

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 16

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Dated June 10, 2022.

Respectfully submitted,

IQBAL LAW PLLC

By: /s/ Mohamed A. Iqbal, Jr.

MOHAMED A. IQBAL, JR.

Nevada Bar No. 10623

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Las Vegas, NV 89148

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 16** 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**

EXHIBIT 1-F

EXHIBIT 1-F

JNB02890

ESCALATOR



TEAM *Service*

Escalator Maintenance Tasks & Records

JOBSITE INFORMATION 2011

Job Name: Golden Nugget
 Job Address: 2300 S. Casino DR.
 Route/Contract #: 16/EF 645 Escalator ID #: CE 42505-5
 Contract Type: Platinum Premier ☒ Platinum ☐ Gold ☐ Bronze ☐
 Building Manager/Supt.: _____ Location: _____
 Phone Number: _____ Ext.: _____
 Building Engineer: Don Hartman Location: _____
 Phone Number: 702-298-7111 Ext.: _____

Escalator/Unit # Down State Installation # 1993

Equipment Manufacturer: montgomery Type/Model: Standard
 Glass: ☐ Solid Panel: ☒
 Floors Served 1 to 2
 Number of Steps: 69 Width of Steps: 24"
 Type of Main Drive: Geared ☒ Chain ☐ Size of Chain: _____
 Handrail Length: _____ Handrail Color: Black
 Handrail Drive: Belt ☐ Chain ☒ Size of Chain: 80
 Safety Brushes: Yes ☐ No ☒ Type of Comb Plate: Solid

The frequency of periodic inspections and tests are recommended by ASME A17.1-2007 (8.11.1.3 Periodic Inspection and Test Frequency). The frequency of maintenance intervals, as required by Section 8.6, are determined by the TKEstimate program.

ThyssenKrupp Elevator
Americas Business Unit



ThyssenKrupp

JNB02891

Escalator Test Log

- INSTRUCTIONS:**
- (1) Use one record for each controller.
 - (2) When any section of the Maintenance Tasks & Records is complete or full, replace with a new Maintenance Tasks & Records.
 - (3) Turn in all complete or full Maintenance Tasks & Records to Branch Office for filing.

Escalator Internal Audit Record

| Date | Auditor | Title |
|------|---------|-------|
| | | |
| | | |
| | | |

Other Testing

| Date | Test | Date | Test |
|------|------|------|------|
| | | | |
| | | | |
| | | | |
| | | | |

Complete the following information after performing Category One (1) Tests

| | Date | Conducted By | Verified By | Inspection Authority | Inspection Company | ASME - QEI Certified |
|---|------|--------------|-------------|----------------------|--------------------|--|
| 8.11.4.2.1 - Examine Machine Space Access/Lighting, Receptacles, Operation and Conditions | 7-21 | CMD | Bill | get | TKC | <input checked="" type="checkbox"/> Yes / No |
| 8.11.4.2.2 - Test Machine Space Stop Switches | | | | | | <input checked="" type="checkbox"/> Yes / No |
| 8.11.4.2.3 - Examine Controller and Wiring | | | | | | <input checked="" type="checkbox"/> Yes / No |
| 8.11.4.2.4 - Test Drive Machine Brakes and Torque | | | | | | <input checked="" type="checkbox"/> Yes / No |
| 8.11.4.2.5 - Test Speed Governor | | | | | | <input checked="" type="checkbox"/> Yes / No |
| 8.11.4.2.6 - Test Broken Drive Chain Device | | | | | | <input checked="" type="checkbox"/> Yes / No |
| 8.11.4.2.7 - Test Reversal Stop Switch (if provided) | | | | | | <input checked="" type="checkbox"/> Yes / No |
| 8.11.4.2.8 - Test Broken Step Chain or Treadway Device | | | | | | <input checked="" type="checkbox"/> Yes / No |
| 8.11.4.2.9 - Test Step Upthrust Device | | | | | | <input checked="" type="checkbox"/> Yes / No |
| 8.11.4.2.10 - Missing Step or Pallet Device | | | | | | <input checked="" type="checkbox"/> Yes / No |
| 8.11.4.2.11 - Step or Pallet Level Device | | | | | | <input checked="" type="checkbox"/> Yes / No |
| 8.11.4.2.12 - Steps, Pallet, Step or Pallet Chain and Trusses | | | | | | <input checked="" type="checkbox"/> Yes / No |
| 8.11.4.2.13 - Test Handrail Safety Systems | | | | | | <input checked="" type="checkbox"/> Yes / No |
| 8.11.4.2.14 - Test Heaters | | | | | | <input checked="" type="checkbox"/> Yes / No |
| 8.11.4.2.15 - Examine Permissible Stretch in Escalator Chains | | | | | | <input checked="" type="checkbox"/> Yes / No |
| 8.11.4.2.16 - Test Disconnected Motor Safety Device | | | | | | <input checked="" type="checkbox"/> Yes / No |
| 8.11.4.2.17 - Response to Smoke Detectors | | | | | | <input checked="" type="checkbox"/> Yes / No |
| 8.11.4.2.18 - Comb-Step or Comb-Pallet Impact Device | | | | | | <input checked="" type="checkbox"/> Yes / No |
| 8.11.4.2.19 - Verify Step/Skirt Performance Index | | | | | | <input checked="" type="checkbox"/> Yes / No |
| 8.11.4.2.20 - Test Clearance Between Step and Skirt (Loaded Gap) | | | | | | <input checked="" type="checkbox"/> Yes / No |
| 8.11.4.2.21 - Inspection Control Devices | | | | | | <input checked="" type="checkbox"/> Yes / No |
| 8.11.4.2.22 - Test Step Lateral Displacement Device | | | | | | <input checked="" type="checkbox"/> Yes / No |
| | | | | | | <input checked="" type="checkbox"/> Yes / No |
| | | | | | | <input checked="" type="checkbox"/> Yes / No |
| | | | | | | <input checked="" type="checkbox"/> Yes / No |
| | | | | | | <input checked="" type="checkbox"/> Yes / No |
| | | | | | | <input checked="" type="checkbox"/> Yes / No |

COMMENTS:

HIGH SIERRA ELEVATOR
INSPECTIONS
BILL SCHAEFER
CET# 02350 NY# 1748

DN
EXT

HIGH SIERRA ELEVATOR 1993
INSPECTIONS
BILL SCHAEFER 2 ON
CET# 02350 NY# 1748

JNB02892

Escalator Maintenance Tasks (A17.1-2007 8.6.8)

INSTRUCTIONS: [1] Upon each regular visit, service personnel must print his / her name, date this maintenance log and check [✓] the corresponding box in the spaces provided. This log is not for use during callbacks, unless regular maintenance is also performed at that time. [2] If a task is not done during a regular visit, do not check the corresponding block. [3] Cross out those tasks listed below which are not applicable to this elevator [unit]. [4] Fill in Jobsite Information (front cover), Year & Month Starting, and Assigned Number of Visits.

| | | | | | | | | | | | | | |
|---|-------------------------------|---|----------|----------|----------|--------|--------|------|------|------|----|----|----|
| Printed Name _____ | | 1-14 2-20 3-23 4-15 5-22 6-10 CND CND CND | | | | | | | | | | | |
| For the Year _____ and _____ | | | | | | | | | | | | | |
| Month Starting _____ | | | | | | | | | | | | | |
| Assigned Number of Visits _____ | | 4,6,9,12 | 4,6,9,12 | 4,6,9,12 | 4,6,9,12 | 6,9,12 | 6,9,12 | 9,12 | 9,12 | 9,12 | 12 | 12 | 12 |
| Date _____ | | | | | | | | 7-21 | 8-10 | 9-9 | | | |
| Inspect Every Visit or Prior to Restarting: | Starting Switches | X | X | X | X | X | X | X | X | X | | | |
| | Emergency Stop Switches/Alarm | X | X | X | X | X | X | X | X | X | | | |
| | Visual Inspection | X | X | X | X | X | X | X | X | X | | | |
| | Handrail Condition/Speed | X | X | X | X | X | X | X | X | X | | | |
| | Guards/Signs | X | X | X | X | X | X | X | X | X | | | |
| | Lighting | X | X | X | X | X | X | X | X | X | | | |
| | Safety Zone | X | X | X | X | X | X | X | X | X | | | |
| | Ride Quality | X | X | X | X | X | X | X | X | X | | | |
| During Visits, Observe, Adjust/Maintain as necessary (4, 6, 9, or 12 Visits): | Critical Lubrication | Driving Machine Lubrication | | | | | | | | | | | |
| | | Main Chain Lubrication | | | | | | | | | X | | |
| | | Step Chain Lubrication | | | | | | | | | | | |
| | | Skirt Panel Lubrication | | | | | | | | | X | | |
| | | Step Guide Lubrication | | | | | | | | | | | |
| | | Bearings/Other Lubrication | | | | | | | | | | | |
| | Safety Devices | Handrail Inlet Devices | | | | | | | | | | | |
| | | Comb Impact Devices | | | | | | | | | | | |
| | | Skirt Switch Devices | | | | | | | X | | | | |
| | | Other Safety Devices | | | | | | | X | | | | |
| During Visits, Observe, Adjust/Maintain as Necessary (Minimum of 4 Times Annually): | Handrail System | Check/Clean System | | | | | | | | | | | |
| | | Check/Adjust Chain | | | | | | | | | | | |
| | | Adjust Handrail Sag | | | | | | | | | | | |
| | Upper Pit Area | Clean and Lubricate Pit Area | | | | | | | | | X | | |
| | | Drive Machine (OSM Bevel Gear) | | | | | | | | | | | |
| | | Brake Operation (ThyssenKrupp Velino) | | | | | | | | | | | |
| | | Controller | | | | | | | X | | X | | |
| | Lower Pit Area | Lights and Power | | | | | | | X | | X | | |
| | | Clean and Lubricate Pit Area | | | | | | | | | X | | |
| | | Step Chain Tension | | | | | | | X | | | | |
| | Track System | Lights and Power | | | | | | | X | | X | | |
| | | Clean and Inspect Track System | | | | | | | | | | | |
| | | Upthrust Tracks | | | | | | | | | | | |
| Annual Tests: | Transitional Support Boards | | | | | | | X | | | | | |
| | Cleandown | | | | | | | X | | | | | |
| | Tracks/Truss | | | | | | | X | | | | | |
| Additional Items: | Step Chain Tension Device | | | | | | | X | | | | | |
| | State Inspection | | | | | | | X | | | | | |

Escalator Repair Log

INSTRUCTIONS: (1) All Billable and Non-Billable repairs shall be recorded.
 (2) Replacement parts used during repairs shall be recorded.

| DATE | Description of Work | Parts Used | Technician |
|--------|--|------------|------------|
| 4-1-11 | Replaced RH handrail and both sets UPPER LOWER handrail track | | CMD |
| 7-10 | Replaced Lower RH comb & tightened 2 step flangs | | CMD |
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Escalator Service Request

INSTRUCTIONS: (1) This Service Request Report (Callback) Log shall be used to record all Callbacks or Complaints reported to Elevator Personnel by any means, including corrective action taken per ASME A17.1 2000 [8.6.1.4.1 (c)].
 (2) The Technician is responsible to report all trouble calls to ThyssenKrupp Dispatch that he or she receives by means other than Authorized Dispatch.

| Date | Time | Description | Resolution | Technician |
|----------|---------|---|------------------------------------|------------|
| 2-23 | 9:30 AM | Replaced Lower LH Comb & reset controller | | CMD |
| 9-13-11 | 8 AM | unit won't start | Replaced Key SW, Rep VXR relay | CMD |
| 9-17-11 | 8 AM | checked unit | cleaned & adj upper step | CMD |
| 11-25-11 | 5 PM | unit won't start | Replaced DOWN ^{stop} coil | CMD |
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ESCALATOR



TEAM Service

Escalator Maintenance Tasks & Records

JOBSITE INFORMATION

2012

Job Name: Golden Nugget
Job Address: 2300 S. Casino DR.
Route/Contract #: FF00615 Escalator ID #: 2 DN
Contract Type: Platinum Premier ☐ Platinum ☐ Gold ☐ Bronze ☐
Building Manager/Supt.: _____ Location: _____
Phone Number: _____ Ext.: _____
Building Engineer: DON HARTMAN Location: _____
Phone Number: 298-7111 Ext.: _____

CE 42505-5

Escalator/Unit # 2DN, State Installation # 1993

Equipment Manufacturer: Montgomery Type/Model: 3500 Standard DR
Glass: ☐ Solid Panel: ☒
Floors Served 2 to 1
Number of Steps: 69 Width of Steps: 24"
Type of Main Drive: Geared ☒ Chain ☐ Size of Chain: _____
Handrail Length: _____ Handrail Color: Black
Handrail Drive: Belt ☐ Chain ☒ Size of Chain: #80
Safety Brushes: Yes ☐ No ☒ Type of Comb Plate: Aluminum Yellow

The frequency of periodic inspections and tests are recommended by ASME A17.1-2007 (8.11.1.3 Periodic Inspection and Test Frequency). The frequency of maintenance intervals, as required by Section 8.6, are determined by the TKEstimate program.

ThyssenKrupp Elevator
Americas Business Unit



JNB02893

Escalator Test Log

- INSTRUCTIONS:**
- (1) Use one record for each controller.
 - (2) When any section of the Maintenance Tasks & Records is complete or full, replace with a new Maintenance Tasks & Records.
 - (3) Turn in all complete or full Maintenance Tasks & Records to Branch Office for filing.

