of its claims against Sawamoto prior to trial. At a hearing in August 2018, Pride Mobility had its motion for summary judgment granted, and the order granting summary judgment was filed on January 29, 2019.

In December 2018, a nine-day trial took place. Prior to the jury's verdict, Plaintiff and Desert Medical entered into a high-low settlement agreement. Pursuant to the settlement agreement, no matter what the jury's verdict was, Desert Medical would be obligated to pay Plaintiff according to the terms of the high-low settlement agreement. A contract was entered into between the two

1 parties, and the payment was not part of a net judgment. The settlement amount
2 was not confidential.

3 On December 20, 2018, the jury returned a verdict in favor of Luxor and Desert
4 Medical. In light of the defense verdict, Desert Medical was required to pay
5 Plaintiff \$150,000. Plaintiff's counsel sent a notice of attorney lien to all parties
6 on December 20, 2018 and January 8, 2019.

7 On January 17, 2019, Luxor filed a motion for attorney's fees and costs, which
8 was granted in the March 18, 2019 order granting Luxor's motion for attorney's
9 fees and costs. In the March 18, 2019 order, the District Court ordered that the
10 judgment against Plaintiff must be offset from other settlement funds received by
11 Plaintiff prior to any satisfaction of liens, including the lien for attorney's fees and
12 costs incurred by Plaintiff's counsel during the course of litigation.

13 On March 28, 2019, Plaintiff filed a motion for reconsideration, asking the Court
14 to reconsider the attorney lien offset. On May 10, 2019, the Court issued a minute
15 order denying Plaintiff's motion for reconsideration. A written order denying
16 reconsideration was entered on May 21, 2019.

17 Desert Medical filed a motion for interpleader and to deposit the funds with the
18 District Court, which was granted on July 24, 2019.

19 Following the order denying reconsideration, Plaintiff filed her original notice of
20 appeal on June 4, 2019, which was docketed to the Supreme Court as Case
21 No. 78964. Plaintiff intended to appeal from the award of attorney's fees and
22 costs, but only named the motion for reconsideration in her notice of appeal.
23 However, this Court has previously held that a notice of appeal that does not
24 identify the correct judgment or order does not warrant dismissal where "the
25 intention to appeal from a specific judgment may be reasonably inferred from the
26 text of the notice and where the defect has not materially misled the respondent."
27 *Collins v. Union Fed. Sav. & Loan Ass'n*, 97 Nev. 88, 90, 624 P.2d 496, 497
28 (1981).

Plaintiff's intent to appeal from the award of fees and costs can be reasonably
inferred based on naming the denied reconsideration motion. *See Ross v.*
Giacomo, 97 Nev. 550, 555, 635 P.2d 298, 301 (1981) (providing that an appeal
from the denial of a post-judgment tolling motion may be viewed as an appeal
from the final judgment), *abrogated on other grounds by Winston Prods. Co. v.*
DeBoer, 122 Nev. 517, 134 P.3d 726 (2006).

However, a final order disposing of all claims had not yet been entered, making
Plaintiff's original notice of appeal premature. Plaintiff and counsel for Desert
Medical have entered into a stipulation and order for dismissal, which was filed
on November 26, 2019. This final order cures the jurisdictional defect in
Plaintiff's original notice of appeal, and she now amends her appeal to include
(1) the order granting Defendant Ramparts, Inc. dba Luxor Hotel & Casino's
motion for attorney's fees and costs, which was filed on March 18, 2019; (2) the
order denying Plaintiff's motion to reconsider the Court's order granting Luxor an
attorney lien offset, which was filed on May 21, 2019; and (3) the stipulation and
order to dismiss Defendant Desert Medical Equipment, only, which was filed on
November 26, 2019.

This case has not been the subject of any prior appeals or original proceedings before the Supreme Court.

N/A.

This case does involve the possibility of settlement.

MARQUIS AURBACH COFFING

By /s/ Micah S. Echols
 Micah S. Echols, Esq.
 Nevada Bar No. 8437
 Tom W. Stewart, Esq.
 Nevada Bar No. 14280
 10001 Park Run Drive
 Las Vegas, Nevada 89145
Attorneys for Plaintiff, Vivian Harrison

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **AMENDED CASE APPEAL STATEMENT** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 3rd day of December, 2019. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹

Tonya Baltazar	tonya@mossberglv.com
Boyd B. Moss	boyd@mossberglv.com
Mark B. Bailus	mbailus@lgclawoffice.com
Troy A. Clark, Esq.	tclark@bremerwhyte.com
Amree Stellabotte	astellabotte@bremerwhyte.com
Barbara Pederson	bpederson@lgclawoffice.com
Dave Hess	dave@p2lawyers.com
David J. Mortensen	efile@alversontaylor.com
Kaylee Calaguas	kaylee@p2lawyers.com
Loren Young	lyoung@lgclawoffice.com
Matt Pfau	matt@p2lawyers.com
Ofelia Acevedo	ofelia@p2lawyers.com
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Samantha Duome	samantha@p2lawyers.com
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Courtney Christopher	cchristopher@alversontaylor.com
Admin Clerk	lasvegaslegal4@farmersinsurance.com
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Rosemarie Frederick	RFrederick@AlversonTaylor.com
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Julie Kraig	jkraig@alversontaylor.com
Michael Madden	Michael@p2lawyers.com
Adam Noyce	adnoyce@alversontaylor.com
LeAnn Sanders	lsanders@alversontaylor.com
Stacey A. Upson	stacey.upson@farmersinsurance.com

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

N/A.

/s/ Leah Dell
Leah Dell, an employee of
Marquis Aurbach Coffing

¹ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

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

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

§
§
§
§
§
§

Location: **Department 29**
 Judicial Officer: **Jones, David M**
 Filed on: **02/24/2016**
 Case Number History:
 Cross-Reference Case **A732342**
 Number:
 Supreme Court No.: **78964**

CASE INFORMATION**Statistical Closures**

08/01/2019 Other Manner of Disposition

Case Type: **Negligence - Premises Liability**

Case Status: **08/01/2019 Closed**

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

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

PARTY INFORMATION

Plaintiff	Harrison, Vivia	<i>Lead Attorneys</i>
		Moss, Boyd B., ESQ <i>Retained</i> 702-222-4555(W)
Defendant	Desert Medical Equipment Removed: 11/26/2019 Dismissed	
	MGM Resorts International	
	Pride Mobility Products Corp	Terry, Brian K. <i>Retained</i> 702-366-0622(W)
	Ramparts Inc	Young, Loren <i>Retained</i> 7022571997(W)
Third Party Defendant	Sawamoto, Stan Removed: 12/11/2018 Dismissed	Upson, Stacey A. <i>Retained</i> 702-408-3800(W)
	Desert Medical Equipment Removed: 12/11/2018 Dismissed	
Third Party Plaintiff	Desert Medical Equipment Removed: 07/20/2016 Data Entry Error	

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

02/24/2016
















Complaint

Filed By: Plaintiff Harrison, Vivia

Complaint













CASE SUMMARY

CASE NO. A-16-732342-C

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














CASE SUMMARY

CASE NO. A-16-732342-C

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













CASE SUMMARY

CASE NO. A-16-732342-C

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



CASE SUMMARY

CASE NO. A-16-732342-C

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

CASE SUMMARY

CASE NO. A-16-732342-C

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

CASE SUMMARY

CASE NO. A-16-732342-C

Summary Judgment

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

CASE SUMMARY

CASE NO. A-16-732342-C

Substitution of Counsel

01/11/2018



Stipulated Protective Order

Filed By: Defendant Pride Mobility Products Corp

Stipulated Protective Order

01/15/2018



Order Granting

Filed By: Third Party Plaintiff Desert Medical Equipment

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

01/16/2018



Notice of Entry of Order

Filed By: Third Party Plaintiff Desert Medical Equipment

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

01/16/2018



First Amended Complaint

Filed By: Third Party Plaintiff Desert Medical Equipment

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

01/17/2018



Notice of Entry

Filed By: Defendant Pride Mobility Products Corp

Notice of Entry of Order

01/23/2018



Stipulation and Order

Filed by: Plaintiff Harrison, Vivia

Stipulation and Order to Extend Discovery (Third Request)

02/12/2018



Answer to Third Party Complaint

Filed By: Third Party Defendant Sawamoto, Stan

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

02/22/2018



Order

Amended Order Scheduling Calendar Call

03/13/2018



Stipulation and Order

Filed by: Third Party Plaintiff Desert Medical Equipment

Stipulation and Order to Extend Discovery Deadlines (Fourth Request)

03/13/2018



Notice of Entry of Stipulation and Order

Filed By: Third Party Plaintiff Desert Medical Equipment

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

03/16/2018



Amended Scheduling Order

Amended Order Scheduling Calendar Call

03/16/2018



Motion for Summary Judgment

Filed By: Third Party Plaintiff Desert Medical Equipment

Defendant Desert Medical Equipment's Motion for Summary Judgment

04/02/2018



Opposition to Motion For Summary Judgment

Filed By: Plaintiff Harrison, Vivia

CASE SUMMARY

CASE NO. A-16-732342-C

Opposition to Desert Medical Equipment's Motion for Summary Judgment

04/23/2018



Reply in Support

Filed By: Third Party Plaintiff Desert Medical Equipment

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

05/22/2018



Motion

Filed By: Plaintiff Harrison, Vivia

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

06/06/2018



Opposition to Motion

Filed By: Defendant Pride Mobility Products Corp

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

06/11/2018



Order

Filed By: Plaintiff Harrison, Vivia

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

06/11/2018



Notice of Entry of Order

Filed By: Plaintiff Harrison, Vivia

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

06/11/2018



Opposition to Motion

Filed By: Third Party Plaintiff Desert Medical Equipment

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

07/05/2018



Motion for Summary Judgment

Filed By: Defendant Pride Mobility Products Corp

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

07/23/2018



Recorders Transcript of Hearing

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

07/23/2018



Opposition

Filed By: Plaintiff Harrison, Vivia

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

08/01/2018



Reply in Support

Filed By: Defendant Pride Mobility Products Corp

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

08/01/2018



Reply in Support

Filed By: Plaintiff Harrison, Vivia

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

08/06/2018

CASE SUMMARY

CASE NO. A-16-732342-C

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

CASE SUMMARY

CASE NO. A-16-732342-C

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

CASE SUMMARY

CASE NO. A-16-732342-C

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

CASE SUMMARY

CASE NO. A-16-732342-C

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

CASE SUMMARY

CASE NO. A-16-732342-C

09/24/2018



Opposition

Filed By: Defendant Ramparts Inc

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

09/24/2018



Opposition

Filed By: Defendant Ramparts Inc

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

09/24/2018



Opposition

Filed By: Defendant Ramparts Inc

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

09/24/2018



Opposition

Filed By: Defendant Ramparts Inc

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

09/24/2018



Opposition to Motion in Limine

Filed By: Plaintiff Harrison, Vivia

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

09/24/2018



Opposition to Motion in Limine

Filed By: Plaintiff Harrison, Vivia

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

09/28/2018



Recorders Transcript of Hearing

Recorders Transcript of Hearing Re: August 29, 2018

10/05/2018



Reply in Support

Filed By: Plaintiff Harrison, Vivia

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

10/05/2018



Reply to Opposition

Filed by: Plaintiff Harrison, Vivia

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

10/05/2018



Reply to Opposition

Filed by: Plaintiff Harrison, Vivia

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

10/05/2018

CASE SUMMARY

CASE NO. A-16-732342-C

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

CASE SUMMARY

CASE NO. A-16-732342-C

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

CASE SUMMARY

CASE NO. A-16-732342-C

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

CASE SUMMARY

CASE NO. A-16-732342-C

Filed By: Third Party Plaintiff Desert Medical Equipment
Notice of Entry of Order re: Desert Medical Equipment's MIL No. 2

