

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

JOE N. BROWN, AN INDIVIDUAL,
Appellant,

vs.

GNL, CORP., A NEVADA CORPORATION
AND THYSSENKRUPP ELEVATOR CORP.,
A FOREIGN CORPORATION,
Respondents.

No. 80581

Electronically Filed
Jun 08 2020 11:55 p.m.

DOCKETING Elizabeth N. Brown
CIVIL APPEALS Clerk of Supreme Court

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District Eighth Department 31
County Clark Judge Joanna S. Kishner
District Ct. Case No. A-16-739887-C

2. Attorney filing this docketing statement:

Attorney Mohamed A. Iqbal, Jr., Esq. Telephone 702-750-2950
Firm Iqbal Law PLLC
Address 101 Convention Center Dr.
Suite 1175
Las Vegas, NV 89109

Client(s) Joe N. Brown

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney D. Lee Roberts, Esq. Telephone 702-938-3809
Firm WEINBERG WHEELER HUDGINS GUNN & DIAL
Address 6384 S. Rainbow Blvd.
Suite 400
Las Vegas, NV 89118

Client(s) GNL, Corp.

Attorney Rebecca L. Mastrangelo, Esq. Telephone 702-383-3400
Firm ROGERS, MASTRANGELO, CARVALHO & MITCHELL
Address 700 S. Third St.
Las Vegas, NV 89101

Client(s) Thyssenkrupp Elevator Corp.

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal: |
| <input checked="" type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of jurisdiction |
| <input checked="" type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce Decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input checked="" type="checkbox"/> Other disposition (specify): <u>please see attached</u> |

5. Does this appeal raise issues concerning any of the following?

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

77211: THYSSENKRUPP ELEVATOR CORPORATION, Petitioner, vs. THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE JOANNA KISHNER, DISTRICT JUDGE, Respondents, and JOE N. BROWN, an individual, and his wife, NETTIE J. BROWN, an individual, Real Parties in Interest.

79944: JOE N. BROWN, an individual and his Wife, NETTIE J. BROWN, an individual, Plaintiffs, vs. GNL, CORP., a Nevada corporation; THYSSENKRUPP ELEVATOR CORP., a foreign corporation; DOE INDIVIDUALS 1-100, ROE BUSINESS ENTITIES 1-100, Defendants.

81151: JOE N. BROWN, an individual vs. GNL, CORP., a Nevada corporation et al.

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

N/A

8. Nature of the action. Briefly describe the nature of the action and the result below:

Appellant, a retired bricklayer and Vietnam War veteran, filed a complaint sounding in negligence against Respondents as a result of injuries he sustained at the Golden Nugget Casino in Laughlin, Nevada (the “Nugget”). Specifically, on May 12, 2015, Appellant and his family visited the Nugget to eat dinner at the Bubba Gump restaurant on the lower floor of the Nugget. Appellant, who was using a cane, took the “down” escalator upon being instructed to do so by the Nugget’s valet. Unbeknownst to Appellant, the escalator had a history of mechanical issues and was in a faulty and dangerous condition. The escalator’s wobbly step(s)/dangerous condition caused Appellant to lose his balance and fall forward—and to fracture his neck. The escalator is owned and/or operated by Respondent GNL, Corp. and serviced/maintained by Respondent ThyssenKrupp Elevator Corporation. Following the filing of contested pretrial motions, including summary judgment and motions in limine, the case proceeded to a multi-week jury trial at the conclusion of which the jury rendered a verdict in favor of Respondents and against Appellant on his sole claim for negligence. Subsequently, Respondents moved for and successfully obtained attorneys' fees and costs.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

Please see attachment.

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

N/A

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☐ An issue arising under the United States and/or Nevada Constitutions

☐ A substantial issue of first impression

☒ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain: The property owner and the servicer grossly neglected explicit minimum standards of: (i) preventative maintenance; (ii) inspections per year; and (iii) call-backs, repairs, and replacements. Respondents left mandatory logbooks vacant and empty, and ignored national safety requirements for escalators incorporated into Nevada code and statute. This ignorance has harmed multiple Nevada citizens. And, during this litigation, Respondents concealed the required maintenance logs during discovery--critically important public-safety documents--and further damaged Appellant, who was first harmed by Respondents' negligently maintained escalator.

13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

Because this case does not fall into the category of cases over which the Supreme Court retains jurisdiction, this case should be assigned to the Court of Appeals under NRAP 17(b). In specific, this appeal should be decided by the Court of Appeals under NRAP 17(b)(5) and (7).

14. Trial. If this action proceeded to trial, how many days did the trial last? 13

Was it a bench or jury trial? Jury Trial

15. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?
No.

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from Jan 9, 2020

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served Jan 9, 2020

Was service by:

☐ Delivery

☒ Mail/electronic/fax

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. ____, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

☐ Delivery

☐ Mail

19. Date notice of appeal filed Feb 8, 2020

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other

NRAP 4(a)

SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

- | | |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205 |
| <input type="checkbox"/> NRAP 3A(b)(2) | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3) | <input type="checkbox"/> NRS 703.376 |
| <input type="checkbox"/> Other (specify) _____ | |

(b) Explain how each authority provides a basis for appeal from the judgment or order:
Consistent with NRAP 3A(b)(1), Appellant is appealing from a final order entered in the District Court following the jury's verdict in favor of Respondents in this negligence action. The District Court's judgment is final because it disposes of all claims and of parties.

22. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

Joe N. Brown (Plaintiff)

GNL, Corp. (Defendant)

Thyssenkrupp Elevator Corp. (Defendant)

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

Appellant brought a negligence and loss of consortium claim against Respondents. During trial, however, Appellant discontinued the loss of consortium claim. On his sole remaining claim, *i.e.*, negligence, the jury rendered a defense verdict on December 18, 2019. Respondents did not assert any counterclaims. Respondent GNL asserted cross-claims against Respondent TKE that were dismissed via Respondents' stipulation on 11/22/19.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☒ Yes

☐ No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☐ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☐ No

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

27. Attach file-stamped copies of the following documents:

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Joe N. Brown
Name of appellant

Mohamed A Iqbal, Jr., Esq.
Name of counsel of record

6/8/2020
Date

Mohamed A. Iqbal, Jr.
Signature of counsel of record

Nevada, Clark
State and county where signed

CERTIFICATE OF SERVICE

I certify that on the 8th day of June, 2020, I served a copy of this completed docketing statement upon all counsel of record:

☐ By personally serving it upon him/her; or

☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

D. Lee Roberts, Esq.
WEINBERG WHEELER HUDGINS GUNN & DIAL
6384 S. Rainbow Blvd., Ste. 400
Las Vegas, Nevada 89118

Rebecca L. Mastrangelo, Esq.
ROGERS, MASTRANGELO, CARVALHO & MITCHELL
700 S. Third St.
Las Vegas, Nevada 89101

Dated this 8th day of June, 2020

Mohamed A. Iqbal, Jr.
Signature

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I LAW LV

LIST OF DISPOSITIONS/ORDERS

- 1. Second Amended Complaint
- 2. NEO on Motion for Summary Judgment (first hearing)
- 3. NEO on Plaintiff’s MiLs #1-2
- 4. NEO on TKE’s MiLs #1-6
- 5. NEO on [Plaintiff’s] Motion to Extend Discovery
- 6. NEO on TKE’s MiLs #7-8
- 7. NEO on Motion for Summary Judgment (Punitive Damages component)
- 8. NEO on GNL’s MiLs #1-3
- 9. NEO on TKE’s MiL #8
- 10. NE of Judgment

CONCISE STATEMENT OF ISSUES ON APPEAL

- I. The District Court abused its discretion and committed clear error with a series of pre-trial rulings, including, but not limited to:
- (a) excluding all evidence of Respondents' (Thyssenkrupp Elevator Corp. ("TKE") and GNL Corp. ("GNL")) willful and negligent spoliation and other discovery abuses;
 - (b) excluding two of Appellant's three experts, including Appellant's escalator expert, following expert *voir dire* that involved a denial of Appellant's due process rights;
 - (c) excluding relevant and probative deposition transcript excerpts from Christopher Dutcher and Respondent GNL's Director of Facilities, Don Hartmann, as well as other officers/senior management;
 - (d) excluding evidence of certain mechanical and operational problems, for any purpose;
 - (e) excluding evidence of several prior accidents, and at least two subsequent accidents, for any purpose;
 - (f) denying Appellant's motion to extend discovery;
 - (g) granting Respondents' motion for partial summary judgment with respect to punitive damages; and
 - (h) refusing to exclude Respondents' escalator expert despite Respondents: (i) conducting a secret inspection with that expert which was concealed from Appellant; (ii) failing to preserve evidence from that secret inspection, prejudicing Appellant's expert's own, subsequent inspection; and (iii) issuing false assertions on the record that the secret inspection was not a NRCP 34 inspection—when the evidence shows it was.

- II. During the multi-week jury trial, the District Court abused its discretion in rendering a series of evidentiary rulings and determinations contrary to Nevada law that irreparably prejudiced Appellant and prevented a fair trial, including, but not limited to:
- (a) excluding TKE's own account history—evidence of: (i) knowledge and notice from a long history of mechanical and operational problems; and (ii) an aging, dangerous, constantly-malfunctioning machine (the "Escalator") that jeopardized the safety of the riding public;
 - (b) excluding evidence regarding the Escalator's repairs, including repairs actually made and repairs recommended by Respondent TKE's technicians but not made because of Respondents' budget decisions;
 - (c) barring Appellant from asking any questions outside a narrow band of time, roughly January 1, 2015 to May 24, 2015, and as a result, excluding evidence of the Escalator's mechanical problems, substantially similar to the case *sub judice*, that occurred prior to and after the incident in question, thus foreclosing any evidence regarding Respondents' negligent response to those problems;
 - (d) excluding the blank maintenance logs reflecting Respondents' gross negligence—evidence of negligence *per se*;
 - (e) violating the doctrine of completeness, by allowing the jury to consider evidence offered by Respondents concerning the Escalator's condition in 2013 and 2014 during certain inspections—while barring evidence offered by Appellant regarding the Escalator's condition in 2015, just days before Appellant's accident;
 - (f) barring evidence of Appellant's medical records and substantial special damages; and
 - (g) barring evidence of Respondents' communications with each other that confirmed Respondents' prior knowledge of the Escalator's dangerous condition.

CONCISE STATEMENT OF PRINCIPAL ISSUES ON APPEAL

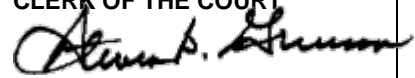
1 III. Appellant is entitled to a new trial under Nevada law because the District Court abused
2 its discretion in denying Appellant's request for:

3 (a) the 2018 Nevada Jury Instructions on Premises Liability and instead giving an
4 *ordinary care* instruction, ignoring Respondent GNL's duty to maintain a safe
5 premises;

6 (b) the 2018 Nevada Jury Instructions regarding Respondents' willful and negligent
7 spoliation and other discovery abuses; and

8 (c) the 2018 Nevada Jury Instructions on negligence *per se*.