Escalator Internal Audit Record

GH SIERRA ELEVATOR *2 DN*
 SPECTIONS *NV 1993*
 LL SCHAEFER *INT*
 3# 3248 NV# 1748
 ATE: *7/18/12*

HIGH SIERRA ELEVATOR *DN*
 INSPECTIONS *NV 1993*
 BILL SCHAEFER *EXT*
 QEI# 3248 NV# 1748
 DATE: *1/17/13*

Title

Other Testing

| Date | Test | Date | Test |
|----------------|--------------------------|------|------|
| <i>8/29/12</i> | <i>SKIRT Index Test.</i> | | |
| | | | |
| | | | |

Complete the following information after performing Category One (1) Tests

| | Date | Conducted By | Verified By | Inspection Authority | Inspection Company | ASME - QEI Certified |
|---|-------------|--------------|----------------|----------------------|--------------------|---|
| 8.11.4.2.1 - Examine Machine Space Access/Lighting, Receptacles, Operation and Conditions | <i>7/18</i> | <i>Mon</i> | <i>Bill</i> | <i>QEI</i> | <i>JRE</i> | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| 8.11.4.2.2 - Test Machine Space Stop Switches | | | | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| 8.11.4.2.3 - Examine Controller and Wiring | | | | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| 8.11.4.2.4 - Test Drive Machine Brakes and Torque | | | <i>852 lbs</i> | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| 8.11.4.2.5 - Test Speed Governor | <i>N/A</i> | | | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| 8.11.4.2.6 - Test Broken Drive Chain Device | <i>N/A</i> | | | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| 8.11.4.2.7 - Test Reversal Stop Switch (if provided) | | | | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| 8.11.4.2.8 - Test Broken Step Chain or Treadway Device | | | | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| 8.11.4.2.9 - Test Step Upthrust Device | | | | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| 8.11.4.2.10 - Missing Step or Pallet Device | <i>N/A</i> | | | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| 8.11.4.2.11 - Step or Pallet Level Device | <i>N/A</i> | | | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| 8.11.4.2.12 - Steps, Pallet, Step or Pallet Chain and Trusses | | | | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| 8.11.4.2.13 - Test Handrail Safety Systems | | | | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| 8.11.4.2.14 - Test Heaters | <i>N/A</i> | | | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| 8.11.4.2.15 - Examine Permissible Stretch in Escalator Chains | | | | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| 8.11.4.2.16 - Test Disconnected Motor Safety Device | | | | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| 8.11.4.2.17 - Response to Smoke Detectors | <i>N/A</i> | | | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| 8.11.4.2.18 - Comb-Step or Comb-Pallet Impact Device | <i>N/A</i> | | | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| 8.11.4.2.19 - Verify Step/Skirt Performance Index | | | | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| 8.11.4.2.20 - Test Clearance Between Step and Skirt (Loaded Gap) | | | | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| 8.11.4.2.21 - Inspection Control Devices | | | | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| 8.11.4.2.22 - Test Step Lateral Displacement Device | | | | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| | | | | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| | | | | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| | | | | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |
| | | | | | | <input checked="" type="radio"/> Yes / <input type="radio"/> No |

COMMENTS:

Escalator Maintenance Tasks (A17.1-2007 8.6.8)

INSTRUCTIONS: [1] Upon each regular visit, service personnel must print his / her name, date this maintenance log and check [✓] the corresponding box in the spaces provided. This log is not for use during callbacks, unless regular maintenance is also performed at that time. [2] If a task is not done during a regular visit, do not check the corresponding block. [3] Cross out those tasks listed below which are not applicable to this elevator [unit]. [4] Fill in Jobsite Information (front cover), Year & Month Starting, and Assigned Number of Visits.

| | | | | | | | | | | | | | |
|---|-------------------------------|---------------------------------------|----------|----------|----------|--------|--------|------|------|------|----|----|------|
| Printed Name 2013 | | | | | | | | | | | | | |
| For the Year JAN | | | | | | | | | | | | | |
| Month Starting | | | | | | | | | | | | | |
| Assigned Number of Visits | | 4,6,9,12 | 4,6,9,12 | 4,6,9,12 | 4,6,9,12 | 6,9,12 | 6,9,12 | 9,12 | 9,12 | 9,12 | 12 | 12 | 12 |
| Date | | 1 | 2 | 3 | 4 | 5 | 6 | 7/8 | 8/29 | | | | 12/7 |
| Inspect Every Visit or Prior to Restarting: | Starting Switches | | | | | | | X | X | | | | X |
| | Emergency Stop Switches/Alarm | | | | | | | X | X | | | | X |
| | Visual Inspection | | | | | | | X | X | | | | X |
| | Handrail Condition/Speed | | | | | | | X | X | | | | X |
| | Guards/Signs | | | | | | | X | X | | | | X |
| | Lighting | | | | | | | X | X | | | | X |
| | Safety Zone | | | | | | | X | X | | | | X |
| | Ride Quality | | | | | | | X | X | | | | X |
| During Visits, Observe, Adjust/Maintain as necessary (4, 6, 9, or 12 Visits): | Critical Lubrication | Driving Machine Lubrication | | | | | | | 1 | 1 | | | 1 |
| | | Main Chain Lubrication | | | | | | | 1 | 1 | | | X |
| | | Step Chain Lubrication | | | | | | | 1 | 1 | | | X |
| | | Skirt Panel Lubrication | | | | | | | 1 | 1 | | | 1 |
| | | Step Guide Lubrication | | | | | | | 1 | 1 | | | 1 |
| | Safety Devices | Bearings/Other Lubrication | | | | | | | 1 | 1 | | | 1 |
| | | Handrail Inlet Devices | | | | | | | X | 1 | | | X |
| | | Comb Impact Devices | | | | | | | X/A | 1 | | | X |
| | | Skirt Switch Devices | | | | | | | X | 1 | | | X |
| | | Other Safety Devices | | | | | | | X | 1 | | | X |
| During Visits, Observe, Adjust/Maintain as Necessary (Minimum of 4 Times Annually): | Handrail System | Check/Clean System | | | | | | | 1 | 1 | | | 1 |
| | | Check/Adjust Chain | | | | | | | 1 | 1 | | | X |
| | | Adjust Handrail Sag | | | | | | | 1 | 1 | | | X |
| | Upper Pit Area | Clean and Lubricate Pit Area | | | | | | | 1 | 1 | | | X |
| | | Drive Machine (OSM Bevel Gear) | | | | | | | 1 | 1 | | | X |
| | | Brake Operation (ThyssenKrupp Velino) | | | | | | | X | 1 | | | X |
| | | Controller | | | | | | | X | 1 | | | X |
| | Lower Pit Area | Lights and Power | | | | | | | X | 1 | | | X |
| | | Clean and Lubricate Pit Area | | | | | | | 1 | 1 | | | X |
| | | Step Chain Tension | | | | | | | 1 | 1 | | | X |
| | Track System | Lights and Power | | | | | | | X | 1 | | | X |
| | | Clean and Inspect Track System | | | | | | | 1 | 1 | | | X |
| | | Upthrust Tracks | | | | | | | X | 1 | | | X |
| Transitional Support Boards | | | | | | | | 1 | 1 | | | X | |
| Annual Tests: | Cleandown | | | | | | | 1 | 1 | | | X | |
| | Tracks/Truss | | | | | | | 1 | 1 | | | X | |
| | Step Chain Tension Device | | | | | | | X | 1 | | | X | |
| Additional Items: | Annual State Insp | | | | | | | 7/8 | | | | | |
| | Annual Clean Drive | | | | | | | | | | | X | |

Escalator Repair Log

INSTRUCTIONS: (1) All Billable and Non-Billable repairs shall be recorded.
 (2) Replacement parts used during repairs shall be recorded.

| DATE | Description of Work | Parts Used | Technician |
|---------|--------------------------------|------------|---|
| 8/29/12 | CK All Items from State Workup | | <i>[Signature]</i> |
| 12/7/12 | Clean TRUSS + TRACKS | | <i>[Signature]</i> / <i>[Signature]</i> |
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Escalator Service Request

INSTRUCTIONS: (1) This Service Request Report (Callback) Log shall be used to record all Callbacks or Complaints reported to Elevator Personnel by any means, including corrective action taken per ASME A17.1 2000 [8.6.1.4.1 (c)].
 (2) The Technician is responsible to report all trouble calls to ThyssenKrupp Dispatch that he or she receives by means other than Authorized Dispatch.

| Date | Time | Description | Resolution | Technician |
|----------|---------|--|-----------------------|--------------------|
| 12/14 | 8:15 AM | Top Stop Switch | Repl + CK OP RIS | <i>[Signature]</i> |
| 12-14-12 | 1 PM | Adj Lower Handrail nlets & replaced all missing screws | | CMD |
| 12-26-12 | 7 AM | unit shutting down | Adj Lower LH SKIN 5th | CMD |
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TEAM *Service*

Escalator Maintenance Tasks & Records

JOBSITE INFORMATION 2013

Job Name: Golden Nugget

Job Address: _____

Route/Contract #: US 135386 Escalator ID #: CE 42505-5

Contract Type: Platinum Premier ☒ Platinum ☐ Gold ☐ Bronze ☐

Building Manager/Supt.: Don Hartman Location: Engineering

Phone Number: _____ Ext.: _____

Building Engineer: _____ Location: _____

Phone Number: _____ Ext.: _____

Escalator/Unit # 2 Down, State Installation # 1993

Equipment Manufacturer: Montgomery Type/Model: Standard

Glass: ☐ Solid Panel: ☒

Floors Served _____ to _____

Number of Steps: _____ Width of Steps: 24"

Type of Main Drive: Geared ☒ Chain ☐ Size of Chain: _____

Handrail Length: _____ Handrail Color: _____

Handrail Drive: Belt ☐ Chain ☒ Size of Chain: 180

Safety Brushes: Yes ☒ No ☐ Type of Comb Plate: Solid

The frequency of periodic inspections and tests are recommended by ASME A17.1-2007 (8.11.1.3 Periodic Inspection and Test Frequency). The frequency of maintenance intervals, as required by Section 8.6, are determined by the TKEstimate program.

ThyssenKrupp Elevator
Americas Business Unit



JNB02899

Escalator Test Log

INSTRUCTIONS: (1) Use one record for each controller.
 (2) When any section of the Maintenance Tasks & Records is complete or full, replace with a new Maintenance Tasks & Records.
 (3) Turn in all complete or full Maintenance Tasks & Records to Branch Office for filing.

Escalator Internal Audit Record

| Date | Auditor | Title |
|------|---------|-------|
| | | |
| | | |
| | | |

Other Testing

| Date | Test | Date | Test |
|------|------|------|------|
| | | | |
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Complete the following information after performing Category One (1) Tests

| | Date | Conducted By | Verified By | Inspection Authority | Inspection Company | ASME - QEI Certified |
|---|---------|--------------|-------------|----------------------|--------------------|----------------------|
| 8.11.4.2.1 - Examine Machine Space Access/Lighting, Receptacles, Operation and Conditions | 7-16 | CMD / LJM | | | TKE | Yes / No |
| 8.11.4.2.2 - Test Machine Space Stop Switches | 7-16 | CMD / LJM | | | | Yes / No |
| 8.11.4.2.3 - Examine Controller and Wiring | 7-16 | CMD / LJM | | | | Yes / No |
| 8.11.4.2.4 - Test Drive Machine Brakes and Torque | 7-16 | CMD / LJM | | | | Yes / No |
| 8.11.4.2.5 - Test Speed Governor | N/A | | | | | Yes / No |
| 8.11.4.2.6 - Test Broken Drive Chain Device | N/A | | | | | Yes / No |
| 8.11.4.2.7 - Test Reversal Stop Switch (if provided) | N/A | | | | | Yes / No |
| 8.11.4.2.8 - Test Broken Step Chain or Treadway Device | 7-16 | CMD / LJM | | | | Yes / No |
| 8.11.4.2.9 - Test Step Upthrust Device | 7-16 | CMD / LJM | | | | Yes / No |
| 8.11.4.2.10 - Missing Step or Pallet Device | N/A | | | | | Yes / No |
| 8.11.4.2.11 - Step or Pallet Level Device | N/A | | | | | Yes / No |
| 8.11.4.2.12 - Steps, Pallet, Step or Pallet Chain and Trusses | 7-16 | CMD / LJM | | | | Yes / No |
| 8.11.4.2.13 - Test Handrail Safety Systems | 7-16 | CMD / LJM | | | | Yes / No |
| 8.11.4.2.14 - Test Heaters | N/A | | | | | Yes / No |
| 8.11.4.2.15 - Examine Permissible Stretch in Escalator Chains | 7-16 | CMD / LJM | | | | Yes / No |
| 8.11.4.2.16 - Test Disconnected Motor Safety Device | 7-16 | CMD / LJM | | | | Yes / No |
| 8.11.4.2.17 - Response to Smoke Detectors | N/A | | | | | Yes / No |
| 8.11.4.2.18 - Comb-Step or Comb-Pallet Impact Device | N/A | | | | | Yes / No |
| 8.11.4.2.19 - Verify Step/Skirt Performance Index | 1-23-13 | N/A / CMD | | | | Yes / No |
| 8.11.4.2.20 - Test Clearance Between Step and Skirt (Loaded Gap) | 1-23-13 | N/A / CMD | | | | Yes / No |
| 8.11.4.2.21 - Inspection Control Devices | 7-16 | CMD / LJM | | | | Yes / No |
| 8.11.4.2.22 - Test Step Lateral Displacement Device | N/A | | | | | Yes / No |
| | | | | | | Yes / No |
| | | | | | | Yes / No |
| | | | | | | Yes / No |
| | | | | | | Yes / No |

COMMENTS:

HIGH SIERRA ELEVATOR INSPECTIONS
 BILL SCHAEFER 202 NV/1993
 QEI# 3250 NV# 1748
 DATE: 7/16/13 JNT

HIGH SIERRA ELEVATOR INSPECTIONS
 BRAKE TORQUE 120#
 TORQUE RANGE
 DATE: 7/16/13

JNB02900

Escalator Maintenance Tasks (A17.1-2007 8.6.8)

INSTRUCTIONS: [1] Upon each regular visit, service personnel must print his / her name, date this maintenance log and check [✓] the corresponding box in the spaces provided. This log is not for use during callbacks, unless regular maintenance is also performed at that time. [2] If a task is not done during a regular visit, do not check the corresponding block. [3] Cross out those tasks listed below which are not applicable to this elevator [unit]. [4] Fill in Jobsite Information (front cover), Year & Month Starting, and Assigned Number of Visits.