11/30/2018



Notice of Entry of Order

Filed By: Third Party Plaintiff Desert Medical Equipment
Notice of Entry of Order re: Desert Medical Equipment's MIL No. 3

11/30/2018



Notice of Entry of Order

Filed By: Third Party Plaintiff Desert Medical Equipment
Notice of Entry of Order re: Desert Medical Equipment's MIL No. 4

11/30/2018



Notice of Entry of Order

Filed By: Third Party Plaintiff Desert Medical Equipment
Notice of Entry of Order re: Desert Medical Equipment's MIL No. 5

11/30/2018



Notice of Entry of Order

Filed By: Third Party Plaintiff Desert Medical Equipment
Notice of Entry of Order re: Desert Medical Equipment's MIL No. 6

11/30/2018



Notice of Entry of Order

Filed By: Third Party Plaintiff Desert Medical Equipment
Notice of Entry of Order Regarding Desert Medical Equipment's Motion in Limine No. 7 to Preclude Argument that Desert Medical Equipment did not Properly Maintain the Subject Scooter

11/30/2018



Notice of Entry of Order

Filed By: Third Party Plaintiff Desert Medical Equipment
Notice of Entry of Order Denying Defendant Desert Medical Equipment's Motion in Limine No. 8 to Preclude Argument that Desert Medical Equipment Failed to Provide Adequate Training to Luxor Employees

11/30/2018



Notice of Entry of Order

Filed By: Third Party Plaintiff Desert Medical Equipment
Notice of Entry of Order Denying Defendant Desert Medical Equipment's Motion in Limine No. 9 to Exclude Evidence of Past Medical Expenses not Actually Incurred

11/30/2018



Notice of Entry of Order

Filed By: Third Party Plaintiff Desert Medical Equipment
Notice of Entry of Order Regarding Defendant Desert Medical Equipment's Motion in Limine No. 10 to Exclude Reptile, Golden Rule, and Other Improper Arguments at Trial

12/03/2018



Trial Subpoena

Filed by: Defendant Ramparts Inc
Trial Subpoena

12/03/2018



Notice

Filed By: Third Party Plaintiff Desert Medical Equipment
Notice of Deposition on File with the Court

12/03/2018



Trial Subpoena

Filed by: Defendant Ramparts Inc
Trial Subpoena and Acceptance of Service of Trial Subpoena

12/04/2018



Trial Subpoena

Filed by: Defendant Ramparts Inc

CASE SUMMARY















CASE NO. A-16-732342-C

Trial Subpoena

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

CASE SUMMARY

CASE NO. A-16-732342-C

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










CASE SUMMARY

CASE NO. A-16-732342-C

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

CASE SUMMARY

CASE NO. A-16-732342-C

	Filed By: Defendant Ramparts Inc <i>Notice of Entry of Order</i>
06/04/2019	 Notice of Appeal Filed By: Plaintiff Harrison, Vivian <i>Notice of Appeal</i>
06/04/2019	 Case Appeal Statement Filed By: Plaintiff Harrison, Vivian <i>Case Appeal Statement</i>
07/23/2019	 Order Granting Motion Filed By: Third Party Plaintiff Desert Medical Equipment <i>Order Granting Desert Medical Equipment's Motion for Interpleader and to Deposit Funds with the Court</i>
07/24/2019	 Notice of Entry of Order Filed By: Third Party Plaintiff Desert Medical Equipment <i>Notice of Entry of Order Granting Desert Medical Equipment's Motion for Interpleader and to Deposit Funds with the Court</i>
08/01/2019	 Order to Statistically Close Case <i>Civil Order to Statistically Close Case</i>
11/26/2019	 Stipulation and Order Filed by: Plaintiff Harrison, Vivian <i>Stipulation and Order to Dismiss Defendant Desert Medical Equipment, only</i>
11/27/2019	 Notice of Appearance <i>Notice of Appearance</i>
12/03/2019	 Amended Notice of Appeal Party: Plaintiff Harrison, Vivian <i>Amended Notice of Appeal</i>
12/03/2019	 Amended Case Appeal Statement Party: Plaintiff Harrison, Vivian <i>Amended Case Appeal Statement</i>
	<u>DISPOSITIONS</u>
12/11/2018	Order of Dismissal With Prejudice (Judicial Officer: Jones, David M) Debtors: Stan Sawamoto (Third Party Defendant) Creditors: Desert Medical Equipment (Third Party Plaintiff) Judgment: 12/11/2018, Docketed: 12/11/2018
12/20/2018	Verdict (Judicial Officer: Jones, David M) Debtors: Vivian Harrison (Plaintiff) Creditors: Desert Medical Equipment (Defendant), Ramparts Inc (Defendant) Judgment: 12/20/2018, Docketed: 12/28/2018
01/16/2019	Judgment Upon the Verdict (Judicial Officer: Jones, David M) Debtors: Vivian Harrison (Plaintiff) Creditors: Desert Medical Equipment (Defendant), Ramparts Inc (Defendant) Judgment: 01/16/2019, Docketed: 01/16/2019
01/29/2019	Summary Judgment (Judicial Officer: Jones, David M)

CASE SUMMARY

CASE NO. A-16-732342-C

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

11/26/2019 **Order of Dismissal With Prejudice** (Judicial Officer: Jones, David M)
Debtors: Desert Medical Equipment (Defendant)
Creditors: Vivia Harrison (Plaintiff)
Judgment: 11/26/2019, Docketed: 11/26/2019

HEARINGS

06/27/2016  **Motion for Leave** (3:00 AM) (Judicial Officer: Cory, Kenneth)
Defendant Desert Medical Equipment's Motion For Leave To File A Third-Party Complaint Against Stan Sawamoto For Breach Of Contract, Contractual Indemnity, Equitable/Implied Indemnity, Breach Of Implied Covenant Of Good Faith And Fair Dealing, And Contribution Granted;
Journal Entry Details:
Motion having been duly filed and served, no opposition having been filed, pursuant to EDCR 2.20 and for good cause shown, COURT ORDERED, Defendant Desert Medical Equipment's Motion For Leave To File A Third-Party Complaint Against Stan Sawamoto For Breach Of Contract, Contractual Indemnity, Equitable/Implied Indemnity, Breach Of Implied Covenant Of Good Faith And Fair Dealing, And Contribution GRANTED. Mr. Herling to prepare the Order. CLERK'S NOTE: The above minute order has been distributed to: Matthew Pfau, Esq. (matt@pickardparry.com), Troy Peyton, Esq. (tpeyton@mgmresorts.com), and Jared Herling, Esq. (jherling@hpslaw.com). /mlt;

05/08/2017  **Motion to Amend Complaint** (3:00 AM) (Judicial Officer: Jones, David M)
Plaintiff's Motion for Leave to File First Amended Complaint to Remove a Cause of Action Moot; Plaintiff's Motion for Leave to File First Amended Complaint to Remove a Cause of Action
Journal Entry Details:
Court Find Stipulation and Order FILED 5/01/17 and this matter is now Moot and Ordered, OFF CALENDAR.;

06/08/2017 **CANCELED Pretrial/Calendar Call** (9:00 AM) (Judicial Officer: Jones, David M)
Vacated - per Attorney or Pro Per

06/26/2017  **Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Jones, David M)
Defendant Pride Mobility Products Corp.'s Motion for Summary Judgment
Denied Without Prejudice;
Journal Entry Details:
Kylee Gloeckner, Esq. and Dean Tanenbaum, Esq., on behalf of the Defendants, also present. Following arguments by Mr. Terry and Mr. Pfau, COURT ORDERED, Motion DENIED WITHOUT PREJUDICE. Court directed Mr. Pfau to prepare the order.;

06/26/2017 **CANCELED Jury Trial** (1:30 PM) (Judicial Officer: Jones, David M)
Vacated - per Attorney or Pro Per

07/05/2017 **CANCELED Status Check** (10:30 AM) (Judicial Officer: Jones, David M)
Vacated




07/17/2017 **CANCELED Pre Trial Conference** (10:30 AM) (Judicial Officer: Jones, David M)
Vacated

07/26/2017 **CANCELED Calendar Call** (10:30 AM) (Judicial Officer: Jones, David M)
Vacated

07/31/2017 **CANCELED Jury Trial** (10:30 AM) (Judicial Officer: Jones, David M)
Vacated

CASE SUMMARY

CASE NO. A-16-732342-C

11/01/2017	Motion for Summary Judgment (9:00 AM) (Judicial Officer: Jones, David M) <i>Third Party Defendant Stan Sawamoto's Motion for Summary Judgment</i> Denied;
11/01/2017	Joinder (9:00 AM) (Judicial Officer: Jones, David M) <i>Plaintiff's Joinder to Third-Party Defendant Stan Sawamoto's Motion for Summary Judgment</i> Granted;
11/01/2017	 All Pending Motions (9:00 AM) (Judicial Officer: Jones, David M) Matter Heard; Journal Entry Details: THIRD-PARTY DEFENDANT STAN SAWAMOTO'S MOTION FOR SUMMARY JUDGMENT....PLAINTIFF'S JOINDER TO THIRD-PARTY DEFENDANT STAN SAWAMOTO'S MOTION FOR SUMMARY JUDGMENT Vincent Godinho, Esq., on behalf of the Defendant, Pride Mobility Products Corp, also present. Following arguments by Mr. Clark, Mr. Herling and Mr. Pfau, COURT ORDERED, Motion DENIED. Court directed Mr. Herling to prepare the order.;
12/11/2017	 Motion for Leave (9:00 AM) (Judicial Officer: Jones, David M) <i>Defendant/Third Party Plaintiff Desert Medical Equipment's Motion for Leave to File Amended Third-Party Complaint Against Stan Sawamoto</i> Granted; Journal Entry Details: <i>Defendant/Third Party Plaintiff Desert Medical Equipment's Motion for Leave to File Amended Third-Party Complaint Against Stan Sawamoto There being no opposition. COURT ORDERED, motion GRANTED.;</i>
02/26/2018	CANCELED Status Check (10:30 AM) (Judicial Officer: Jones, David M) <i>Vacated - per Stipulation and Order</i>
03/12/2018	CANCELED Pre Trial Conference (10:30 AM) (Judicial Officer: Jones, David M) <i>Vacated - per Stipulation and Order</i>
03/21/2018	CANCELED Calendar Call (10:30 AM) (Judicial Officer: Jones, David M) <i>Vacated - per Stipulation and Order</i>
03/26/2018	CANCELED Jury Trial (1:00 PM) (Judicial Officer: Jones, David M) <i>Vacated - per Stipulation and Order</i>
04/30/2018	 Motion for Summary Judgment (9:00 AM) (Judicial Officer: Jones, David M) <i>Defendant Desert Medical Equipment's Motion for Summary Judgment</i> Denied Without Prejudice; Defendant Desert Medical Equipment's Motion for Summary Judgment Journal Entry Details: <i>Mr. Hoyt argued it is undisputed Pltf. unknowingly ran over base of table. Further, it is alleged proper instructions were not give to Pltf. as to the scooter and Mr. Hoyt argued Pltf. admitted after renting scooter, Deft. came out and showed her how to use it. Mr. Pfau argued appropriate scooter should of been provided to Pltf. Further, 350 pound limit for scooter which is relevant and also advised Pltf. has had stability issues as well. Court inquired as to who had notice Pltf. fell off scooter. Mr. Pfau advised the hotel did, argued question of fact, training inadequate, do not know if there were modifications done to scooter, now have spoliation issues as the scooter has disappeared. Colloquy. Additional argument by Mr. Hoyt in support of motion. COURT ORDERED, motion DENIED WITHOUT PREJUDICE. Counsel for Pltf. to prepare the order.;</i>
08/29/2018	Motion (9:00 AM) (Judicial Officer: Jones, David M) <i>Plaintiff Vivian Harrison's Motion for an Adjudication as to Liability or, in the Alternative, for an Adverse Inference Based on Defendant's Spoliation of Evidence</i> Decision Pending;
08/29/2018	Motion for Summary Judgment (9:00 AM) (Judicial Officer: Jones, David M)