9 Appellant has moved to consolidate this matter with case no. 81151, regarding the Court's order
10 for the payment of Respondents' attorneys' fees and costs. Appellant respectfully reserves the
11 right to supplement the issues raised herein upon his receipt and review of the original transcripts
12 (and this deadline is stayed for settlement discussions under NRAP 16(a)(1)).
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ACOM
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Attorneys for Plaintiffs Joe N. Brown and Nettie J. Brown

DISTRICT COURT
CLARK COUNTY, NEVADA

JOE N. BROWN, an individual, and his Wife, NETTIE J. BROWN, an individual, Plaintiffs, vs. LANDRY'S, INC., a foreign corporation; GOLDEN NUGGET, INC, a Nevada corporation, d/b/a GOLDEN NUGGET LAUGHLIN; GNL, CORP.; THYSSENKRUPP ELEVATOR CORP., a foreign corporation; DOE INDIVIDUALS 1- 100; and ROE BUSINESS ENTITIES 1-100, Defendants.	Case No.: A-16-739887-C Dept. No.: XXXI SECOND AMENDED COMPLAINT (Amount in Controversy Exceeds \$50,000 Arbitration Exemption Requested)
AND ASSOCIATED CASES	

COME NOW, Plaintiffs Joe N. Brown and Nettie J. Brown by and through their attorneys of record, Iqbal Law PLLC, file this Second Amended Complaint against Landry's, Inc., a foreign corporation; Golden Nugget, Inc., a Nevada corporation d/b/a Golden Nugget Laughlin; GNL, Corp., a Nevada corporation; Thyssenkrupp Elevator Corp., a foreign corporation; DOE Individuals 1-100 and ROE Business Entities 1-100; and allege as follows:

///

I. THE PARTIES

1. Defendant Landry's, Inc. ("Landry's") is based in Houston, Texas. On information and belief, Landry's, acting directly or through subsidiaries and other related entities, owns and operates more than 500 restaurants, hotels, and casino properties throughout the United States.

2. Defendant Golden Nugget, Inc. ("Golden Nugget") is owned and controlled by Landry's.

3. Defendant GNL, Corp., ("GNL") is owned and controlled by Landry's.

4. Together, Defendants, Landry's, Golden Nugget, and GNL (collectively, "Nugget Defendants") own and operate a resort hotel called the Golden Nugget Laughlin ("Laughlin Nugget"), located in the city of Laughlin in Clark County, Nevada.

5. Defendant Thyssenkrupp Elevator Corporation ("TKE") is a foreign corporation doing business in Clark County and throughout the State of Nevada (the Nugget Defendants and TKE are referred to herein collectively as the "Defendants").

6. Plaintiff Joe N. Brown ("Joe Brown") is a Nevada native and U.S. Army veteran who honorably served his country in Vietnam before returning home to live in Las Vegas. Plaintiff Nettie J. Brown ("Nettie Brown") is his wife. Joe and Nettie Brown (collectively, "Plaintiffs") have been married for over 20 years, and both reside in Clark County, Nevada.

7. The true names and capacities of Defendants DOE Individuals 1 through 100 are presently unknown to Plaintiffs, who therefore sue said Defendants by such fictitious names. Plaintiffs are informed and believe, and therefore allege, that each Defendant designated as DOE Individuals 1 through 100 are legally responsible for the events referred to herein. This Second Amended Complaint will be amended to include them when their true names and capacities become known.

8. The true names and capacities of Defendants ROE Business Entities 1 through 100 are presently unknown to Plaintiffs, who therefore sue said Defendants by such fictitious names. Plaintiffs are informed and believe, and therefore allege, that each Defendant designated

as ROE Business Entities 1 through 100 are legally responsible for the events referred to herein. This Second Amended Complaint will be amended to include them when their true names and capacities become known.

II. ALLEGATIONS COMMON TO ALL CLAIMS

9. On or about May 11, 2015, Joe and Nettie Brown traveled, with members of their family, from their Las Vegas home to vacation in Laughlin, Nevada.

10. While there, Joe and Nettie Brown stayed nearby the Laughlin Nugget. Plaintiffs' daughter, Sholanda Marlette, and her husband Clay Marlette, also stayed with Joe and Nettie.

11. The evening of May 12, 2015, Joe and Nettie Brown, and Sholanda and Clay Marlette, went to dinner at one of the restaurants at the Laughlin Nugget. All four boarded the "down" escalator installed at the Laughlin Nugget.

12. Joe Brown, who suffered shrapnel wounds in his legs while serving overseas and uses a cane when he walks, boarded the Laughlin Nugget escalator last.

13. When Joe Brown stepped onto the Laughlin Nugget escalator, the stair he stood on was loose and unstable.

14. Because the Laughlin Nugget escalator stairwell was narrow, and the step was shaky, Joe Brown was unable to steady himself with his cane. He reached for the escalator handrail, but was blocked by a stationary metal railing running the length of the escalator and was unable to steady himself with the handrail.

15. As a result, Joe Brown lost his balance and fell down the Laughlin Nugget escalator.

16. As a result of the fall on the Laughlin Nugget escalator, Joe Brown suffered a broken neck, and numerous additional injuries.

17. As a result of his injuries, Joe Brown suffers severe and debilitating pain. He requires ongoing medical services to treat his injuries and will likely require such services for the rest of his life.

18. Pursuant to NRS 42.001 *et seq.*, a plaintiff may recover punitive damages in addition to compensatory damages for the sake of example and by way of punishing the defendant. Here, defendants acted with, among other things, malice, both express and implied – meaning conduct that is intended to injure a person or despicable conduct which is engaged in with a conscious disregard of the rights or safety of others. Conscious disregard means the knowledge of the probable harmful consequences of a wrongful act and a willful and deliberate failure to act to avoid those consequences.

19. Evidence in this case has shown, among other things, that: (i) the “down” escalator at the Laughlin Nugget had cracked steps, posed substantial risks to the riding public over a period of several years, and was consistently and continuously experiencing safety and maintenance problems, which led to Plaintiffs’ injuries; (ii) defendants were on notice and knew of the escalator’s dangerous condition for years, failed to take the steps to make the escalator safe, and failed to shut down the escalator until it was safe; and (iii) defendants had a conscious disregard of the rights and safety of the riding public, and willfully and deliberately failed to act to make the escalator safe and avoid injuring the public, including Plaintiffs.

III. JURISDICTION

20. The Court has jurisdiction of this matter pursuant to NRS 14.020 and NRS 14.065, as: (i) Defendant Landry's does business in the State of Nevada and has purposefully established minimum contacts in Nevada by conduct and connection such that it should reasonably anticipate being held into court here; (ii) Defendants Golden Nugget and GNL are corporations organized under the laws of, and doing business in, this State; and (iii) Defendant TKE does business in the State of Nevada and has purposefully established minimum contacts in Nevada by conduct and connection such that it should reasonably anticipate being held into court here.

21. Further, the amount in controversy falls within the jurisdictional limit of this Court.

1 **IV. VENUE**

2 22. Venue in this action is proper in Clark County, Nevada pursuant to NRS 13.040,
3 as Defendants conduct business in in this County and it is the place Plaintiffs have designated in
4 this Second Amended Complaint.

5 23. Venue is further proper in Clark County, Nevada, because Defendants' acts
6 described herein occurred in this County.

7 **V. CAUSES OF ACTION**

8 **First Cause of Action - Negligence**

9 24. Plaintiffs re-allege each and every allegation set forth in paragraphs 1-23 above.

10 25. As owners, keepers, and proprietors of the Laughlin Nugget, Defendants
11 Landry's, Golden Nugget, and GNL owed Joe and Nettie Brown a duty of care, to wit: to design,
12 install, operate, and maintain the premises in such a way as to keep the premises in a reasonably
13 safe condition for use.

14 26. As owners, keepers, and proprietors of the escalators installed within the Laughlin
15 Nugget, Defendants Landry's, Golden Nugget, and GNL owed Joe and Nettie Brown a duty of
16 care, to wit: to install, operate, and maintain the escalators in such a way as to keep them in a
17 reasonably safe condition for use.

18 27. As the entity responsible for the servicing and repair of the "down" escalator at
19 the Laughlin Nugget, Defendant TKE owed Joe and Nettie Brown a duty of care, to wit: to
20 service and maintain the escalator in such a way as to keep the escalator in a reasonably safe
21 condition for use.

22 28. Defendants Landry's, Golden Nugget, and GNL breached their duties of care by
23 negligently designing, installing, operating, and maintaining the stairs, railings, and/or escalators
24 used to transport persons within the Laughlin Nugget.

25 29. Defendant TKE breached its duty of care by negligently servicing and failing to
26 repair the escalator used to transport persons within the Laughlin Nugget.

30. As a direct and proximate result of the negligence of Defendants Landry's, Golden Nugget, and GNL, and Defendant TKE, Joe Brown was injured as described above, and suffered damages including physical injury, pain and suffering, medical bills, and other damages in an amount to be proven at trial, which amount exceeds Fifty Thousand Dollars (\$50,000.00).

31. The negligence of Defendants Landry's, Golden Nugget, and GNL, and Defendant TKE, was such that it constituted fraud, malice, and oppression entitling Plaintiffs to an award of punitive and exemplary damages.

Second Cause of Action – Loss of Consortium

32. Plaintiffs re-allege each and every allegation set forth in paragraphs 1-31 above.

33. As a direct and proximate result of the negligence of Defendants Landry's, Golden Nugget, and GNL and the injuries to Joe Brown resulting therefrom, Nettie Brown was deprived of the support, love, companionship, affection, society, and solace of her husband, and suffered damages, including medical bills and other harms, in an amount to be proven at trial, which amount exceeds Fifty Thousand Dollars (\$50,000.00).

34. The negligence of Defendants Landry's, Golden Nugget, and GNL, and Defendant TKE, was such that it constituted fraud, malice, and oppression entitling Plaintiffs to an award of punitive and exemplary damages.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand trial by jury and pray for relief as follows:

a. For an award of compensatory damages in an amount in excess of Fifty Thousand Dollars (\$50,000.00), to be proven at trial;

b. For an award of punitive and exemplary damages, in a fair and just amount in the discretion of the Court, for the sake of example and by way of punishing Defendants;

c. For an award of costs and reasonable attorneys' fees; and

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1 d. For such other and further relief as the Court deems just and proper.

2 Dated this September 18, 2018.

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Respectfully Submitted,

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IQBAL LAW PLLC

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By: 
Mohamed A. Iqbal, Jr. (NSB# 10623)
Christopher Mathews (NSB #10674)

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*Attorneys for Plaintiffs Joe N. Brown and
Nettie J. Brown*

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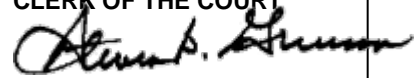
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28



1 **NEOJ**

2 LEE J. GRANT II, ESQ.

3 Nevada Bar No. 11808

4 ALEXANDRA B. M^cLEOD, ESQ.

5 Nevada Bar No. 8185

6 **GRANT & ASSOCIATES**

7 7455 Arroyo Crossing Parkway, Suite 300

8 Las Vegas, Nevada 89113

9 Tel.: (702) 940-3529

10 Fax: (855) 429-3413

11 Alexandra.M^cLeod@aig.com

12 Attorney for Defendants/Third-Party Plaintiffs,

13 GNL, CORP., LANDRY'S, INC. & GOLDEN NUGGET, INC.

14 **DISTRICT COURT**

15 **CLARK COUNTY, NEVADA**

16 JOE N. BROWN, an individual, and his Wife,
17 NETTIE J. BROWN, an individual,
18 Plaintiffs,

Case No.: A-16-739887-C

Dept. No.: XXXI

19 vs.

20 LANDRY'S, INC., a foreign corporation;
21 GOLDEN NUGGET, INC. a Nevada
22 corporation, d/b/a GOLDEN NUGGET
23 LAUGHLIN; GNL, CORP., a Nevada
24 corporation; THYSSENKRUPP ELEVATOR
25 CORP., a foreign corporation; DOE
26 INDIVIDUALS 1-100,
27 ROE BUSINESS ENTITIES 1-100,

28 Defendants.

GNL, CORP., a Nevada corporation;

Third-Party Plaintiff,

vs.

THYSSENKRUPP ELEVATOR
CORPORATION a foreign corporation; DOES
1-75; ROE CORPORATION 1-75 and ROE
CORPORATION 1-25,

Third-Party Defendants

NOTICE OF ENTRY OF ORDER

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PLEASE take notice, that an *Order* was entered on the Court's docket on the 19th day of April, 2019 in this matter. A Copy of which is attached hereto.

DATED this 19th day of April, 2019.

GRANT & ASSOCIATES



ALEXANDRA B. MCLEOD, ESQ.