| | | | | | | | | | | | | | |
|---|-------------------------------|---------------------------------------|--------------|--------------|--------------|------------|------------|------|------|------|----|-------|-------|
| Printed Name _____ | | | | | | | | | | | | | |
| For the Year _____ and | | | | | | | | | | | | | |
| Month Starting _____ | | | | | | | | | | | | | |
| Assigned Number of Visits _____ | | 4,6,9, 12 | 4,6,9, 12 | 4,6,9, 12 | 4,6,9, 12 | 6,9, 12 | 6,9, 12 | 9,12 | 9,12 | 9,12 | 12 | 12 | 12 |
| Date _____ | | 1-23 | 2-23 | | | | 6-26 | 7-16 | | | | 11-19 | 12-15 |
| Inspect Every Visit or Prior to Restarting: | Starting Switches | ✓ | + | | | | ✓ | + | | | | + | + |
| | Emergency Stop Switches/Alarm | ✓ | + | | | | ✓ | + | | | | + | + |
| | Visual Inspection | ✓ | + | | | | ✓ | + | | | | + | + |
| | Handrail Condition/Speed | ✓ | + | | | | ✓ | + | | | | + | + |
| | Guards/Signs | ✓ | + | | | | ✓ | + | | | | + | + |
| | Lighting | ✓ | + | | | | ✓ | + | | | | + | + |
| | Safety Zone | ✓ | + | | | | ✓ | + | | | | + | + |
| | Ride Quality | ✓ | + | | | | ✓ | + | | | | + | + |
| During Visits, Observe, Adjust/Maintain as necessary (4, 6, 9, or 12 Visits): | Critical Lubrication | Driving Machine Lubrication | | | | | ✓ | | | | | + | |
| | | Main Chain Lubrication | | | | | | | | | | | |
| | | Step Chain Lubrication | | | | | | ✓ | | | | | |
| | | Skirt Panel Lubrication | | + | | | | ✓ | | | | + | |
| | | Step Guide Lubrication | | | | | | | | | | | |
| | Safety Devices | Bearings/Other Lubrication | | | | | | | | | | | |
| | | Handrail Inlet Devices | | | | | | ✓ | + | | | | |
| | | Comb Impact Devices | | | | | | | | | | | |
| | | Skirt Switch Devices | | | | | | | + | | | | |
| | | Other Safety Devices | | | | | | | + | | | | |
| During Visits, Observe, Adjust/Maintain as Necessary (Minimum of 4 Times Annually): | Handrail System | Check/Clean System | | | | | | + | | | | | |
| | | Check/Adjust Chain | | | | | | | | | | | |
| | | Adjust Handrail Sag | | | | | | | | | | | |
| | Upper Pit Area | Clean and Lubricate Pit Area | | | | | | ✓ | | | | | |
| | | Drive Machine (OSM Bevel Gear) | | | | | | | | | | | |
| | | Brake Operation (ThyssenKrupp Velino) | | | | | | | | | | | |
| | | Controller | | | | | | ✓ | + | | | | |
| | | Lights and Power | | | | | | ✓ | + | | | | |
| | Lower Pit Area | Clean and Lubricate Pit Area | | | | | | ✓ | + | | | | |
| | | Step Chain Tension | | | | | | ✓ | + | | | | |
| | | Lights and Power | | | | | | ✓ | + | | | | |
| | Track System | Clean and Inspect Track System | | | | | | ✓ | + | | | | |
| | | Upthrust Tracks | | | | | | | | | | | |
| Transitional Support Boards | | | | | | | | | | | | | |
| Annual Tests: | Cleardown | | | | | | | | | | | | |
| | Tracks/Truss | | | | | | | | | | | | |
| | Step Chain Tension Device | | | | | | | + | | | | | |
| Additional Items: | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |

Escalator Repair Log

INSTRUCTIONS: (1) All Billable and Non-Billable repairs shall be recorded.
(2) Replacement parts used during repairs shall be recorded.

| DATE | Description of Work | Parts Used | Technician |
|-------|------------------------------|------------|--------------|
| 12/13 | Adjust Right Carriage Spring | | David Shiras |
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Escalator Service Request

INSTRUCTIONS: (1) This Service Request Report (Callback) Log shall be used to record all Callbacks or Complaints reported to Elevator Personnel by any means, including corrective action taken per ASME A17.1 2000 [8.6.1.4.1 (c)].
(2) The Technician is responsible to report all trouble calls to ThyssenKrupp Dispatch that he or she receives by means other than Authorized Dispatch.

| Date | Time | Description | Resolution | Technician |
|---------|------|---|--------------|------------|
| 2-23-13 | 10AM | unit squeaking | spray SKI/T5 | CMD |
| 6-30 | 1PM | unit banging lower comb and stepwide unit | | S/D CMD |
| 7-1 | 11AM | Replaced 9 Adj step guide, RTS | | CMD |
| 11-19 | 11AM | Replaced 4 step rollers & comb, RTS | | CMD |
| 5-11-14 | 5PM | Unit making noise | Band gearbox | CMD |
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TEAM *Service*

Escalator Maintenance Tasks & Records

JOBSITE INFORMATION 2014

Job Name: Golden Nugget
 Job Address: _____
 Route/Contract #: _____ Escalator ID #: _____
 Contract Type: Platinum Premier ☒ Platinum ☐ Gold ☐ Bronze ☐
 Building Manager/Supt.: Don Hartman Location: Engineering
 Phone Number: _____ Ext.: _____
 Building Engineer: _____ Location: _____
 Phone Number: _____ Ext.: _____

Escalator/Unit # DN, State Installation # 1993

Equipment Manufacturer: Montgomery Type/Model: _____
 Glass: ☐ Solid Panel: ☒
 Floors Served Casino to _____
 Number of Steps: _____ Width of Steps: 24"
 Type of Main Drive: Geared ☒ Chain ☐ Size of Chain: _____
 Handrail Length: _____ Handrail Color: _____
 Handrail Drive: Belt ☐ Chain ☒ Size of Chain: #80
 Safety Brushes: Yes ☒ No ☐ Type of Comb Plate: Solid

The frequency of periodic inspections and tests are recommended by ASME A17.1-2007 (8.11.1.3 Periodic Inspection and Test Frequency).
 The frequency of maintenance intervals, as required by Section 8.6, are determined by the TKEstimate program.

ThyssenKrupp Elevator
Americas Business Unit



JNB02903

Escalator Test Log

INSTRUCTIONS: (1) Use one record for each controller.
 (2) When any section of the Maintenance Tasks & Records is complete or full, replace with a new Maintenance Tasks & Records.
 (3) Turn in all complete or full Maintenance Tasks & Records to Branch Office for filing.

Escalator Internal Audit Record

| Date | Auditor | Title |
|------|---------|-------|
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| | | |
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Other Testing

| Date | Test | Date | Test |
|------|------|------|------|
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Complete the following information after performing Category One (1) Tests

| | Date | Conducted By | Verified By | Inspection Authority | Inspection Company | ASME - QEI Certified |
|---|---------|--------------|-------------|----------------------|--------------------|----------------------|
| 8.11.4.2.1 - Examine Machine Space Access/Lighting, Receptacles, Operation and Conditions | 7-14-13 | CMC KC | | | | Yes / No |
| 8.11.4.2.2 - Test Machine Space Stop Switches | 7-14-13 | CMC KC | | | | Yes / No |
| 8.11.4.2.3 - Examine Controller and Wiring | 7-14-13 | CMC KC | | | | Yes / No |
| 8.11.4.2.4 - Test Drive Machine Brakes and Torque | 7-14-13 | CMC KC | | | | Yes / No |
| 8.11.4.2.5 - Test Speed Governor | | | | | | Yes / No |
| 8.11.4.2.6 - Test Broken Drive Chain Device | | | | | | Yes / No |
| 8.11.4.2.7 - Test Reversal Stop Switch (if provided) | | | | | | Yes / No |
| 8.11.4.2.8 - Test Broken Step Chain or Treadway Device | 7-14-13 | CMC KC | | | | Yes / No |
| 8.11.4.2.9 - Test Step Upthrust Device | 7-14-13 | CMC KC | | | | Yes / No |
| 8.11.4.2.10 - Missing Step or Pallet Device | | | | | | Yes / No |
| 8.11.4.2.11 - Step or Pallet Level Device | | | | | | Yes / No |
| 8.11.4.2.12 - Steps, Pallet, Step or Pallet Chain and Trusses | 7-14-13 | CMC KC | | | | Yes / No |
| 8.11.4.2.13 - Test Handrail Safety Systems | 7-14-13 | CMC KC | | | | Yes / No |
| 8.11.4.2.14 - Test Heaters | | | | | | Yes / No |
| 8.11.4.2.15 - Examine Permissible Stretch in Escalator Chains | 7-14-13 | CMC KC | | | | Yes / No |
| 8.11.4.2.16 - Test Disconnected Motor Safety Device | 7-14-13 | CMC KC | | | | Yes / No |
| 8.11.4.2.17 - Response to Smoke Detectors | | | | | | Yes / No |
| 8.11.4.2.18 - Comb-Step or Comb-Pallet Impact Device | | | | | | Yes / No |
| 8.11.4.2.19 - Verify Step/Skirt Performance Index | 7-14-13 | CMC KC | | | | Yes / No |
| 8.11.4.2.20 - Test Clearance Between Step and Skirt (Loaded Gap) | | | | | | Yes / No |
| 8.11.4.2.21 - Inspection Control Devices | 7-14-13 | CMC KC | | | | Yes / No |
| 8.11.4.2.22 - Test Step Lateral Displacement Device | | | | | | Yes / No |
| | | | | | | Yes / No |
| | | | | | | Yes / No |
| | | | | | | Yes / No |
| | | | | | | Yes / No |
| | | | | | | Yes / No |

COMMENTS:

HIGH SIERRA ELEVATOR
 INSPECTIONS
 BILL SCHAEFER
 QEI C-3250 NV 1748
 DATE: 7/14/14

DN
 1993
 Int

HIGH SIERRA ELEVATOR INSPECTIONS
 BRAKE TORQUE 95#
 TORQUE RANGE 70-115
 DATE: 7/14/14
 DN

JNB02904

Escalator Maintenance Tasks (A17.1-2007 8.6.8)

INSTRUCTIONS: [1] Upon each regular visit, service personnel must print his / her name, date this maintenance log and check [✓] the corresponding box in the spaces provided. This log is not for use during callbacks, unless regular maintenance is also performed at that time. [2] If a task is not done during a regular visit, do not check the corresponding block. [3] Cross out those tasks listed below which are not applicable to this elevator [unit]. [4] Fill in Jobsite Information (front cover), Year & Month Starting, and Assigned Number of Visits.

| | | | | | | | | | | | | | |
|---|-------------------------------|---------------------------------------|----------|----------|----------|--------|--------|------|------|------|----|----|----|
| Printed Name _____ | | | | | | | | | | | | | |
| For the Year _____ and | | | | | | | | | | | | | |
| Month Starting _____ | | | | | | | | | | | | | |
| Assigned Number of Visits _____ | | 4,6,9,12 | 4,6,9,12 | 4,6,9,12 | 4,6,9,12 | 6,9,12 | 6,9,12 | 9,12 | 9,12 | 9,12 | 12 | 12 | 12 |
| Date _____ | | | | | | | | | | | | | |
| Inspect Every Visit or Prior to Restarting: | Starting Switches | | | | | | | | | | | | |
| | Emergency Stop Switches/Alarm | | | | | | | | | | | | |
| | Visual Inspection | | | | | | | | | | | | |
| | Handrail Condition/Speed | | | | | | | | | | | | |
| | Guards/Signs | | | | | | | | | | | | |
| | Lighting | | | | | | | | | | | | |
| | Safety Zone | | | | | | | | | | | | |
| | Ride Quality | | | | | | | | | | | | |
| During Visits, Observe, Adjust/Maintain as necessary (4, 6, 9, or 12 Visits): | Critical Lubrication | Driving Machine Lubrication | | | | | | | | | | | |
| | | Main Chain Lubrication | | | | | | | | | | | |
| | | Step Chain Lubrication | | | | | | | | | | | |
| | | Skirt Panel Lubrication | | | | | | | | | | | |
| | | Step Guide Lubrication | | | | | | | | | | | |
| | | Bearings/Other Lubrication | | | | | | | | | | | |
| | Safety Devices | Handrail Inlet Devices | | | | | | | | | | | |
| | | Comb Impact Devices | | | | | | | | | | | |
| | | Skirt Switch Devices | | | | | | | | | | | |
| | | Other Safety Devices | | | | | | | | | | | |
| During Visits, Observe, Adjust/Maintain as Necessary (Minimum of 4 Times Annually): | Handrail System | Check/Clean System | | | | | | | | | | | |
| | | Check/Adjust Chain | | | | | | | | | | | |
| | | Adjust Handrail Sag | | | | | | | | | | | |
| | Upper Pit Area | Clean and Lubricate Pit Area | | | | | | | | | | | |
| | | Drive Machine (OSM Bevel Gear) | | | | | | | | | | | |
| | | Brake Operation (ThyssenKrupp Velino) | | | | | | | | | | | |
| | | Controller | | | | | | | | | | | |
| | Lower Pit Area | Clean and Lubricate Pit Area | | | | | | | | | | | |
| | | Step Chain Tension | | | | | | | | | | | |
| | | Lights and Power | | | | | | | | | | | |
| | Track System | Clean and Inspect Track System | | | | | | | | | | | |
| | | Upthrust Tracks | | | | | | | | | | | |
| | | Transitional Support Boards | | | | | | | | | | | |
| Annual Tests: | Cleardown | | | | | | | | | | | | |
| | Tracks/Truss | | | | | | | | | | | | |
| | Step Chain Tension Device | | | | | | | | | | | | |
| Additional Items: | | | | | | | | | | | | | |
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Escalator Repair Log

INSTRUCTIONS: (1) All Billable and Non-Billable repairs shall be recorded.
 (2) Replacement parts used during repairs shall be recorded.

| DATE | Description of Work | Parts Used | Technician |
|------|---------------------|------------|------------|
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Escalator Service Request

INSTRUCTIONS: (1) This Service Request Report (Callback) Log shall be used to record all Callbacks or Complaints reported to Elevator Personnel by any means, including corrective action taken per ASME A17.1 2000 [8.6.1.4.1 (c)].
 (2) The Technician is responsible to report all trouble calls to ThyssenKrupp Dispatch that he or she receives by means other than Authorized Dispatch.

| Date | Time | Description | Resolution | Technician |
|-------|-------|--------------|----------------------------|--------------------|
| 10/28 | 12:30 | Wobble Steps | Rep/Thrust Rollers 2 steps | Chen / [Signature] |
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ESCALATOR



TEAMService

Escalator Maintenance Tasks & Records

JOBSITE INFORMATION 2015

Job Name: Golden Nugget Laughlin

Job Address: _____

Route/Contract #: 16 US135385 Escalator ID #: CE425055

Contract Type: Platinum Premier ☐ Platinum ☐ Gold ☐ Bronze ☐

Building Manager/Supt.: DON Hartman Location: engineering

Phone Number: _____ Ext.: _____

Building Engineer: _____ Location: _____

Phone Number: _____ Ext.: _____

Escalator/Unit # 2Down, State Installation # 1993

Equipment Manufacturer: Montgomery Type/Model: HR

Glass: ☐ Solid Panel: ☒

Floors Served 2 to R

Number of Steps: 59 Width of Steps: 24"

Type of Main Drive: Geared ☒ Chain ☐ Size of Chain: _____

Handrail Length: _____ Handrail Color: _____

Handrail Drive: Belt ☐ Chain ☒ Size of Chain: #80

Safety Brushes: Yes ☒ No ☐ Type of Comb Plate: Solid

The frequency of periodic inspections and tests are recommended by ASME A17.1-2007 (8.11.1.3 Periodic Inspection and Test Frequency).