CASE SUMMARY

CASE NO. A-16-732342-C

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

08/29/2018



All Pending Motions (9:00 AM) (Judicial Officer: Jones, David M)

Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Margaret Christopher, Esq. present. DEFENDANT, PRIDE MOBILITY PRODUCTS CORP.'S, RENEWED MOTION FOR SUMMARY JUDGMENT...PLAINTIFF VIVIA HARRISON'S MOTION FOR AN ADJUDICATION AS TO LIABILITY OR, IN THE ALTERNATIVE, FOR AN ADVERSE INFERENCE BASED ON DEFENDANT'S SPOILIATION OF EVIDENCE Arguments by counsel regarding Pride Mobility Products' Renewed Motion for Summary Judgment. Court stated ITS FINDINGS and ORDERED, Motion GRANTED as to design defect. Mr. Terry to prepare the order. Arguments by counsel regarding Vivian Harrison's Motion for an Adjudication as to Liability or, in the Alternative, for an Adverse Inference Based on Defendant's Spoliation of Evidence. Court noted answer will not be stricken. Court advised will draft document on decision for what inference will be granted and is forthcoming at time testimony heard. Mr. Pfau requested after testimony to have separate hearing on the inference issue; COURT SO ORDERED. Mr. Pfau to prepare order as discussed.;

09/24/2018

Motion for Summary Judgment (9:00 AM) (Judicial Officer: Jones, David M)

Defendant Desert Medical Equipment's Renewed Motion for Summary Judgment
Denied Without Prejudice;

09/24/2018

Motion for Summary Judgment (9:00 AM) (Judicial Officer: Jones, David M)

Defendant Ramparts Inc d/b/a Luxor Hotel & Casino's Motion for Summary Judgment
Denied Without Prejudice;

09/24/2018



All Pending Motions (9:00 AM) (Judicial Officer: Jones, David M)

Matter Heard;

Journal Entry Details:

STATUS CHECK: TRIAL READINESS ... DEFENDANT DESERT MEDICAL EQUIPMENT'S RENEWED MOTION FOR SUMMARY JUDGMENT ... DEFENDANT RAMPARTS INC D/B/A LUXOR HOTEL & CASINO'S MOTION FOR SUMMARY JUDGMENT Courtney Christopher, Esq., present on behalf of Desert Medical Equipment. Argument by Ms. Christopher and Mr. Moss. COURT ORDERED, Desert Medical Equipment's Renewed Motion for Summary Judgment DENIED WITHOUT PREJUDICE. Court noted a potential conflict with Ms. Upson. Upon Court's inquiry, parties agreed there is no issue of conflict. Further arguments by Mr. Maroney and Mr. Moss. COURT FURTHER ORDERED, Defendant Rampart's Motion for Summary Judgment DENIED WITHOUT PREJUDICE; Plaintiff is to prepare the Order. Court noted a trial date will issue.;

09/24/2018



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

Status Check: Trial Readiness

Matter Heard;

Journal Entry Details:

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

10/08/2018



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

Trial Date Set;

Journal Entry Details:

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


CASE SUMMARY

CASE NO. A-16-732342-C

10/12/2018	CANCELED Calendar Call (10:30 AM) (Judicial Officer: Jones, David M) <i>Vacated - per Judge</i>
10/12/2018	Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M) Events: 09/07/2018 Motion in Limine <i>Defendant Ramparts, Inc. dba Luxor Hotel & Casino's Motion in Limine to Preclude the Testimony and Opinions of Plaintiff's Expert, Timothy M. Hicks, P.E., or Alternatively, to Limit the Testimony and Opinions of Plaintiff's Expert, Timothy M. Hicks, P.E. [Motion in Limine No. 1]</i> Granted in Part;
10/12/2018	Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M) Events: 09/07/2018 Motion in Limine <i>Defendant Ramparts, Inc. dba Luxor Hotel & Casino's Motion in Limine to Preclude the Testimony and Opinions of Plaintiff's Expert, Michael P. Gibbens, CASp, ICC, CASI, or Alternatively, to Limit the Testimony and Opinions of Plaintiff's Expert, Michael P. Gibbens, CASp, ICC, CASI [Motion in Limine No. 2]</i> Granted in Part;
10/12/2018	Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M) Events: 09/07/2018 Motion in Limine <i>Defendant Desert Medical Equipment's Motion in Limine No. 2 to Preclude Testimony and Argument that Desert Medical Equipment Altered or Modified the Subject Scooter</i> Denied Without Prejudice;
10/12/2018	Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M) Events: 09/07/2018 Motion in Limine <i>Defendant Desert Medical Equipment's Motion in Limine No. 1 to Exclude Testimony from Plaintiff's Scooter Expert, Timothy Hicks, P.E.</i> Granted in Part;
10/12/2018	Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M) Events: 09/07/2018 Motion in Limine <i>Vivia Harrison's Motion in Limine No. 1 to Limit Vivia's Testimony to a Reading of her Deposition Transcript</i> Granted in Part;
10/12/2018	Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M) Events: 09/07/2018 Motion in Limine <i>Defendant Desert Medical Equipment's Motion in Limine No. 3 to Preclude Testimony and Argument that the Subject Scooter was Defective</i> Granted;
10/12/2018	Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M) Events: 09/07/2018 Motion in Limine <i>Defendant Desert Medical Equipment's Motion in Limine No. 4 to Preclude Argument that Plaintiff Should Have Been Rented the Larger 4-Wheeled Maxima Scooter</i> Granted in Part;
10/12/2018	Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M) Events: 09/07/2018 Motion in Limine <i>Defendant Desert Medical Equipment's Motion in Limine No. 5 to Exclude Photographs of Wal-Mart Scooters Plaintiff has Allegedly Used in the Past</i> Granted;
10/12/2018	Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M) Events: 09/07/2018 Motion in Limine <i>Plaintiff's Motion in Limine #2 to Limit Defendant Desert Medical Equipment's 30(b)(6) Witness Testimony</i> Granted;

CASE SUMMARY

CASE NO. A-16-732342-C

10/12/2018	<p>Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M)</p> <p>Events: 09/07/2018 Motion in Limine</p> <p><i>Defendant Desert Medical Equipment's Motion in Limine No. 6 to Preclude Argument that Desert Medical Equipment Failed to Provide Adequate Operating Instructions to Plaintiff</i></p> <p>Granted;</p>
10/12/2018	<p>Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M)</p> <p>Events: 09/07/2018 Motion in Limine</p> <p><i>Defendant Desert Medical Equipment's Motion in Limine No. 7 to Preclude Argument that Desert Medical Equipment Did Not Properly Maintain the Subject Scooter</i></p> <p>Deferred Ruling;</p>
10/12/2018	<p>Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M)</p> <p>Events: 09/07/2018 Motion in Limine</p> <p><i>Defendant Desert Medical Equipment's Motion in Limine No. 9 to Exclude Evidence of Past Medical Expenses Not Actually Incurred</i></p> <p>Denied;</p>
10/12/2018	<p>Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M)</p> <p>Events: 09/07/2018 Motion in Limine</p> <p><i>Defendant Desert Medical Equipment's Motion in Limine No. 8 to Preclude Argument that Desert Medical Equipment Failed to Provide Adequate Training to Luxor Employees</i></p> <p>Denied;</p>
10/12/2018	<p>Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M)</p> <p>Events: 09/07/2018 Motion in Limine</p> <p><i>Defendant Desert Medical Equipment's Motion in Limine No. 10 to Exclude "Reptile", "Golden Rule", and other Improper Arguments at Trial</i></p> <p>Matter Heard;</p>
10/12/2018	<p>Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M)</p> <p>Events: 09/07/2018 Motion in Limine</p> <p><i>Plaintiff's Motion in Limine #3 to Limit Defendant's ADA Expert - Michelle J. Robbins' Opinions</i></p> <p>Denied;</p>
10/12/2018	<p>Joinder to Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M)</p> <p>Events: 09/17/2018 Joinder to Motion in Limine</p> <p><i>Third-Party Defendant, Stan Sawamoto's Joinder to Defendant, Desert Medical Equipment's Motion in Limine NO. 10 to Exclude "Reptile", "Golden Rule" and Other Improper Arguments at Trial</i></p> <p>Matter Heard;</p>
10/12/2018	<p>Joinder to Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M)</p> <p><i>Third-Party Defendant, Stan Sawamoto's Joinder to Defendant, Desert Medical Equipment's Motion in Limine No. 9 to Exclude Evidence of Past Medical Expenses Not Actually Incurred</i></p> <p>Denied;</p>
10/12/2018	<p>Joinder to Motion in Limine (1:00 PM) (Judicial Officer: Jones, David M)</p> <p><i>Defendant Ramparts, Inc. dba Luxor Hotel & Casino's Joinder to Defendant Desert Medical Equipment's Motion in Limine No. 9 to Exclude Evidence of Past Medical Expenses Not Actually Incurred</i></p> <p>Denied;</p>
10/12/2018	<p> All Pending Motions (1:00 PM) (Judicial Officer: Jones, David M)</p> <p>ALL PENDING - PLAINTIFF'S MOTIONS IN LIMINE 1-3... DEFENDANT RAMPARTS, INC'S MOTIONS IN LIMINE 1-2... DEFENDANT DESERT MEDICAL MOTIONS IN LIMINE 1-10... THIRD PARTY, STAN SAWAMOTO'S JOINDER & DEFENDANT RAMPARTS, INC'S JOINDER TO DEFENDANT DESERT MEDICAL EQUIPMENT'S MOTION IN LIMINE 9...THIRD PARTY DEFENDANT, STAN SAWAMOTO'S JOINDER TO DEFENDANT DESERT MEDICAL EQUIPMENT'S MOTION IN LIMINE 10</p>

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

Matter Heard;
Journal Entry Details:


ALL PENDING - PLAINTIFF'S MOTIONS IN LIMINE 1-3... DEFENDANT RAMPARTS, INC'S MOTIONS IN LIMINE 1-2... DEFENDANT DESERT MEDICAL MOTIONS IN LIMINE 1-10... THIRD PARTY, STAN SAWAMOTO'S JOINDER & DEFENDANT RAMPARTS, INC'S JOINDER TO DEFENDANT DESERT MEDICAL EQUIPMENT'S MOTION IN LIMINE 9...THIRD PARTY DEFENDANT, STAN SAWAMOTO'S JOINDER TO DEFENDANT DESERT MEDICAL EQUIPMENT'S MOTION IN LIMINE 10 Following arguments by Mr. Moss, Mr. Pfau, Mr. Young, and Ms. Christopher as to their respective positions; **COURT ORDERED, the following: PLAINTIFF, VIVIA HARRISON S MIL #1 TO LIMIT VIVIA S TESTIMONY TO A READING OF HER DEPOSITION TRANSCRIPT COURT ORDERED, Motion GRANTED IN PART; plaintiff's testimony will be limited to video conference and will be limited to the scope of her deposition. There will be no repetitive questions in regards to anything. Plaintiff's counsel to prepare the Order. PLAINTIFF, VIVIA HARRISON S MIL#2 TO LIMIT DEFENDANT DESERT MEDICAL EQUIPMENT S 30(b)(6) WITNESS TESTIMONY** **COURT STATED** it would allow Mr. Schultz to testify as to what his observations were and will be limited in his statements as to what was or not wrong with the scooter. He may testify as to what photographs he took and he may comment on what Luxor did and what photographs they took. There will be no negative inference against Luxor, but against the Scooter company; a special instruction will be given. **COURT ORDERED, Motion GRANTED.** Plaintiff to prepare the Order. **PLAINTIFF, VIVIA HARRISON S MIL#3 TO LIMIT DEFENDANT S ADA EXPERT MICHELLE J. ROBBINS OPINIONS** **Court STATED** it would limit testimony in regards to Ms. Robbins understanding as to ingress and mobility of the furniture. **COURT ORDERED, Motion DENIED.** Plaintiff to prepare the Order. **DEFENDANT RAMPARTS, INC. MIL#1 TO PRECLUDE THE TESTIMONY & OPINIONS OF PLTF S EXPERT TIMOTHY HICKS, PE, OR ALTERNATIVELY, TO LIMIT THE TESTIMONY & OPINIONS** **COURT ORDERED, Motions GRANTED IN PART.** Mr. Hicks will be allowed to testify in regards to the design, stability, and the turn ratio. He cannot testify as to what questions or what type of training the individuals at Luxor should go through in order to rent the scooters out. **MATTER RECALLED: Arguments as to supplemental expert report and photographs. COURT ORDERED, the photographs cannot come. Mr. Young & Ms. Christopher to prepare the Order. DEFENDANT RAMPARTS, INC. MIL#2 TO PRECLUDE THE TESTIMONY & OPINIONS OF PLTF S EXPERT, MICHAEL P. GIBBENS, CASI, ICC, CASI, OR ALTERNATIVELY TO LIMIT THE TESTIMONY & OPINIONS** **COURT ORDERED, Motion GRANTED IN PART.** Mr. Gibbens can testify as to his review of the footprint and his review of the video tape, but cannot testify as to causation. Mr. Young to prepare the Order. **DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#1 TO EXCLUDE TESTIMONY FROM PLAINTIFF S SCOOTER EXPERT, TIMOTHY HICKS, P.E** Arguments as to supplemental expert report and photographs. **COURT ORDERED, the photographs cannot come. Mr. Hicks can opine there are heavier duty scooters out there. Mr. Young & Ms. Christopher to prepare the Order. DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#2 TO EXCLUDE TESTIMONY AND ARGUMENT THAT DESERT MEDICAL EQUIPMENT ALTERED OR MODIFIED THE SUBJECT SCOOTER** **COURT ORDERED, Motion DENIED WITHOUT PREJUDICE** at this time based on the testimony at the time of trial. **DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#3 TO PRECLUDE TESTIMONY AND ARGUMENT THAT THE SUBJECT SCOOTER WAS DEFECTIVE** **COURT ORDERED, Motion GRANTED;** there is no evidence it was defective. **DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#4 TO PRECLUDE ARGUMENT THAT PLTF SHOULD HAVE RENTED THE LARGER 4-WHEELED MAXIMA SCOOTER** **COURT ORDERED, Motion GRANTED IN PART;** testimony will be allowed as to the ability of whether the scooter could tip over. **DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#5 TO EXCLUDE PHOTOGRAPHS OF WAL-MART SCOOTERS** **PLTF HAS ALLEGEDLY USED IN THE PAST** **COURT ORDERED, Motion GRANTED.** Defendant to prepare the Order. **DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#6 TO PRECLUDE ARGUMENT THAT DESERT MEDICAL EQUIPMENT FAILED TO PROVIDE ADEQUATE OPERATING INSTRUCTIONS TO PLTF** **COURT ORDERED, Motion GRANTED.** **DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#7 TO PRECLUDE ARGUMENT THAT DESERT MEDICAL EQUIPMENT DID NOT PROPERLY MAINTAIN THE SUBJECT SCOOTER** **COURT ORDERED, Ruling held in abeyance** until the time of trial based upon any evidence that shows maintenance was an issue. **DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#8 TO PRECLUDE ARGUMENT THAT DESERT MEDICAL EQUIPMENT FAILED TO PROVIDE ADEQUATE TRAINING TO LUXOR EMPLOYEES** **COURT ORDERED, Motion DENIED** as it is a question for the jury. Plaintiff to prepare the Order. **DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#9 TO EXCLUDE EVIDENCE OF PAST MEDICAL EXPENSES NOT ACTUALLY INCURRED** **THIRD PARTY DEFENDANT, STAN SAWAMOTO S JOINDER...DEFENDANT RAMPARTS, INC. dba LUXOR HOTEL & CASINO S JOINDER** **COURT ORDERED, Motion DENIED;** if can prove between now and the time of trial the plaintiff paid cash and expenses were reduced,


CASE SUMMARY

CASE No. A-16-732342-C

the matter may be revisited. Plaintiff to prepare the Order. DEFENDANT DESERT MEDICAL EQUIPMENT S MIL#10 TO EXCLUDE REPTILE , GOLDEN RULE , AND OTHER IMPROPER ARGUMENTS AT TRIAL THIRD PARTY DEFENDANT, STAN SAWAMOTO S JOINDER COURT ORDERED, as to "REPTILE" the matter is held in abeyance until the time of trial. As to "Golden Rule" this Court will obey the State laws of Nevada.;

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

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

12/10/2018  **Jury Trial** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)
12/10/2018-12/14/2018, 12/17/2018-12/20/2018
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Jury Deliberating;
Verdict;
Journal Entry Details:
Verdict and Jury Instructions FILED IN OPEN COURT. INSIDE THE PRESENCE OF THE JURY: At the hour of 1:26 p.m. the jury returned with a verdict in favor of the Defendants. Jury polled. OUTSIDE THE PRESENCE OF THE JURY: Ms. Christopher noted the Defendants name read in the verdict indicated "Desert Mechanical Equipment" and the correct name was "Desert Medical Equipment". Upon Court's inquiry, the parties agreed to bring the jury back into the Courtroom to clarify. INSIDE THE PRESENCE OF THE JURY: Court inquired and jury affirmed that although the Verdict for Defendant indicated "Desert Mechanical" their verdict applied to "Desert Medical." OUTSIDE THE PRESENCE OF THE JURY: COURT NOTED it received affirmation from all six jurors through nods that they indicated that they voted in favor of the verdict.;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Jury Deliberating;
Verdict;
Journal Entry Details:
OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding admitted exhibits. JURY PRESENT. Closing argument by Defendants. Rebuttal closing argument by the Plaintiff. At the hour of 12:42 p.m., the Jury retired to deliberate. OUTSIDE THE PRESENCE OF THE JURY. Juror questions addressed. COURT ORDERED, matter CONTINUED. CONTINUED TO: 12/20/18 10:00 AM;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Jury Deliberating;

CASE SUMMARY

CASE NO. A-16-732342-C

Verdict;

Journal Entry Details:

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

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Jury Deliberating;

Verdict;

Journal Entry Details:

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

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Jury Deliberating;

Verdict;

Journal Entry Details:

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

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Jury Deliberating;

Verdict;

Journal Entry Details:

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

Trial Continues;

Trial Continues;

CASE SUMMARY

CASE NO. A-16-732342-C

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Jury Deliberating;

Verdict;

Journal Entry Details:

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

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Jury Deliberating;

Verdict;

Journal Entry Details:

OUTSIDE THE PRESENCE OF POTENTIAL JURY. Colloquy regarding potential jurors. Oral Motion to Strike potential juror #165 by Mr. Pfau. Arguments by counsel. COURT ORDERED, oral motion DENIED. Further colloquy regarding potential jurors. Mr. Pfau advised he received notice yesterday defendant's counsel would like to call a new 30(b)(6) and stated his position is that he would prefer to play the video and not have the new 30(b)(6) present. Mr. Young argued he would prefer to present a live witness to testify as to the issues. Court directed parties to go over portions of the deposition together by the end of the day. Potential juror present to discuss scheduling issues. POTENTIAL JURY PRESENT. Voir Dire continued. CONFERENCE AT BENCH. OUTSIDE THE PRESENCE OF POTENTIAL JURY. Peremptory Challenges exercised. COURT ORDERED, matter CONTINUED. CONTINUED TO: 12/12/18 10:30 AM;

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Jury Deliberating;

Verdict;

Journal Entry Details:

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

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-16-732342-C

jurors. POTENTIAL JURY PRESENT. Voire Dire continued. COURT ORDERED, matter CONTINUED. CONTINUED TO: 12/11/18 11:00 AM;

02/27/2019



Motion for Attorney Fees and Costs (9:00 AM) (Judicial Officer: Jones, David M)

Defendant Ramparts Inc dba Luxor Hotel and Casino's Motion for Attorney's Fees and Costs Granted;

Journal Entry Details:

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

05/01/2019



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

Events: 03/28/2019 Motion to Reconsider

Motion to Reconsider the Court's Order Granting Luxor an Attorney Lien Offset

Denied;

Journal Entry Details:

No parties present. Court advised there was a valid motion and opposition thereto, COURT ORDERED, motion DENIED.;

05/10/2019



Minute Order (7:30 AM) (Judicial Officer: Jones, David M)

Minute Order - No Hearing Held;

Journal Entry Details:

This matter came before the Court in a Chambers Hearing on May 1, 2019. After considering the papers and pleadings on file, this Court DENIES Plaintiff's Motion to reconsider the Court's Order Granting Luxor an Attorney Lien Offset. CLERK'S NOTE: The above minute order has been distributed to: Boyd B. Moss, Esq. - boyd@mossberglv.com Loren Young, Esq. - lyoung@lgclawoffice.com Matthew Pfau, Esq. - matt@p2lawyers.com;

07/03/2019



Motion to Interplead (9:00 AM) (Judicial Officer: Jones, David M)

Defendant Desert Medical Equipments Motion for Interpleader and to Deposit Funds With the Court

Granted;

Journal Entry Details:

Derek Linford, Esq. present on behalf of Defendant Desert Medical Equipment. Mr. Linford advised while they are waiting for the appeal to go through, they were hoping to deposit the funds with the Court. Upon Court's inquiry, counsel advised there were no objections. COURT ORDERED, motion GRANTED. Counsel to prepare the order.;

DATE

FINANCIAL INFORMATION

Third Party Plaintiff Desert Medical Equipment

Total Charges 623.00

Total Payments and Credits 623.00

Balance Due as of 12/5/2019 0.00

Third Party Plaintiff Desert Medical Equipment

Total Charges 138.50

Total Payments and Credits 138.50

Balance Due as of 12/5/2019 0.00

Third Party Defendant Sawamoto, Stan

Total Charges 423.00

Total Payments and Credits 423.00

Balance Due as of 12/5/2019 0.00

Defendant Pride Mobility Products Corp

Total Charges 623.00

Total Payments and Credits 623.00

CASE SUMMARY

CASE NO. A-16-732342-C

Balance Due as of 12/5/2019	0.00
Defendant Ramparts Inc	
Total Charges	423.00
Total Payments and Credits	423.00
Balance Due as of 12/5/2019	0.00
Plaintiff Harrison, Vivia	
Total Charges	501.00
Total Payments and Credits	501.00
Balance Due as of 12/5/2019	0.00
Third Party Plaintiff Desert Medical Equipment	
Interplead Funds Balance as of 12/5/2019	150,000.00
Attorney Moss, Boyd B., ESQ	
Appeal Bond Balance as of 12/5/2019	500.00

DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No. _____

(Assigned by Clerk's Office)

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

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

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

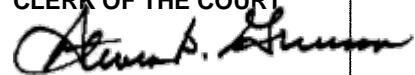
Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain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

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

Date

Signature of initiating party or representative

See other side for family-related case filings.