Nevada Bar No. 8185

7455 Arroyo Crossing Parkway, Suite 300

Las Vegas, Nevada 89113

*Attorney for Defendants/Third-Party Plaintiffs,
GNL, CORP., LANDRY'S, INC. & GOLDEN
NUGGET, INC.*

CERTIFICATE OF SERVICE

I certify that I am an employee of GRANT & ASSOCIATES and that on this 19th day of April, 2019 I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER** to be served as follows:

— By placing the same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or

— Pursuant to EDCR 7.26, to be sent via facsimile; and/or

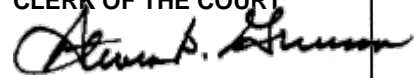
X Pursuant to EDCR 7.26, by transmitting via the Court's electronic filing services by the document(s) listed above to the Counsel set forth on the service list.

Mohamed A. Iqbal, Jr., Esq.
Christopher Mathews, Esq.
IQBAL LAW PLLC
101 Convention Center Drive, Suite 1175
Las Vegas, NV 89109
Attorney for Plaintiffs

Rebecca L. Mastrangelo, Esq.
ROGERS, MASTRANGELO, CARVALHO & MITCHELL
700 South Third Street
Las Vegas, NV 89101
Attorney for Thyssenkrupp Elevator Corporation

/s/ Camie DeVoge

An Employee of GRANT & ASSOCIATES



ORDR

LEE J. GRANT II, ESQ.

Nevada Bar No. 11808

ALEXANDRA B. MCLEOD, ESQ.

Nevada Bar No. 8185

GRANT & ASSOCIATES

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Alexandra.McLeod@aig.com

Attorney for Defendant/Third-Party Plaintiff, GNL, CORP.

DISTRICT COURT

CLARK COUNTY, NEVADA

JOE N. BROWN, an individual, and his Wife,
NETTIE J. BROWN, an individual,
Plaintiffs,

vs.

GNL, CORP., a Nevada corporation;
THYSSENKRUPP ELEVATOR CORP., a
foreign corporation; DOE INDIVIDUALS 1-
100,
ROE BUSINESS ENTITIES 1-100,

Defendants.

GNL, CORP., a Nevada corporation;

Third-Party Plaintiff,

vs.

THYSSENKRUPP ELEVATOR
CORPORATION a foreign corporation; DOES
1-75; ROE CORPORATION 1-75 and ROE
CORPORATION 1-25,

Third-Party Defendants

Case No.: A-16-739887-C

Dept. No.: XXXI

**ORDER ON DEFENDANT GNL,
CORP.'S MOTION FOR
SUMMARY JUDGMENT ON
LIABILITY AND PUNITIVE
DAMAGES**

Date of hearing: March 28, 2019

Time of hearing: 10:00 a.m.

Defendant, **GNL, Corp.'s**, Motion for Summary Judgment on Liability and Punitive
Damages,¹ having come on for hearing before the above-entitled Court on the 28th day of

¹ The Subject Motion was originally filed on Nov 1, 2018 and titled, "Defendants' Motion for Summary Judgment on Liability and Punitive Damages." Since that time, Defendants LANDRY'S, INC. and GNI have been dismissed on other grounds.

me
4-11-19

1 March, 2019, at the hour of 10:00 a.m.; and this Honorable Court having considered all of the
2 papers and pleadings on file herein, including the Joinder filed by Defendant THYSSENKRUPP
3 ELEVATOR CORPORATION (TKE), as well as the argument of counsel for the parties hereto;
4 and good cause appearing therefor;

5 **THE COURT FINDS** that triable issues of fact remain on the issue of Liability for
6 determination by a jury. **THEREFORE, IT IS HEREBY ORDERED** that the Motion for
7 Summary Judgment is denied in part, and without prejudice, with regard to Liability only.

8 **THE COURT FURTHER FINDS** that the Motion with regard to Punitive Damages is
9 not yet ripe due to the re-opening of discovery. The Motion for Summary Judgment on Punitive
10 Damages is hereby withdrawn without prejudice to re-file or re-notice the Motion once
11 discovery is again closed. **THE COURT EXPLICITLY FINDS** that Defendants GNL or TKE

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shall not be prohibited from re-filing the Motion due to the running of the previous dispositive motion deadline. *The parties, however, must file the motion timely with the new deadline.*


DATED this 15 day of April, 2019.

JOANNA S. KISHNER


DISTRICT JUDGE JOANNA S. KISHNER

Approved as to form & content:

IQBAL LAW, PLLC

 4/9/19


MOHAMED A. IQBAL, JR., ESQ.
Nevada Bar No. 10623
101 Convention Center Drive, Suite 1175
Las Vegas, Nevada 89109
Attorney for Plaintiffs, JOE N. & NETTIE J. BROWN

ROGERS, MASTRANGELO, CARVALHO & MITCHELL


REBECCA L. MASTRANGELO, ESQ.
Nevada Bar No. 5417
700 South Third Street
Las Vegas, Nevada 89101
Attorney for Defendant/ Third-Party Defendant, THYSSENKRUPP ELEVATOR

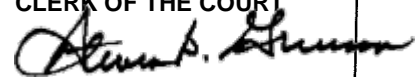
Submitted by:

GRANT & ASSOCIATES


ALEXANDRA B. MCLEOD, ESQ.
Nevada Bar No. 8185
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Attorney for Defendant/Third-Party Plaintiff, GNL, CORP.

GRANT & ASSOCIATES

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7 Phone (702) 383-3400
8 Fax (702) 384-1460
9 rmastrangelo@rmcmlaw.com
10 Attorneys for Defendant
11 THYSSENKRUPP ELEVATOR CORPORATION

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

11 JOE N. BROWN, an individual, and his wife,
12 NETTIE J. BROWN, an individual,

13 Plaintiffs,

14 vs.

15 LANDRY'S INC., a foreign corporation;
16 GOLDEN NUGGET, INC., a Nevada
17 corporation d/b/a GOLDEN NUGGET
18 LAUGHLIN; GNL, CORP., a Nevada
19 corporation; DOE INDIVIDUALS 1-100,
20 ROE BUSINESS ENTITIES 1-100,

21 Defendants.

22 GNL, CORP., a Nevada corporation;

23 Third-Party Plaintiff,

24 vs.

25 THYSSENKRUPP ELEVATOR CORPORATION
26 a foreign corporation; DOES 1-75; ROE
27 CORPORATIONS 1-75 and ROE
28 CORPORATIONS 1-25,

Third-Party Defendants.

CASE NO. A-16-739887-C
DEPT. NO. XXXI

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an Order in the above-entitled action was entered and

1 filed on the 23rd day of April, 2019, a copy of which is attached hereto.

2 DATED this 26th day of April, 2019.

3 ROGERS, MASTRANGELO, CARVALHO &
4 MITCHELL

5 /s/ Rebecca L. Mastrangelo

6 REBECCA L. MASTRANGELO, ESQ.

Nevada Bar No. 5417

7 700 S. Third Street

Las Vegas, Nevada 89101

8 Attorney for Defendant

THYSSENKRUPP ELEVATOR CORPORATION

9 **CERTIFICATE OF SERVICE**

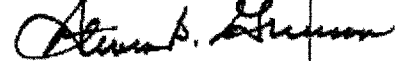
10 Pursuant to N.R.C.P. 5(a), E.D.C.R. 7.26(a), and Rule 9 of the N.E.F.C.R. I hereby
11 certify that I am an employee of Rogers, Mastrangelo, Carvalho & Mitchell, and on the 26th
12 day of April, 2019, a true and correct copy of the foregoing **NOTICE OF ENTRY OF**
13 **ORDER** was served via electronic means with the Eighth Judicial District Court, addressed as
14 follows, upon the following counsel of record:

15 Mohamed A. Iqbal, Jr., Esq.
16 Christopher Mathews, Esq.
17 101 Convention Center Drive, Suite 1175
18 Las Vegas, Nevada 89109
Attorneys for Plaintiffs

19 Annalisa N. Grant, Esq.
20 GRANT & ASSOCIATES
21 7455 Arroyo Crossing Parkway, Suite 300
22 Las Vegas, Nevada 89113
23 Attorneys for Defendant/Third-Party Plaintiff

24 /s/ Laura Fitzgerald

25 An employee of ROGERS, MASTRANGELO,
26 CARVALHO & MITCHELL
27
28



ORDER

REBECCA L. MASTRANGELO, ESQ.
Nevada Bar No. 5417
ROGERS, MASTRANGELO, CARVALHO & MITCHELL
700 South Third Street
Las Vegas, Nevada 89101
Phone (702) 383-3400
Fax (702) 384-1460
rmastrangelo@rmcmlaw.com
Attorneys for Defendant/Third-Party Defendant
THYSSENKRUPP ELEVATOR CORPORATION

DISTRICT COURT

CLARK COUNTY, NEVADA

JOE N. BROWN, an individual, and his wife,
NETTIE J. BROWN, an individual,

Plaintiffs,

vs.

GNL, CORP., a Nevada corporation;
THYSSENKRUPP ELEVATOR CORP.
a foreign corporation; DOE INDIVIDUALS
1-100; ROE BUSINESS ENTITIES 1-100

Defendants.

GNL, CORP., a Nevada corporation;

Third-Party Plaintiff,

vs.

THYSSENKRUPP ELEVATOR CORPORATION
a foreign corporation; DOES 1-75; ROE
CORPORATIONS 1-75 and ROE
CORPORATIONS 1-25,

Third-Party Defendants.

CASE NO.: A-16-739887-C

DEPT. NO.: XXXI

DATE OF HEARING: 4/3/19

TIME OF HEARING: 10:00 a.m.

ORDER

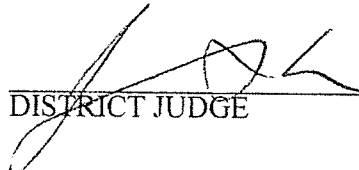
Plaintiffs' Motions in Limine having come on for hearing on April 3, 2019, and Rebecca L. Mastrangelo, Esq., of the law firm of ROGERS, MASTRANGELO, CARVALHO & MITCHELL, appearing on behalf of Defendant THYSSENKRUPP ELEVATOR CORPORATION; and Alexandra McLeod, Esq., of the law firm of GRANT & ASSOCIATES,

1 appearing on behalf of Third-Party Plaintiff GNL, CORP.; and Mohamed Iqbal, Esq., of the law
2 firm of IQBAL LAW PLLC appearing on behalf of Plaintiffs JOE N. BROWN and NETTIE J.
3 BROWN; and the court having reviewed the pleadings and papers on file herein, and having
4 entertained oral argument, and good cause appearing

5 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiffs' Motion in
6 Limine #1 to exclude expert witness Davis L. Turner for failure to disclose expert inspection,
7 related information, and documents is hereby DENIED, with the Court finding that the inspection
8 by Mr. Turner was not an inspection pursuant to NRCP 34, that Mr. Turner's expert report was
9 properly and timely disclosed, that Mr. Turner was deposed, that Plaintiffs did not cause a
10 subpoena to be issued upon Mr. Turner requiring him to bring his file, and that there is no
11 prejudice shown to Plaintiffs.

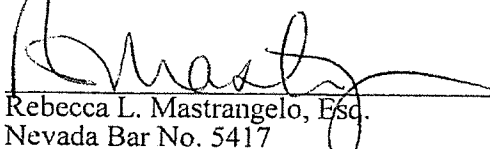
12 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiffs' Motion in
13 Limine #2 regarding certain opinion testimony of Davis Turner, specifically, to exclude Mr.
14 Turner's opinion that the effects of intoxication caused Plaintiff Joe Brown to fall is hereby
15 GRANTED. The court, however, does not rule on any other testimony pertaining to intoxication
16 or causation until evidence is presented at the time of trial.

17 DATED this 17 day of April, 2019.

18
19 
20 DISTRICT JUDGE

21 SUBMITTED BY:

22 ROGERS, MASTRANGELO, CARVALHO
23 & MITCHELL

24 
25 Rebecca L. Mastrangelo, Esq.
26 Nevada Bar No. 5417
27 700 S. Third Street
28 Las Vegas, Nevada 89101
Attorney for Defendant
thyssenkrupp Elevator Corporation

1 APPROVED AS TO FORM AND CONTENT:

2

3 ~~Mohamed A. Iqbal, Jr., Esq.~~

4

NV #10623

April 15, 2019

5

Alexandra B. McLeod, Esq.