The frequency of maintenance intervals, as required by Section 8.6, are determined by the TKEstimate program.

ThyssenKrupp Elevator
Americas Business Unit



JNB02907
SNL 902117

Escalator Test Log

INSTRUCTIONS:

- (1) Use one record for each controller.
- (2) When any section of the Maintenance Tasks & Records is complete or full, replace with a new Maintenance Tasks & Records.
- (3) Turn in all complete or full Maintenance Tasks & Records to Branch Office for filing.

Escalator Internal Audit Record

| Date | Auditor | Title |
|------|---------|-------|
| | | |
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| | | |

Other Testing

| Date | Test | Date | Test |
|------|------|------|------|
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Complete the following information after performing Category One (1) Tests

| | Date | Conducted By | Verified By | Inspection Authority | Inspection Company | ASME - QEI Certified |
|---|------|--------------|-------------|----------------------|--------------------|----------------------|
| 8.11.4.2.1 - Examine Machine Space Access/Lighting, Receptacles, Operation and Conditions | | | | | | Yes / No |
| 8.11.4.2.2 - Test Machine Space Stop Switches | | | | | | Yes / No |
| 8.11.4.2.3 - Examine Controller and Wiring | | | | | | Yes / No |
| 8.11.4.2.4 - Test Drive Machine Brakes and Torque | | | | | | Yes / No |
| 8.11.4.2.5 - Test Speed Governor | | | | | | Yes / No |
| 8.11.4.2.6 - Test Broken Drive Chain Device | | | | | | Yes / No |
| 8.11.4.2.7 - Test Reversal Stop Switch (if provided) | | | | | | Yes / No |
| 8.11.4.2.8 - Test Broken Step Chain or Treadway Device | | | | | | Yes / No |
| 8.11.4.2.9 - Test Step Upthrust Device | | | | | | Yes / No |
| 8.11.4.2.10 - Missing Step or Pallet Device | | | | | | Yes / No |
| 8.11.4.2.11 - Step or Pallet Level Device | | | | | | Yes / No |
| 8.11.4.2.12 - Steps, Pallet, Step or Pallet Chain and Trusses | | | | | | Yes / No |
| 3.11.4.2.13 - Test Handrail Safety Systems | | | | | | Yes / No |
| 3.11.4.2.14 - Test Heaters | | | | | | Yes / No |
| 3.11.4.2.15 - Examine Permissible Stretch in Escalator Chains | | | | | | Yes / No |
| 3.11.4.2.16 - Test Disconnected Motor Safety Device | | | | | | Yes / No |
| 3.11.4.2.17 - Response to Smoke Detectors | | | | | | Yes / No |
| 3.11.4.2.18 - Comb-Step or Comb-Pallet Impact Device | | | | | | Yes / No |
| 3.11.4.2.19 - Verify Step/Skirt Performance Index | | | | | | Yes / No |
| 3.11.4.2.20 - Test Clearance Between Step and Skirt (Loaded Gap) | | | | | | Yes / No |
| 3.11.4.2.21 - Inspection Control Devices | | | | | | Yes / No |
| 3.11.4.2.22 - Test Step Lateral Displacement Device | | | | | | Yes / No |
| | | | | | | Yes / No |
| | | | | | | Yes / No |
| | | | | | | Yes / No |
| | | | | | | Yes / No |
| | | | | | | Yes / No |

COMMENTS:

Escalator Maintenance Tasks (A17.1-2007 8.6.8)

INSTRUCTIONS: [1] Upon each regular visit, service personnel must print his / her name, date this maintenance log and check [✓] the corresponding box in the spaces provided. This log is not for use during callbacks, unless regular maintenance is also performed at that time. [2] If a task is not done during a regular visit, do not check the corresponding block. [3] Cross out those tasks listed below which are not applicable to this elevator [unit]. [4] Fill in Jobsite Information (front cover), Year & Month Starting, and Assigned Number of Visits.

| | | | | | | | | | | | | | |
|---|-------------------------------|---------------------------------------|----------|----------|----------|--------|--------|------|------|------|----|----|----|
| Printed Name _____ | | | | | | | | | | | | | |
| For the Year _____ and | | | | | | | | | | | | | |
| Month Starting _____ | | | | | | | | | | | | | |
| Assigned Number of Visits _____ | | 4,6,9,12 | 4,6,9,12 | 4,6,9,12 | 4,6,9,12 | 6,9,12 | 6,9,12 | 9,12 | 9,12 | 9,12 | 12 | 12 | 12 |
| Date _____ | | 7-27 | | | | | | | | | | | |
| Inspect Every Visit or Prior to Restarting: | Starting Switches | X | X | X | X | X | X | X | X | X | X | X | X |
| | Emergency Stop Switches/Alarm | X | X | X | X | X | X | X | X | X | X | X | X |
| | Visual Inspection | X | X | X | X | X | X | X | X | X | X | X | X |
| | Handrail Condition/Speed | X | X | X | X | X | X | X | X | X | X | X | X |
| | Guards/Signs | X | X | X | X | X | X | X | X | X | X | X | X |
| | Lighting | X | X | X | X | X | X | X | X | X | X | X | X |
| | Safety Zone | X | X | X | X | X | X | X | X | X | X | X | X |
| | Ride Quality | X | X | X | X | X | X | X | X | X | X | X | X |
| During Visits, Observe, Adjust/Maintain as necessary (4, 6, 9, or 12 Visits): | Critical Lubrication | Driving Machine Lubrication | | | | | | | | | | | |
| | | Main Chain Lubrication | | | | | | | | | | | |
| | | Step Chain Lubrication | | | | | | | | | | | |
| | | Skirt Panel Lubrication | | | | | | | | | | | |
| | | Step Guide Lubrication | | | | | | | | | | | |
| | | Bearings/Other Lubrication | | | | | | | | | | | |
| Safety Devices | Handrail Inlet Devices | | | | | | | | | | | | |
| | Comb Impact Devices | | | | | | | | | | | | |
| | Skirt Switch Devices | | | | | | | | | | | | |
| | Other Safety Devices | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| During Visits, Observe, Adjust/Maintain as Necessary (Minimum of 4 Times Annually): | Handrail System | Check/Clean System | | | | | | | | | | | |
| | | Check/Adjust Chain | | | | | | | | | | | |
| | | Adjust Handrail Sag | | | | | | | | | | | |
| | Upper Pit Area | Clean and Lubricate Pit Area | | | | | | | | | | | |
| | | Drive Machine (OSM Bevel Gear) | | | | | | | | | | | |
| | | Brake Operation (ThyssenKrupp Velino) | | | | | | | | | | | |
| | | Controller | | | | | | | | | | | |
| | Lower Pit Area | Clean and Lubricate Pit Area | | | | | | | | | | | |
| | | Step Chain Tension | | | | | | | | | | | |
| | | Lights and Power | | | | | | | | | | | |
| | Track System | Clean and Inspect Track System | | | | | | | | | | | |
| | | Upthrust Tracks | | | | | | | | | | | |
| Transitional Support Boards | | | | | | | | | | | | | |
| Annual Tests: | Cleandown | | | | | | | | | | | | |
| | Tracks/Truss | | | | | | | | | | | | |
| | Step Chain Tension Device | | | | | | | | | | | | |
| Additional Items: | checked for step cracks | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
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Escalator Repair Log

INSTRUCTIONS: (1) All Billable and Non-Billable repairs shall be recorded.
 (2) Replacement parts used during repairs shall be recorded.

| DATE | Description of Work | Parts Used | Technician |
|-------|--|------------|------------|
| 6-12 | REPLACED STEP CHAINS & BRAKE COIL, PERFORMED CLEANUP | | CJ |
| 10-16 | Replaced bad stepchain roller and | | CND |
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Escalator Service Request

INSTRUCTIONS: (1) This Service Request Report (Callback) Log shall be used to record all Callbacks or Complaints reported to Elevator Personnel by any means, including corrective action taken per ASME A17.1 2000 [8.6.1.4.1 (c)].
 (2) The Technician is responsible to report all trouble calls to ThyssenKrupp Dispatch that he or she receives by means other than Authorized Dispatch.

| Date | Time | Description | Resolution | Technician |
|---------|-------|----------------------------|-----------------------------|------------|
| 5-12-15 | 8 PM | Accident | Called state for inspection | CND |
| 5-13-15 | 10 AM | Accident Report | Returned to service | CND |
| 5-26-15 | 10 AM | Accident Report with state | Returned to service | CND |
| 5-27-15 | 10 AM | | | |
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TEAMService

Escalator Maintenance Tasks & Records

JOB SITE INFORMATION 2016

Job Name: Golden Nugget Laughlin
 Job Address: 2300 S. Casino DR.
 Route/Contract #: 16 US135386 Escalator ID #: CE42508
 Contract Type: Platinum Premier ☐ Platinum ☐ Gold ☐ Bronze ☐
 Building Manager/Supt.: Don Hartman Location: Engineering
 Phone Number: 702-298-7111 Ext.: _____
 Building Engineer: _____ Location: _____
 Phone Number: _____ Ext.: _____

Down

Escalator/Unit # 2, State Installation # 1993
 Equipment Manufacturer: Montgomery Type/Model: HR
 Glass: ☐ Solid Panel: ☒
 Floors Served C to R
 Number of Steps: 59 Width of Steps: 24"
 Type of Main Drive: Geared ☒ Chain ☐ Size of Chain: _____
 Handrail Length: _____ Handrail Color: Black
 Handrail Drive: Belt ☐ Chain ☒ Size of Chain: #80
 Safety Brushes: Yes ☒ No ☐ Type of Comb Plate: Solid

The frequency of periodic inspections and tests are recommended by ASME A17.1-2007 (8.11.1.3 Periodic Inspection and Test Frequency). The frequency of maintenance intervals, as required by Section 8.6, are determined by the TKEstimate program.

ThyssenKrupp Elevator
Americas Business Unit



JNB029115

Escalator Test Log

INSTRUCTIONS:

- (1) Use one record for each controller.
- (2) When any section of the Maintenance Tasks & Records is complete or full, replace with a new Maintenance Tasks & Records.
- (3) Turn in all complete or full Maintenance Tasks & Records to Branch Office for filing.

Escalator Internal Audit Record

| Date | Auditor | Title |
|------|---------|-------|
| | | |
| | | |
| | | |

Other Testing

| Date | Test | Date | Test |
|------|------|------|------|
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Complete the following information after performing Category One (1) Tests

| | Date | Conducted By | Verified By | Inspection Authority | Inspection Company | ASME - QEI Certified |
|---|------|--------------|-------------|----------------------|--------------------|----------------------|
| 8.11.4.2.1 - Examine Machine Space Access/Lighting, Receptacles, Operation and Conditions | | | | | | Yes / No |
| 8.11.4.2.2 - Test Machine Space Stop Switches | | | | | | Yes / No |
| 8.11.4.2.3 - Examine Controller and Wiring | | | | | | Yes / No |
| 8.11.4.2.4 - Test Drive Machine Brakes and Torque | | | | | | Yes / No |
| 8.11.4.2.5 - Test Speed Governor | | | | | | Yes / No |
| 8.11.4.2.6 - Test Broken Drive Chain Device | | | | | | Yes / No |
| 8.11.4.2.7 - Test Reversal Stop Switch (if provided) | | | | | | Yes / No |
| 8.11.4.2.8 - Test Broken Step Chain or Treadway Device | | | | | | Yes / No |
| 8.11.4.2.9 - Test Step Upthrust Device | | | | | | Yes / No |
| 8.11.4.2.10 - Missing Step or Pallet Device | | | | | | Yes / No |
| 8.11.4.2.11 - Step or Pallet Level Device | | | | | | Yes / No |
| 8.11.4.2.12 - Steps, Pallet, Step or Pallet Chain and Trusses | | | | | | Yes / No |
| 8.11.4.2.13 - Test Handrail Safety Systems | | | | | | Yes / No |
| 8.11.4.2.14 - Test Heaters | | | | | | Yes / No |
| 8.11.4.2.15 - Examine Permissible Stretch in Escalator Chains | | | | | | Yes / No |
| 8.11.4.2.16 - Test Disconnected Motor Safety Device | | | | | | Yes / No |
| 8.11.4.2.17 - Response to Smoke Detectors | | | | | | Yes / No |
| 8.11.4.2.18 - Comb-Step or Comb-Pallet Impact Device | | | | | | Yes / No |
| 8.11.4.2.19 - Verify Step/Skirt Performance Index | | | | | | Yes / No |
| 8.11.4.2.20 - Test Clearance Between Step and Skirt (Loaded Gap) | | | | | | Yes / No |
| 8.11.4.2.21 - Inspection Control Devices | | | | | | Yes / No |
| 8.11.4.2.22 - Test Step Lateral Displacement Device | | | | | | Yes / No |
| | | | | | | Yes / No |
| | | | | | | Yes / No |
| | | | | | | Yes / No |
| | | | | | | Yes / No |
| | | | | | | Yes / No |
| | | | | | | Yes / No |