1 **OGM**
2 **LOREN S. YOUNG, ESQ.**
3 Nevada Bar No. 7567
4 **THOMAS W. MARONEY, ESQ.**
5 Nevada Bar No. 13913
6 **LINCOLN, GUSTAFSON & CERCOS, LLP**
7 **ATTORNEYS AT LAW**
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11 Telephone: (702) 257-1997
12 Facsimile: (702) 257-2203
13 lyoung@lgclawoffice.com
14 tmaroney@lgclawoffice.com
15
16 Attorneys for Defendant, RAMPARTS, INC.
17 d/b/a LUXOR HOTEL & CASINO
18
19
20
21
22
23
24

12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

15 VIVIA HARRISON, an individual,
16
17 Plaintiff,

18 v.

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

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

**ORDER GRANTING DEFENDANT
RAMPARTS, INC. d/b/a LUXOR HOTEL &
CASINO'S MOTION FOR ATTORNEY'S
FEES AND COSTS**

25 Defendant RAMPARTS, INC. d/b/a LUXOR HOTEL & CASINO's Motion for Attorney's
26 Fees and Costs and Memorandum of Costs and Disbursements coming on for hearing on February 27,
27 2019; the Honorable David M. Jones presiding with appearances by Loren S. Young, Esq. appearing
28 on behalf of Defendant, RAMPARTS, INC. d/b/a LUXOR HOTEL & CASINO; Boyd B. Moss, Esq.

1 of Moss Berg Injury Lawyers and Matthew Pfau, Esq. of Parry & Pfau appearing on behalf of Plaintiff,
2 VIVIA HARRISON; the Court, having reviewed the papers and pleadings on file herein, having heard
3 the arguments of counsel, and good cause appearing therefore, the Court hereby finds and enters the
4 following:

5 **FINDINGS OF FACT**

6 Trial in this matter started on December 10, 2018 and concluded on December 20, 2018 with
7 the Jury returning a Defense Verdict against Plaintiff and in Luxor's favor. Thus, Luxor is the
8 prevailing party pursuant to NRS §18.000 et seq.

9 Judgment was entered on the Jury Verdict on January 16, 2019. As the prevailing party, Luxor
10 moved for recovery of costs pursuant to NRS §18.020 and NRS §18.005 by filing a memorandum of
11 costs and disbursements on January 17, 2019. Plaintiff did not file a motion to re-tax the costs.

12 Luxor also filed a motion for recovery of attorney's fees and costs on January 17, 2019
13 pursuant to NRS §18.010, NRS §18.020, NRS §18.005, NRS 7.085, and NRCP 68. Plaintiff filed an
14 Opposition to the Motion for attorney's fees and costs on February 4, 2019 opposing the award of fees
15 and only disputing costs of the experts. Luxor filed a Reply brief on February 20, 2019.

16 **CONCLUSIONS OF LAW**

17 As the prevailing party, Luxor is entitled to award of costs pursuant to NRS §18.005 and NRS
18 §18.020. Pursuant to NRS §18.110, a memorandum of costs must be filed within 5 days after the entry
19 of order or judgment. NRS §18.110(4) provides, "Within 3 days after service of a copy of the
20 memorandum, the adverse party may move the court, upon 2 days' notice, to retax and settle the costs,
21 notice of which motion shall be filed and served on the prevailing party claiming costs. Upon the
22 hearing of the motion the court or judge shall settle the costs." *See Nev. Rev. Stat. Ann. § 18.110(4).*

23 Under NRS 18.005(5), an expert witness who does not testify may recover costs equal to or
24 under \$1,500, and consistent with *Khoury*, "[w]hen a district court awards expert fees in excess of
25 \$1,500 per expert, it must state the basis for its decision." *Public Employees' Ret. Sys. v. Gitter*, 393
26 P.3d 673, 681, 133 Nev. Adv. Rep. 18 (April 27, 2017).

27 Any award of expert witness fees in excess of \$1,500 per expert under NRS 18.005(5) must be
28 supported by an express, careful, and preferably written explanation of the court's analysis of factors

1 pertinent to determining the reasonableness of the requested fees and whether "the circumstances
2 surrounding the expert's testimony were of such necessity as to require the larger fee." *Frazier v.*
3 *Drake*, 357 P.3d 365, 377-378, 131 Nev. Adv. Rep. 64 (Nev. 2015).

4 In evaluating requests for such awards, district courts should consider the importance of the
5 expert's testimony to the party's case; the degree to which the expert's opinion aided the trier of fact in
6 deciding the case; whether the expert's reports or testimony were repetitive of other expert witnesses;
7 the extent and nature of the work performed by the expert; whether the expert had to conduct
8 independent investigations or testing; the amount of time the expert spent in court, preparing a report,
9 and preparing for trial; the expert's area of expertise; the expert's education and training; the fee
10 actually charged to the party who retained the expert; the fees traditionally charged by the expert on
11 related matters; comparable experts' fees charged in similar cases; and, if an expert is retained from
12 outside the area where the trial is held, the fees and costs that would have been incurred to hire a
13 comparable expert where the trial was held. *Id.*

14 From review of the Memorandum, Motion, and related briefs, the Court finds the uncontested
15 costs incurred by Luxor were reasonable and necessary pursuant to NRS §18.005 and NRS §18.020.
16 Costs must be allowed of course to the prevailing party against an adverse party again whom judgment
17 is rendered when money damages of \$2,500 or greater is sought. Here, Plaintiff sought recovery of
18 damages in excess of \$2,500. Thus, the Court finds that Luxor is entitled to an award of reasonable
19 and necessary costs incurred that were uncontested totaling **\$22,097.28**.

20 From review of the Memorandum, Motion, and related briefs, and the factors identified in
21 *Frazier v. Drake*, the Court finds the contested costs incurred by Luxor for the three experts were
22 reasonable and necessary pursuant to NRS §18.005 and NRS §18.020, however, the Court hereby
23 exercises its' discretion and reduces the recoverable expert costs to the following amounts to be
24 awarded to Luxor as follows: Dr. Clifford Segil = \$5,000.00; Michelle Robbins = \$7,500.00; Aubrey
25 Corwin = \$5,000.00. Thus, the Court finds that Luxor is entitled to an award of reasonable and
26 necessary expert costs incurred that were contested totaling **\$17,500.00**, for a total award of costs to
27 Luxor equaling **\$39,597.28**.

1 The Nevada Supreme Court outlined a four factor test for awarding discretionary attorneys'
2 fees under NRCP 68 in *Beattie v. Thomas*, 99 Nev. 579, 588 (1983). The four *Beattie* factors include:
3 (1) whether the plaintiff's claim was brought in good faith; (2) whether the defendant's offer of
4 judgment was reasonable and in good faith in both its timing and amount; (3) whether the plaintiff's
5 decision to reject the offer and proceed to trial was grossly unreasonable or in bad faith; and (4)
6 whether the fees sought by the offeror are reasonable and justified in amount. As the prevailing party,
7 Luxor seeks recovery of attorney's fees incurred pursuant to NRCP 68, NRS §18.010(2)(b), and NRS
8 7.085. Nevada's statute provides that a prevailing party may also be awarded attorney's fees if a claim
9 is brought or maintained without reasonable ground. *Id.*

10 To apply the *Beattie* factors to the case at bar, the Court finds: (1) Plaintiff's complaint included
11 many statements of fact and allegations contrary to their own witnesses testimony; (2) Luxor's offer
12 of judgment was made after some discovery was conducted and renewed after additional discovery
13 was performed, and prior to trial; however, deposition of Luxor's witnesses were not conducted until
14 much later in discovery; (3) Plaintiff was aware of the substantial defects in the case and still rejected
15 Luxor's offer of judgment; and (4) Luxor's requested attorneys' fees, in the amount of \$202,398.00,
16 reflect the actual and reasonable attorneys' fees incurred by Luxor from the date of service on the offer
17 of judgment to the date of entry of the final judgment. Thus, under the *Beattie* factors, this Court finds
18 an award of a portion of the post-offer attorneys' fees is appropriate.

19 On March 23, 2017, Luxor served an offer of judgment to Plaintiff for \$1,000.00 pursuant to
20 NRCP 68. Pursuant to the rule, if an offeree rejects an offer and fails to obtain a more favorable
21 judgment, the Court may order the offeree to pay reasonable attorney's fees incurred from the date of
22 the service of the offer. As Plaintiff did not prove a claim or damages against Luxor, leading to a
23 defense verdict, this Court finds the offer served by Luxor was reasonable and Plaintiff did not obtain
24 a more favorable judgment than the offer. Thus, the Court finds that Luxor is entitled to a partial
25 award of attorney's fees incurred during the month of December only.

26 In considering an award of attorney's fees, the Court examines: (1) the qualities of the
27 advocate; (2) the character of the work to be done; (3) the work actually performed; and (4) the result.
28

1 *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349, 455 P.2d 31 (1969). "Hourly time schedules
2 are helpful in establishing the value of counsel services." Id.

3 After analyzing a request attorney's fees, this Court finds Luxor's Counsel, Loren S. Young,
4 Esq. and Thomas W. Maroney, Esq. are qualified, competent, and experienced attorneys and are
5 respected and qualified attorneys. The character of the work involved legal issues, medical complaints
6 and damages, as well as oral arguments that required a competent and skilled trial attorney. The work
7 actually performed by Luxor's Counsel was significant in time and effort, preparing the motion work,
8 trial preparation, and attendance at the two week trial. The result obtain by way of a defense verdict
9 was a success in Luxor's favor. Thus, this Court finds that Luxor's motion fully addressed and
10 satisfied the factors enumerated in *Brunzell*, namely, the advocate's professional qualities, the nature
11 of the litigation, the work performed, and the result. *Brunzell*, 85 Nev. 345, 349, 455 P.2d 31, 33
12 (1969).

13 The Court finds that Luxor is entitled to recover attorney's fees pursuant to the *Brunzell* factors,
14 however, the Court exercises its discretion to reduce the amount of fees based on the forgoing facts
15 and findings. The Court reviewed Luxor's attorneys' invoices and affidavits and finds that Luxor's
16 attorneys' fees are reasonable and utilizes its discretion to award a portion of Luxor's attorney's fees
17 for the month of December 2018 that would include trial preparation and trial. Accordingly, Luxor
18 shall be awarded attorneys' fees in the total amount of **\$69,688.00**.

19 **ORDER AND JUDGMENT**

20 Based on the forgoing, and for good cause shown, **IT IS HEREBY ORDERED** that
21 Defendant Luxor's Memorandum of Allocated Costs and Disbursements and Motion and Application
22 for Costs is hereby **GRANTED** in the amount of Thirty Nine Thousand Five Hundred and Ninety
23 Seven Dollars and Twenty-Eight Cents (**\$39,597.28**).

24 Based on the forgoing, and for good cause shown, **IT IS HEREBY FURTHER ORDERED**
25 that Defendant, Luxor's Motion and Application for Attorney's Fees is hereby **GRANTED** pursuant
26 to NRCP 68 from the date of the offer of judgment totaling Sixty Nine Thousand Six Hundred and
27 Eighty Eight Dollars and No Cents (**\$69,688.00**).
28

1 Based on the forgoing, **IT IS HEREBY FURTHER ORDERED** that total final judgment is
2 entered against Plaintiff, VIVIA HARRISON, in favor of Defendant, RAMPARTS, INC. d/b/a
3 LUXOR HOTEL & CASINO, totaling One Hundred and Nine Thousand Two Hundred and Eighty
4 Five Dollars and Twenty-Eight cents (**\$109,285.28**).

5 Based on the forgoing, **IT IS HEREBY FURTHER ORDERED** that this total final judgment
6 must first be offset from other settlement funds received by Plaintiff and Plaintiff's attorney as part of
7 the trial judgment before any distribution and this total final judgment in favor of Luxor takes priority
8 over any other lien, including an attorney's lien. *John J. Muije, Ltd. v. North Las Vegas Cab Co.*, 106
9 Nev. 664, 666, 799 P.2d 559, 560 (1990).

