

IN THE SUPREME COURT OF THE STATE OF NEVADA

SPECIAL ADMINISTRATOR
SHALONDA MOLLETTE, AN
INDIVIDUAL, IN PLACE AND STEAD
OF JOE N. BROWN,

Appellant,

vs.

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

Respondents.

SPECIAL ADMINISTRATOR
SHALONDA MOLLETTE, AN
INDIVIDUAL, IN PLACE AND STEAD
OF JOE N. BROWN,

Appellant,

vs.

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

Respondents.

No. 80581

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APPENDIX TO APPELLANT'S OPENING BRIEF
VOLUME 5

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INDEX TO APPELLANT'S OPENING BRIEF APPENDIX
VOLUME 5

<u>Document</u>	<u>Page Number</u>
TKE's MiL 4 Improper Voir Dire_13Nov18	JNB00952-00960
TKE's MiL 6 Excl of Evidence_13Nov18	JNB00961-00980

INDEX TO APPELLANT'S OPENING BRIEF APPENDIX
VOLUMES 1-18

<u>Document</u>	<u>Page Number</u>
Complaint in Case no. A-16-739887-C_12Jul16	JNB00001-00006 (Volume 1)
First Amended Complaint_01Sep16	JNB00007-00012 (Volume 1)
[GNL's] Answer to First Amended Complaint_21Sep16	JNB00013-00019 (Volume 1)
[GNL's] First Amended Answer to FAC_26Sep16	JNB00020-00026 (Volume 1)
[GNL's] Third-Party Complaint_23Jan17	JNB00027-00036 (Volume 1)
TKE Demand Prior Pleadings & Disc_17Feb17	JNB00037-00039 (Volume 1)
Landry & GNL's Demand Jury Trial_03Apr17	JNB00040-00041 (Volume 1)
Landry & GNL's MSJ_23May17	JNB00042-00082 (Volume 1)
Oppo to MSJ and P's Req for Disc Under 56f_07Jun17	JNB00083-00206 (Volume 1)
Landry & GNL's Reply ISO MSJ_20Jun17	JNB00207-00214 (Volume 1)
CM re Landry & GNL's MSJ_27Jun22	JNB00215-00216 (Volume 1)
NEOJ Denying MSJ & Granting P's Countermot for Disc Under 56f_31Jul17	JNB00217-00220 (Volume 1)
Landry & GNL's Mot for Recon_01Aug17	JNB00221-00251

	(Volume 2)
Oppo to Mot for Recon_18Aug17	JNB00252-00258 (Volume 2)
Mot to Compel Disc from Landry & GNL and Req for Sancts 23Aug17	JNB00259-00277 (Volume 2)
Landry and GNL's Reply ISO Mot for Recon_24Aug17	JNB00278-00283 (Volume 2)
Exhs of Erra to Mot to Compel Disc & Req for Sancts 24Aug17	JNB00284-00370 (Volume 2)
Supp Oppo to Landry & GNL' Reply ISO Mot for Recon 30Aug17	JNB00371-00378 (Volume 2)
GNL's Oppo to Mot to Compel Discovery_11Sep17	JNB00379-00389 (Volume 2)
Reply ISO of P's Mot to Compel Discovery & Req for Sancts 06Oct17	JNB00390-00397 (Volume 2)
NEOJ Denying GNL's Mot for Recon_31Oct17	JNB00398-00404 (Volume 2)
Iqbal's Decl ISO Mot for Leave SAC_05Jul18	JNB00405-00515 (Volume 3)
TKE's Oppo to Mot for Leave to File SAC_20Jul18	JNB00516-00535 (Volume 3)
GNL's Oppo to Mot for Leave to File SAC_23Jul18	JNB00536-00591 (Volume 3)
Reply ISO Mot for Leave to File SAC_02Aug18	JNB00592-00603 (Volume 3)
Transcript 07Aug18 Mot for Leave to File SAC_10Aug18	JNB00604-00619 (Volume 3)
NEOJ Granting Leave to File SAC_12Sep18	JNB00620-00621 (Volume 3)
SAC_18Sep18	JNB00622-00628 (Volume 3)
TKE's Answer to SAC_11Oct18	JNB00629-00635 (Volume 3)
Landry & GNL's MSJ_01Nov18	JNB00636-00709 (Volume 3)
Landry & GNL's MSJ on Liability & Punitive Damages 01Nov18	JNB00710-00856 (Volume 4)
Landry's MTD for Jurisdiction_01Nov18	JNB00857-00870 (Volume 4)

Landry & GNL's Err to MSJ on Liability & Punitive Damages_08Nov18	JNB00871-00874 (Volume 4)
Landry & GNL's MiL 1 to Excl Nalamachu for Unauth MD Practice in NV_13Nov18	JNB00875-00914 (Volume 4)
Landry & GNL's MiL 2 Other Incidents or Repairs 3 Disc Matters_13Nov18	JNB00915-00935 (Volume 4)
TKE's MiL 3 Responsibility Avoid & Reptile Theory Args_13Nov18	JNB00936-00951 (Volume 4)
TKE's MiL 4 Improper Voir Dire_13Nov18	JNB00952-00960 (Volume 5)
TKE's MiL 6 Excl of Evidence_13Nov18	JNB00961-00980 (Volume 5)
[TKE's] MiL 7 Claim TKE Hid Evidence_13Nov18 (part 1)	JNB00981-01050 (Volume 6)
[TKE's] MiL 7 Claim TKE Hid Evidence_13Nov18 (part 2)	JNB01051-01078 (Volume 7)
P's MiL 1 Excl Expert Davis Turner_13Nov18	JNB01079-01087 (Volume 7)
Mohamed Iqbal Jr.'s Decl ISO P's MiL 1_14Nov18 (part 1)	JNB01088-01200 (Volume 7)
Mohamed Iqbal Jr.'s Decl ISO P's MiL 1_14Nov18 (part 2)	JNB01201-01334 (Volume 8)
TKE's MiL 8 Excl Testim Sheila Nabors Swett_14Nov18	JNB01335-01427 (Volume 8)
TKE's Joinder ISO GNL's MSJ on Punitive Damages_16Nov18	JNB01428-01437 (Volume 9)
Err to TKE's MiL 7_19Nov18	JNB01438-01443 (Volume 9)
Oppo to Landry & GNL's MSJ_19Nov18	JNB01444-01531 (Volume 9)
P's Oppo to MTD_19Nov18	JNB01532-01578 (Volume 9)
TKE's Joinder to GNL's MiL 1 Excl Nalamachu_19Nov18	JNB01579-01581 (Volume 9)
TKE's Joinder to GNL's MiL 2 & 3_19Nov18	JNB01582-01584 (Volume 9)
Err to P's Oppo to MTD & MSJ_20Nov18	JNB01585-01718 (Volume 10)
Reply ISO of Landry's MTD_27Nov18	JNB01719-01735