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1 APPROVED AS TO FORM AND CONTENT:

2

3 Mohamed A. Iqbal, Jr., Esq.

4

5 
6 Alexandra B. McLeod, Esq.

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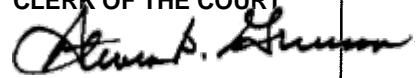
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1 **NEO**
2 REBECCA L. MASTRANGELO, ESQ.
3 Nevada Bar No. 5417
4 ROGERS, MASTRANGELO, CARVALHO & MITCHELL
5 700 S. Third Street
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7 Phone (702) 383-3400
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9 rmastrangelo@rmcmlaw.com
10 Attorneys for Defendant
11 THYSSENKRUPP ELEVATOR CORPORATION

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

11 JOE N. BROWN, an individual, and his wife,)
12 NETTIE J. BROWN, an individual,)
13 Plaintiffs,)

CASE NO. A-16-739887-C
DEPT. NO. XXXI

14 vs.)

15 LANDRY'S INC., a foreign corporation;)
16 GOLDEN NUGGET, INC., a Nevada)
17 corporation d/b/a GOLDEN NUGGET)
18 LAUGHLIN; GNL, CORP., a Nevada)
19 corporation; DOE INDIVIDUALS 1-100,)
20 ROE BUSINESS ENTITIES 1-100,)
21 Defendants.)

22 GNL, CORP., a Nevada corporation;)
23 Third-Party Plaintiff,)

24 vs.)

25 THYSSENKRUPP ELEVATOR CORPORATION)
26 a foreign corporation; DOES 1-75; ROE)
27 CORPORATIONS 1-75 and ROE)
28 CORPORATIONS 1-25,)
Third-Party Defendants.)

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an Order in the above-entitled action was entered and

1 filed on the 25th day of June, 2019, a copy of which is attached hereto.

2 DATED this 27th day of June, 2019.

3 ROGERS, MASTRANGELO, CARVALHO &
4 MITCHELL

5 /s/ Rebecca L. Mastrangelo

6 REBECCA L. MASTRANGELO, ESQ.

7 Nevada Bar No. 5417

8 700 S. Third Street

9 Las Vegas, Nevada 89101

10 Attorney for Defendant

11 THYSSENKRUPP ELEVATOR CORPORATION

12 **CERTIFICATE OF SERVICE**

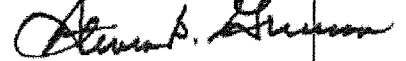
13 Pursuant to N.R.C.P. 5(a), E.D.C.R. 7.26(a), and Rule 9 of the N.E.F.C.R. I hereby
14 certify that I am an employee of Rogers, Mastrangelo, Carvalho & Mitchell, and on the 27th
15 day of June, 2019, a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER**
16 was served via electronic means with the Eighth Judicial District Court, addressed as follows,
17 upon the following counsel of record:

18 Mohamed A. Iqbal, Jr., Esq.
19 Christopher Mathews, Esq.
20 101 Convention Center Drive, Suite 1175
21 Las Vegas, Nevada 89109
22 Attorneys for Plaintiffs

23 Annalisa N. Grant, Esq.
24 GRANT & ASSOCIATES
25 7455 Arroyo Crossing Parkway, Suite 300
26 Las Vegas, Nevada 89113
27 Attorneys for Defendant/Third-Party Plaintiff

28 /s/ Laura Fitzgerald

An employee of ROGERS, MASTRANGELO,
CARVALHO & MITCHELL



1 ORDR
2 REBECCA L. MASTRANGELO, ESQ.
3 Nevada Bar No. 5417
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9 rmastrangelo@rmcmllaw.com
10 Attorneys for Defendant/Third-Party Defendant
11 THYSSENKRUPP ELEVATOR CORPORATION

12
13 DISTRICT COURT
14 CLARK COUNTY, NEVADA

15 JOE N. BROWN, an individual, and his wife,
16 NETTIE J. BROWN, an individual,

17 Plaintiffs,

18 vs.

19 GNL, CORP., a Nevada corporation
20 DOE INDIVIDUALS 1-100,
21 ROE BUSINESS ENTITIES 1-100,

22 Defendants.

23 GNL, CORP., a Nevada corporation;

24 Third-Party Plaintiff,

25 vs.

26 THYSSENKRUPP ELEVATOR CORPORATION
27 a foreign corporation; DOES 1-75; ROE
28 CORPORATIONS 1-75 and ROE
CORPORATIONS 1-25,

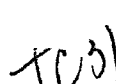
Third-Party Defendants.

CASE NO.: A-16-739887-C

DEPT. NO.: XXXI

29 **ORDER REGARDING THYSSENKRUPP ELEVATOR**
30 **CORPORATION'S MOTIONS IN LIMINE 1-6**

31 DEFENDANT/THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR
32 CORPORATION'S Motion in Limine #1 Re: Computation of Damages, Defendant/Third Party
33 Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #2 Re: Treating Physicians,
34 Defendant/Third Party Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #3 Re:



1 Responsibility Avoidance and Reptile Theory Arguments, Defendant/Third Party Defendant
2 Thyssenkrupp Elevator Corporation's Motion in Limine #4 Re: Improper Voir Dire,
3 Defendant/Third Party Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #5 Re:
4 Limit Experts to Opinions and Matters Set Forth in Their Reports, Defendant/Third Party
5 Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #6 Re: Exclusion of Evidence
6 of Subsequent Incidents, having come on for hearing on the 4th day of June, 2019, and Rebecca
7 L. Mastrangelo, Esq., of the law firm of Rogers, Mastrangelo, Carvalho & Mitchell, appearing on
8 behalf of Defendant THYSSENKRUPP ELEVATOR CORPORATION, and Alexandra McLeod,
9 Esq., of the law firm of GRANT & ASSOCIATES, appearing on behalf of Defendant GNL,
10 CORP. and Mohamed Iqbal, Esq., of the law firm of IQBAL LAW PLLC, appearing on behalf of
11 Plaintiffs and the court having reviewed the pleadings and papers on file herein, and entertained
12 oral argument; and good cause appearing

13 IT IS HEREBY ORDERED, ADJUDGED and DECREED that:

14 (1) Thyssenkrupp Elevator Corporation's Motion in Limine #1 Re: Computation of
15 Damages is granted as to future medical expenses as the same were not timely disclosed.
16 *Pizarro-Ortega v. Cervantes-Lopez*, 133 Nev. Adv. Op. 37, 396 P.3d 783 (2017). Plaintiffs'
17 computation of past damages in the amount of \$200,271 is not affected by this ruling.

18 (2) Thyssenkrupp Elevator Corporation's Motion in Limine #2 Re: Treating Physicians is
19 granted as unopposed.

20 (3) Thyssenkrupp Elevator Corporation's Motion in Limine #3 Re: Responsibility
21 Avoidance and Reptile Theory Arguments and Thyssenkrupp Elevator Corporation's Motion in
22 Limine #4 Re: Improper Voir Dire are deferred until a date closer in time to the calendar call.
23 Counsel is to remind the court at the time of the pretrial conference and to set a date by which the
24 parties must submit their proposed voir dire to the court after which time the court will hear
25 argument on the propriety of the individual voir dire questions.

1 (4) Thyssenkrupp Elevator Corporation's Motion in Limine #5 Re: Limit Experts to
2 Opinions and Matters Set Forth in Their Reports is granted as unopposed.

3 (5) Thyssenkrupp Elevator Corporation's Motion in Limine #6 Re: Exclusion of
4 Evidence of Subsequent Incidents is granted in part in that Yolanda R. Moreno aka Yolanda
5 Ruelas and Hector Ruelas are excluded as witnesses as to their proffered testimony relative to
6 their own experience on the escalator on or about May 25, 2015 (13 days after Plaintiff Joe
7 Brown's fall).

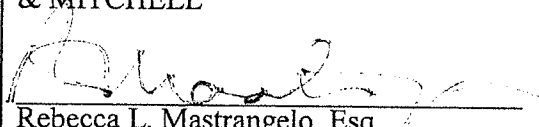
8 DATED this 18 day of June, 2019.

9 JOANNA S. KISHNER

10 
DISTRICT JUDGE

11 SUBMITTED BY:


12 ROGERS, MASTRANGELO, CARVALHO
13 & MITCHELL

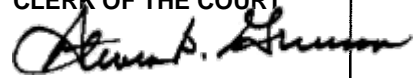
14 
15 Rebecca L. Mastrangelo, Esq.
16 Nevada Bar No. 5417
17 700 S. Third Street
18 Las Vegas, Nevada 89101
19 Attorney for Defendant
20 THYSSENKRUPP ELEVATOR CORPORATION

21 APPROVED AS TO FORM AND CONTENT:

22 NO RESPONSE

23 Mohamed Iqbal, Esq.

24 
25 Alexandra McLeod, Esq.



NEO
REBECCA L. MASTRANGELO, ESQ.
Nevada Bar No. 5417
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rmastrangelo@rmcmlaw.com
Attorneys for Defendant
THYSSENKRUPP ELEVATOR CORPORATION

DISTRICT COURT
CLARK COUNTY, NEVADA

JOE N. BROWN, an individual, and his wife,
NETTIE J. BROWN, an individual,

Plaintiffs,

vs.

LANDRY'S INC., a foreign corporation;
GOLDEN NUGGET, INC., a Nevada
corporation d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP., a Nevada
corporation; DOE INDIVIDUALS 1-100,
ROE BUSINESS ENTITIES 1-100,

Defendants.

CASE NO. A-16-739887-C
DEPT. NO. XXXI

GNL, CORP., a Nevada corporation;

Third-Party Plaintiff,

vs.

THYSSENKRUPP ELEVATOR CORPORATION
a foreign corporation; DOES 1-75; ROE
CORPORATIONS 1-75 and ROE
CORPORATIONS 1-25,

Third-Party Defendants.

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an Order in the above-entitled action was entered and

1 filed on the 2nd day of August, 2019, a copy of which is attached hereto.

2 DATED this 7th day of August, 2019.

3 ROGERS, MASTRANGELO, CARVALHO &
4 MITCHELL

5 /s/ Rebecca L. Mastrangelo

6 REBECCA L. MASTRANGELO, ESQ.

7 Nevada Bar No. 5417

8 700 S. Third Street

9 Las Vegas, Nevada 89101

10 Attorney for Defendant

11 THYSSENKRUPP ELEVATOR CORPORATION

12 **CERTIFICATE OF SERVICE**

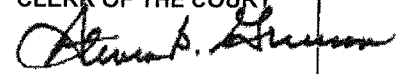
13 Pursuant to N.R.C.P. 5(a), E.D.C.R. 7.26(a), and Rule 9 of the N.E.F.C.R. I hereby
14 certify that I am an employee of Rogers, Mastrangelo, Carvalho & Mitchell, and on the 7th day
15 of August, 2019, a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER**
16 was served via electronic means with the Eighth Judicial District Court, addressed as follows,
17 upon the following counsel of record:

18 Mohamed A. Iqbal, Jr., Esq.
19 Christopher Mathews, Esq.
20 101 Convention Center Drive, Suite 1175
21 Las Vegas, Nevada 89109
22 Attorneys for Plaintiffs

23 Annalisa N. Grant, Esq.
24 GRANT & ASSOCIATES
25 7455 Arroyo Crossing Parkway, Suite 300
26 Las Vegas, Nevada 89113
27 Attorneys for Defendant/Third-Party Plaintiff

28 /s/ Laura Fitzgerald

An employee of ROGERS, MASTRANGELO,
CARVALHO & MITCHELL



1 ORDR
2 REBECCA L. MASTRANGELO, ESQ.
3 Nevada Bar No. 5417
4 ROGERS, MASTRANGELO, CARVALHO & MITCHELL
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7 Phone (702) 383-3400
8 Fax (702) 384-1460
9 rmastrangelo@rmcmllaw.com
10 Attorneys for Defendant/Third-Party Defendant
11 THYSSENKRUPP ELEVATOR CORPORATION

12
13 DISTRICT COURT
14 CLARK COUNTY, NEVADA

15 JOE N. BROWN, an individual, and his wife,
16 NETTIE J. BROWN, an individual,

17 Plaintiffs,

18 vs.