10 DATED this 15 day of March, 2019.

11
12
13  DISTRICT COURT JUDGE
14

15 Respectfully Submitted by:

16 **LINCOLN, GUSTAFSON & CERCOS, LLP**

17
18  **LOREN S. YOUNG, ESQ.**

19 Nevada Bar No. 7567
20 3960 Howard Hughes Pkwy, Suite 200
21 Las Vegas, NV 89169
22 Attorneys for Defendant, RAMPARTS, INC.
23 d/b/a LUXOR HOTEL & CASINO

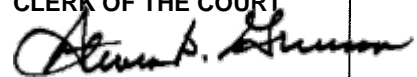
24 Approved as to form and content by:

25 **PARRY & PFAU**

26 **MOSS BERG INJURY LAWYERS**

27 Refused to Sign
28 **MATTHEW G. PFAU, ESQ.**
Nevada Bar No. 11439
880 Seven Hills Drive, Suite 210
Henderson, NV 89052
Attorneys for Plaintiff, VIVIA HARRISON

Refused to Sign
BOYD B. MOSS, ESQ.
Nevada Bar No. 8856
4101 Meadows Lane, Suite 110
Las Vegas, NV 89107
Attorneys for Plaintiff, VIVIA HARRISON



1 **NEOJ**
2 **LOREN S. YOUNG, ESQ.**
3 Nevada Bar No. 7567
4 **THOMAS W. MARONEY, ESQ.**
5 Nevada Bar No. 13913
6 **LINCOLN, GUSTAFSON & CERCOS, LLP**
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9 Las Vegas, Nevada 89169
10 Telephone: (702) 257-1997
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12 lyoung@lgclawoffice.com
13 tmaroney@lgclawoffice.com

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

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

14 VIVIA HARRISON, an individual,
15 Plaintiff,

16 v.

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

23 Defendants.

24 DESERT MEDICAL EQUIPMENT, a Nevada
25 Domestic Corporation,

26 Third-Party Plaintiff,

27 v.

28 STAN SAWAMOTO, an individual,

Third Party Defendant.

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

NOTICE OF ENTRY OF ORDER

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

2 YOU AND EACH OF YOU will please take notice that an Order was entered on the 18th day
3 of March, 2019; a true and correct copy is attached hereto.

4 DATED this 18th day of March, 2019.

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

6 

7 **LOREN S. YOUNG, ESQ.**

8 Nevada Bar No. 7567

9 **THOMAS W. MARONEY, ESQ.**

10 Nevada Bar No. 13913

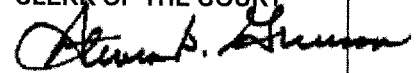
11 3960 Howard Hughes Parkway, Suite 200

12 Las Vegas, NV 89169

13 Attorneys for Defendant, RAMPARTS, INC.

14 d/b/a LUXOR HOTEL & CASINO

15 v:\f-j\harrison_luxor\atty notes\drafts\pldgs\20190318_neoj_bjp.docx



1 **OGM**
2 **LOREN S. YOUNG, ESQ.**
3 Nevada Bar No. 7567
4 **THOMAS W. MARONEY, ESQ.**
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13 lyoung@lgclawoffice.com
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15 Attorneys for Defendant, RAMPARTS, INC.
16 d/b/a LUXOR HOTEL & CASINO

17
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DISTRICT COURT

CLARK COUNTY, NEVADA

VIVIA HARRISON, an individual,
Plaintiff,

v.

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

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

**ORDER GRANTING DEFENDANT
RAMPARTS, INC. d/b/a LUXOR HOTEL &
CASINO'S MOTION FOR ATTORNEY'S
FEES AND COSTS**

Defendant RAMPARTS, INC. d/b/a LUXOR HOTEL & CASINO's Motion for Attorney's
Fees and Costs and Memorandum of Costs and Disbursements coming on for hearing on February 27,
2019; the Honorable David M. Jones presiding with appearances by Loren S. Young, Esq. appearing
on behalf of Defendant, RAMPARTS, INC. d/b/a LUXOR HOTEL & CASINO; Boyd B. Moss, Esq.

1 of Moss Berg Injury Lawyers and Matthew Pfau, Esq. of Parry & Pfau appearing on behalf of Plaintiff,
2 VIVIA HARRISON; the Court, having reviewed the papers and pleadings on file herein, having heard
3 the arguments of counsel, and good cause appearing therefore, the Court hereby finds and enters the
4 following:

5 FINDINGS OF FACT

6 Trial in this matter started on December 10, 2018 and concluded on December 20, 2018 with
7 the Jury returning a Defense Verdict against Plaintiff and in Luxor's favor. Thus, Luxor is the
8 prevailing party pursuant to NRS §18.000 et seq.

9 Judgment was entered on the Jury Verdict on January 16, 2019. As the prevailing party, Luxor
10 moved for recovery of costs pursuant to NRS §18.020 and NRS §18.005 by filing a memorandum of
11 costs and disbursements on January 17, 2019. Plaintiff did not file a motion to re-tax the costs.

12 Luxor also filed a motion for recovery of attorney's fees and costs on January 17, 2019
13 pursuant to NRS §18.010, NRS §18.020, NRS §18.005, NRS 7.085, and NRCP 68. Plaintiff filed an
14 Opposition to the Motion for attorney's fees and costs on February 4, 2019 opposing the award of fees
15 and only disputing costs of the experts. Luxor filed a Reply brief on February 20, 2019.

16 CONCLUSIONS OF LAW

17 As the prevailing party, Luxor is entitled to award of costs pursuant to NRS §18.005 and NRS
18 §18.020. Pursuant to NRS §18.110, a memorandum of costs must be filed within 5 days after the entry
19 of order or judgment. NRS §18.110(4) provides, "Within 3 days after service of a copy of the
20 memorandum, the adverse party may move the court, upon 2 days' notice, to retax and settle the costs,
21 notice of which motion shall be filed and served on the prevailing party claiming costs. Upon the
22 hearing of the motion the court or judge shall settle the costs." See Nev. Rev. Stat. Ann. § 18.110(4).

23 Under NRS 18.005(5), an expert witness who does not testify may recover costs equal to or
24 under \$1,500, and consistent with *Khoury*, "[w]hen a district court awards expert fees in excess of
25 \$1,500 per expert, it must state the basis for its decision." *Public Employees' Ret. Sys. v. Gitter*, 393
26 P.3d 673, 681, 133 Nev. Adv. Rep. 18 (April 27, 2017).

27 Any award of expert witness fees in excess of \$1,500 per expert under NRS 18.005(5) must be
28 supported by an express, careful, and preferably written explanation of the court's analysis of factors

1 pertinent to determining the reasonableness of the requested fees and whether "the circumstances
2 surrounding the expert's testimony were of such necessity as to require the larger fee." *Frazier v.*
3 *Drake*, 357 P.3d 365, 377-378, 131 Nev. Adv. Rep. 64 (Nev. 2015).

4 In evaluating requests for such awards, district courts should consider the importance of the
5 expert's testimony to the party's case; the degree to which the expert's opinion aided the trier of fact in
6 deciding the case; whether the expert's reports or testimony were repetitive of other expert witnesses;
7 the extent and nature of the work performed by the expert; whether the expert had to conduct
8 independent investigations or testing; the amount of time the expert spent in court, preparing a report,
9 and preparing for trial; the expert's area of expertise; the expert's education and training; the fee
10 actually charged to the party who retained the expert; the fees traditionally charged by the expert on
11 related matters; comparable experts' fees charged in similar cases; and, if an expert is retained from
12 outside the area where the trial is held, the fees and costs that would have been incurred to hire a
13 comparable expert where the trial was held. *Id.*

14 From review of the Memorandum, Motion, and related briefs, the Court finds the uncontested
15 costs incurred by Luxor were reasonable and necessary pursuant to NRS §18.005 and NRS §18.020.
16 Costs must be allowed of course to the prevailing party against an adverse party against whom judgment
17 is rendered when money damages of \$2,500 or greater is sought. Here, Plaintiff sought recovery of
18 damages in excess of \$2,500. Thus, the Court finds that Luxor is entitled to an award of reasonable
19 and necessary costs incurred that were uncontested totaling **\$22,097.28**.

20 From review of the Memorandum, Motion, and related briefs, and the factors identified in
21 *Frazier v. Drake*, the Court finds the contested costs incurred by Luxor for the three experts were
22 reasonable and necessary pursuant to NRS §18.005 and NRS §18.020, however, the Court hereby
23 exercises its' discretion and reduces the recoverable expert costs to the following amounts to be
24 awarded to Luxor as follows: Dr. Clifford Segil = \$5,000.00; Michelle Robbins = \$7,500.00; Aubrey
25 Corwin = \$5,000.00. Thus, the Court finds that Luxor is entitled to an award of reasonable and
26 necessary expert costs incurred that were contested totaling **\$17,500.00**, for a total award of costs to
27 Luxor equaling **\$39,597.28**.

1 The Nevada Supreme Court outlined a four factor test for awarding discretionary attorneys'
2 fees under NRCP 68 in *Beattie v. Thomas*, 99 Nev. 579, 588 (1983). The four *Beattie* factors include:
3 (1) whether the plaintiff's claim was brought in good faith; (2) whether the defendant's offer of
4 judgment was reasonable and in good faith in both its timing and amount; (3) whether the plaintiff's
5 decision to reject the offer and proceed to trial was grossly unreasonable or in bad faith; and (4)
6 whether the fees sought by the offeror are reasonable and justified in amount. As the prevailing party,
7 Luxor seeks recovery of attorney's fees incurred pursuant to NRCP 68, NRS §18.010(2)(b), and NRS
8 7.085. Nevada's statute provides that a prevailing party may also be awarded attorney's fees if a claim
9 is brought or maintained without reasonable ground. *Id.*

10 To apply the *Beattie* factors to the case at bar, the Court finds: (1) Plaintiff's complaint included
11 many statements of fact and allegations contrary to their own witnesses testimony; (2) Luxor's offer
12 of judgment was made after some discovery was conducted and renewed after additional discovery
13 was performed, and prior to trial; however, deposition of Luxor's witnesses were not conducted until
14 much later in discovery; (3) Plaintiff was aware of the substantial defects in the case and still rejected
15 Luxor's offer of judgment; and (4) Luxor's requested attorneys' fees, in the amount of \$202,398.00,
16 reflect the actual and reasonable attorneys' fees incurred by Luxor from the date of service on the offer
17 of judgment to the date of entry of the final judgment. Thus, under the *Beattie* factors, this Court finds
18 an award of a portion of the post-offer attorneys' fees is appropriate.

19 On March 23, 2017, Luxor served an offer of judgment to Plaintiff for \$1,000.00 pursuant to
20 NRCP 68. Pursuant to the rule, if an offeree rejects an offer and fails to obtain a more favorable
21 judgment, the Court may order the offeree to pay reasonable attorney's fees incurred from the date of
22 the service of the offer. As Plaintiff did not prove a claim or damages against Luxor, leading to a
23 defense verdict, this Court finds the offer served by Luxor was reasonable and Plaintiff did not obtain
24 a more favorable judgment than the offer. Thus, the Court finds that Luxor is entitled to a partial
25 award of attorney's fees incurred during the month of December only.

26 In considering an award of attorney's fees, the Court examines: (1) the qualities of the
27 advocate; (2) the character of the work to be done; (3) the work actually performed; and (4) the result.
28

1 *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349, 455 P.2d 31 (1969). "Hourly time schedules
2 are helpful in establishing the value of counsel services." Id.