	(Volume 10)
GNL Reply ISO Landry & GNL's MSJ_28Nov18	JNB01736-01746 (Volume 10)
Reply ISO MSJ Liability & Punitive Damages_28Nov18	JNB01747-01753 (Volume 10)
P's Resp to TKE's Joinder and Brief ISO GNL's MSJ Pun Damages_30Nov18	JNB01754-01800 (Volume 10)
Landry & GNL's Oppo to P's Mils 1 Excl Davis_03Dec18	JNB01801-01806 (Volume 10)
TKE's Oppo to P's Mils 1 Exlc Davis_03Dec18	JNB01807-01819 (Volume 11)
CM Open Matters and TKE's Joinder to GNL's MSJ Pun Damages_04Dec18	JNB01820-01821 (Volume 11)
P's Emerg Mot Reopen Disc & Sancts w Exhs_10Dec18 (part 1)	JNB01822-02029 (Volume 11)
P's Emerg Mot Reopen Disc & Sancts w Exhs_10Dec18 (part 2)	JNB02030-02104 (Volume 12)
TKE's Oppo to Emerg Mot to Reopen Disc etc_20Dec18 (part 1)	JNB02105-02258 (Volume 12)
TKE's Oppo to Emerg Mot to Reopen Disc etc_20Dec18 (part 2)	JNB02259-02313 (Volume 13)
GNL's Joinder to TKE's Oppo to Emerg Mot_20Dec18	JNB02314-02320 (Volume 13)
TKE's Reply ISO Joinder & GNL's MSJ Pun Damages_21Dec18	JNB02321-02330 (Volume 13)
P's Reply ISO Emerg Mot_28Dec18	JNB02331-02422 (Volume 13)
CM P's Emerg Mot_08Jan19	JNB02423-02423 (Volume 13)
NEOJ Granting P's Emerg Mot_11Feb19	JNB02424-02433 (Volume 13)
P's Oppo to TKE's MiL 7 TKE Hid Evidence_15Feb19	JNB02434-02447 (Volume 13)
P's Oppo to TKE's MiL 8 Excl Sheila Nabors Swett_15Feb19	JNB02448-02451 (Volume 13)
P's Oppo to TKE's MiL 3 Responsib Avoid & Reptile Theory_15Feb19	JNB02452-02455 (Volume 13)
P's Oppo to TKE's MiL 6 Excl Evidence_15Feb19	JNB02456-02467 (Volume 13)

P's Oppo to Landry & GNL's MiL 1 Excl Nalamachu_ 15Feb19	JNB02468-02505 (Volume 14)
P's Oppo to Landry & GNL's MiL 2 Other Incidents_ 15Feb19	JNB02506-02509 (Volume 14)
P's Oppo to TKE's MiL 4 Improper Voir Dire_ 15Feb19	JNB02510-02514 (Volume 14)
P's MiL 2 Davis Lee Turner Testimony_ 25Feb19	JNB02515-0254 (Volume 14)
TKE's Reply ISO MiL 3 Responsib Avoid & Reptile Theory Arguments_ 28Feb19	JNB0255-02546 (Volume 14)
TKE's Reply ISO MiL 4 Improper Voir Dire_ 28Feb19	JNB02547-02550 (Volume 14)
TKE's Reply ISO MiL 6 Excl Evidence_ 28Feb19	JNB02551-02565 (Volume 14)
TKE's Reply ISO MiL 7 TKE Hid Evidence_ 28Feb19	JNB02566-02577 (Volume 14)
TKE's Reply ISO MiL 8 Excl Testim Sheila Nabors Swett_ 28Feb19	JNB02578-02582 (Volume 14)
TKE's Reply ISO Joinder to GNL's MiL 2 Other Incidents_ 28Feb19	JNB02581-02586 (Volume 14)
GNL's Reply ISO GNL's MiLs 1-3_ 28Feb19	JNB02587-02592 (Volume 14)
TKE's Oppo to P's MiL 2 Turner's Opinions on Alcohol Use_ 08Mar19	JNB02593-02597 (Volume 14)
GNL's Joinder to TKE's Oppo to P's MiL 2 Excl Turner's Opinions on Alcohol Use_ 11Mar19	JNB02598-02600 (Volume 14)
NEOJ Granting SJ to Landry's & GNL_ 11Mar19	JNB02601-02608 (Volume 14)
NEOJ TKE's SAO to Cont Pretrial Conf_ 19Mar19	JNB02609-02614 (Volume 14)
P's Reply ISO P's MiL 2 Turner's Opinions on Alcohol Use_ 20Mar19	JNB02615-02618 (Volume 14)
Transcript 28Mar19 MiL 1 Excl Nalamachu_ 10Dec21	JNB02619-02669 (Volume 14)
NEOJ Liability & Pun Damages_ 19Apr19	JNB02670-02675 (Volume 14)
SAO Disc Matters & Trial Stack_ 22Apr19	JNB02676-02678 (Volume 14)
NEOJ TKE's MiLs 1-6_ 27Jun19	JNB02679-02683

	(Volume 14)
MTEX Deadline for Court-Ordered Disc_27Jun19	JNB02684-02718 (Volume 15)
TKE's Obj to Panero Subpoena _01Jul19	JNB02719-02727 (Volume 15)
TKE's Oppo to MTEX Deadline for Court-Ordered Disc_03Jul19	JNB02728-02750 (Volume 15)
GNL's Joinder to TKE's Oppo to MTEX Disc_05Jul19	JNB02751-02753 (Volume 15)
Reply ISO MTEX Deadline for Court-Ordered Disc_08Jul19	JNB02754-02759 (Volume 15)
TKE's Joinder to GNL's MSJ Punitive Damages_26Jul19	JNB02760-02769 (Volume 15)
P's Omnibus Oppo to GNL's MSJ Punitive and TKE's Joinder_06Aug19	JNB02770-02783 (Volume 15)
Exhs to P's Omnibus Oppo to MSJ_07Aug19 (part 1)	JNB02784-02889 (Volume 15)
Exhs to P's Omnibus Oppo to MSJ_07Aug19 (part 2)	JNB02890-02995 (Volume 16)
NEOJ Denying P's MTEX Court-Ordered Disc_07Aug19	JNB02996-02999 (Volume 16)
NEOJ TKE's MiLs 7 Granted and 8 Deferred_07Aug19	JNB03000-03003 (Volume 16)
NEOJ Granting GNL's MSJ & TKE's Joinder Pun Damages_27Sep19	JNB03004-03012 (Volume 16)
Transcript 07Oct19_10Dec21 (part 1)	JNB03013-03130 (Volume 16)
Transcript 07Oct19_10Dec21 (part 2)	JNB03131-03168 (Volume 17)
GNL's Object to Depo Excerpts 24Jan18 Don Hartmann_07Oct19	JNB03169-03176 (Volume 17)
GNL's Object to Depo Excerpts 17May19 Don Hartmann_07Oct19	JNB03177-03181 (Volume 17)
CM Further Proceedings_11Oct19	JNB03182-03182 (Volume 17)
NEOJ GNL's MiLs 1 Deferred, 2-3 Granted_16Oct19	JNB03183-03188 (Volume 17)
NEOJ TKE's MiL 8 Granted_24Oct19	JNB03189-03197 (Volume 17)

Not of P's Appeal Pun Damages & TKE's MiL 8 Excl Sheila Nabors Swett _28Oct19	JNB03198-03214 (Volume 17)
P's Case Appeal Statement _28Oct19	JNB03215-03219 (Volume 17)
GNL's Revised Obcts Depo Excerpts 24Jan18 Hartmann _14Nov19	JNB03220-03227 (Volume 17)
GNL's Rev Objects to P's Depo Excerpts 24Jan18 Hartmann _15Nov19	JNB03228-03230 (Volume 17)
SAO TKE & GNL's Dism 3P Complaint _22Nov19	JNB03231-03233 (Volume 17)
NEOJ Dism 3P Complaint _27Nov19	JNB03234-03238 (Volume 17)
P's 7.27 Civil Trial Memo 1 Open Statms & Demost Exhs _05Dec19	JNB03239-03243 (Volume 17)
P's 7.27 Civil Trial Memo 2 Med Bills from P's Exh30 _16Dec19	JNB03244-03247 (Volume 17)
P's 7.27 Civil Trial Memo 3 _16Dec19	JNB03248-03254 (Volume 17)
P's 7.27 Civil Trial Memo 3 Depo Excerpts Into Rec _16Dec19	JNB03255-03261 (Volume 17)
P's 7.27 Civil Trial Memo 3 Depo Excerpts Into Rec _16Dec19	JNB03262-03268 (Volume 17)
P's 7.27 Civil Trial Memo 3 Depo Excerpts Into Rec with Excerpts _16Dec19	JNB03269-03369 (Volume 17)
TKE's 7.27 Civil Trial Memo 1 _16Dec19	JNB03370-03385 (Volume 18)
GNL's 7.27 Brief ISO Anticip Oral Mot for Judg _16Dec19	JNB03386-03391 (Volume 18)
GNL's 7.27 Trial Brief on Medical Bills _17Dec19	JNB03392-03395 (Volume 18)
P's 7.27 Civil Trial Memo 4 Reading Christopher Dutcher Depo _18Dec19	JNB03396-03396 (Volume 18)
Jury Instructions _18Dec19	JNB03397-03435 (Volume 18)
Jury Trial Verdict _18Dec19	JNB03436-03436 (Volume 18)
NEOJ Jury Verdict _09Jan20	JNB03437-03441 (Volume 18)
P's Not of Appeal on Jury Verdict _08Feb20	JNB03442-03448