COMMENTS:

Escalator Maintenance Tasks (A17.1-2007 8.6.8)

INSTRUCTIONS: [1] Upon each regular visit, service personnel must print his / her name, date this maintenance log and check [✓] the corresponding box in the spaces provided. This log is not for use during callbacks, unless regular maintenance is also performed at that time. [2] If a task is not done during a regular visit, do not check the corresponding block. [3] Cross out those tasks listed below which are not applicable to this elevator [unit]. [4] Fill in Jobsite Information (front cover), Year & Month Starting, and Assigned Number of Visits.

| | | | | | | | | | | | | | |
|---|-------------------------------|---|----------|----------|----------|--------|--------|------|------|------|----|----|----|
| Printed Name _____ | | <div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">CND</div> <div style="text-align: center;">CND</div> <div style="text-align: center;">CND</div> <div style="text-align: center;">CND</div> <div style="text-align: center;">CND</div> <div style="text-align: center;">CND</div> <div style="text-align: center;">CND</div> <div style="text-align: center;">CND</div> <div style="text-align: center;">CND</div> <div style="text-align: center;">CND</div> <div style="text-align: center;">CND</div> <div style="text-align: center;">CND</div> <div style="text-align: center;">CND</div> <div style="text-align: center;">CND</div> </div> | | | | | | | | | | | |
| For the Year _____ and | | | | | | | | | | | | | |
| Month Starting _____ | | | | | | | | | | | | | |
| Assigned Number of Visits _____ | | 4,6,9,12 | 4,6,9,12 | 4,6,9,12 | 4,6,9,12 | 6,9,12 | 6,9,12 | 9,12 | 9,12 | 9,12 | 12 | 12 | 12 |
| Date _____ | | 1-20 | 1-20 | 3-27 | 4-10 | 5-10 | 6-10 | | | | | | |
| Inspect Every Visit or Prior to Restarting: | Starting Switches | X | X | X | X | X | X | | | | | | |
| | Emergency Stop Switches/Alarm | X | X | X | X | X | X | | | | | | |
| | Visual Inspection | X | X | X | X | X | X | | | | | | |
| | Handrail Condition/Speed | X | X | X | X | X | X | | | | | | |
| | Guards/Signs | X | X | X | X | X | X | | | | | | |
| | Lighting | X | X | X | X | X | X | | | | | | |
| | Safety Zone | X | X | X | X | X | X | | | | | | |
| | Ride Quality | X | X | X | X | X | X | | | | | | |
| During Visits, Observe, Adjust/Maintain as necessary (4, 6, 9, or 12 Visits): | Critical Lubrication | Driving Machine Lubrication | | | | | X | | | | | | |
| | | Main Chain Lubrication | | | | | | | | | | | |
| | | Step Chain Lubrication | X | | | | X | | | | | | |
| | | Skirt Panel Lubrication | | | | | X | | | | | | |
| | | Step Guide Lubrication | | | | | X | | | | | | |
| | | Bearings/Other Lubrication | | | | | X | | | | | | |
| | Safety Devices | Handrail Inlet Devices | X | | | | X | X | | | | | |
| | | Comb Impact Devices | | | | | | | | | | | |
| | | Skirt Switch Devices | | | | | | | | | | | |
| | | Other Safety Devices | | | | | X | | | | | | |
| During Visits, Observe, Adjust/Maintain as Necessary (Minimum of 4 Times Annually): | Handrail System | Check/Clean System | | | X | | X | | | | | | |
| | | Check/Adjust Chain | X | | | | X | | | | | | |
| | | Adjust Handrail Sag | | | | | | | | | | | |
| | Upper Pit Area | Clean and Lubricate Pit Area | X | | X | | X | | | | | | |
| | | Drive Machine (OSM Bevel Gear) | | | | | | | | | | | |
| | | Brake Operation (ThyssenKrupp Velino) | | | | | | | | | | | |
| | | Controller | X | | | | X | | | | | | |
| | Lower Pit Area | Lights and Power | X | | | | X | | | | | | |
| | | Clean and Lubricate Pit Area | X | | | | X | | | | | | |
| | | Step Chain Tension | X | | | | X | | | | | | |
| | Track System | Lights and Power | X | | | | X | | | | | | |
| | | Clean and Inspect Track System | | | | | | | | | | | |
| | | Upthrust Tracks | | | | | X | | | | | | |
| | | Transitional Support Boards | | | | | X | | | | | | |
| Annual Tests: | Cleandown | | | | | | | | | | | | |
| | Tracks/Truss | | | | | | | | | | | | |
| | Step Chain Tension Device | | | | | | | | | | | | |
| Additional Items: | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
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Escalator Repair Log

INSTRUCTIONS: (1) All Billable and Non-Billable repairs shall be recorded.
 (2) Replacement parts used during repairs shall be recorded.

| DATE | Description of Work | Parts Used | Technician |
|---------|---|------------|------------|
| 3-24-16 | performed standby for stairless handrail company | | CMD |
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Escalator Service Request

INSTRUCTIONS: (1) This Service Request Report (Callback) Log shall be used to record all Callbacks or Complaints reported to Elevator Personnel by any means, including corrective action taken per ASME A17.1 2000 [8.6.1.4.1 (c)].
 (2) The Technician is responsible to report all trouble calls to ThyssenKrupp Dispatch that he or she receives by means other than Authorized Dispatch.

| Date | Time | Description | Resolution | Technician |
|----------|---------|---|------------|------------|
| 5-21 | | minimal water and druppel debris on lower 10 steps or so - only moisture in pit | | |
| 11-24-16 | 10:30pm | Visual inspection with state inspector after accident | | CMD |
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ESCALATOR



TEAMService

Escalator Maintenance Tasks & Records

JOB SITE INFORMATION 2011

Job Name: Golden Nugget
 Job Address: _____
 Route/Contract #: 16 US 135 386 Escalator ID #: CE 42505
 Contract Type: Platinum Premier ☒ Platinum ☐ Gold ☐ Bronze ☐
 Building Manager/Supt.: Don Hartman Location: Engineering
 Phone Number: 702-298-7111 Ext.: _____
 Building Engineer: _____ Location: _____
 Phone Number: _____ Ext.: _____

DN

Escalator/Unit # 2, State Installation # NV1993

Equipment Manufacturer: Montgomery Type/Model: Standard
 Glass: ☐ Solid Panel: ☒
 Floors Served C to R
 Number of Steps: _____ Width of Steps: 24"
 Type of Main Drive: Geared ☒ Chain ☐ Size of Chain: _____
 Handrail Length: _____ Handrail Color: Black
 Handrail Drive: Belt ☐ Chain ☒ Size of Chain: 30H
 Safety Brushes: Yes ☒ No ☐ Type of Comb Plate: Solid

The frequency of periodic inspections and tests are recommended by ASME A17.1-2007 (8.11.1.3 Periodic Inspection and Test Frequency). The frequency of maintenance intervals, as required by Section 8.6, are determined by the TKEstimate program.

ThyssenKrupp Elevator
Americas Business Unit



JNB02913

Escalator Test Log

INSTRUCTIONS:

- (1) Use one record for each controller.
- (2) When any section of the Maintenance Tasks & Records is complete or full, replace with a new Maintenance Tasks & Records.
- (3) Turn in all complete or full Maintenance Tasks & Records to Branch Office for filing.

Escalator Internal Audit Record

| Date | Auditor | Title |
|------|---------|-------|
| | | |
| | | |
| | | |

Other Testing

| Date | Test | Date | Test |
|------|------|------|------|
| | | | |
| | | | |
| | | | |

Complete the following information after performing Category One (1) Tests

| | Date | Conducted By | Verified By | Inspection Authority | Inspection Company | ASME - QEI Certified |
|---|---------|--------------|-------------|----------------------|--------------------|----------------------|
| 11.4.2.1 - Examine Machine Space Access/Lighting, Receptacles, Operation and Conditions | 9-25-17 | CMD SA | | High Sierra | TICE | Yes / No |
| 11.4.2.2 - Test Machine Space Stop Switches | | | | | | Yes / No |
| 11.4.2.3 - Examine Controller and Wiring | 9-25-17 | CMD SA | | | | Yes / No |
| 11.4.2.4 - Test Drive Machine Brakes and Torque | 9-25-17 | CMD SA | | | | Yes / No |
| 11.4.2.5 - Test Speed Governor | | | | | | Yes / No |
| 11.4.2.6 - Test Broken Drive Chain Device | | | | | | Yes / No |
| 11.4.2.7 - Test Reversal Stop Switch (if provided) | | | | | | Yes / No |
| 11.4.2.8 - Test Broken Step Chain or Treadway Device | | | | | | Yes / No |
| 11.4.2.9 - Test Step Upthrust Device | 9-25-17 | CMD SA | | | | Yes / No |
| 11.4.2.10 - Missing Step or Pallet Device | | | | | | Yes / No |
| 11.4.2.11 - Step or Pallet Level Device | | | | | | Yes / No |
| 11.4.2.12 - Steps, Pallet, Step or Pallet Chain and Trusses | 9-25-17 | CMD SA | | | | Yes / No |
| 11.4.2.13 - Test Handrail Safety Systems | 9-25-17 | CMD SA | | | | Yes / No |
| 11.4.2.14 - Test Heaters | | | | | | Yes / No |
| 11.4.2.15 - Examine Permissible Stretch in Escalator Chains | 9-25-17 | CMD SA | | | | Yes / No |
| 11.4.2.16 - Test Disconnected Motor Safety Device | 9-25-17 | CMD SA | | | | Yes / No |
| 11.4.2.17 - Response to Smoke Detectors | | | | | | Yes / No |
| 11.4.2.18 - Comb-Step or Comb-Pallet Impact Device | | | | | | Yes / No |
| 11.4.2.19 - Verify Step/Skirt Performance Index | | | | | | Yes / No |
| 11.4.2.20 - Test Clearance Between Step and Skirt (Loaded Gap) | | | | | | Yes / No |
| 11.4.2.21 - Inspection Control Devices | 9-25-17 | CMD SA | | | | Yes / No |
| 11.4.2.22 - Test Step Lateral Displacement Device | | | | | | Yes / No |
| | | | | | | Yes / No |
| | | | | | | Yes / No |
| | | | | | | Yes / No |
| | | | | | | Yes / No |
| | | | | | | Yes / No |

COMMENTS:

Escalator Maintenance Tasks (A17.1-2007 8.6.8)

INSTRUCTIONS: [1] Upon each regular visit, service personnel must print his / her name, date this maintenance log and check [✓] the corresponding box in the spaces provided. This log is not for use during callbacks, unless regular maintenance is also performed at that time. [2] If a task is not done during a regular visit, do not check the corresponding block. [3] Cross out those tasks listed below which are not applicable to this elevator [unit]. [4] Fill in Jobsite Information (front cover), Year & Month Starting, and Assigned Number of Visits.

| | | | | | | | | | | | | | |
|---|-------------------------------|---------------------------------------|--------------|--------------|--------------|------------|------------|------|------|------|----|----|----|
| Printed Name _____ | | / / / / / / / / | | | | | | | | | | | |
| For the Year _____ and | | / / / / / / / / | | | | | | | | | | | |
| Month Starting _____ | | / / / / / / / / | | | | | | | | | | | |
| Assigned Number of Visits _____ | | 4,6,9, 12 | 4,6,9, 12 | 4,6,9, 12 | 4,6,9, 12 | 6,9, 12 | 6,9, 12 | 9,12 | 9,12 | 9,12 | 12 | 12 | 12 |
| Date _____ | | 1-27 | | | 4-21 | | 5-18 | | | 9-25 | | | |
| Inspect Every Visit or Prior to Restarting: | Starting Switches | X | | | X | | X | | | X | | | |
| | Emergency Stop Switches/Alarm | X | | | X | | X | | | X | | | |
| | Visual Inspection | X | | | X | | X | | | X | | | |
| | Handrail Condition/Speed | X | | | X | | X | | | X | | | |
| | Guards/Signs | X | | | X | | X | | | X | | | |
| | Lighting | X | | | X | | X | | | X | | | |
| | Safety Zone | X | | | X | | X | | | X | | | |
| | Ride Quality | X | | | X | | X | | | X | | | |
| During Visits, Observe, Adjust/Maintain as necessary (4, 6, 9, or 12 Visits): | Critical Lubrication | Driving Machine Lubrication | | | | | | | | X | | | |
| | | Main Chain Lubrication | | | | | | | | | | | |
| | | Step Chain Lubrication | | | | | | X | | | X | | |
| | | Skirt Panel Lubrication | | | | | | | | | | | |
| | | Step Guide Lubrication | | | | | | | | | | | |
| | Safety Devices | Bearings/Other Lubrication | | | | | | | | | | | |
| | | Handrail Inlet Devices | | | | | | | | | X | | |
| | | Comb Impact Devices | | | | | | | | | X | | |
| | | Skirt Switch Devices | | | | | | | | | X | | |
| | | Other Safety Devices | | | | | | | | | X | | |
| During Visits, Observe, Adjust/Maintain as Necessary (Minimum of 4 Times Annually): | Handrail System | Check/Clean System | | | | | | | | X | | | |
| | | Check/Adjust Chain | | | | | | X | | | | | |
| | | Adjust Handrail Sag | | | | | | | | | | | |
| | Upper Pit Area | Clean and Lubricate Pit Area | | | | | | X | | | X | | |
| | | Drive Machine (OSM Bevel Gear) | | | | | | X | | | | | |
| | | Brake Operation (ThyssenKrupp Velino) | | | | | | | | | | | |
| | | Controller | | | | | | X | | | X | | |
| | Lower Pit Area | Lights and Power | | | | | | X | | | X | | |
| | | Clean and Lubricate Pit Area | | | | | | | | | X | | |
| | | Step Chain Tension | | | | | | | | | X | | |
| | Track System | Lights and Power | | | | | | | | | X | | |
| | | Clean and Inspect Track System | | | | | | | | | X | | |
| | | Upthrust Tracks | | | | | | | | | X | | |
| Annual Tests: | Transitional Support Boards | | | | | | | | | X | | | |
| | Cleandown | | | | | | | | | | | | |
| | Tracks/Truss | | | | | | | | | X | | | |
| Additional Items: | Step Chain Tension Device | | | | | | | | | X | | | |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |

INSTRUCTIONS:

- (1) All Billable and Non-Billable repairs shall be recorded.
- (2) Replacement parts used during repairs shall be recorded.