19 GNL, CORP., a Nevada corporation
20 DOE INDIVIDUALS 1-100,
21 ROE BUSINESS ENTITIES 1-100,

22 Defendants.

23 GNL, CORP., a Nevada corporation;

24 Third-Party Plaintiff,

25 vs.

26 THYSSENKRUPP ELEVATOR CORPORATION
27 a foreign corporation; DOES 1-75; ROE
28 CORPORATIONS 1-75 and ROE
CORPORATIONS 1-25,

Third-Party Defendants.

CASE NO.: A-16-739887-C

DEPT. NO.: XXXI

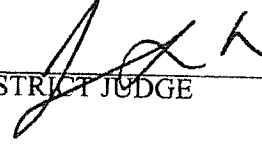
23 **ORDER REGARDING PLAINTIFFS' MOTION TO EXTEND DEADLINE**
24 **FOR COURT-ORDERED DISCOVERY**

25 PLAINTIFFS Motion to Extend Deadline for Court-Ordered Discovery, having come on
26 for hearing on shortened time on the 10th day of July, 2019, and Mohamed Iqbal, Esq., of the law
27 firm of IQBAL LAW PLLC, appearing on behalf of Plaintiffs, Rebecca L. Mastrangelo, Esq., of
28 the law firm of Rogers, Mastrangelo, Carvalho & Mitchell, appearing on behalf of Defendant

1 thyssenkrupp Elevator Corporation, and Alexandra McLeod, Esq., of the law firm of GRANT &
2 ASSOCIATES, appearing on behalf of Defendant GNL, CORP. and the court having
3 reviewed the pleadings and papers on file herein, and entertained oral argument; and good cause
4 appearing

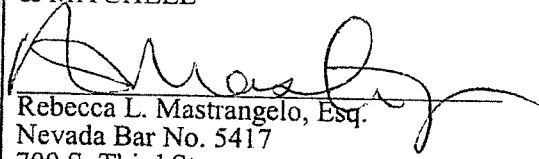
5 IT IS HEREBY ORDERED, ADJUDGED and DECREED that Plaintiffs' motion is
6 denied with the Court finding there to be no good cause to extend discovery nor any excusable
7 neglect requiring an extension.

8 DATED this 19 day of July, 2019.

9
10  JOANNA S. KISHNER
DISTRICT JUDGE


11 SUBMITTED BY:

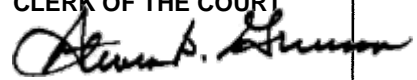
12 ROGERS, MASTRANGELO, CARVALHO
13 & MITCHELL

14 
15 Rebecca L. Mastrangelo, Esq.
16 Nevada Bar No. 5417
17 700 S. Third Street
18 Las Vegas, Nevada 89101
19 Attorney for Defendant
20 THYSENKRUPP ELEVATOR CORPORATION

21 APPROVED AS TO FORM AND CONTENT:

22 NO RESPONSE
23 Mohamed Iqbal, Esq.

24 
25 Alexandra McLeod, Esq.



NEO
REBECCA L. MASTRANGELO, ESQ.
Nevada Bar No. 5417
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Phone (702) 383-3400
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Attorneys for Defendant
THYSSENKRUPP ELEVATOR CORPORATION

DISTRICT COURT
CLARK COUNTY, NEVADA

JOE N. BROWN, an individual, and his wife,
NETTIE J. BROWN, an individual,

Plaintiffs,

vs.

LANDRY'S INC., a foreign corporation;
GOLDEN NUGGET, INC., a Nevada
corporation d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP., a Nevada
corporation; DOE INDIVIDUALS 1-100,
ROE BUSINESS ENTITIES 1-100,

Defendants.

GNL, CORP., a Nevada corporation;

Third-Party Plaintiff,

vs.

THYSSENKRUPP ELEVATOR CORPORATION
a foreign corporation; DOES 1-75; ROE
CORPORATIONS 1-75 and ROE
CORPORATIONS 1-25,

Third-Party Defendants.

CASE NO. A-16-739887-C
DEPT. NO. XXXI

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an Order in the above-entitled action was entered and

1 filed on the 2nd day of August, 2019, a copy of which is attached hereto.

2 DATED this 7th day of August, 2019.

3 ROGERS, MASTRANGELO, CARVALHO &
4 MITCHELL

5 /s/ Rebecca L. Mastrangelo

6 REBECCA L. MASTRANGELO, ESQ.

7 Nevada Bar No. 5417

8 700 S. Third Street

9 Las Vegas, Nevada 89101

10 Attorney for Defendant

11 THYSSENKRUPP ELEVATOR CORPORATION

12 **CERTIFICATE OF SERVICE**

13 Pursuant to N.R.C.P. 5(a), E.D.C.R. 7.26(a), and Rule 9 of the N.E.F.C.R. I hereby
14 certify that I am an employee of Rogers, Mastrangelo, Carvalho & Mitchell, and on the 7th day
15 of August, 2019, a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER**
16 was served via electronic means with the Eighth Judicial District Court, addressed as follows,
17 upon the following counsel of record:

18 Mohamed A. Iqbal, Jr., Esq.
19 Christopher Mathews, Esq.
20 101 Convention Center Drive, Suite 1175
21 Las Vegas, Nevada 89109
22 Attorneys for Plaintiffs

23 Annalisa N. Grant, Esq.
24 GRANT & ASSOCIATES
25 7455 Arroyo Crossing Parkway, Suite 300
26 Las Vegas, Nevada 89113
27 Attorneys for Defendant/Third-Party Plaintiff

28 /s/ Laura Fitzgerald

An employee of ROGERS, MASTRANGELO,
CARVALHO & MITCHELL



1 ORDR
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9 rmastrangelo@rmcmllaw.com
10 Attorneys for Defendant/Third-Party Defendant
11 THYSSENKRUPP ELEVATOR CORPORATION

7 DISTRICT COURT

8 CLARK COUNTY, NEVADA

9 JOE N. BROWN, an individual, and his wife,
10 NETTIE J. BROWN, an individual,

11 Plaintiffs,

12 vs.

13 GNL, CORP., a Nevada corporation
14 DOE INDIVIDUALS 1-100,
15 ROE BUSINESS ENTITIES 1-100,

16 Defendants.

17 GNL, CORP., a Nevada corporation;

18 Third-Party Plaintiff,

19 vs.

20 THYSSENKRUPP ELEVATOR CORPORATION
21 a foreign corporation; DOES 1-75; ROE
22 CORPORATIONS 1-75 and ROE
23 CORPORATIONS 1-25,

24 Third-Party Defendants.

CASE NO.: A-16-739887-C

DEPT. NO.: XXXI

25 ORDER REGARDING THYSSENKRUPP ELEVATOR
26 CORPORATION'S MOTIONS IN LIMINE 7-8

27 DEFENDANT/THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR
28 CORPORATION'S Motion in Limine #7 Re: Claim that thyssenkrupp "hid" or failed to produce
evidence and Motion in Limine #8 Re: Exclude the Testimony of Sheila Nabors Swett, having
come on for hearing on the 10th day of July, 2019, and Rebecca L. Mastrangelo, Esq., of the law
firm of Rogers, Mastrangelo, Carvalho & Mitchell, appearing on behalf of Defendant/Third Party
Defendant THYSSENKRUPP ELEVATOR CORPORATION, and Alexandra McLeod, Esq., of


1 the law firm of GRANT & ASSOCIATES, appearing on behalf of Defendant GNL, CORP. and
2 Mohamed Iqbal, Esq., of the law firm of IQBAL LAW PLLC, appearing on behalf of Plaintiffs
3 and the court having reviewed the pleadings and papers on file herein, and entertained oral
4 argument; and good cause appearing

5 IT IS HEREBY ORDERED, ADJUDGED and DECREED that:

6 (1) thyssenkrupp Elevator Corporation's Motion in Limine # 7 Re: Claim that
7 thyssenkrupp "hid" or failed to produce evidence is GRANTED as of the present date (July 10,
8 2019). The parties are ordered that, absent any subsequent order of this Court modifying this
9 ruling, they are not to inform the jury or otherwise argue in the presence of the jury that any party
10 has hid evidence, failed to produce evidence, or has been sanctioned by the Court for any conduct
11 during discovery; and

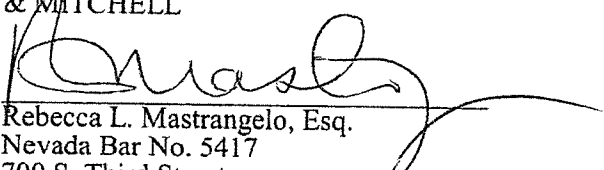
12 (2) a ruling on thyssenkrupp Elevator Corporation's Motion in Limine #8 Re: Exclude the
13 Testimony of Sheila Nabors Swett is deferred pending an evidentiary hearing outside the
14 presence of the jury at which time Sheila Nabors Swett will be examined as to her qualifications
15 and opinions.

16 DATED this 19 day of July, 2019.

17 
18 DISTRICT JUDGE JOANNA S. KISHNER

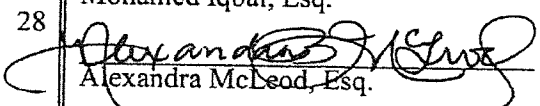
19 SUBMITTED BY:

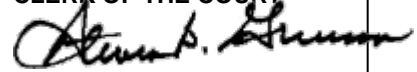
20 ROGERS, MASTRANGELO, CARVALHO
21 & MITCHELL

22 
23 Rebecca L. Mastrangelo, Esq.
24 Nevada Bar No. 5417
25 700 S. Third Street
26 Las Vegas, Nevada 89101
27 Attorney for Defendant
28 THYSENKRUPP ELEVATOR CORPORATION

26 APPROVED AS TO FORM AND CONTENT:

27 NO RESPONSE
28 Mohamed Iqbal, Esq.

28 
Alexandra McLeod, Esq.



1 **NEOJ**

2 ANNALISA N. GRANT, ESQ.

3 Nevada Bar No. 11807

4 ALEXANDRA B. M^cLEOD, ESQ.

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6 **GRANT & ASSOCIATES**

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18 **WEINBERG, WHEELER, HUDGINS,**

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27 *Attorneys for Defendant/Third-Party Plaintiff, GNL, CORP.*

18 **DISTRICT COURT**

19 **CLARK COUNTY, NEVADA**

20 JOE N. BROWN, an individual, and his Wife,

21 NETTIE J. BROWN, an individual,

22 Plaintiffs,

23 vs.

24 GNL, CORP., a Nevada corporation;
25 THYSSENKRUPP ELEVATOR CORP., a
26 foreign corporation; DOE INDIVIDUALS 1-
27 100,
28 ROE BUSINESS ENTITIES 1-100,

Defendants.

GNL, CORP., a Nevada corporation;

Third-Party Plaintiff,

Case No.: A-16-739887-C

Dept. No.: XXXI

**NOTICE OF ENTRY OF ORDER
GRANTING SUMMARY JUDGMENT
ON PUNITIVE DAMAGES**

1 vs.

2 THYSSENKRUPP ELEVATOR
3 CORPORATION a foreign corporation; DOES
4 1-75; ROE CORPORATION 1-75 and ROE
5 CORPORATION 1-25,

Third-Party Defendants

6 **NOTICE OF ENTRY OF ORDER GRANTING SUMMARY JUDGMENT ON**
7 **PUNITIVE DAMAGES**

8 PLEASE TAKE NOTICE that an *Order Granting Summary Judgment on Punitive*
9 *Damages* was entered in this matter on the 23rd day of September, 2019; a copy of which is
10 attached hereto.