	(Volume 18)
P's Case Appeal Statement_09Feb20	JNB03449-03452 (Volume 18)
Mot for Leave to Proceed on Appeal In Forma Pauperis 24Feb20	JNB03453-03460 (Volume 18)
GNL's Oppo to P's Mot for Leave Pauperis_09Mar20	JNB03461-03463 (Volume 18)
Not of Evidenciary Hearing_13Apr20	JNB03464-03465 (Volume 18)
CM Evidentiary Hearing_23Apr20	JNB03466-03466 (Volume 18)
P's Supp Mot for Leave Pauperis_28Apr20	JNB03467-03480 (Volume 18)
P's Not of Appeal Attorneys' Fees Award_05May20	JNB03481-03491 (Volume 18)
P's Case Appeal Statem Attorneys' Fees Award_05May20	JNB03492-03495 (Volume 18)
Order Granting In Forma Pauperis_06May20	JNB03496-03498 (Volume 18)
Court's 2nd Order Req for Transcripts Clarification_04Oct21	JNB03499-03502 (Volume 18)
P's Not of Transcript Clarification_03Jun20	JNB03503-03508 (Volume 18)

Dated June 10, 2022.

Respectfully submitted,

IQBAL LAW PLLC

By: /s/ Mohamed A. Iqbal, Jr.
MOHAMED A. IQBAL, JR.
Nevada Bar No. 10623
9130 W. Post Road, Suite 200
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Attorneys for Appellant

CERTIFICATE OF SERVICE

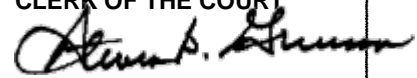
I certify that I am an employee of IQBAL LAW PLLC and that on June 10, 2022, I caused a true and correct copy of the **APPENDIX TO APPELLANT’S OPENING BRIEF VOLUME 5** to be served as follows:

___ 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 NEFCR 9, to be sent via facsimile; and/or

X Pursuant to NEFCR 9, by transmitting via the Court’s electronic filing services by the document(s) listed above to the Counsel set forth on the service list.

/s/ Marie-Claire Alsanjakli
An Employee of **IQBAL LAW PLLC**



MLIM
REBECCA L. MASTRANGELO, ESQ.
Nevada Bar No. 5417
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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.

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

Date of Hearing:
Time of Hearing:

**DEFENDANT/THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR
CORPORATION'S MOTION IN LIMINE #4 RE: IMPROPER VOIR DIRE**

JNB00952

1 Defendant/Third-Party Defendant, thyssenkrupp Elevator Corporation ("TKE"), by and
2 through its attorney of record, REBECCA L. MASTRANGELO, ESQ., of the law firm of ROGERS,
3 MASTRANGELO, CARVALHO & MITCHELL, hereby submits its Motion in Limine #4 re:
4 Improper Voir Dire.

5 This motion is based upon the pleadings and papers on file herein, the accompanying
6 Memorandum of Points and Authorities and oral argument, if any, at the time of the hearing on this
7 matter.

8 DATED this 13th day of November, 2018.

9 ROGERS, MASTRANGELO, CARVALHO
10 & MITCHELL

11 
12 REBECCA L. MASTRANGELO, ESQ.

13 Nevada Bar No. 5417
14 700 S. Third Street
15 Las Vegas, Nevada 89101
16 Attorney for Defendant/Third-Party Defendant
17 THYSSENKRUPP ELEVATOR CORPORATION
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1 **NOTICE OF MOTION**

2 TO: ALL INTERESTED PARTIES; and
3 TO: THEIR ATTORNEYS OF RECORD

4 YOU WILL PLEASE TAKE NOTICE that undersigned will bring the foregoing
5 **DEFENDANT/THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR**
6 **CORPORATION'S MOTION IN LIMINE #4 RE: IMPROPER VOIR DIRE** on for hearing
7 before Department XXXI of the Eighth Judicial District Court in Clark County, Nevada on the 18
8 day of December, 2018, at the hour of 9:00 A.m., or as soon thereafter as the matter
9 can be heard.

10 DATED this _____ day of November, 2018.

11 ROGERS, MASTRANGELO, CARVALHO
12 & MITCHELL

13 
14 REBECCA L. MASTRANGELO, ESQ.
15 Nevada Bar No. 5417
16 700 S. Third Street
17 Las Vegas, Nevada 89101
18 Attorney for Defendant/Third-Party Defendant
19 THYSSENKRUPP ELEVATOR CORPORATION

20 **POINTS AND AUTHORITIES**

21 **I.**

22 **OVERVIEW AND RELIEF SOUGHT**

23 This case involves a fall which occurred on the down escalators at the Golden Nugget
24 Laughlin Resort and Casino ("GNL"). Three members of Plaintiff Joe Brown's party preceded him
25 onto the escalator and rode it down with no difficulty. However, when Mr. Brown, who had been
26 drinking alcohol and who requires a cane to walk, stepped onto the escalator, he was unable to steady
27 himself and he fell, sustaining personal injuries. Plaintiffs' Second Amended Complaint sounds in
28 negligence.

The instant motion seeks to preclude improper voir dire questions and technique and to have
the court so instruct the parties prior to the start of trial.

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II.

MOTION IN LIMINE

Motions in Limine are designed to seek the court's rulings on the admissibility of arguments and evidence seeking to be admitted or utilized at trial. Such motions are governed by EDCR 2.47, and must contain an affidavit of counsel setting forth the parties attempts to resolve the matter prior to the filing of the motion. Defendant has attempted to resolve the factual or legal issues involved in this motion, as outlined below.

III.

AFFIDAVIT OF COUNSEL PURSUANT WITH EDCR 2.47

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

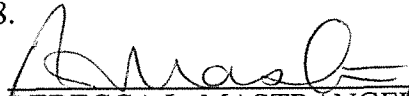
REBECCA L. MASTRANGELO, being first duly sworn, deposes and says:

1. That your Affiant is an attorney licensed to practice law in all the courts in the State of Nevada;
2. That your Affiant is counsel of record for Defendant/Third Party Defendant thyssenkrupp Elevator Corporation in the above captioned matter;
3. That your Affiant files the instant Motion in Limine;
4. That prior to filing said Motion, Affiant had a personal telephone call with Plaintiffs' counsel, Mohamed Iqbal, Esq. on November 13, 2018. At that time, Mr. Iqbal advised that he will endeavor not to conduct improper voir dire, he wanted to review the motion before committing not to delve into the specific topics set forth in the motion. As such, Affiant files the instant Motion with the understanding that once Mr. Iqbal reviews it in its entirety, additional efforts will be made to reach an agreement on the content of an order on this motion.

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1 FURTHER AFFIANT SAYETH NAUGHT.

2 DATED this 13th day of November, 2018.

3 
4 REBECCA L. MASTRANGELO, ESQ.

5
6 SUBSCRIBED AND SWORN to before me
7 this 13 day of November, 2018.

8 
9 Notary Public



10
11 IV.