[illegible]

Escalator Service Request

INSTRUCTIONS: (1) This Service Request Report (Callback) Log shall be used to record all Callbacks or Complaints reported to Elevator Personnel by any means, including corrective action taken per ASME A17.1 2000 [8.6.1.4.1 (c)].

(2) The Technician is responsible to report all trouble calls to ThyssenKrupp Dispatch that he or she receives by means other than Authorized Dispatch.

| Date | Time | Description | Resolution | Technician |
|-------|------|---|------------|------------|
| | | | | |
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| | | | | |
| 8-30 | | Making noise adjust chain + track and tension | | CMD |
| 10-9 | | Handrail came off + track worn out | | CMD |
| 11-16 | | Assisted Escalator consultant with checking unit operation | | CMD |
| | | | | |
| | | | | |
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EXHIBIT 1-G

EXHIBIT 1-G

JNB02919

Account History Report

Report Run Date: 30-OCT-2017 11:40:38 Branch: 108950 Branch Name: Start Date: 01-MAY-2010 End Date: 31-DEC-2015 Activity Status: PROCESSED SR Priority: Customer Acct#: Customer Name: Unit Serial#: US135386 Contract#: Building Name: Route#: SR#: Include PM: Yes Include Callbacks: Yes Include SI: Yes Include Repairs: Yes



JNB_002013

Customer: GOLDEN NUGGET Customer Number: 16087

Site Name: GOLDEN NUGGET HOTEL PARIS CASINO DR. FAUCHER ST. 170

| Annual Safety Test | Assigned To | Incident Date | Act Start Date | Act End Date | Travel Hrs | Labor Hrs | Total Hrs |
|---|------------------------|---------------------------|---------------------------|---------------------------|-----------------|-----------------|-----------------|
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 9164974 Task #: 5084793 Priority: P3 Standard Payroll Status: PROCESSED Description: ANNUAL ESCALATOR TESTING GOLDEN NUGGET HOTEL #2 Down Resolution: perform annual internal inspections with kathy c. and bill shaefer Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 07/14/2014 02:00:00 PM | 07/14/2014 02:00:00 PM | 07/14/2014 04:00:00 PM | 0 hrs 0 mins | 2 hrs 0 mins | 2 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 9164974 Task #: 5084792 Priority: P3 Standard Payroll Status: PROCESSED Description: ANNUAL ESCALATOR TESTING GOLDEN NUGGET HOTEL #2 Down Resolution: N/A Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | CLENDENEN, KATHLEEN E | 07/14/2014 02:00:00 PM | 07/14/2014 02:00:00 PM | 07/14/2014 04:00:00 PM | 0 hrs 0 mins | 2 hrs 0 mins | 2 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 2813268 Task #: 1713304 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Annual SI Resolution: Safety Test Performed annual safety no load tests Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 07/16/2013 07:00:00 AM | 07/16/2013 07:00:00 AM | 07/16/2013 09:00:00 AM | 0 hrs 0 mins | 2 hrs 0 mins | 2 hrs 0 mins |
| GOLDEN NUGGET HOTEL - Annual Safety Test Subtotal | | | | | 0 hrs 0 mins | 6 hrs 0 mins | 6 hrs 0 mins |

JNB02920

Customer: GOLDEN NUGGET Customer Number: 73221

Site Name: GOLDEN NUGGET HOTEL 2200 S CASINO DR LAUGHLIN 89024-1520

| Callback | Assigned To | Incident Date | Act Start Date | Act End Date | Travel Hrs | Labor Hrs | Total Hrs |
|---|------------------------|---------------------------|---------------------------|---------------------------|------------------|------------------|------------------|
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 15242816 Task #: 8295174 Priority: P2 Contractual Payroll Status: PROCESSED Description: KEEPS TURNING OFF, NO INJY, SVC MON AM Caller: WINDY HALL PH: 7022987111 Resolution: down escalator, found lip gloss bottle stuck in lower left handrail inlet causing unit to shutdown, also adjusted stepchain tension switches,observed operation and returned to service Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 08/02/2015 01:24:00 PM | 08/03/2015 01:30:00 PM | 08/03/2015 02:30:00 PM | 0 hrs 30 mins | 0 hrs 30 mins | 1 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 14178064 Task #: 7727173 Priority: P2 Contractual Payroll Status: PROCESSED Description: HAD ACCIDENT ON ESC;INJURED;PARAMEDICS TOOK CUST TO HOSPITAL. SVC TUE AM *PER PROTOCOL HAVE TKE LOOK AT ESC* Caller: GEORGE PH: 7022987111 Resolution: down escalator, filled out incident report, see report for information, reviewed security footage, performed visual inspection with state inspector lorne travis, unit returned to service Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 05/25/2015 08:11:00 PM | 05/26/2015 08:00:00 AM | 05/26/2015 12:00:00 PM | 0 hrs 0 mins | 4 hrs 0 mins | 4 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 13999284 Task #: 7632101 Priority: P2 Contractual Payroll Status: PROCESSED Description: PERSON FELL AND WAS HURT. UNOC, SVC OT/OK Caller: STANLEY VOSS PH: 7022987110 Resolution: down escalator, accident, guest went to hospital, unit down until state inspector has inspected unit Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 05/12/2015 08:18:00 PM | 05/12/2015 07:45:00 PM | 05/12/2015 08:30:00 PM | 0 hrs 15 mins | 0 hrs 30 mins | 0 hrs 45 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 13937272 Task #: 7599203 Priority: P2 Contractual Payroll Status: PROCESSED Description: #2 OWN ESC HANDRAIL SQUEAKING TOO MUCH Caller: DON PH: 702-604-7005 Resolution: down escalator, aquired grease gun, proper grease and searched for new step rollers, greased all stepchain roller assemblies that take grease, observed operation and returned to service Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 05/07/2015 10:57:46 AM | 05/07/2015 12:00:00 PM | 05/07/2015 03:00:00 PM | 0 hrs 0 mins | 3 hrs 0 mins | 3 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 13729600 Task #: 7488723 Priority: P2 Contractual Payroll Status: PROCESSED Description: DOWN ESC NOT WORKING Caller: PEGGY PH: 702 298 7161 Resolution: down escalator, unit reported not restarting, unit running on arrival Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 04/24/2015 09:34:46 AM | 04/24/2015 12:00:00 PM | 04/24/2015 12:30:00 PM | 0 hrs 0 mins | 0 hrs 30 mins | 0 hrs 30 mins |

JNB_002014

JNB02921

Customer: GOLDBEX NUGGET Customer Number: 75087

Site Name: GOLDEN NUGGET HOTEL 2300 S CASINO DR LAUGHLIN 89029-1520

| Callback | Assigned To | Incident Date | Act Start Date | Act End Date | Travel Hrs | Labor Hrs | Total Hrs |
|--|------------------------|---------------------------|---------------------------|---------------------------|------------------|------------------|------------------|
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 10892656 Task #: 5977631 Priority: P2 Contractual Payroll Status: PROCESSED Description: LOOSE STEPS ON ESC, NO ONJ SVC TUES AM. Caller: ALVIN DYKES PH: 7082987111 Resolution: down escalator, removed 2 steps, replaced both trailwheel rollers on both steps, reinstalled steps, observed operation and returned to service Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 10/27/2014 05:05:00 PM | 10/28/2014 01:30:00 PM | 10/28/2014 02:30:00 PM | 0 hrs 0 mins | 1 hrs 0 mins | 1 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 8363424 Task #: 4627749 Priority: P2 Contractual Payroll Status: PROCESSED Description: NOISE ON TOP S/D NO INJURYS SVC TODAY ASAP Caller: CHRISTY PH: 7022987111 Resolution: down escalator, found to have bad gearbox that needs replacement, unit shutdown Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 05/11/2014 07:33:00 AM | 05/11/2014 04:15:00 PM | 05/11/2014 05:45:00 PM | 0 hrs 30 mins | 1 hrs 0 mins | 1 hrs 30 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 4814324 Task #: 2761568 Priority: P2 Contractual Payroll Status: PROCESSED Description: Work Not Finished: BANG NOISE BOTTOM, NO INJURYS SVC TODAY OT OK Caller: CRITINA TANNER PH: 7022987111 Resolution: down esc, aquired new stepguide track, fabricated material, installed stepguide track and adj, replaced steps, replaced inner decking, returned to service Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 06/30/2013 08:33:00 AM | 07/01/2013 09:30:00 AM | 07/01/2013 12:00:00 PM | 0 hrs 0 mins | 2 hrs 30 mins | 2 hrs 30 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 4814324 Task #: 2754711 Priority: P2 Contractual Payroll Status: PROCESSED Description: BANG NOISE BOTTOM, NO INJURYS SVC TODAY OT OK Caller: CRITINA TANNER PH: 7022987111 Resolution: down esc, steps hitting combs, found broken rh stepguide, redmoxed bad stepguide, need to fabricate new stepguide to same specs, unit s/d Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 06/30/2013 08:33:00 AM | 06/30/2013 01:00:00 PM | 06/30/2013 02:30:00 PM | 0 hrs 30 mins | 1 hrs 0 mins | 1 hrs 30 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 3656424 Task #: 2149958 Priority: P2 Contractual Payroll Status: PROCESSED Description: SQUEAKING, SVC OT Caller: JEFF DARA PH: 7022987111 Resolution: down esc #2 lubricated skirts Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 02/23/2013 07:40:06 AM | 02/23/2013 09:30:00 AM | 02/23/2013 10:30:00 AM | 0 hrs 30 mins | 0 hrs 30 mins | 1 hrs 0 mins |

JNB_002015

JNB02922

Customer: GOLDEN NUGGET Customer Number: 78867

Site Name: GOLDEN NUGGET HOTEL 2300 S CASINO DR LAUGHLIN 89029-1520

| Callback | Assigned To | Incident Date | Act Start Date | Act End Date | Travel Hrs | Labor Hrs | Total Hrs |
|---|------------------------|---------------------------|---------------------------|---------------------------|------------------|------------------|------------------|
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 3332870 Task #: 1983377 Priority: P2 Contractual Payroll Status: PROCESSED Description: DOWN ESC KEEP SHUTTING DOWN IT RUNS FOR A WHILE THEN S/D WHEN YOU RESTART. SVC ON O.T ASAP. Caller: CHRISTIE PH: 7022987111 Resolution: ADJ LOWER RIGHT AND LEFT SKIRT SWITCHES, Visually observed operation Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 01/13/2013 07:03:02 AM | 01/13/2013 12:30:00 PM | 01/13/2013 01:30:00 PM | 0 hrs 30 mins | 0 hrs 30 mins | 1 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 3332448 Task #: 1983162 Priority: P2 Contractual Payroll Status: PROCESSED Description: STOPPD WRKG, NO INJ, OT OK Caller: CHRISTIE PH: 7022987111 Resolution: restarted unit, inspected handrail inlets, stop switches, deck plates, observed operation for 15 minutes Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 01/12/2013 12:41:06 PM | 01/12/2013 02:00:00 PM | 01/12/2013 03:00:00 PM | 0 hrs 30 mins | 0 hrs 30 mins | 1 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 3200550 Task #: 1914680 Priority: P2 Contractual Payroll Status: PROCESSED Description: Continues to shut off Caller: Kelly PH: 298-7111 Resolution: removed inner decking panel, adj skirt switch, ob, rts Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 12/20/2012 08:40:02 AM | 12/21/2012 07:00:00 AM | 12/21/2012 09:00:00 AM | 0 hrs 0 mins | 2 hrs 0 mins | 2 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 3147006 Task #: 1886922 Priority: P2 Contractual Payroll Status: PROCESSED Description: SWITCH ON ESC IS BROKEN, SVC TODAY Caller: PEGGY RUIZ PH: 7022987161 Resolution: unit running on arrival, went to home depot for screws, replaced all missing screws on up unit handrail inlets, adjusted lower handrail inlets, replaced all missing screws on handrail inlets on up unit Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 12/14/2012 12:30:10 PM | 12/14/2012 12:00:00 PM | 12/14/2012 03:00:00 PM | 0 hrs 0 mins | 3 hrs 0 mins | 3 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 3109252 Task #: 1867245 Priority: P2 Contractual Payroll Status: PROCESSED Description: DOWN ESC KEEPS SHUTTING Caller: PEGGY PH: 298-7161 Resolution: Left unit shutdown. Ordered new stop switch. Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: ON FILE | MORAN, LEONARD J | 12/10/2012 12:29:37 PM | 12/10/2012 02:00:00 PM | 12/10/2012 02:15:00 PM | 0 hrs 0 mins | 0 hrs 15 mins | 0 hrs 15 mins |