11 DATED this 27th day of September, 2019.

12 **GRANT & ASSOCIATES**

13 

14 ALEXANDRA B. MCLEOD, ESQ.

15 Nevada Bar No. 8185

16 7455 Arroyo Crossing Parkway, Suite 300

17 Las Vegas, Nevada 89113

18 *Attorney for Defendant/Third-Party Plaintiff,*
19 *GNL, CORP.*
20
21
22
23
24
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28

CERTIFICATE OF SERVICE

I certify that I am an employee of **GRANT & ASSOCIATES** and that on this 27th day of September, 2019 I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER GRANTING SUMMARY JUDGMENT ON PUNITIVE DAMAGES** to be served as follows:

— By placing the same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or

— Pursuant to EDCR 7.26, to be sent via facsimile; and/or

X Pursuant to EDCR 7.26, by transmitting via the Court's electronic filing services by the document(s) listed above to the Counsel set forth on the service list.

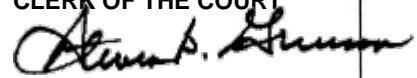
Mohamed A. Iqbal, Jr., Esq.
Christopher Mathews, Esq.
IQBAL LAW PLLC
101 Convention Center Drive, Suite 1175
Las Vegas, NV 89109
Attorney for Plaintiffs

Rebecca L. Mastrangelo, Esq.
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700 South Third Street
Las Vegas, NV 89101
Attorney for Thyssenkrupp Elevator Corporation

D. Lee Roberts, Jr., Esq.
Howard J. Russell, Esq.
Kristian T. Kaskla, Esq.
WEINBERG, WHEELER, HUDGINS, GUNN & DIAL, LLC
6385 Rainbow Blvd., Suite 400
Las Vegas, NV 89118
Attorneys for GNL, Corp

/s/ Denisse A. Girard-Rubio

An Employee of **GRANT & ASSOCIATES**



1 **OGSJ**

2 ANNALISA N. GRANT II, ESQ.

3 Nevada Bar No. 11807

4 ALEXANDRA B. MCLEOD, ESQ.

5 Nevada Bar No. 8185

6 **GRANT & ASSOCIATES**

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9 Tel.: (702) 940-3529

10 Fax: (855) 429-3413

11 Alexandra.McLeod@aig.com

12 *Attorney for Defendant/Third-Party Plaintiff, GNL, CORP.*

13 **DISTRICT COURT**

14 **CLARK COUNTY, NEVADA**

15 JOE N. BROWN, an individual, and his Wife,
16 NETTIE J. BROWN, an individual,
17 Plaintiffs,

18 vs.

19 GNL, CORP., a Nevada corporation;
20 THYSSENKRUPP ELEVATOR CORP., a
21 foreign corporation; DOE INDIVIDUALS 1-
22 100,
23 ROE BUSINESS ENTITIES 1-100,

24 Defendants.

25 GNL, CORP., a Nevada corporation;

26 Third-Party Plaintiff,

27 vs.

28 THYSSENKRUPP ELEVATOR
CORPORATION a foreign corporation; DOES
1-75; ROE CORPORATION 1-75 and ROE
CORPORATION 1-25,

Third-Party Defendants

Case No.: A-16-739887-C

Dept. No.: XXXI

**ORDER GRANTING SUMMARY
JUDGMENT ON PUNITIVE
DAMAGES**

Date of hearing: Aug 27, 2019

Time of hearing: 9:30 a.m.

Defendant, GNL, CORP.'s Motion for Summary Judgment on Punitive Damages, and
Defendant THYSSENKRUPP ELEVATOR CORPORATION's (TKE) Joinder to said Motion,
having come on for hearing on the 27th day of August, 2019, the Honorable Joanna S. Kishner,
District Court, Clark County, Department XXXI presiding; and this Honorable Court having



1 considered all of the papers and pleadings on file herein, as well as the argument of counsel for
2 the parties hereto; and good cause appearing therefor;

3 **FINDINGS OF FACT**

4 1. Plaintiff Joe Brown's fall which is the subject of this lawsuit occurred on 5-12-
5 15, on the "down" escalator at Golden Nugget Laughlin, leading from the casino floor to the
6 lower restaurant level.

7 2. TKE (as successor to Dover Elevator Company) was the servicing company
8 contracted to maintain and, as necessary, repair the subject "down" escalator at Golden Nugget
9 Laughlin prior to and at the time of Plaintiff's fall.

10 3. Cracked escalator steps were replaced in 2012 and the "down" escalator received
11 all new steps (salvaged steps were used on the neighboring "up" escalator).

12 4. State of Nevada required annual inspections and testing were completed on or
13 about July 14, 2014 and February 11, 2015, and, according to the checklist, the steps were
14 specifically checked. As there were no violations noted and there was nothing out of order with
15 the subject "down" escalator, a new permit was issued for the time period including Plaintiff's
16 fall. Likewise, the previous five (5) semi-annual inspections, both internal and external,
17 revealed no discrepancies or code violations.

18 5. State of Nevada, Department of Business and Industry, Division of Industrial
19 Relations, Mechanical Compliance Section records including Notices of Violation reveal that
20 there were no violations/corrections in the preceding five years, approximately, that were not
21 abated prior to the 5-12-15 incident when Mr. Brown fell.

22 6. State regulations mandate whenever an individual is injured on a piece of
23 machinery and transported to the hospital for care that the equipment be taken out of service
24 until inspection by the State.

25 7. The day following Brown's accident (5-13-15), State Inspector Steve Robertson
26 arrived on site to investigate the occurrence and inspect the "down" escalator. Robertson
27 specifically "checked the steps to make sure they were in good working order."
28

8. As a result of his investigation, Inspector Robertson found no malfunctions or violations, and placed the down escalator back in service. Inspector Robertson determined the accident to have been caused by user error rather than equipment failure, and listed Brown's cane as a "contributing factor."

9. No further issue with replacement escalator steps cracking was identified until later in 2015, *after* Plaintiff's accident (and was subsequently cured with 40 additional replacement steps).

10. There has been no admissible evidence presented demonstrating that GNL had notice *after* it paid for the repairs and *before* Brown's fall that the down escalator still had cracked steps that could have posed a danger. The documentary evidence demonstrates that GNL was not notified of cracked steps again until after Brown's incident, not before.

CONCLUSIONS OF LAW

1. Nevada law has long recognized that “a plaintiff is never entitled to punitive damages as a matter of right.” *Dillard Dept. Stores, Inc. v. Beckwith*, 115 Nev. 372, 380, 989 P.2d 882, 887 (1999) (quoting *Ramada Inns v. Sharp*, 101 Nev. 824, 826, 711 P.2d 1, 2 (1985)).

2. Tort liability alone is insufficient to support an award of punitive damages. *Wichinsky v. Mosa*, 109 Nev. 84, 89, 847 26 P.2d 727 (1993). Punitive damages statutes in Nevada require conduct exceeding recklessness or gross negligence. *Wyeth v. Rowatt*, 244 P.3d 765, 126 Nev. Adv. Rep. 44 (2010); *Countrywide Home Loans, Inc. v. Thitchener*, 124 Nev. 725, 743, 192 P.3d 243, 255 (2008).

3. As used in the Nevada statute, “[m]alice, express or implied, means conduct which is intended to injure a person or despicable conduct which is engaged in with a conscious disregard of the rights or safety of others.” NRS 42.001(3). Nevada courts have made clear “[t]he term malice as used in the statute means malice in fact and denotes ill-will, or a desire to do harm for the mere satisfaction of doing it.” *Warmbrodt v. Blanchard*, 692 P.2d 1282, 1286 (Nev. 1984) (emphases added).

4. "Conscious disregard" is defined in NRS 42.001 as "the knowledge of the probable harmful consequences of a wrongful act and a willful and deliberate failure to act to

1 avoid those consequences.” The Nevada Supreme Court has made it clear repeatedly that
2 “conscious disregard” in the punitive damages statute, NRS 42.005, requires a “culpable state of
3 mind that must exceed mere recklessness or gross negligence.” *Countrywide, supra*, 124 Nev. at
4 743; *First Nat. Bank of Ely v. Progressive Cas. Ins. Co.*, 2012 WL 5944847 (D. Nev. Nov. 27,
5 2012). “Even unconscionable irresponsibility will not support a punitive damages award.”
6 *Maduikie v. Agency Rent-A-Car*, 114 Nev. 1, 5, 953 P.2d 24, 26 (1998), *citing First Interstate*
7 *Bank v. Jafbro's Auto Body*, 106 Nev. 54, 57, 787 P.2d 765, 767 (1990).

8 5. Even assuming *arguendo* that all the down escalator steps were not replaced in
9 2012-2013 or that maintenance of the subject escalator may be found to be lacking, punitive
10 damages are not recoverable for negligent conduct or even grossly negligent or reckless
11 conduct.

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1 **IT IS HEREBY ORDERED** that GNL, Corp.'s Motion for Summary Judgment on
2 Punitive Damages, and TKE's Joinder to said Motion, are GRANTED and Plaintiffs' prayer for
3 punitive damages shall be dismissed from the Second Amended Complaint.

4 DATED this ____ day of September, 2019.

5
6
7 
8 **DISTRICT COURT JUDGE,**
9 **JOANNA S. KISHNER**

10 Submitted by:

11 **GRANT & ASSOCIATES** #11897

12 
13 ALEXANDRA B. MCLEOD, ESQ.

14 Nevada Bar No. 8185

15 7455 Arroyo Crossing Parkway, Suite 300, Las Vegas, Nevada 89113

16 Attorney for GNL, Corp.

17 Approved as to form and content:

18 Dated this ____ day of September, 2019.

19 **ROGERS, MASTRANGELO, CARVALHO &**
20 **MITCHELL**

21 NEXT PAGE
22 Rebecca L. Mastrangelo, Esq.

23 700 South Third Street

24 Las Vegas, NV 89101

25 Attorney for Thyssenkrupp Elevator
26 Corporation

27 Dated this ____ day of September, 2019.

28 **IQBAL LAW PLLC**

DECLINED

Mohamed A. Iqbal, Jr., Esq.

101 Convention Center Drive, Suite 1175

Las Vegas, NV 89109

Attorney for Plaintiffs

1 **IT IS HEREBY ORDERED** that GNL, Corp.'s Motion for Summary Judgment on
2 Punitive Damages, and TKE's Joinder to said Motion, are GRANTED and Plaintiffs' prayer for
3 punitive damages shall be dismissed from the Second Amended Complaint.

4 DATED this ____ day of September, 2019.

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DISTRICT COURT JUDGE,
JOANNA S. KISHNER

Submitted by:

GRANT & ASSOCIATES

LAST PAGE

ALEXANDRA B. McLEOD, ESQ.

Nevada Bar No. 8185

7455 Arroyo Crossing Parkway, Suite 300, Las Vegas, Nevada 89113

Attorney for GNL, Corp.


Approved as to form and content:

Dated this 10th day of September, 2019.

Dated this ____ day of September, 2019.

ROGERS, MASTRANGELO, CARVALHO &
MITCHELL

IQBAL LAW PLLC


Rebecca L. Mastrangelo, Esq.

700 South Third Street

Las Vegas, NV 89101

Attorney for Thyssenkrupp Elevator
Corporation

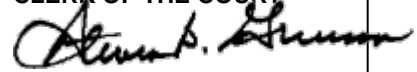
DECLINED


Mohamed A. Iqbal, Jr., Esq.