12 LEGAL ARGUMENT

13 A. Improper Questions Should Be Excluded from Voir Dire

14 Voir dire is protected under NRCP 47(a), which allows for examination of potential jurors
15 within the discretion of the trial judge. “The purpose of voir dire examination is to determine
16 whether a prospective juror can and will render a fair and impartial verdict on the evidence presented
17 and apply the facts, as he or she finds them, to the law given.” *Whitlock v. Salmon*, 104 Nev. 24, 27,
18 752 P.2d 210 (1988). Still, voir dire must be limited to those questions which will determine
19 whether the juror can be unbiased and impartial.

20 **The trial judge has a duty to restrict attorney-conducted voir dire to its**
21 **permissible scope; obtaining an impartial jury.** NRS 16.030(6) clearly
22 contemplates that the trial judge will supervise the process and that he may
reasonably restrict supplemental examination of prospective jurors by the litigants’
counsel.

23 *Id* at 28. (Emphasis added). See also *United States v. Serafini*, 57 F. Supp. 2d 108 (D. Pa. 1999):

24 The Sixth Amendment guarantees a right to... trial by an impartial jury... but does not
25 accord the right to either the prosecution or the defense to have voir dire conducted
26 in such a way as to mold the jury in a way that the jury will be receptive to counsel’s
27 case.

28 See also *Schlinsky v. United States*, 379 F.2d 735, 738 (1st Cir. 1967):

1 The purpose of the voir dire is to ascertain disqualifications, not to afford individual
2 analysis in depth to permit a party to choose a jury that fits into some mold that
[counsel] believes appropriate for [counsel's] case.

3 As found in *Serafini*, several categories of questions are deemed too intrusive into the
4 backgrounds of jurors, and/or are designed to "mold" a particular jury. These questions include:

- 5 (1) jurors place of birth
- 6 (2) race and ethnic background
- 7 (3) marital status
- 8 (4) excessive inquiry into medical issues and medications of jurors
- 9 (5) voter registration
- 10 (6) stock ownership
- 11 (7) questions regarding "close friends"
- 12 (8) annual income
- 13 (9) religious beliefs
- 14 (10) governmental employment
- 15 (11) questions regarding jurors activities, such as favorite television shows and
16 leisure activities
- 17 (12) questions to determine whether juror is a leader or follower, and other
18 psychological questions

19 Voir dire on the above subjects should be forbidden, or sharply limited. Such questions
20 violate privacy rights, are irrelevant, or are designed to find a particular juror that fits a "mold" for
21 their jury selection process.

22 Additionally, asking specific questions regarding a juror's "beliefs" that would allow or
23 prevent them from awarding "a million dollars" or more are improper. So, too, are questions that go
24 to the beliefs of the potential jurors, such as:

- 25 (1) What should be done for the homeless ?
- 26 (2) Would you describe yourself as being a leader?
- 27 (3) Do you believe in complaining if you receive bad service in a restaurant?

28 Such questions **have no rational relationship to whether a juror can be impartial.**

1 **B. Repetitive Questions Regarding Verdict Amounts Are Impermissible**

2 Voir dire must be limited to questions which show that the juror can be unbiased and
3 impartial:

4 **The trial judge has a duty to restrict attorney-conducted voir dire to its permissible**
5 **scope; obtaining an impartial jury.** NRS 16.030(6) clearly contemplates that the trial judge
6 will supervise the process and that he may reasonably restrict supplemental examination of
prospective jurors by the litigants' counsel.

7 *Id* at 28. (Emphasis added). *See also United States v. Serafini*, 57 F. Supp. 2d 108 (D. Pa. 1999), and
8 *Schlinsky v. United States*, 379 F.2d 735, 738 (1st Cir. 1967) ("The purpose of the voir dire is to
9 ascertain disqualifications, not to afford individual analysis in depth to permit a party to choose a
10 jury that fits into some mold that [counsel] believes appropriate for [counsel's] case".)

11 It is inappropriate to ask repetitive questions regarding a potential verdict. *See Khoury v.*
12 *Seastrand*, 132 Nev. Adv. Op. 52 (2016) citing *Trautman v. New Rockford-Fessenden Co-op*
13 *Transp. Ass'n*, 181 N.W.2d 754, 759 (N.D.1970); ("It is well within the trial court's discretion to
14 sustain objections to such questions."); see also *Henthorn v. Long*, 146 W.Va. 636, 122 S.E.2d 186,
15 196 (W.Va.1961). ("While jurors may be interrogated on their voir dire within reasonable limits, to
16 elicit facts to enable the litigants to exercise intelligently their right of peremptory challenge, the
17 nature and extent thereof should be left largely to the discretion of the trial court.")

18 **C. Arguments of the Case During Voir Dire Are Impermissible**

19 Finally, it is inappropriate to use the voir dire process to seek jurors with similar viewpoints,
20 political beliefs, or passions. Likewise, counsel must not argue their case in any fashion. The sole
21 purpose of voir dire is to select an impartial panel. Defendant therefore asks this Court to limit the
22 questions during voir dire to prevent counsel from arguing their case.

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III.
CONCLUSION

Defendant requests this Motion be granted and/or that the Court enter an appropriate order regarding limitations to voir dire questioning.

DATED this 15th day of November, 2018.

ROGERS, MASTRANGELO, CARVALHO
& MITCHELL


REBECCA L. MASTRANGELO, ESQ.

Nevada Bar No. 5417
700 S. Third Street
Las Vegas, Nevada 89101
Attorney for Defendant/Third-Party Defendant
THYSSENKRUPP ELEVATOR CORPORATION

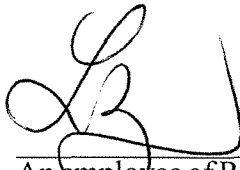
1 **CERTIFICATE OF SERVICE**

2 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 certify
3 that I am an employee of Rogers, Mastrangelo, Carvalho & Mitchell, and on the 13 day of
4 November, 2018, a true and correct copy of the foregoing **DEFENDANT/THIRD PARTY**
5 **DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE**
6 **#4 RE: IMPROPER VOIR DIRE** was served via electronic means with the Eighth Judicial District
7 Court, addressed as follows, upon the following counsel of record:

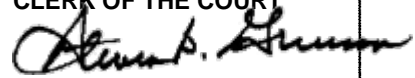
8
9 Mohamed A. Iqbal, Jr., Esq.
10 Christopher Mathews, Esq.
11 101 Convention Center Drive, Suite 1175
12 Las Vegas, Nevada 89109
13 Attorneys for Plaintiffs

14 Annalisa N. Grant, Esq.
15 Alexandra B. McLeod, Esq.
16 GRANT & ASSOCIATES
17 7455 Arroyo Crossing Parkway, Suite 300
18 Las Vegas, Nevada 89113
19 Attorneys for Defendant/Third-Party Plaintiff

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An employee of ROGERS, MASTRANGELO, CARVALHO
& MITCHELL



MLIM
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.

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

Date of Hearing:
Time of Hearing:

DEFENDANT/THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR
CORPORATION'S MOTION IN LIMINE #6 RE: EXCLUSION OF EVIDENCE OF
SUBSEQUENT INCIDENTS

JNB00961

1 Defendant/Third-Party Defendant, thyssenkrupp Elevator Corporation ("TKE"), by and
2 through its attorney of record, REBECCA L. MASTRANGELO, ESQ., of the law firm of ROGERS,
3 MASTRANGELO, CARVALHO & MITCHELL, hereby submits its Motion in Limine #6 re:
4 Exclusion of Evidence of Subsequent Incidents.

5 This motion is based upon the pleadings and papers on file herein, the accompanying
6 Memorandum of Points and Authorities and oral argument, if any, at the time of the hearing on this
7 matter.

8 DATED this 13th day of November, 2018.

9 ROGERS, MASTRANGELO, CARVALHO
10 & MITCHELL

11 
12 REBECCA L. MASTRANGELO, ESQ.