JNB_002016

JNB02923

Customer: GOLDEN NUGGET Customer Number: 78987

Site Name: GOLDEN NUGGET HOTEL 2300 S CASINO DR LAUGHLIN 89029-1520

| Callback | Assigned To | Incident Date | Act Start Date | Act End Date | Travel Hrs | Labor Hrs | Total Hrs |
|---|-----------------------|---------------------------|---------------------------|---------------------------|------------------|-------------------|-------------------|
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down | MORAN, LEONARD J | 12/09/2012 10:09:06 AM | 12/09/2012 10:45:00 AM | 12/09/2012 12:45:00 PM | 0 hrs 30 mins | 1 hrs 30 mins | 2 hrs 0 mins |
| Activity Code: SR #: 3099850 Task #: 1862272 Priority: P2 Contractual Payroll Status: PROCESSED | | | | | | | |
| Description: KEEPS STOPPING, WONT RESET. ADV OF OT. SVC ASAP Caller: CHRISTY TANNER PH: 7022987111 | | | | | | | |
| Resolution: Tested operation for 30 mins all OK.Shut unit down and failed to restart.Adjusted acces safety switch on LH side. Found stop switch cover making contact with stop switch. Shimmed stop switch cover. | | | | | | | |
| Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N | | | | | | | |
| PO #: N/A | | | | | | | |
| GOLDEN NUGGET HOTEL - Callback Subtotal | | | | | 3 hrs 45 mins | 22 hrs 15 mins | 26 hrs 0 mins |
| On Site Repair | Assigned To | Incident Date | Act Start Date | Act End Date | Travel Hrs | Labor Hrs | Total Hrs |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down | JOHNSTON, CAMERON D | 06/08/2015 07:00:00 AM | 06/08/2015 07:00:00 AM | 06/12/2015 05:00:00 PM | 4 hrs 0 mins | 36 hrs 45 mins | 40 hrs 45 mins |
| Activity Code: SR #: 14225410 Task #: 7832292 Priority: P3 Standard Payroll Status: PROCESSED | | | | | | | |
| Description: GOLDEN NUGGET HOTEL REPLACE BAD STEP CHAIN THIS WAS WRITTEN UP BY THE STATE. ESCALATOR: #2 DOWN | | | | | | | |
| Resolution: N/A | | | | | | | |
| Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N | | | | | | | |
| PO #: N/A | | | | | | | |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down | WEBSTER, BRANDON P | 06/08/2015 07:15:00 AM | 06/08/2015 07:15:00 AM | 06/11/2015 06:00:00 PM | 5 hrs 45 mins | 24 hrs 0 mins | 29 hrs 45 mins |
| Activity Code: SR #: 14225410 Task #: 7845161 Priority: P3 Standard Payroll Status: PROCESSED | | | | | | | |
| Description: GOLDEN NUGGET HOTEL REPLACE BAD STEP CHAIN THIS WAS WRITTEN UP BY THE STATE. ESCALATOR: #2 DOWN | | | | | | | |
| Resolution: replace step chain replace step chain | | | | | | | |
| Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N | | | | | | | |
| PO #: N/A | | | | | | | |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down | CLENDENEN, KATHLEEN E | 05/23/2014 06:00:00 AM | 05/23/2014 06:00:00 AM | 05/23/2014 06:00:00 PM | 2 hrs 0 mins | 10 hrs 0 mins | 12 hrs 0 mins |
| Activity Code: SR #: 8414662 Task #: 4745980 Priority: P3 Standard Payroll Status: PROCESSED | | | | | | | |
| Description: GOLDEN NUGGETREMOVE AND INSTALL DAMAGED ESCALTOR GEAR BOX #2 DOWN | | | | | | | |
| Resolution: N/A | | | | | | | |
| Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N | | | | | | | |
| PO #: N/A | | | | | | | |

JNB_002017

JNB02924

Customer: GOLDEN NUGGET Customer Number: 72097

Site Name: GOLDEN NUGGET HOTEL 2300 S CASINO DR LAUGHLIN 89029-1520

JNB_002018

| On Site Repair | Assigned To | Incident Date | Act Start Date | Act End Date | Travel Hrs | Labor Hrs | Total Hrs |
|---|------------------------|---------------------------|---------------------------|---------------------------|-------------------|-------------------|--------------------|
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down | MCEWEN, MONTE J | 05/14/2014 06:00:00 AM | 05/14/2014 06:00:00 AM | 05/24/2014 02:00:00 AM | 2 hrs 0 mins | 20 hrs 15 mins | 22 hrs 15 mins |
| Activity Code: SR #: 8414662 Task #: 4662632 Priority: P3 Standard Payroll Status: PROCESSED | | | | | | | |
| Description: GOLDEN NUGGET REMOVE AND INSTALL DAMAGED ESCALATOR GEAR BOX #2 DOWN | | | | | | | |
| Resolution: N/A | | | | | | | |
| Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N | | | | | | | |
| PO #: N/A | | | | | | | |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down | DUTCHER, CHRISTOPHER M | 05/14/2014 07:00:00 AM | 05/14/2014 07:00:00 AM | 05/23/2014 12:00:00 PM | 0 hrs 0 mins | 12 hrs 0 mins | 12 hrs 0 mins |
| Activity Code: SR #: 8414662 Task #: 4662633 Priority: P3 Standard Payroll Status: PROCESSED | | | | | | | |
| Description: GOLDEN NUGGET REMOVE AND INSTALL DAMAGED ESCALATOR GEAR BOX #2 DOWN | | | | | | | |
| Resolution: N/A | | | | | | | |
| Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N | | | | | | | |
| PO #: N/A | | | | | | | |
| GOLDEN NUGGET HOTEL - On Site Repair Subtotal | | | | | 13 hrs 45 mins | 103 hrs 0 mins | 116 hrs 45 mins |
| Preventive Maintenance | Assigned To | Incident Date | Act Start Date | Act End Date | Travel Hrs | Labor Hrs | Total Hrs |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down | DUTCHER, CHRISTOPHER M | 12/01/2015 06:00:00 AM | 12/01/2015 06:00:00 AM | 12/01/2015 07:00:00 AM | 0 hrs 0 mins | 1 hrs 0 mins | 1 hrs 0 mins |
| Activity Code: SR #: 17069364 Task #: 9268986 Priority: P3 Standard Payroll Status: PROCESSED | | | | | | | |
| Description: TKE Preventive Maintenance Caller: N/A PH: N/A | | | | | | | |
| Resolution: observed operation and rode units | | | | | | | |
| Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N | | | | | | | |
| PO #: N/A | | | | | | | |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down | DUTCHER, CHRISTOPHER M | 11/19/2015 06:00:00 AM | 11/19/2015 06:00:00 AM | 11/19/2015 07:00:00 AM | 0 hrs 0 mins | 1 hrs 0 mins | 1 hrs 0 mins |
| Activity Code: SR #: 16930104 Task #: 9195358 Priority: P3 Standard Payroll Status: PROCESSED | | | | | | | |
| Description: TKE Preventive Maintenance Caller: N/A PH: N/A | | | | | | | |
| Resolution: down escalator, spoke with don hartman about proposals | | | | | | | |
| Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N | | | | | | | |
| PO #: N/A | | | | | | | |

JNB02925

Customer: GOLDEN NUGGET Customer Number: 75007

Site Name: GOLDEN NUGGET HOTEL 300 S CASINO DR LAUGHLIN NV 89021-1020

| Preventive Maintenance | Assigned To | Incident Date | Act Start Date | Act End Date | Travel Hrs | Labor Hrs | Total Hrs |
|---|------------------------|---------------------------|---------------------------|---------------------------|-----------------|------------------|------------------|
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 16465236 Task #: 8947603 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: down escalator, customer relations with don hartman, as per dons request I checked steprollers Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 10/19/2015 09:00:00 AM | 10/19/2015 09:00:00 AM | 10/19/2015 10:00:00 AM | 0 hrs 0 mins | 1 hrs 0 mins | 1 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 16428998 Task #: 8928246 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: assisted john rankin with measurements for modernization proposal Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 10/16/2015 01:00:00 PM | 10/16/2015 01:00:00 PM | 10/16/2015 02:30:00 PM | 0 hrs 0 mins | 1 hrs 30 mins | 1 hrs 30 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 16221324 Task #: 8817162 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: observed operation of units,customer relations with don hartman about his escalator steps needing replaced Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 10/05/2015 06:15:00 AM | 10/05/2015 06:15:00 AM | 10/05/2015 09:00:00 AM | 0 hrs 0 mins | 2 hrs 45 mins | 2 hrs 45 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 15946926 Task #: 8671464 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: observed operation of both units Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 09/17/2015 08:00:00 AM | 09/17/2015 08:00:00 AM | 09/17/2015 09:00:00 AM | 0 hrs 0 mins | 1 hrs 0 mins | 1 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 15580036 Task #: 8475314 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: observed operation of both escalators,customer relations with don hartman, checked escalator roller assemblies that kone supplied to customer Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 08/24/2015 06:15:00 AM | 08/24/2015 06:15:00 AM | 08/24/2015 07:00:00 AM | 0 hrs 0 mins | 0 hrs 45 mins | 0 hrs 45 mins |

JNB_002019

JNB02926

Customer: GOLDEN NUGGET Customer Number: 76007

Site Name: GOLDEN NUGGET HOTEL 2800 S CASINO DR LAUGHLIN 89029-1520

| Preventive Maintenance | Assigned To | Incident Date | Act Start Date | Act End Date | Travel Hrs | Labor Hrs | Total Hrs |
|--|------------------------|---------------------------|---------------------------|---------------------------|-----------------|------------------|------------------|
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 15369868 Task #: 8363230 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: Preventive Maintenance Performed Preventive Maintenance Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 08/10/2015 06:15:00 AM | 08/10/2015 06:15:00 AM | 08/10/2015 06:45:00 AM | 0 hrs 0 mins | 0 hrs 30 mins | 0 hrs 30 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 15309236 Task #: 8330939 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: up and down escalator, visual inspection of units operation, went into golden nugget warehouse to examine escalator steps they had purchased, spoke with don hartman Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 08/06/2015 06:00:00 AM | 08/06/2015 06:00:00 AM | 08/06/2015 08:00:00 AM | 0 hrs 0 mins | 2 hrs 0 mins | 2 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 14934394 Task #: 8130274 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: Preventive Maintenance Performed Preventive Maintenance,oiled stepchains,removed inner decking upper left and upper right to oil handrail drive chains,installed inner decking,returned to service Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 07/13/2015 06:15:00 AM | 07/13/2015 06:15:00 AM | 07/13/2015 08:15:00 AM | 0 hrs 0 mins | 2 hrs 0 mins | 2 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 14874254 Task #: 8098491 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: observed operation of units,rode both units to check performance Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 07/08/2015 06:00:00 AM | 07/08/2015 06:00:00 AM | 07/08/2015 07:00:00 AM | 0 hrs 0 mins | 1 hrs 0 mins | 1 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 14625638 Task #: 7965988 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: customer relations with don hartman Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 06/22/2015 01:30:00 PM | 06/22/2015 01:30:00 PM | 06/22/2015 03:00:00 PM | 0 hrs 0 mins | 1 hrs 30 mins | 1 hrs 30 mins |

JNB_002020

JNB02927

Customer: GOLDEN NUGGET Customer Number: 75037

Site Name: GOLDEN NUGGET HOTEL 2300 S CASINO DR LAUGHLIN 89020-1520

| Preventive Maintenance | Assigned To | Incident Date | Act Start Date | Act End Date | Travel Hrs | Labor Hrs | Total Hrs |
|---|------------------------|---------------------------|---------------------------|---------------------------|-----------------|------------------|------------------|
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 14531602 Task #: 7915706 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: assisted larry panaro Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 06/16/2015 09:15:00 AM | 06/16/2015 09:15:00 AM | 06/16/2015 10:00:00 AM | 0 hrs 0 mins | 0 hrs 45 mins | 0 hrs 45 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 14531744 Task #: 7915782 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: N/A Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: * PO #: N/A | GASPER, JOSEPH T | 06/12/2015 07:00:00 AM | 06/12/2015 07:00:00 AM | 06/12/2015 05:00:00 PM | 1 hrs 0 mins | 8 hrs 0 mins | 9 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 14466046 Task #: 7880793 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: deliver tools/supplies to repair crew Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 06/11/2015 06:00:00 AM | 06/11/2015 06:00:00 AM | 06/11/2015 08:00:00 AM | 0 hrs 0 mins | 2 hrs 0 mins | 2 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 14420894 Task #: 7856742 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: down escalator, fueled work vehicle,dropped off parts, cameron's helper in escalator training and i filled in for the 2nd man in repair team,cleandown unit and prepare for stepchain replacement,assisted in dissassembling chains Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 06/09/2015 06:00:00 AM | 06/09/2015 06:00:00 AM | 06/09/2015 12:00:00 PM | 0 hrs 0 mins | 6 hrs 0 mins | 6 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 14400938 Task #: 7846009 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: assisted repair crew with barricades needed for repair,brought material to jobsite Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 06/08/2015 09:45:00 AM | 06/08/2015 09:45:00 AM | 06/08/2015 12:00:00 PM | 0 hrs 0 mins | 2 hrs 15 mins | 2 hrs 15 mins |