3 After analyzing a request attorney's fees, this Court finds Luxor's Counsel, Loren S. Young,
4 Esq. and Thomas W. Maroney, Esq. are qualified, competent, and experienced attorneys and are
5 respected and qualified attorneys. The character of the work involved legal issues, medical complaints
6 and damages, as well as oral arguments that required a competent and skilled trial attorney. The work
7 actually performed by Luxor's Counsel was significant in time and effort, preparing the motion work,
8 trial preparation, and attendance at the two week trial. The result obtain by way of a defense verdict
9 was a success in Luxor's favor. Thus, this Court finds that Luxor's motion fully addressed and
10 satisfied the factors enumerated in *Brunzell*, namely, the advocate's professional qualities, the nature
11 of the litigation, the work performed, and the result. *Brunzell*, 85 Nev. 345, 349, 455 P.2d 31, 33
12 (1969).

13 The Court finds that Luxor is entitled to recover attorney's fees pursuant to the *Brunzell* factors,
14 however, the Court exercises its discretion to reduce the amount of fees based on the forgoing facts
15 and findings. The Court reviewed Luxor's attorneys' invoices and affidavits and finds that Luxor's
16 attorneys' fees are reasonable and utilizes its discretion to award a portion of Luxor's attorney's fees
17 for the month of December 2018 that would include trial preparation and trial. Accordingly, Luxor
18 shall be awarded attorneys' fees in the total amount of **\$69,688.00**.

19 **ORDER AND JUDGMENT**

20 Based on the forgoing, and for good cause shown, **IT IS HEREBY ORDERED** that
21 Defendant Luxor's Memorandum of Allocated Costs and Disbursements and Motion and Application
22 for Costs is hereby **GRANTED** in the amount of Thirty Nine Thousand Five Hundred and Ninety
23 Seven Dollars and Twenty-Eight Cents (**\$39,597.28**).

24 Based on the forgoing, and for good cause shown, **IT IS HEREBY FURTHER ORDERED**
25 that Defendant, Luxor's Motion and Application for Attorney's Fees is hereby **GRANTED** pursuant
26 to NRCP 68 from the date of the offer of judgment totaling Sixty Nine Thousand Six Hundred and
27 Eighty Eight Dollars and No Cents (**\$69,688.00**).
28

1 Based on the forgoing, **IT IS HEREBY FURTHER ORDERED** that total final judgment is
2 entered against Plaintiff, VIVIA HARRISON, in favor of Defendant, RAMPARTS, INC. d/b/a
3 LUXOR HOTEL & CASINO, totaling One Hundred and Nine Thousand Two Hundred and Eighty
4 Five Dollars and Twenty-Eight cents (\$109,285.28).

5 Based on the forgoing, **IT IS HEREBY FURTHER ORDERED** that this total final judgment
6 must first be offset from other settlement funds received by Plaintiff and Plaintiff's attorney as part of
7 the trial judgment before any distribution and this total final judgment in favor of Luxor takes priority
8 over any other lien, including an attorney's lien. *John J. Muije, Ltd. v. North Las Vegas Cab Co.*, 106
9 Nev. 664, 666, 799 P.2d 559, 560 (1990).

10 DATED this 15 day of March, 2019.

11
12
13 DISTRICT COURT JUDGE
14

15 Respectfully Submitted by:

16 **LINCOLN, GUSTAFSON & CERCOS, LLP**

17
18 **LOREN S. YOUNG, ESQ.**

19 Nevada Bar No. 7567
20 3960 Howard Hughes Pkwy, Suite 200
21 Las Vegas, NV 89169
22 Attorneys for Defendant, RAMPARTS, INC.
23 d/b/a LUXOR HOTEL & CASINO

24 Approved as to form and content by:

25 **PARRY & PFAU**

26 **MOSS BERG INJURY LAWYERS**

27 Refused to Sign

28 **MATTHEW G. PFAU, ESQ.**

Nevada Bar No. 11439
880 Seven Hills Drive, Suite 210
Henderson, NV 89052
Attorneys for Plaintiff, VIVIA HARRISON

Refused to Sign

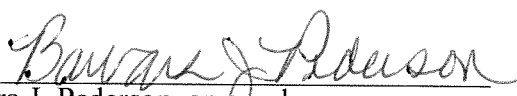
BOYD B. MOSS, ESQ.

Nevada Bar No. 8856
4101 Meadows Lane, Suite 110
Las Vegas, NV 89107
Attorneys for Plaintiff, VIVIA HARRISON

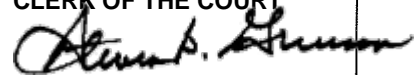
1 Vivia Harrison v. Ramparts, Inc. dba Luxor Hotel & Casino, et al.
2 Clark County Case No. A-16-732342-C

3 **CERTIFICATE OF SERVICE**

4 I HEREBY CERTIFY that on the 18th day of March, 2019, I served a copy of the attached
5 **NOTICE OF ENTRY OF ORDER** via electronic service to all parties on the Odyssey E-Service
6 Master List.

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8
9 
10 Barbara J. Pederson, an employee
11 of the law offices of
12 Lincoln, Gustafson & Cercos, LLP

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

15 Attorneys for Defendant, RAMPARTS, INC.
16 d/b/a LUXOR HOTEL & CASINO
17
18
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23
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12 **DISTRICT COURT**

13 **CLARK COUNTY, NEVADA**

15 VIVIA HARRISON, an individual,
16
17 Plaintiff,

18 v.

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

Defendants.

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

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

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

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

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

5 DATED this 16 day of May, 2019.

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

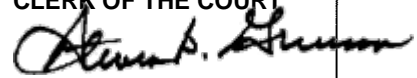
10 Respectfully Submitted by:

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

12
13 
LOREN S. YOUNG, ESQ.

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

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1 **NEOJ**
2 **LOREN S. YOUNG, ESQ.**
3 Nevada Bar No. 7567
4 **THOMAS W. MARONEY, ESQ.**
5 Nevada Bar No. 13913
6 **LINCOLN, GUSTAFSON & CERCOS, LLP**
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10 Telephone: (702) 257-1997
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12 lyoung@lgclawoffice.com
13 tmaroney@lgclawoffice.com

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

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

14 VIVIA HARRISON, an individual,
15 Plaintiff,

16 v.

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

23 Defendants.

24 DESERT MEDICAL EQUIPMENT, a Nevada
25 Domestic Corporation,

26 Third-Party Plaintiff,

27 v.

28 STAN SAWAMOTO, an individual,

Third Party Defendant.

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


NOTICE OF ENTRY OF ORDER

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

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

4 DATED this 21st day of May, 2019.

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

6 
7 **LOREN S. YOUNG, ESQ.**

8 Nevada Bar No. 7567

9 **THOMAS W. MARONEY, ESQ.**

10 Nevada Bar No. 13913

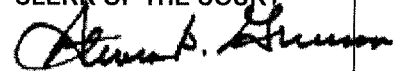
11 3960 Howard Hughes Parkway, Suite 200

12 Las Vegas, NV 89169

13 Attorneys for Defendant, RAMPARTS, INC.

14 d/b/a LUXOR HOTEL & CASINO

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1 **ODM**
2 **LOREN S. YOUNG, ESQ.**
3 Nevada Bar No. 7567
4 **THOMAS W. MARONEY, ESQ.**
5 Nevada Bar No. 13913
6 **LINCOLN, GUSTAFSON & CERCOS, LLP**
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13 lyoung@lgclawoffice.com
14 tmaroney@lgclawoffice.com

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

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DISTRICT COURT

CLARK COUNTY, NEVADA

VIVIA HARRISON, an individual,
Plaintiff,

v.

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

Defendants.

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

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

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

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

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

5 DATED this 16 day of May, 2019.

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

10 Respectfully Submitted by:

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

12
13 
LOREN S. YOUNG, ESQ.

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

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

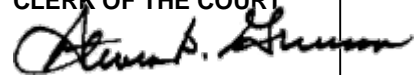
3 **CERTIFICATE OF SERVICE**

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

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8
9 

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

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MARCUS A. BERG, ESQ.
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MOSS BERG INJURY LAWYERS
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Telephone: (702) 222-4555
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

VIVIA HARRISON, an individual;

Plaintiff,

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

v.

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

Defendants.

**STIPULATION AND ORDER TO DISMISS DEFENDANT DESERT MEDICAL
EQUIPMENT, ONLY**

Plaintiff, Vivian Harrison ("Plaintiff"), by and through her counsel of record, Moss Berg
Injury Lawyers and Parry & Pfau, and Defendant Desert Medical Equipment ("Desert Medical"),
by and through its counsel of record, Alverson Taylor & Sanders, hereby stipulate as follows:

1. Plaintiff alleged claims for negligence, and negligent hiring, training, maintenance, and supervision against Desert Medical in her second amended complaint, filed on August 19, 2016.
2. In December 2018, Plaintiff and Desert Medical reached a settlement during trial but before the verdict was reached.
3. Settlement documents have been executed, and the settlement funds have been deposited with the Court pursuant to the Court's July 23, 2019 order granting Desert Medical Equipment's motion for interpleader and to deposit funds with the Court.
4. All of Plaintiff's claims against Desert Medical only are hereby dismissed and Desert Medical is hereby dismissed, with prejudice.

IT IS SO STIPULATED.

CASE NO. A-16-732342-C

ORDER

Based upon the foregoing stipulation, and good cause appearing, **IT IS HEREBY ORDERED:**

1. Plaintiff, Vivia Harrison's, claims of negligence, and negligent hiring, training, maintenance, and supervision against Defendant Desert Medical Equipment are hereby dismissed, with prejudice.
2. Defendant Desert Medical Equipment is dismissed, with prejudice.

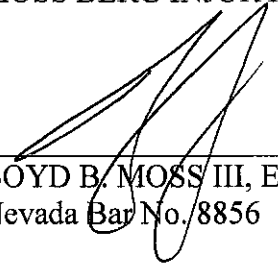
IT IS SO ORDERED.

DATED this 21 day of November, 2019


DISTRICT COURT JUDGE

SUBMITTED BY:

MOSS BERG INJURY LAWYERS


BOYD B. MOSS III, ESQ.
Nevada Bar No. 8856

1 APPROVED AS TO FORM AND CONTENT

2

3 PARRY & PFAU

MOSS BERG INJURY LAWYERS

4

5 MATTHEW G. PFAU, ESQ.
6 Attorney for Plaintiff, Vivia Harrison

BOYD B. MOSS, III, ESQ.
Attorney for Plaintiff Vivia Harrison

7 ALVERSON, TAYLOR & SANDERS

8

9 COURTNEY CHRISTOPHER, ESQ.
10 Attorney for Defendant
Desert Medical Equipment

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1 APPROVED AS TO FORM AND CONTENT

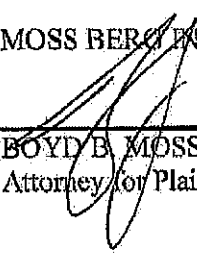
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3 PARRY & PFAU

MOSS BERG INJURY LAWYERS

4

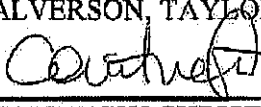

MATTHEW G. PFAU, ESQ.
Attorney for Plaintiff, Vivia Harrison


BOYD B. MOSS, III, ESQ.
Attorney for Plaintiff Vivia Harrison

6

7 ALVERSON, TAYLOR & SANDERS

8


COURTNEY CHRISTOPHER, ESQ.
Attorney for Defendant
Desert Medical Equipment

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

June 27, 2016

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

June 27, 2016	3:00 AM	Motion for Leave
----------------------	----------------	-------------------------

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

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

May 08, 2017

A-16-732342-C

Vivia Harrison, Plaintiff(s)

vs.