13 Nevada Bar No. 5417
14 700 S. Third Street
15 Las Vegas, Nevada 89101
16 Attorney for Defendant/Third-Party Defendant
17 THYSSENKRUPP ELEVATOR CORPORATION
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1 **NOTICE OF MOTION**


2 TO: ALL INTERESTED PARTIES; and

3 TO: THEIR ATTORNEYS OF RECORD

4 YOU WILL PLEASE TAKE NOTICE that undersigned will bring the foregoing
5 **DEFENDANT/THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR**
6 **CORPORATION'S MOTION IN LIMINE #6 RE: EXCLUSION OF EVIDENCE OF**
7 **SUBSEQUENT INCIDENTS** on for hearing before Department XXXI of the Eighth Judicial
8 District Court in Clark County, Nevada on the 18 day of December, 2018, at the hour
9 of 9:00 A.m., or as soon thereafter as the matter can be heard.

10 DATED this _____ day of November, 2018.

11 ROGERS, MASTRANGELO, CARVALHO
12 & MITCHELL

13 
14 REBECCA L. MASTRANGELO, ESQ.
15 Nevada Bar No. 5417
16 700 S. Third Street
17 Las Vegas, Nevada 89101
18 Attorney for Defendant/Third-Party Defendant
19 THYSSENKRUPP ELEVATOR CORPORATION

18 **POINTS AND AUTHORITIES**

19 **I.**

20 **OVERVIEW AND RELIEF SOUGHT**

21 This case involves a fall which occurred on the down escalators at the Golden Nugget
22 Laughlin Resort and Casino ("GNL"). Three members of Plaintiff Joe Brown's party preceded him
23 onto the escalator and rode it down with no difficulty. However, when Mr. Brown, who had been
24 drinking alcohol and who requires a cane to walk, stepped onto the escalator, he was unable to steady
25 himself and he fell, sustaining personal injuries. Plaintiffs' Second Amended Complaint sounds in
26 negligence.

27 Plaintiffs' final NRCP 16.1 disclosure (their 9th supplement), is dated October 3, 2018.
28 (Exhibit "A.") The disclosure lists two witnesses, Yolanda R. Moreno and Hector Ruelas. Upon

information and belief, these witnesses were allegedly involved in a **subsequent** incident at the hotel involving the subject escalator. Thus, any testimony they could provide would not relate to notice of the prior condition of the escalator, and such testimony should be excluded.

II.

MOTION IN LIMINE

Motions in Limine are designed to seek the court's rulings on the admissibility of arguments and evidence seeking to be admitted or utilized at trial. Such motions are governed by EDCR 2.47, and must contain an affidavit of counsel setting forth the parties attempts to resolve the matter prior to the filing of the motion. Defendant has attempted to resolve the factual or legal issues involved in this motion, as outlined below.

III.

AFFIDAVIT OF COUNSEL PURSUANT WITH EDCR 2.47

[illegible]

REBECCA L. MASTRANGELO, being first duly sworn, deposes and says:

1. That your Affiant is an attorney licensed to practice law in all the courts in the State of Nevada;

2. That your Affiant is counsel of record for Defendant/Third Party Defendant thyssenkrupp Elevator Corporation in the above captioned matter;

3. That your Affiant files the instant Motion in Limine;

4. That prior to filing said Motion, Affiant had a personal telephone call with Plaintiffs' counsel, Mohamed Iqbal, Esq. on November 13, 2018. At that time, Mr. Iqbal advised that he would not be agreeable to the substance of the instant motion because he believes that subsequent incidents are relevant to his claim for punitive damages. As such, Affiant files the instant Motion seeking an order from the Court to exclude evidence of subsequent incidents as irrelevant and inadmissible.

/ / /

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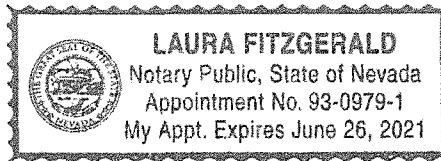
1 FURTHER AFFIANT SAYETH NAUGHT.

2 DATED this 13th day of November, 2018.

3 
4 REBECCA L. MASTRANGELO, ESQ.

5
6 SUBSCRIBED AND SWORN to before me
7 this 13 day of November, 2018.

8 
9 Notary Public



10
11 IV.

12 LEGAL ARGUMENT

13 Plaintiffs' claim against thyssenkrupp is for negligence. Specifically, Plaintiffs claim that
14 TKE's maintenance of the escalator was negligent, in that its mechanics should have noticed cracks
15 in the escalator steps which caused the escalator to be unstable, allegedly causing Plaintiff Joe
16 Brown's fall. TKE denies these allegations.

17 Plaintiffs apparently seek to introduce evidence of a subsequent incident involving the
18 escalator, through the testimony of Yolanda R. Moreno and Hector Ruelas. Such testimony is not
19 relevant to negligence. See *Lologo v. Wal-Mart Stores, Inc.*, 2:13-CV-1493-GMN-PAL, 2016 WL
20 4084035, at *9 (D. Nev. July 29, 2016) (evidence of other falls, incidents, or reports of incidents is
21 irrelevant and inadmissible under Federal Rule of Evidence 402). See also *Caballero v. Bodega*
22 *Latina Corp.*, 2017 WL 3174931, at *7 (D. Nev. July 25, 2017) (Evidence of subsequent accidents
23 is not admissible to demonstrate a defendant's prior knowledge of a dangerous condition); *Eldorado*
24 *Club, Inc. v. Graff*, 377 P.2d 174, 176 (Nev. 1962); *Difrancesco v. Win-Sum Ski Corp.*, 2017 WL
25 1046741, at *18 (W.D.N.Y. Mar. 20, 2017) (holding subsequent incidents inadmissible). See also
26 *Whorton v. Boatwright*, 504 S.E.2d 216, 218 (1998):

27 We also note that prior or subsequent incidents of negligence or misconduct are not generally
28 admissible to show that a party was negligent on the occasion at issue. "With some rare
exceptions each negligence case must be decided with reference to the particular transaction

1 and no other, and to give the jury facts regarding previous or subsequent similar occurrences
2 from which they may infer that the plaintiff or the defendant has been negligent or free from
negligence in the same manner on other occasions is both irrelevant and prejudicial.”
3 (Citations and punctuation omitted.) Carsten v. Wilkes Supermarket of Gwinnett County,
Inc., 181 Ga.App. 834, 836(2), 353 S.E.2d 922 (1987). Such evidence is considered “highly
4 prejudicial to the issue of liability in the underlying negligence action.”

5 See also *Blythe v. Sears, Roebuck & Co.*, 89-1566, 1991 WL 183962 (Ala. 1991):

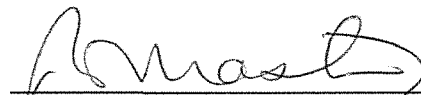
6 The general rule excluding evidence of subsequent remedial measures is that “evidence of
repairs or alterations made, or precautions taken, by the defendant after the injury to the
7 plaintiff in an accident is not admissible as tending to show the defendant's antecedent
negligence [or culpable conduct].” C. Gamble, *McElroy's Alabama Evidence* § 189.02(1) (4th ed. 1991) (citing *Macon County Comm'n v. Sanders*, 555 So.2d 1054 (Ala.1990); *Hyde*
8 *v. Wages*, 454 So.2d 926 (Ala.1984); *Banner Welders, Inc. v. Knighton*, 425 So.2d 441
(Ala.1982)). Subsequent remedial measures have been excluded on two grounds: (1)
9 evidence of a subsequent repair or change was irrelevant to show antecedent negligence, see
Hart v. Lancashire & Yorkshire Ry., 21 L.T.R. 261, 263 (1869), cited in Comment, *The*
10 *Impeachment Exception to Rule 407: Limitations on the Introduction of Evidence of*
Subsequent Measure, 42 U.Miami L.Rev. 901, 903 (1988); see also Proposed Rules of
11 Evidence, 46 F.R.D. 161, 236 (1969); and (2) public policy favored promoting safety by
removing the disincentive to repair, see *Alabama Power Co. v. Marine Builders, Inc.*, 475
12 So.2d 168, 171-72 (Ala.1985); see also *Probus v. K-Mart, Inc.*, 794 F.2d 1207, 1210 (7th
Cir.1986).