101 Convention Center Drive, Suite 1175

Las Vegas, NV 89109

Attorney for Plaintiffs



1 **NEOJ**

2 ANNALISA N. GRANT, ESQ.

3 Nevada Bar No. 11807

4 ALEXANDRA B. M^cLEOD, ESQ.

5 Nevada Bar No. 8185

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11 Alexandra.M^cLeod@aig.com

12 D. LEE ROBERTS, JR., ESQ.

13 Nevada Bar No.

14 HOWARD J. RUSSELL, ESQ.

15 Nevada Bar No.

16 KRISTIAN T. KASKLA, ESQ.

17 Nevada Bar No.

18 **WEINBERG, WHEELER, HUDGINS,**

19 **GUNN & DIAL, LLC**

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25 hrussell@wwhgd.com

26 kkaskla@wwhgd.com

27 *Attorneys for Defendant/Third-Party Plaintiff, GNL, CORP.*

18 **DISTRICT COURT**

19 **CLARK COUNTY, NEVADA**

20 JOE N. BROWN, an individual, and his Wife,

21 NETTIE J. BROWN, an individual,

22 Plaintiffs,

23 vs.

24 GNL, CORP., a Nevada corporation;

25 THYSSENKRUPP ELEVATOR CORP., a
26 foreign corporation; DOE INDIVIDUALS 1-
27 100,

28 ROE BUSINESS ENTITIES 1-100,

Defendants.

GNL, CORP., a Nevada corporation;

Third-Party Plaintiff,

Case No.: A-16-739887-C

Dept. No.: XXXI

**NOTICE OF ENTRY OF ORDER
REGARDING GNL, CORP.'S
MOTIONS IN LIMINE #1-3**

1 vs.

2 THYSSENKRUPP ELEVATOR
3 CORPORATION a foreign corporation; DOES
4 1-75; ROE CORPORATION 1-75 and ROE
5 CORPORATION 1-25,

6 Third-Party Defendants

7 **NOTICE OF ENTRY OF ORDER**
8 **REGARDING GNL, CORP.'S MOTIONS IN LIMINE #1-3**

9 PLEASE TAKE NOTICE that an *Order Regarding GNL, Corp's Motions in Limine #1-*
10 *3* was entered in this matter on the 14th day of October, 2019; a copy of which is attached
11 hereto.

12 DATED this 16th day of October, 2019.

13 GRANT & ASSOCIATES

14 

15 ALEXANDRA B. MCLEOD, ESQ.

16 Nevada Bar No. 8185

17 7455 Arroyo Crossing Parkway, Suite 300

18 Las Vegas, Nevada 89113

19 *Attorney for Defendant/Third-Party Plaintiff,*
20 *GNL, CORP.*

CERTIFICATE OF SERVICE

I certify that I am an employee of **GRANT & ASSOCIATES** and that on this 16th day of October, 2019 I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER REGARDING GNL, CORP.'S MOTIONS IN LIMINE #1-3** to be served as follows:

____ By placing the same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or

____ Pursuant to EDCR 7.26, to be sent via facsimile; and/or

X Pursuant to EDCR 7.26, by transmitting via the Court's electronic filing services by the document(s) listed above to the Counsel set forth on the service list.

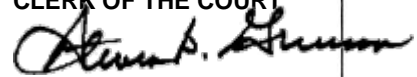
Mohamed A. Iqbal, Jr., Esq.
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/s/ Denisse A. Girard-Rubio

An Employee of **GRANT & ASSOCIATES**



1 **ORDR**

2 ANNALISA N. GRANT II, ESQ.

3 Nevada Bar No. 11807

4 ALEXANDRA B. MCLEOD, ESQ.

5 Nevada Bar No. 8185

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10 Fax: (855) 429-3413

11 Alexandra.McLeod@aig.com

12 *Attorney for Defendant/Third-Party Plaintiff, GNL, CORP.*

13 **DISTRICT COURT**

14 **CLARK COUNTY, NEVADA**

15 JOE N. BROWN, an individual, and his Wife,
16 NETTIE J. BROWN, an individual,
17 Plaintiffs,

18 vs.

19 GNL, CORP., a Nevada corporation;
20 THYSSENKRUPP ELEVATOR CORP., a
21 foreign corporation; DOE INDIVIDUALS 1-
22 100,
23 ROE BUSINESS ENTITIES 1-100,

24 Defendants.

25 GNL, CORP., a Nevada corporation;

26 Third-Party Plaintiff,

27 vs.

28 THYSSENKRUPP ELEVATOR
CORPORATION a foreign corporation; DOES
1-75; ROE CORPORATION 1-75 and ROE
CORPORATION 1-25,

Third-Party Defendants

Case No.: A-16-739887-C

Dept. No.: XXXI

**ORDER REGARDING GNL, CORP.'S
MOTIONS IN LIMINE #1-3**

Date of hearing: July 10, 2019

Time of hearing: 1:00 p.m.

Defendant, GNL, CORP.'s Motions in Limine #1-3, and Defendant, THYSSENKRUPP ELEVATOR CORPORATION's Joinders to said Motions, having come on for hearing on the 10th day of July, 2019, the Honorable Joanna S. Kishner, District Court, Clark County, Department XXXI presiding; and this Honorable Court having considered all of the papers and



1 pleadings on file herein, as well as the argument of counsel for the parties hereto; and good
2 cause appearing therefor;

3 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

4 1. A ruling on GNL, Corp.'s Motion *in Limine* #1 to Exclude Exclude Srinivas
5 Nalamachu, M.D. for Unauthorized Practice of Medicine in Nevada is deferred in part pending
6 a pre-trial, evidentiary hearing outside the presence of the jury at which time Srinivas
7 Nalamachu, M.D will be questioned as to the scope of his NRCP 35 examination of Plaintiff Joe
8 Brown at his home here in Las Vegas, Nevada, and for clarification and more information to be
9 provided on what this witness intends to testify.

10 2. Motion #2 and Joinder regarding Prior and Subsequent Events and Repairs are
11 GRANTED. Because Plaintiffs have failed to meet the the substantial similarity requirement,
12 twelve (12) prior incidents on 4-9-10; 8-28-10; 11-25-10; 2-8-12; 5-9-12; 8-17-12; 1-23-13; 2-
13 23-13; 4-21-13; 5-26-13; 9-30-13; and 2-14-15, as well as a subsequent incident on 5-25-15
14 shall be excluded from evidence at that time of trial.

15 3. Motion #3 and Joinder regarding relitigating discovery disputes in front of the
16 jury are GRANTED. Neither the timing of production of evidence nor the outcome of previous
17 discovery disputes is relevant to any fact of consequence at trial and all references, argument, or
18 testimony on those topics will be excluded from trial. The Court admonishes the parties are to
19 follow the law, and evidence not not previously disclosed will not come in at trial.

20 ...

21 ...

22 ...

23 ...

24 ...

IT IS SO ORDERED this 10 day of Oct, 2019.


JOANNA S. KISHNER
DISTRICT COURT JUDGE,
JOANNA S. KISHNER

Submitted by:

GRANT & ASSOCIATES


ALEXANDRA B. McLEOD, ESQ.

Nevada Bar No. 8185

7455 Arroyo Crossing Parkway, Suite 300, Las Vegas, Nevada 89113

Attorney for GNL, Corp.

Approved as to form and content:

Dated this 10th day of Sept. 2019.

Dated this ___ day of ___, 2019.

ROGERS, MASTRANGELO, CARVALHO &
MITCHELL

IQBAL LAW PLLC


Rebecca L. Mastrangelo, Esq.

700 South Third Street

Las Vegas, NV 89101

Attorney for Thyssenkrupp Elevator
Corporation

DECLINED

Mohamed A. Iqbal, Jr., Esq.

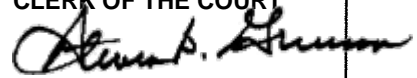
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Attorneys for Defendant
THYSSENKRUPP ELEVATOR CORPORATION

DISTRICT COURT
CLARK COUNTY, NEVADA

JOE N. BROWN, an individual, and his wife,
NETTIE J. BROWN, an individual,

Plaintiffs,

vs.

LANDRY'S INC., a foreign corporation;
GOLDEN NUGGET, INC., a Nevada
corporation d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP., a Nevada
corporation; DOE INDIVIDUALS 1-100,
ROE BUSINESS ENTITIES 1-100,

Defendants.

CASE NO. A-16-739887-C
DEPT. NO. XXXI

GNL, CORP., a Nevada corporation;

Third-Party Plaintiff,

vs.

THYSSENKRUPP ELEVATOR CORPORATION
a foreign corporation; DOES 1-75; ROE
CORPORATIONS 1-75 and ROE
CORPORATIONS 1-25,

Third-Party Defendants.

NOTICE OF ENTRY OF ORDER

PLEASE TAKE NOTICE that an Order in the above-entitled action was entered and

1 filed on the 23rd day of October, 2019, a copy of which is attached hereto.

2 DATED this 24th day of October, 2019.

3 ROGERS, MASTRANGELO, CARVALHO &
4 MITCHELL

5 
6 REBECCA L. MASTRANGELO, ESQ.

7 Nevada Bar No. 5417
8 700 S. Third Street
9 Las Vegas, Nevada 89101
10 Attorney for Defendant
11 THYSENKRUPP ELEVATOR CORPORATION

12 **CERTIFICATE OF SERVICE**

13 Pursuant to N.R.C.P. 5(a), E.D.C.R. 7.26(a), and Rule 9 of the N.E.F.C.R. I hereby
14 certify that I am an employee of Rogers, Mastrangelo, Carvalho & Mitchell, and on the 24th
15 day of October, 2019, a true and correct copy of the foregoing **NOTICE OF ENTRY OF**
16 **ORDER** was served via electronic means with the Eighth Judicial District Court, addressed as
17 follows, upon the following counsel of record:

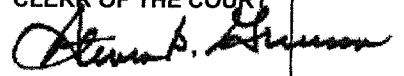
18 Mohamed A. Iqbal, Jr., Esq.
19 Christopher Mathews, Esq.
20 101 Convention Center Drive, Suite 1175
21 Las Vegas, Nevada 89109
22 Attorneys for Plaintiffs

23 Annalisa N. Grant, Esq.
24 Alexandra B. McLeod, Esq.
25 GRANT & ASSOCIATES
26 7455 Arroyo Crossing Parkway, Suite 300
27 Las Vegas, Nevada 89113
28 Attorneys for Defendant/Third-Party Plaintiff

D. Lee Roberts, Jr. Esq.
Weinberg, Wheeler, Hudgins, Gunn & Dial
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Attorneys for Defendant/Third-Party Plaintiff



An employee of ROGERS, MASTRANGELO,
CARVALHO & MITCHELL



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10 Attorneys for Defendant/Third-Party Defendant
11 THYSSENKRUPP ELEVATOR CORPORATION

7 DISTRICT COURT

8 CLARK COUNTY, NEVADA

9 JOE N. BROWN, an individual, and his wife,
10 NETTIE J. BROWN, an individual,

11 Plaintiffs,

12 vs.

13 GNL, CORP., a Nevada corporation
14 DOE INDIVIDUALS 1-100,
15 ROE BUSINESS ENTITIES 1-100,

16 Defendants.

17 GNL, CORP., a Nevada corporation;

18 Third-Party Plaintiff,

19 vs.

20 THYSSENKRUPP ELEVATOR CORPORATION
21 a foreign corporation; DOES 1-75; ROE
22 CORPORATIONS 1-75 and ROE
23 CORPORATIONS 1-25,

24 Third-Party Defendants.

CASE NO.: A-16-739887-C

DEPT. NO.: XXXI

25 **ORDER REGARDING THYSSENKRUPP ELEVATOR**
26 **CORPORATION'S MOTION IN LIMINE #8**

27 DEFENDANT/THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR
28 CORPORATION'S Motion in Limine #8 Re: Exclude the Testimony of Sheila Nabors Swett and
the evidentiary hearing previously ordered in regard to the same (order entered 8/7/19) having
come on for hearing on the 7th day of October, 2019, and Rebecca L. Mastrangelo, Esq., of the
law firm of Rogers, Mastrangelo, Carvalho & Mitchell, appearing on behalf of Defendant/Third

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1 Party Defendant THYSSENKRUPP ELEVATOR CORPORATION, and Alexandra McLeod,
2 Esq., of the law firm of GRANT & ASSOCIATES, and D. Lee Roberts, Jr., Esq. of the law firm
3 of WEINBERG, WHEELER, HUDGINS, GUNN & DIAL, appearing on behalf of Defendant
4 GNL, CORP. and Mohamed Iqbal, Esq., of the law firm of IQBAL LAW PLLC, appearing on
5 behalf of Plaintiffs and the court having reviewed the pleadings and papers on file herein, heard
6 the voir dire testimony of Sheila Nabors Swett, and entertained oral argument; and good cause
7 appearing, the court finds as follows:

8 Findings of Fact and Conclusions of Law:

9 1. Plaintiffs disclosed Sheila Swett, aka Sheila Nabors Swett, as an escalator expert
10 and produced a report and a rebuttal report authored by Ms. Swett.