MGM Resorts International, Defendant(s)

May 08, 2017

3:00 AM

**Motion to Amend
Complaint**

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

HEARD BY: Jones, David M

COURTROOM: RJC Courtroom 03B

COURT CLERK: Alan Castle

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

June 26, 2017

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

June 26, 2017	9:30 AM	Motion for Summary Judgment
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HEARD BY: Jones, David M

COURTROOM: RJC Courtroom 03B

COURT CLERK: Aja Brown

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

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

JOURNAL ENTRIES

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

November 01, 2017

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

November 01, 2017 9:00 AM All Pending Motions

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

COURT CLERK: Aja Brown

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

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

JOURNAL ENTRIES

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

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 11, 2017

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

December 11, 2017 9:00 AM Motion for Leave

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

COURT CLERK: Alice Jacobson

RECORDER:

REPORTER:

PARTIES

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

JOURNAL ENTRIES

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

There being no opposition. COURT ORDERED, motion GRANTED.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

A-16-732342-C

Vivia Harrison, Plaintiff(s)

vs.

MGM Resorts International, Defendant(s)

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

Maroney, Thomas

Attorney

O'Gorman-Hoyt, Liam Q.

Attorney

Pfau, Matthew

Attorney

Terry, Brian K.

Attorney

Upson, Stacey A.

Attorney

JOURNAL ENTRIES

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

August 29, 2018

A-16-732342-C	Vivia Harrison, Plaintiff(s) vs. MGM Resorts International, Defendant(s)
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August 29, 2018 9:00 AM All Pending Motions

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

COURT CLERK: Christopher Darling

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

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

- APPEARANCES CONTINUED: Margaret Christopher, Esq. present.

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

September 24, 2018

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

September 24, 2018 9:00 AM All Pending Motions

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

COURT CLERK: Haly Pannullo

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

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

JOURNAL ENTRIES

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

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

September 24, 2018

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

September 24, 2018 10:30 AM Status Check

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

COURT CLERK: Haly Pannullo

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

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

JOURNAL ENTRIES

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

October 08, 2018

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

October 08, 2018 10:30 AM Pre Trial Conference

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

COURT CLERK: April Watkins

RECORDER: Rubina Feda

REPORTER:

PARTIES

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

JOURNAL ENTRIES

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

12/5/18 10:00 AM CALENDAR CALL

12/10/18 9:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

October 12, 2018

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

October 12, 2018 1:00 PM All Pending Motions

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

COURT CLERK: Michele Tucker

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

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

JOURNAL ENTRIES

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

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

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

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

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

Plaintiff's counsel to prepare the Order.

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

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

COURT ORDERED, Motion GRANTED.

Plaintiff to prepare the Order.

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

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

Plaintiff to prepare the Order.

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

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

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

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

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

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

Mr. Young to prepare the Order.

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

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

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

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

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

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

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

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

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

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

COURT ORDERED, Motion GRANTED.

Defendant to prepare the Order.

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

COURT ORDERED, Motion GRANTED.

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

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

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

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

Plaintiff to prepare the Order.

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

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

Plaintiff to prepare the Order.

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 05, 2018

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

December 05, 2018 10:00 AM Calendar Call

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

COURT CLERK: Michaela Tapia

RECORDER: Rubina Feda

REPORTER:

PARTIES

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

JOURNAL ENTRIES

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 10, 2018

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

December 10, 2018 9:00 AM Jury Trial

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

COURT CLERK: Michaela Tapia

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

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

JOURNAL ENTRIES

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 11, 2018

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

December 11, 2018 10:00 AM Jury Trial

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

COURT CLERK: Michaela Tapia

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

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

JOURNAL ENTRIES

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 12, 2018

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

December 12, 2018 10:30 AM Jury Trial

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

COURT CLERK: Michaela Tapia

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

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

JOURNAL ENTRIES

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

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 13, 2018

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

December 13, 2018 10:00 AM Jury Trial

HEARD BY: Jones, David M

COURTROOM: RJC Courtroom 15A

COURT CLERK: Michaela Tapia

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

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

JOURNAL ENTRIES

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 14, 2018

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

December 14, 2018 8:30 AM Jury Trial

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

COURT CLERK:

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

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

JOURNAL ENTRIES

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 17, 2018

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

December 17, 2018 9:30 AM Jury Trial

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

COURT CLERK: Michaela Tapia

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

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

JOURNAL ENTRIES

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 18, 2018

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

December 18, 2018 10:00 AM Jury Trial

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

COURT CLERK:

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

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

JOURNAL ENTRIES

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 19, 2018

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

December 19, 2018 11:00 AM Jury Trial

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

COURT CLERK: Michaela Tapia

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

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

JOURNAL ENTRIES

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 20, 2018

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

December 20, 2018 10:00 AM Jury Trial

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

COURT CLERK: Natalie Ortega

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

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

JOURNAL ENTRIES

- Verdict and Jury Instructions FILED IN OPEN COURT.

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

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

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

February 27, 2019

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

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

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

COURT CLERK: Nancy Maldonado

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

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

JOURNAL ENTRIES

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

May 01, 2019

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

May 01, 2019

3:00 AM

Motion to Reconsider

HEARD BY: Jones, David M

COURTROOM: Chambers

COURT CLERK: Nancy Maldonado

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- No parties present.

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

May 10, 2019

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

May 10, 2019 7:30 AM Minute Order

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

COURT CLERK: Nancy Maldonado

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

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

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

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

July 03, 2019

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

July 03, 2019 9:00 AM Motion to Interplead

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

COURT CLERK: Nancy Maldonado

RECORDER: Melissa Delgado-Murphy

REPORTER:

PARTIES

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

JOURNAL ENTRIES

- Derek Linford, Esq. present on behalf of Defendant Desert Medical Equipment.

Mr. Linford advised while they are waiting for the appeal to go through, they were hoping to deposit the funds with the Court. Upon Court's inquiry, counsel advised there were no objections. COURT ORDERED, motion GRANTED. Counsel to prepare the order.

EXHIBITS LIST

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

Trial Date:
 Judge:
 Court Clerk:

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

vs.

Counsel for Plaintiff:

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

Counsel for Defendant:

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

JURY TRIAL BEFORE THE COURT

PLAINTIFF'S TRIAL EXHIBITS

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

all non-admitted exhibits were returned to counsel. Mt

PLAINTIFF'S TRIAL EXHIBITS

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

PLAINTIFF'S TRIAL EXHIBITS

Binder Number	Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
9	34	HARRISON 4111-4154 -- Drake Enterprises (Southern Orthopedic) Medical Records			
9	35	HARRISON 4159-4160 -- Dr. Russell Future Care Estimate			
9	36	HARRISON 4161-4186 -- Claude Osula Medical Records Part 3			
9	37	HARRISON 4187-4342 -- Charles Fagan Medical Records			
10	38	HARRISON 4482-4748 -- Encore Rehabilitation Medical and Billing Records Part 2			
10	39	HARRISON 4749-4846 -- Simon Williamson Medical and Billing Records			
11	40	HARRISON 4847-4930 -- Deli Inspection Photos			
WA	22.140	Consultation pg 106 of 2,002	12/18/18	NO	12/18/18
WA	22.143	" " pg 109 " "	↓	↓	↓
WA	22.145	" " pg 111 " "	↓	↓	↓
WA	22.149	" " pg 115 " "	↓	↓	↓
WA	22.395	" " pg 301 " "	↓	↓	↓
WA	26.2154	Physician Evaluation	↓	↓	↓
WA	29.3681		↓	↓	↓
WA	28.3632		↓	↓	↓
WA	28.3555		12/18/18	NO	12/18/18
WA	28.3580		↓	↓	↓

EXHIBIT(S) LIST

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

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

VIVIA HARRISON, Court Clerk: MICHAELA TAPIA

vs. Recorder: Melissa Murphy

RAMPARTS, INC. dba LUXOR HOTEL & CASINO, DESERT MEDICAL EQUIPMENT, PRIDE MOBILITY PRODUCTS CORP. Counsel for Plaintiff: Matthew P. Pfau and Boyd B. Moss Loren S. Young, and Thomas W. Maroney for Defendant Ramparts, Inc. dba Luxor Hotel & Casino

Counsel for Defendant: Courtney Christopher for Defendant Desert Medical Equipment

DEFENDANTS' EXHIBITS:

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

All non-admitted exhibits were returned to counsel.

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

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

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
A52.	Aubrey Corwin's Curriculum Vitae, Fee Schedule, List of Prior Deposition and Trial Testimony			
A53.	Victory Owners Manual (PMPC000012-63)			
A54.	DME Scooters & Wheelchairs (HARRISON 4155-4156)			
A55	Timeline of incident			
A56	Timeline of medical care			
A57	Charts, diagrams, anatomical renderings, medical illustrations and animations as needed			
A58	The subject table			
A59	An exemplar scooter			
A60.	Backstage Deli Layout with dimensions			
A61.	Medical records from Simon Williamson Clinic (HARRISON 4749-4846)			
A62.	Medical records from Spring Valley Hospital (HARRISON 28, 365, and 620)			
A63.	Medical records from Claude Osula, MD (HARRISON 4004-4110)			
A64.	Plaintiff's deli inspection photos (HARRISON 4847-4930)			
A65.	Pride Mobility's inspection photos (HARRISON 3665-3758)			
	Deposition transcript of Vivia Harrison			
	Deposition transcript of Stan Sawamoto			
	Deposition transcript of Diane Lucas			
	Deposition transcript of Rebecca Charles			
	Deposition transcript of Chuck Denmark			
	Deposition transcript of Lyndsi Stull			
Q61.013	Patient Medical History 1/23/13	12/13/18	NO	12/13/18
Q61.014	" " pg. 2			
Q61.019	" " 5/9/13			
Q61.020	" " pg. 2			
Q63.068	Patient Records			
Q61.092	assessment Plan			
Q63.071	Patient Records			
Q63.072	" " pg. 2			
Q65.020	Picture - Tablet	12/14/18	NO	12/14/18
Q63.009	Patient Records	12/18/18	NO	12/18/18
Q61.034	Followup Office Visit		SHR	
Q63.018	Patient Medical History		NO	
Q36.032	" " pg. 2		NO	

EXHIBIT(S) LIST

Case No.: A732342

Trial Date: 12/10/18

Dept. No.: XXIX

Judge: David Jones

Court Clerk: MICHAELA TAPIA

Plaintiff: Vivia Harrison

Recorder: Melissa Murphy-Delgado

Counsel for Plaintiff: Matthew Pfau

vs.

Defendant: MGM Resorts International

Boyd Moss

Counsel for Defendant: Loren Young,

Thomas Maroney, Courtney Christopher
Bruce Alverson

TRIAL BEFORE THE COURT

COURT'S EXHIBITS

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



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

BOYD B MOSS, III, ESQ.
4101 MEADOWS LN., SUITE 110
LAS VEGAS, NV 89107

DATE: December 5, 2019
CASE: A-16-732342-C

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

NOTICE OF APPEAL FILED: December 3, 2019

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

- ☐ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)**
- ☐ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ Case Appeal Statement
 - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☒ Notice of Entry of Order *re: Stipulation and Order filed November 26, 2019*

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

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

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

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

Certification of Copy

State of Nevada }
County of Clark } SS:

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

AMENDED NOTICE OF APPEAL; AMENDED CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING DEFENDANT RAMPARTS, INC. D/B/A LUXOR HOTEL & CASINO'S MOTION FOR ATTORNEY'S FEES AND COSTS; NOTICE OF ENTRY OF ORDER; ORDER DENYING PLAINTIFF'S MOTION TO RECONSIDER THE COURT'S ORDER GRANTING LUXOR AN ATTORNEY LIEN OFFSET; NOTICE OF ENTRY OF ORDER; STIPULATION AND ORDER TO DISMISS DEFENDANT DESERT MEDICAL EQUIPMENT, ONLY; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

VIVIA HARRISON,

Plaintiff(s),

vs.

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

Defendant(s),

Case No: A-16-732342-C

Dept No: XXIX

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 5 day of December 2019.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