13 Plaintiffs waited until the last day of discovery to disclose these two witnesses who would
14 apparently testify as to a subsequent fall on the subject escalator. Such testimony is not relevant to
15 Plaintiffs’ claims of negligence against the Defendants herein. This testimony is not relevant to the
16 issue at trial, namely whether TKE’s maintenance of the escalator was negligent. Thus, these
17 witnesses should be excluded at trial.

18 Based upon all of the foregoing, Defendants respectfully request that the Court grant the
19 foregoing Motion in Limine.

20 DATED this 13th day of November, 2018.

21 ROGERS, MASTRANGELO, CARVALHO
22 & MITCHELL

23 

24 REBECCA L. MASTRANGELO, ESQ.

25 Nevada Bar No. 5417

26 700 S. Third Street

27 Las Vegas, Nevada 89101

28 Attorney for Defendant/Third-Party Defendant

THYSSENKRUPP ELEVATOR CORPORATION

1 **CERTIFICATE OF SERVICE**

2 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 certify
3 that I am an employee of Rogers, Mastrangelo, Carvalho & Mitchell, and on the 13 day of
4 November, 2018, a true and correct copy of the foregoing **DEFENDANT/THIRD PARTY**
5 **DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE**
6 **#6 RE: EXCLUSION OF EVIDENCE OF SUBSEQUENT INCIDENTS** was served via
7 electronic means with the Eighth Judicial District Court, addressed as follows, upon the following
8 counsel of record:

9
10 Mohamed A. Iqbal, Jr., Esq.
11 Christopher Mathews, Esq.
12 101 Convention Center Drive, Suite 1175
13 Las Vegas, Nevada 89109
14 Attorneys for Plaintiffs

15 Annalisa N. Grant, Esq.
16 Alexandra B. McLeod, Esq.
17 GRANT & ASSOCIATES
18 7455 Arroyo Crossing Parkway, Suite 300
19 Las Vegas, Nevada 89113
20 Attorneys for Defendant/Third-Party Plaintiff

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An employee of ROGERS, MASTRANGELO, CARVALHO
& MITCHELL

EXHIBIT A

JNB00968

SLWD

IQBAL LAW PLLC

Mohamed A. Iqbal, Jr. (NSB #10623)

Christopher Mathews (NSB #10674)

101 Convention Center Dr., Suite 1175

Las Vegas, Nevada 89109

1-(702) 750-2950 (Tel); 1-(702) 825-2841 (V-Fax)

info@ilawlv.com

Attorneys for Plaintiff 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; ROE BUSINESS ENTITIES 1-100,

Defendants.

AND ALL RELATED CASES

Case No.: A-16-739887-C

Dept. No.: XXXI

**PLAINTIFFS' NINTH SUPPLEMENTAL
LIST OF WITNESSES AND DOCUMENTS
PURSUANT TO NRCP 16.1**

Pursuant to NRCP 16.1, Plaintiffs Joe N. Brown and Nettie J. Brown hereby submit their
Seventh Supplemental List of Witnesses and Documents Pursuant to NRCP 16.1, as follows
(*updates in **bold**). These disclosures are subject to supplementation as discovery and
investigation continues.

Witnesses:

1. Joe N. Brown
c/o Iqbal Law PLLC
101 Convention Center Drive, Suite 1175
Las Vegas, Nevada 89109

**PLAINTIFFS' NINTH SUPPLEMENTAL LIST OF WITNESSES AND DOCUMENTS
PURSUANT TO NRCP 16.1**

1 of 10

1 Joe N. Brown is expected to testify to his knowledge of the facts and circumstances
2 relating to the allegations in the pleadings.

- 3 2. Nettie J. Brown
4 c/o Iqbal Law PLLC
5 101 Convention Center Drive, Suite 1175
6 Las Vegas, Nevada 89109

7 Nettie J. Brown is expected to testify to her knowledge of the facts and circumstances
8 relating to the allegations in the pleadings.

- 9 3. Shalonda Mollette
10 c/o Iqbal Law PLLC
11 101 Convention Center Drive, Suite 1175
12 Las Vegas, Nevada 89109

13 Shalonda Mollette is expected to testify to her knowledge of the facts and circumstances
14 surrounding Joe N. Brown's fall.

- 15 4. Clay Mollette
16 c/o Iqbal Law PLLC
17 101 Convention Center Drive, Suite 1175
18 Las Vegas, Nevada 89109

19 Clay Mollette is expected to testify to his knowledge of the facts and circumstances
20 surrounding Joe N. Brown's fall.

- 21 5. Mary Brown
22 c/o Iqbal Law PLLC
23 101 Convention Center Drive, Suite 1175
24 Las Vegas, Nevada 89109

25 Mary Brown is expected to testify to her knowledge of the facts and circumstances
26 surrounding Joe N. Brown's fall.

- 27 6. Dr. C. Stephen Carr, PhD.
28 Technology Litigation Corporation
c/o Iqbal Law PLLC
101 Convention Center Drive, Suite 1175
Las Vegas, NV 89109

Dr. Carr is expected to testify as to his expert knowledge of escalators and the subject
escalator at the Golden Nugget Laughlin before, at the time of, and after the subject
incident.

7. Don Hartman

PLAINTIFFS' NINTH SUPPLEMENTAL LIST OF WITNESSES AND DOCUMENTS
PURSUANT TO NRCP 16.1

Golden Nugget Laughlin
c/o Alexandra B. McLeod, Esq.
GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113

Don Hartman is expected to testify regarding the subject escalator at the Golden Nugget Laughlin – and management decisions regarding said escalator – before, at the time of, and after the subject incident; and, generally, discovery in this litigation.

8. Irais Mendoza, Purchasing Buyer
Golden Nugget Laughlin
c/o Alexandra B. McLeod, Esq.
GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113

Irais Mendoza is expected to testify regarding the subject escalator at the Golden Nugget Laughlin – and management decisions regarding said escalator – before, at the time of, and after the subject incident; and, generally, discovery in this litigation.

9. Person Most Knowledgeable and/or Custodian of Records
Golden Nugget Laughlin
c/o Alexandra B. McLeod, Esq.
GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113

These witnesses are expected to testify regarding the subject escalator at the Golden Nugget Laughlin – and management decisions regarding said escalator – before, at the time of, and after the subject incident; and, generally, discovery in this litigation.

10. Person Most Knowledgeable and/or Custodian of Records
LANDRY'S, INC.
c/o Alexandra B. McLeod, Esq.
GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113

These witnesses are expected to testify regarding the subject escalator at the Golden Nugget Laughlin – and management decisions regarding said escalator – before, at the time of, and after the subject incident; and, generally, discovery in this litigation.

11. Person Most Knowledgeable and/or Custodian of Records

PLAINTIFFS' NINTH SUPPLEMENTAL LIST OF WITNESSES AND DOCUMENTS
PURSUANT TO NRCP 16.1

1 GOLDEN NUGGET, INC.
2 c/o Alexandra B. McLeod, Esq.
3 GRANT & ASSOCIATES
4 7455 Arroyo Crossing Parkway, Suite 300
5 Las Vegas, Nevada 89113

6 These witnesses are expected to testify regarding the subject escalator at the Golden
7 Nugget Laughlin – and management decisions regarding said escalator – before, at the
8 time of, and after the subject incident; and, generally, discovery in this litigation.