11 2. NRS 50.275 provides that an expert must satisfy certain requirements in order to
12 testify as an expert witness. These requirements include that: (1) she must be qualified in an area
13 of "scientific, technical or other specialized knowledge" (the qualification requirement); (2) her
14 specialized knowledge must "assist the trier of fact to understand the evidence or to determine a
15 fact in issue" (the assistance requirement); and (3) her testimony must be limited "to matters
16 within the scope of [her] specialized knowledge" (the limited scope requirement).

17 3. In determining whether an expert is properly qualified, the court considers the
18 following factors: (1) formal schooling and academic degrees, (2) licensure, (3) employment
19 experience, and (4) practical experience and specialized training. *Hallmark v. Eldridge*, 124
20 Nev. 492, 189 P.3d 646 (2008). These factors are not exhaustive, may be accorded varying
21 weights, and may not be equally applicable in every case. *Id.*

22 4. As to the qualification requirement, Ms. Swett has some formal schooling and an
23 Associate's degree but no Bachelor's degrees. She is not an engineer. She holds no engineering
24 license, no elevator/escalator mechanic's license, nor any license which would allow her to
25 perform maintenance or repair work on escalators. While Ms. Swett has some employment
26 experience involving elevators and escalators, the majority of her work experience in the past 20
27
28

1 years has involved elevators, rather than escalators. As to escalators, her work experience in the
2 past 20 years has been observing and inspecting. She has never performed any maintenance or
3 repairs on any escalators and neither of her business entities employs anyone who performs
4 maintenance or repairs on escalators. Ms. Swett has no practical experience or specialized
5 training pertaining to escalator maintenance and repair.

6 5. The court has also considered whether Ms. Swett's testimony is based upon
7 reliable methodology and would be able to assist the trier of fact. In determining the same, the
8 court considers whether the expert's opinion is: (1) within a recognized field of expertise;
9 (2) testable and has been tested; (3) published and subjected to peer review; (4) generally
10 accepted in the scientific community; and (5) based more on particularized facts rather than
11 assumption, conjecture, or generalization. *Hallmark v. Eldridge, supra*, 124 Nev. at 500-02.

12 6. Ms. Swett's opinions were not formed under any reliable or scientific
13 methodology but were formed merely after her review of documents and photographs, a
14 "cursory" observation of the subject escalator (three years post incident and after substantial
15 changes had been made to the equipment), and an observation of the escalator steps which were
16 removed post-incident. Despite having the removed escalator steps available for a thorough
17 inspection of the alleged cracks in the steps, Ms. Swett chose to look at only a very few of the
18 steps and did not inspect any of them for cracks. Merely saying that she observed cracks in
19 photographs is not reliable or scientific methodology. Her formulation of opinions in this case
20 was not based upon any published works nor anything subjected to peer review. Her formulation
21 of opinions in this case was not tested or testable. Moreover, Ms. Swett's opinions consist of
22 assumptions and conjecture as she admitted that she could not state whether or not Plaintiff Joe
23 Brown was standing on a cracked step at the time of his fall, or whether the escalator steps were
24 so dirty in May of 2015 that they would've prevented the escalator mechanic from seeing any
25 cracks. Ms. Swett herself never observed any cracks in the steps and she did not experience any
26 shaking or rocking of the steps at the time she rode the escalator. Ms. Swett never spoke to, nor
27

1 reviewed the deposition testimony of, the Plaintiffs, the other riders of the escalator at the time of
2 Mr. Brown's fall, or the State of Nevada inspector who inspected the escalator after Mr. Brown's
3 fall. Ms. Swett was unable to identify the code for escalators adopted by the State of Nevada
4 which applied to the escalator at the time of Mr. Brown's incident. Ms. Swett did not consider
5 any other possible reasons for Mr. Brown's fall or perform any scientific analysis to exclude
6 other possibilities.

7 7. Based upon the Points and Authorities set forth in THYSSENKRUPP
8 ELEVATOR CORPORATION'S MOTION IN LIMINE #8 and its Reply brief in support of the
9 Motion, as well as the testimony of Sheila Swett, the court finds that Ms. Swett is not qualified
10 to render opinions as to escalator maintenance and supervision of maintenance and that she is not
11 qualified to render opinions as to GNL, INC.'s oversight, training, and response to the alleged
12 danger of escalator cracks.

13 8. Based upon the Points and Authorities set forth in THYSSENKRUPP
14 ELEVATOR CORPORATION'S MOTION IN LIMINE #8 and its Reply brief in support of the
15 Motion, as well as the testimony of Sheila Swett, the court further finds that Ms. Swett's
16 formulation of her opinions in this case fails the reliability and assistance requirements of NRS
17 50.275 for the reasons set forth above.

18 Based upon the foregoing, IT IS HEREBY ORDERED, ADJUDGED and DECREED
19 that DEFENDANT/THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR
20 CORPORATION'S Motion in Limine #8 Re: Exclude the Testimony of Sheila Nabors Swett is
21 hereby GRANTED as to all the opinions set forth in Sheila Swett's initial expert report dated
22 May 4, 2018, and as to any similar opinions set forth in Sheila Swett's rebuttal report dated May
23 28, 2018. This order does not necessarily preclude Sheila Swett from testifying in some capacity
24 as a rebuttal expert, and a decision regarding same is deferred until trial.

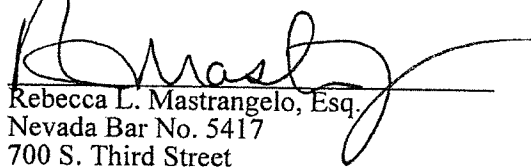
25 DATED this 18 day of October, 2019.

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27 
28 DISTRICT JUDGE

JOANNA S. KISHNER

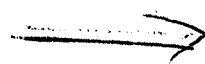
1 SUBMITTED BY:

2 ROGERS, MASTRANGELO, CARVALHO
3 & MITCHELL

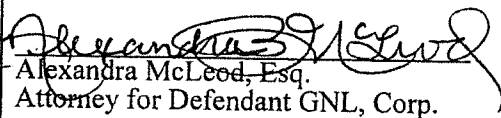
4 

5 Rebecca L. Mastrangelo, Esq.
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9 Attorney for Defendant
10 THYSSENKRUPP ELEVATOR CORPORATION

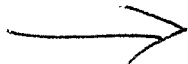
11 APPROVED AS TO FORM AND CONTENT:

12 

13 Mohamed Iqbal, Esq.
14 Attorney for Plaintiffs

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16 Alexandra McLeod, Esq.
17 Attorney for Defendant GNL, Corp.

18 

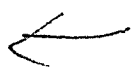
19 D. Lee Roberts, Esq.
20 Attorney for Defendant GNL, Corp.

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1 SUBMITTED BY:

2 ROGERS, MASTRANGELO, CARVALHO
3 & MITCHELL

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9 Las Vegas, Nevada 89101
10 Attorney for Defendant
11 THYSSENKRUPP ELEVATOR CORPORATION

12

13 ~~APPROVED AS TO FORM AND CONTENT:~~

14 *Plaintiffs respectfully*
15 *decline to sign.*

16 Mohamed Iqbal, Esq.
17 Attorney for Plaintiffs

18

19 

20 Alexandra McLeod, Esq.
21 Attorney for Defendant GNL, Corp.

22

23 

24 D. Lee Roberts, Esq.
25 Attorney for Defendant GNL, Corp.

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1 SUBMITTED BY:

2 ROGERS, MASTRANGELO, CARVALHO
3 & MITCHELL

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10 THYSENKRUPP ELEVATOR CORPORATION

11 APPROVED AS TO FORM AND CONTENT:

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14 Attorney for Plaintiffs

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16 Alexandra McLeod, Esq.
17 Attorney for Defendant GNL, Corp.

18 

19 D. Lee Roberts, Esq.
20 Attorney for Defendant GNL, Corp.

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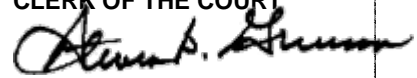
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Telephone: (702) 938-3838

10 Facsimile: (702) 938-3864

11 *Attorneys for Defendant/Third-Party Plaintiff,*
12 *GNL, CORP.*

13 **DISTRICT COURT**

14 **CLARK COUNTY, NEVADA**

15 JOE N. BROWN, an individual,

16 Plaintiff,

17 v.

18 LANDRY'S, INC., a foreign corporation;
19 GOLDEN NUGGET, INC. a Nevada
20 corporation, d/b/a GOLDEN NUGGET
LAUGHLIN; GNL, CORP., a Nevada
corporation; THYSENKRUPP ELEVATOR
CORP., a foreign corporation,

21 Defendants.

Case No.: A-16-739887-C

Dept. No.: XXXI

NOTICE OF ENTRY OF JUDGMENT

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///





1 PLEASE TAKE NOTICE that Judgement On Jury Verdict was entered on January 8,
2 2020, in this matter. A copy is attached hereto.

3 Dated this 9 day of January, 2020.

6 WEINBERG, WHEELER, HUDGINS,
7 GUNN & DIAL, LLC

8 D. Lee Roberts, Jr., Esq.
9 Howard J. Russell, Esq.
10 Kristian T. Kaskla, Esq.
11 Phillip N. Smith, Jr., Esq.
12 6385 South Rainbow Blvd., Suite 400
13 Las Vegas, Nevada 89118

14 *Attorneys for Defendant/Third-Party Plaintiff,*
15 *GNL, CORP.*



CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of January, 2020, a true and correct copy of the foregoing **NOTICE OF ENTRY OF JUDGMENT** was electronically filed and served on counsel through the Eighth Judicial District Court's electronic service system pursuant to Administrative Order 14-2 and NEFCR 9, via the electronic mail addresses noted below, unless service by another method is stated or noted:

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mai@ilawlv.com
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*Attorneys for Defendant/Third-Party Defendant
ThyssenKrupp Elevator Corporation*

Kelly L. Ruce
An employee of WEINBERG, WHEELER,
HUDGINS GUNN & DIAL, LLC

ORIGINAL

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1/8/2020 5:05 PM
Steven D. Grierson
CLERK OF THE COURT

Steven D. Grierson

DISTRICT COURT

CLARK COUNTY, NEVADA

JOE N. BROWN, an individual,
Plaintiff,

Case No.: A-16-739887-C
Dept. No.: XXXI

v.

GNL, CORP., a Nevada corporation, and
THYSSENKRUPP ELEVATOR CORP., a
foreign corporation,
Defendants.

JUDGMENT ON JURY VERDICT

This action came on regularly for trial with the calling of the first witness on December 6, 2019, in Dept. XXXI of the Eighth Judicial District Court, Honorable Joanna S. Kishner, District Judge, presiding. The issues having been duly tried, and the jury having duly rendered a General Verdict in favor of Defendants on December 18, 2019, which General Verdict was filed by the Clerk on December 18, 2019, it is hereby ORDERED, ADJUDGED and DECREED, in accordance with the jury's General Verdict, that Plaintiff shall take nothing and that Judgment is hereby entered in favor of all Defendants, with Defendants to recover their costs.

The Court reserves amendment of this Judgment based on any proper requests or motions for costs or fees which may be timely submitted by Defendants.

SO ORDERED this 2nd day of Jan 2020.

[Signature]
JOANNA S. KISHNER
Hon. Joanna S. Kishner
District Court Judge

///

///



Submitted by:

 #13527
pk

D. Lee Roberts, Jr., Esq.

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