9 12. Christopher Dutcher
10 THYSSENKRUPP ELEVATOR CORPORATION
11 c/o Rebecca L. Mastrangelo, Esq.
12 700 S. Third Street
13 Las Vegas, Nevada 89101

14 Christopher Dutcher is expected to testify regarding the subject escalator and
15 repair/maintenance/replacement/work order/modernization/safety issues related thereto,
16 and this litigation, generally – including discovery issues.

17 13. Larry Panaro
18 THYSSENKRUPP ELEVATOR CORPORATION
19 c/o Rebecca L. Mastrangelo, Esq.
20 700 S. Third Street
21 Las Vegas, Nevada 89101

22 Larry Panaro is expected to testify regarding the subject escalator and
23 repair/maintenance/replacement/work order/modernization/safety issues related thereto,
24 and this litigation, generally – including discovery issues.

25 14. Richard Smith, Risk Manager
26 Golden Nugget Laughlin
27 c/o Alexandra B. McLeod, Esq.
28 GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113

Richard Smith is expected to testify regarding the subject escalator at the Golden Nugget
Laughlin – and management decisions regarding said escalator – before, at the time of,
and after the subject incident; and, generally, discovery in this litigation.

15. Clint Belka, VP of Engineering
Golden Nugget Laughlin
c/o Alexandra B. McLeod, Esq.
GRANT & ASSOCIATES

PLAINTIFFS' NINTH SUPPLEMENTAL LIST OF WITNESSES AND DOCUMENTS
PURSUANT TO NRCP 16.1

1 7455 Arroyo Crossing Parkway, Suite 300
2 Las Vegas, Nevada 89113

3 Clint Belka is expected to testify regarding the subject escalator at the Golden Nugget
4 Laughlin – and management decisions regarding said escalator – before, at the time of,
5 and after the subject incident; and, generally, discovery in this litigation.

6 **16. Jim MacDavid, Service Operations Manager**
7 THYSSENKRUPP ELEVATOR CORPORATION
8 c/o Rebecca L. Mastrangelo, Esq.
9 700 S. Third Street
10 Las Vegas, Nevada 89101

11 Jim MacDavid is expected to testify regarding the subject escalator and
12 repair/maintenance/replacement/work order/modernization/safety issues related thereto,
13 and this litigation, generally – including discovery issues.

14 **17. Scott Olsen, Service Superintendent**
15 THYSSENKRUPP ELEVATOR CORPORATION
16 c/o Rebecca L. Mastrangelo, Esq.
17 700 S. Third Street
18 Las Vegas, Nevada 89101

19 Scott Olsen is expected to testify regarding the subject escalator and
20 repair/maintenance/replacement/work order/modernization/safety issues related thereto,
21 and this litigation, generally – including discovery issues.

22 **18. Paul Hamrick, Service Superintendent**
23 THYSSENKRUPP ELEVATOR CORPORATION
24 c/o Rebecca L. Mastrangelo, Esq.
25 700 S. Third Street
26 Las Vegas, Nevada 89101

27 Paul Hamrick is expected to testify regarding the subject escalator and
28 repair/maintenance/replacement/work order/modernization/safety issues related thereto,
and this litigation, generally – including discovery issues.

19. Dr. Srinivas Nalamachu, MD
Mid America PolyClinic
c/o Iqbal Law PLLC
101 Convention Center Drive, Suite 1175
Las Vegas, NV 89109

Dr. Srinivas Nalamachu is expected to testify as to his expert knowledge in pain
management before, at the time of, and after the subject incident.

PLAINTIFFS' NINTH SUPPLEMENTAL LIST OF WITNESSES AND DOCUMENTS
PURSUANT TO NRCP 16.1

1 **20. Dr. William LaCost, DO**
2 LV VA Medical Center; Specialty (II) Clinic
3 c/o Iqbal Law PLLC
4 101 Convention Center Drive, Suite 1175
5 Las Vegas, NV 89109

6 Dr. William LaCost is expected to testify as to his expert knowledge of diagnosis, care,
7 and treatment of the musculoskeletal system before, at the time of, and after the subject
8 incident.

9 **21. Sheila N. Swett**
10 Swett & Associates
11 c/o Iqbal Law PLLC
12 101 Convention Center Drive, Suite 1175
13 Las Vegas, NV 89109

14 Ms. Sheila Swett is expected to testify as to her expert knowledge of escalators and the
15 subject escalator at the Golden Nugget Laughlin before, at the time of, and after the
16 subject incident.

17 **22. Yolanda R. Moreno**
18 Victim/Potential Victim of Escalator Malfunction
19 7055 Selma Avenue
20 Rancho Cucamonga, CA 91701

21 Yolanda R. Moreno is expected to testify to her knowledge and experience as a
22 patron using the subject escalator at the Golden Nugget Laughlin before, at the time
23 of, and after the subject incident.

24 **23. Hector Ruelas**
25 Victim/Potential Victim of Escalator Malfunction
26 7055 Selma Avenue
27 Rancho Cucamonga, CA 91701

28 Hector Ruelas is expected to testify to her knowledge and experience as a patron
using the subject escalator at the Golden Nugget Laughlin before, at the time of, and
after the subject incident.

29 **24. Elliott W. Taliaferro, Esq.**
30 Landry's
31 c/o Alexandra B. McLeod, Esq.
32 GRANT & ASSOCIATES
33 7455 Arroyo Crossing Parkway, Suite 300
34 Las Vegas, Nevada 89113

1 Mr. Taliaferro is expected to testify regarding the subject escalator and
2 repair/maintenance/replacement/work order/modernization/safety issues related
3 thereto, and this litigation, generally – including discovery issues.

4 25. Julie M. Moeller, Esq.
5 Landry's
6 c/o Alexandra B. McLeod, Esq.
7 GRANT & ASSOCIATES
8 7455 Arroyo Crossing Parkway, Suite 300
9 Las Vegas, Nevada 89113

10 Ms. Moeller is expected to testify regarding the subject escalator and
11 repair/maintenance/replacement/work order/modernization/safety issues related
12 thereto, and this litigation, generally – including discovery issues.

13 26. Person Most Knowledgeable and/or Custodian of Records
14 Nevada Gaming Control Board
15 555 East Washington Avenue, #2600
16 Las Vegas, NV 89101

17 This witness is expected to testify regarding the Golden Nugget Laughlin Casino.

18 27. Person Most Knowledgeable and/or Custodian of Records
19 Nevada Gaming Commission
20 555 East Washington Avenue, #2600
21 Las Vegas, NV 89101

22 This witness is expected to testify regarding the Golden Nugget Laughlin Casino.

23 28. Person Most Knowledgeable and/or Custodian of Records, IT
24 Golden Nugget Inc d/b/a Golden Nugget Laughlin
25 2300 S Casino Drive
26 Laughlin, NV 89029

27 This witness is expected to testify regarding Electronically Stored Information
28 (“ESI”), communications, correspondence, documents, and evidence relating to the
subject escalator.

29 29. Person Most Knowledgeable and/or Custodian of Records, IT
30 Landry's
31 2300 S Casino Drive
32 Laughlin, NV 89029

33 This witness is expected to testify regarding ESI, communications, correspondence,
34 documents, and evidence relating to the subject escalator.

35 PLAINTIFFS' NINTH SUPPLEMENTAL LIST OF WITNESSES AND DOCUMENTS
36 PURSUANT TO NRCP 16.1

30. Person Most Knowledgeable and/or Custodian of Records, IT
 GNL, CORP.
 2300 S Casino Drive
 Laughlin, NV 89029

This witness is expected to testify regarding ESI, communications, correspondence, documents, and evidence relating to the subject escalator.

31. Person Most Knowledgeable and/or Custodian of Records
 Thyssenkrupp Elevator Corp.
 5440 South Procyon Street B
 Las Vegas, NV 89118

This witness is expected to testify regarding ESI, communications, correspondence, documents, and evidence relating to the subject escalator.

Plaintiffs reserve the right to:

- (i) name any additional witnesses or identify expert witnesses as investigation and discovery continue and reserve the right to call any witness or expert witness named by Defendants for purposes of rebuttal, impeachment, or any other purpose;
- (ii) examine and/or call any witness, including expert witnesses, disclosed by any party to this action;
- (iii) add/call any witnesses for the purposes of impeachment;
- (iv) add/call any witnesses for purposes of rebuttal; and
- (v) add/call any witnesses who have been deposed or noticed for deposition.

LIST OF DOCUMENTS

#	DOCUMENT DESCRIPTION	BATES #
1	Division of Industrial Relations, Mechanical Compliance Section, Golden Nugget—Laughlin Escalator Records, Date: January 1, 2005-May31, 2015	JNB_000001-102
2	Joe N. Brown Medical Records, Western Arizona Regional Medical Center, CT Results, Date: May 13, 2015	JNB_000103-107

PLAINTIFFS' NINTH SUPPLEMENTAL LIST OF WITNESSES AND DOCUMENTS
 PURSUANT TO NRCP 16.1

8 of 10

JNB00976

3	Joe N. Brown Medical Records, Western Arizona Regional Medical Center, Date: May 12, 2015-May 13, 2015	JNB_000108-136
4	Joe N. Brown Medical Records, Western Arizona Regional Medical Center, Date: May 12, 2015-May 13, 2015	JNB_000137-162
5	Joe N. Brown Medical Records, Sunrise Hospital and Medical Center, Date: May 13, 2015-May 15, 2015	JNB_000163-409
6	Joe N. Brown Medical Records, Southern Nevada VA, Date: May 13, 2015-June 14, 2016	JNB_000410-1477
7	Joe N. Brown Medical Records, Southern Nevada VA, Scanned Records, Date: May 11, 2015-May 13, 2016	JNB_001478-1667
8	Desert Surgical Associates Medical Invoice, Date: August 25, 2015	JNB_001668
9	Sunrise Hospital Medical Invoice, Date: August 20, 2015	JNB_001669
10	Culinary Health Fund Medical Invoices, Date: July 21, 2015	JNB_001670-1674
11	IPC of Nevada Medical Invoice, Date: September 16, 2016	JNB_001675-1676
12	Assorted Photographs of Plaintiffs	JNB_001677-1697
13	Plaintiffs' Marriage License, Date: April 13, 1989	JNB_001698-1699
14	Photographs of Shoes Worn by Plaintiff Joe N. Brown at the time of his fall, Taken: April 7, 2017	JNB_001700-1704
15	Joe N. Brown's Identification	JNB_001705-1706
16	Joe N. Brown Medical Bills	JNB_001707-1734
17	Joe N. Brown Medical Records, Southern Nevada VA, Date: January 23, 2017	JNB_001735-1761
18	Joe N. Brown Medical Records, Summerlin Hospital Medical Center, Date: January 20, 2017	JNB_001762-1824
19	Plaintiffs Tax Returns, Date: 2013-2015	JNB_001825-1851
20	Plaintiff Joe N. Brown's 1099-R, Date: 2013-2015	JNB_001852-1859
21	Defendant Thyssenkrupp Elevator Corporation's ("TKE") Early Case Conference List of Witnesses and Production of Documents served 04/18/2017	JNB_001860-2001
22	Defendant TKE's First Supplement to Early Case Conference List of Witnesses and Production of Documents served on 10/30/2017	JNB_002002-2006
23	Defendant TKE's Second Supplement to Early Case Conference List of Witnesses and Production of Documents served on 11/06/2017	JNB_002006-2104
24	Defendant TKE's Third Supplement to Early Case Conference List of Witnesses and Production of Documents served on 11/17/2017	JNB_002105-2186

PLAINTIFFS' NINTH SUPPLEMENTAL LIST OF WITNESSES AND DOCUMENTS
PURSUANT TO NRCP 16.1

25	Defendants Landry's, Inc.; Golden Nugget, Inc., d/b/a Golden Nugget Laughlin; and GNL, Corp.'s January 23, 2018	JNB_002187-2303
26	Sheila N. Swett Initial Expert Report	JNB_002304-2309
27	Dr. Srinivas Nalamachu, MD Initial Expert Report	JNB_002310-2313
28	Dr. William LaCost, DO Initial Expert Report	JNB_002314-2318
29	Sheila N. Swett Rebuttal Report	
30	Dr. William LaCost, DO Rebuttal Report	
31	NRCP 16.1(a)(2)(B) Disclosures by Expert Witnesses Dr. Srinivas Nalamachu, Sheila N. Swett, and Dr. William LaCost and Exhibits	
32	Photographs of Subject Escalator taken by Plaintiffs' Expert Sheila N. Swett, May 2018 (Exhibit A attached hereto)	JNB_002319-2368

Plaintiffs reserve the right to add to its list of documents as discovery proceeds.

Dated October 3, 2018

Respectfully Submitted,

IQBAL LAW PLLC

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

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

PLAINTIFFS' NINTH SUPPLEMENTAL LIST OF WITNESSES AND DOCUMENTS
PURSUANT TO NRCP 16.1

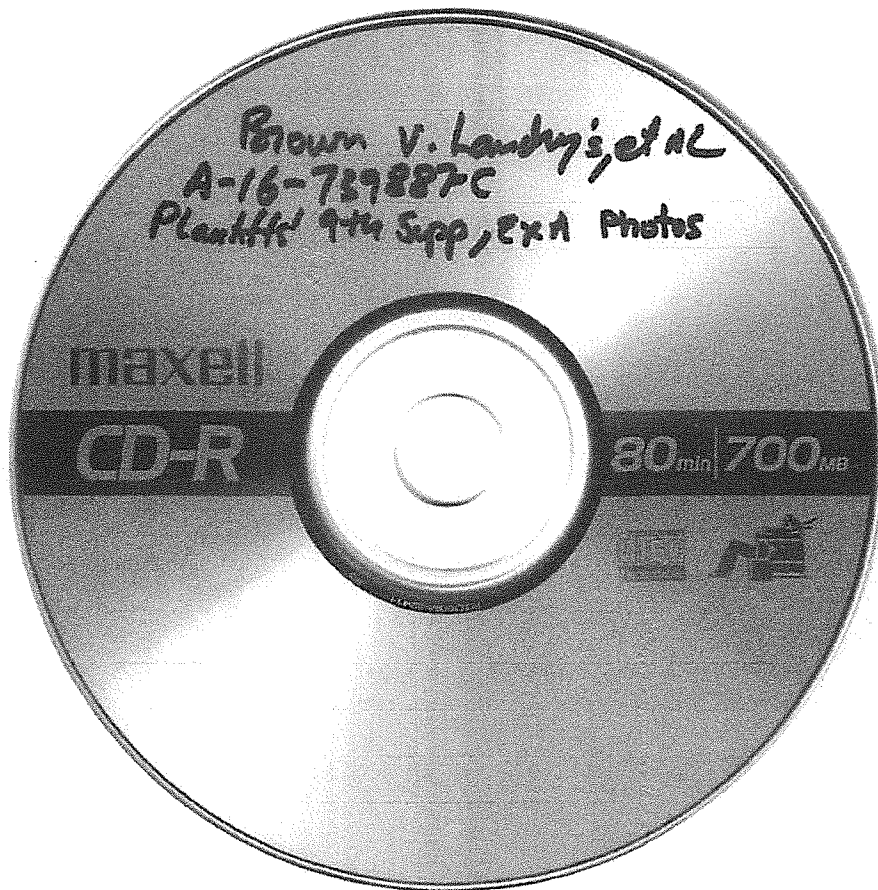
10 of 10

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EXHIBIT A

EXHIBIT A

JNB00979



JNB00980