JNB_002021

JNB02928

Customer: GOLDEN NUGGET Customer Number: 75867

Site Name: GOLDEN NUGGET HOTEL 2200 S CASINO DR LAUGHLIN 89030-1520

Preventive Maintenance

Assigned To

Incident Date Act Start Date Act End Date Travel Hrs Labor Hrs Total Hrs

| | | | | | | | |
|--|------------------------|---------------------------|---------------------------|---------------------------|-----------------|-----------------|-----------------|
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down | DUTCHER, CHRISTOPHER M | 06/03/2015 12:00:00 PM | 06/03/2015 12:00:00 PM | 06/03/2015 02:00:00 PM | 0 hrs 0 mins | 2 hrs 0 mins | 2 hrs 0 mins |
| Activity Code: SR #: 14329684 Task #: 7807916 Priority: P3 Standard Payroll Status: PROCESSED | | | | | | | |
| Description: TKE Preventive Maintenance Caller: N/A PH: N/A | | | | | | | |
| Resolution: discussed concerns with scott olsen and larry panaro | | | | | | | |
| Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N | | | | | | | |
| PO #: N/A | | | | | | | |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down | DUTCHER, CHRISTOPHER M | 05/28/2015 06:00:00 AM | 05/28/2015 06:00:00 AM | 05/28/2015 08:00:00 AM | 0 hrs 0 mins | 2 hrs 0 mins | 2 hrs 0 mins |
| Activity Code: SR #: 14243062 Task #: 7761948 Priority: P3 Standard Payroll Status: PROCESSED | | | | | | | |
| Description: TKE Preventive Maintenance Caller: N/A PH: N/A | | | | | | | |
| Resolution: down escalator, customer relations with don hartman about cracked steps and worn stepchain | | | | | | | |
| Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N | | | | | | | |
| PO #: N/A | | | | | | | |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down | DUTCHER, CHRISTOPHER M | 05/27/2015 07:00:00 AM | 05/27/2015 07:00:00 AM | 05/27/2015 02:00:00 PM | 0 hrs 0 mins | 7 hrs 0 mins | 7 hrs 0 mins |
| Activity Code: SR #: 14216198 Task #: 7747560 Priority: P3 Standard Payroll Status: PROCESSED | | | | | | | |
| Description: TKE Preventive Maintenance Caller: N/A PH: N/A | | | | | | | |
| Resolution: down escalator, acquired 2 quotes for part replacement, printed obsolescence and replacement policy statement fabricated escalator steps with step body cracks, faxed in accident reports, barricaded unit and cleaned all faces of steps and inspected for cracks as layed out in kone bulletin, observed operation and returned to service | | | | | | | |
| Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N | | | | | | | |
| PO #: N/A | | | | | | | |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down | DUTCHER, CHRISTOPHER M | 05/13/2015 06:00:00 AM | 05/13/2015 06:00:00 AM | 05/13/2015 08:00:00 AM | 0 hrs 0 mins | 2 hrs 0 mins | 2 hrs 0 mins |
| Activity Code: SR #: 14024880 Task #: 7645676 Priority: P3 Standard Payroll Status: PROCESSED | | | | | | | |
| Description: TKE Preventive Maintenance Caller: N/A PH: N/A | | | | | | | |
| Resolution: called state inspector for accident inspection, met with inspector steve robertson and reviewed security video, visually inspected escalator, observed unit in normal operating condition and returned to service | | | | | | | |
| Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N | | | | | | | |
| PO #: N/A | | | | | | | |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down | DUTCHER, CHRISTOPHER M | 04/10/2015 06:00:00 AM | 04/10/2015 06:00:00 AM | 04/10/2015 12:00:00 PM | 0 hrs 0 mins | 6 hrs 0 mins | 6 hrs 0 mins |
| Activity Code: SR #: 13506168 Task #: 7369573 Priority: P3 Standard Payroll Status: PROCESSED | | | | | | | |
| Description: TKE Preventive Maintenance Caller: N/A PH: N/A | | | | | | | |
| Resolution: down escalator, customer reported noises, picked up parts from riverside, replace trailwheel rollers on 6 steps and tightened the stepreads | | | | | | | |
| Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N | | | | | | | |
| PO #: N/A | | | | | | | |

JNB_002022

JNB02929

Customer: GOLDEN NUGGET Customer Number: 76897

Site Name: GOLDEN NUGGET HOTEL 2300 S CASINO DR LAUGHLIN 89029-1620

| Preventive Maintenance | Assigned To | Incident Date | Act Start Date | Act End Date | Travel Hrs | Labor Hrs | Total Hrs |
|--|------------------------|---------------------------|---------------------------|---------------------------|-----------------|------------------|------------------|
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 13506170 Task #: 7369574 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: oiled stepchains Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 04/10/2015 01:00:00 PM | 04/10/2015 01:00:00 PM | 04/10/2015 01:30:00 PM | 0 hrs 0 mins | 0 hrs 30 mins | 0 hrs 30 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 11661220 Task #: 6388281 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: Preventive Maintenance Performed Preventive Maintenance Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 12/16/2014 06:30:00 AM | 12/16/2014 06:30:00 AM | 12/16/2014 07:00:00 AM | 0 hrs 0 mins | 0 hrs 30 mins | 0 hrs 30 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 11420120 Task #: 6259445 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: visual inspection of units Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 12/02/2014 06:30:00 AM | 12/02/2014 06:30:00 AM | 12/02/2014 07:00:00 AM | 0 hrs 0 mins | 0 hrs 30 mins | 0 hrs 30 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 11239198 Task #: 6162639 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: down escalator, cleaned upper and lower pits, replaced pit pads, removed 2 steps, checked gear oil, replaced 2 steps, added oil to dip bucket, tightened all connections in controller, sprayed skirts, observed operation and returned to service Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 11/18/2014 08:30:00 AM | 11/18/2014 08:30:00 AM | 11/18/2014 10:00:00 AM | 0 hrs 0 mins | 1 hrs 30 mins | 1 hrs 30 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 10622226 Task #: 5832413 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: visual inspect both units, received paint from sherwin williams, customer relations Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 10/09/2014 07:00:00 AM | 10/09/2014 07:00:00 AM | 10/09/2014 09:00:00 AM | 0 hrs 0 mins | 2 hrs 0 mins | 2 hrs 0 mins |

JNB_002023

JNB02930

Customer: GOLDEN NUGGET Customer Number: 75887

Site Name: GOLDEN NUGGET HOTEL 2300 S CASINO DR LAUGHLIN 89020-1520

Preventive Maintenance

Assigned To

Incident Date

Act Start Date

Act End Date

Travel Hrs

Labor Hrs

Total Hrs

SN: US135386 OEM SerNo: CE42505 Description: #2 Down

DUTCHER, CHRISTOPHER M

09/05/2014
07:00:00 AM

09/05/2014
07:00:00 AM

09/05/2014
08:00:00 AM

0 hrs 0
mins

1 hrs 0
mins

1 hrs 0
mins

Activity Code: SR #: 10085204 Task #: 5545364 Priority: P3 Standard Payroll Status: PROCESSED

Description: TKE Preventive Maintenance Caller: N/A PH: N/A

Resolution: Preventive Maintenance | Performed Preventive Maintenance

Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N

PO #: N/A

SN: US135386 OEM SerNo: CE42505 Description: #2 Down

DUTCHER, CHRISTOPHER M

08/01/2014
01:00:00 PM

08/01/2014
01:00:00 PM

08/01/2014
02:00:00 PM

0 hrs 0
mins

1 hrs 0
mins

1 hrs 0
mins

Activity Code: SR #: 9535992 Task #: 5251871 Priority: P3 Standard Payroll Status: PROCESSED

Description: TKE Preventive Maintenance Caller: N/A PH: N/A

Resolution: Preventive Maintenance | Performed Preventive Maintenance,visual inspection

Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N

PO #: N/A

SN: US135386 OEM SerNo: CE42505 Description: #2 Down

DUTCHER, CHRISTOPHER M

06/30/2014
07:15:00 AM

06/30/2014
07:15:00 AM

06/30/2014
08:30:00 AM

0 hrs 0
mins

1 hrs 15
mins

1 hrs 15
mins

Activity Code: SR #: 9020446 Task #: 4976808 Priority: P3 Standard Payroll Status: PROCESSED

Description: TKE Preventive Maintenance Caller: N/A PH: N/A

Resolution: visual inspection and observation of both units

Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N

PO #: N/A

SN: US135386 OEM SerNo: CE42505 Description: #2 Down

DUTCHER, CHRISTOPHER M

06/19/2014
07:00:00 AM

06/19/2014
07:00:00 AM

06/19/2014
08:00:00 AM

0 hrs 0
mins

1 hrs 0
mins

1 hrs 0
mins

Activity Code: SR #: 8888330 Task #: 4907449 Priority: P3 Standard Payroll Status: PROCESSED

Description: TKE Preventive Maintenance Caller: N/A PH: N/A

Resolution: visual inspection of up and down units

Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N

PO #: N/A

SN: US135386 OEM SerNo: CE42505 Description: #2 Down

DUTCHER, CHRISTOPHER M

05/13/2014
09:00:00 AM

05/13/2014
09:00:00 AM

05/13/2014
01:00:00 PM

0 hrs 0
mins

4 hrs 0
mins

4 hrs 0
mins

Activity Code: SR #: 8407216 Task #: 4651065 Priority: P3 Standard Payroll Status: PROCESSED

Description: TKE Preventive Maintenance Caller: N/A PH: N/A

Resolution: down escalator,rounded up and moved material to jobsite for repair in am

Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N

PO #: N/A

JNB_002024

JNB02931

Customer: GOLDEN NUGGET Contactor Number: 15030

Site Name: GOLDEN NUGGET HOTEL 2300 S CASINO DR LAUGHLIN 89029-1520

| Preventive Maintenance | Assigned To | Incident Date | Act Start Date | Act End Date | Travel Hrs | Labor Hrs | Total Hrs |
|--|------------------------|---------------------------|---------------------------|---------------------------|-----------------|-----------------|-----------------|
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 8254908 Task #: 4570151 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: visual inspection of both units Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 05/02/2014 07:00:00 AM | 05/02/2014 07:00:00 AM | 05/02/2014 08:00:00 AM | 0 hrs 0 mins | 1 hrs 0 mins | 1 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 7046328 Task #: 3934326 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: visually observed operation Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 02/03/2014 07:15:00 AM | 02/03/2014 07:15:00 AM | 02/03/2014 08:15:00 AM | 0 hrs 0 mins | 1 hrs 0 mins | 1 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 6535272 Task #: 3664147 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: assist chris Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | MINTUN, SHANA R | 12/13/2013 02:00:00 PM | 12/13/2013 02:00:00 PM | 12/13/2013 04:00:00 PM | 0 hrs 0 mins | 2 hrs 0 mins | 2 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 6482200 Task #: 3636101 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: install barricades,locate noise in unit,adj rh stepchain tension,observe operation,removed barricades,returned to service Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 12/13/2013 07:00:00 AM | 12/13/2013 07:00:00 AM | 12/13/2013 09:00:00 AM | 0 hrs 0 mins | 2 hrs 0 mins | 2 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 6365206 Task #: 3574188 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: replace all upper and lower combplate bolts,returned to service Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 12/04/2013 07:00:00 AM | 12/04/2013 07:00:00 AM | 12/04/2013 08:00:00 AM | 0 hrs 0 mins | 1 hrs 0 mins | 1 hrs 0 mins |

JNB_002025

JNB02932

Customer: GOLDEN NUGGET Customer Number: 75007

Site Name: GOLDEN NUGGET HOTEL 2300 S CASINO DR LAUGHLIN 89029-1520

| Preventive Maintenance | Assigned To | Incident Date | Act Start Date | Act End Date | Travel Hrs | Labor Hrs | Total Hrs |
|---|------------------------|---------------------------|---------------------------|---------------------------|-----------------|------------------|------------------|
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 6211786 Task #: 3493046 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: down esc clunking,found 4 bad step rollers,replace rollers,replaced lower lh combplate,sprayed skirts,returned to service Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 11/19/2013 12:00:00 PM | 11/19/2013 12:00:00 PM | 11/19/2013 03:00:00 PM | 0 hrs 0 mins | 3 hrs 0 mins | 3 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 5119746 Task #: 2915863 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: visual inspection Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 08/01/2013 07:00:00 AM | 08/01/2013 07:00:00 AM | 08/01/2013 08:00:00 AM | 0 hrs 0 mins | 1 hrs 0 mins | 1 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 4781888 Task #: 2737769 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: down unit,cleaned upper and lower pits and turnarounds,cleaned motor and gearbox,checked all switches,oiled stepchains,returned to service Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 06/26/2013 07:00:00 AM | 06/26/2013 07:00:00 AM | 06/26/2013 09:15:00 AM | 0 hrs 0 mins | 2 hrs 15 mins | 2 hrs 15 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 4779414 Task #: 2736475 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: E1 and E2. Prep for annual inspections.Routine service per check chart items. Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | MORAN, LEONARD J | 06/26/2013 09:08:00 AM | 06/26/2013 09:08:00 AM | 06/26/2013 11:00:00 AM | 0 hrs 0 mins | 1 hrs 52 mins | 1 hrs 52 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 4361102 Task #: 2517372 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: visual inspection Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 05/09/2013 01:30:00 PM | 05/09/2013 01:30:00 PM | 05/09/2013 02:00:00 PM | 0 hrs 0 mins | 0 hrs 30 mins | 0 hrs 30 mins |

JNB_002026

JNB02933

Customer: GOLDEN NUGGET Customer Number: 76937

Site Name: GOLDEN NUGGET HOTEL 3300 S CASINO DR LAS VEGAS NV 89109-1520

| Preventive Maintenance | Assigned To | Incident Date | Act Start Date | Act End Date | Travel Hrs | Labor Hrs | Total Hrs |
|---|------------------------|---------------------------|---------------------------|---------------------------|--------------|---------------|---------------|
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 3416226 Task #: 2026942 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: skirt testing with monte Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 01/23/2013 09:15:00 AM | 01/23/2013 09:15:00 AM | 01/23/2013 11:30:00 AM | 0 hrs 0 mins | 2 hrs 15 mins | 2 hrs 15 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 3414162 Task #: 2025898 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: Finish skirt Index tests as required by State. Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | MCEWEN, MONTE J | 01/23/2013 07:00:00 AM | 01/23/2013 07:00:00 AM | 01/23/2013 11:00:00 AM | 0 hrs 0 mins | 4 hrs 0 mins | 4 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 3343526 Task #: 1988913 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: unit left down overnight for repeated shutdowns, replaced reverse phase relay, replaced non reversing device, observed operation Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 01/14/2013 02:00:00 PM | 01/14/2013 02:00:00 PM | 01/14/2013 04:00:00 PM | 0 hrs 0 mins | 2 hrs 0 mins | 2 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 3147666 Task #: 1887262 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: Escalators Escalator Replace top stop switch, modify bracket to fit new style switch. Install & check operation. Watch unit run approx. 1hr no further problem noted at this time. Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: ON FILE | MCEWEN, MONTE J | 12/14/2012 07:00:00 AM | 12/14/2012 07:00:00 AM | 12/14/2012 01:00:00 PM | 0 hrs 0 mins | 6 hrs 0 mins | 6 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 3148284 Task #: 1887583 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: assisted monte with replacement and fabrication of new stop switch and bracket Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 12/14/2012 09:00:00 AM | 12/14/2012 09:00:00 AM | 12/14/2012 11:00:00 AM | 0 hrs 0 mins | 2 hrs 0 mins | 2 hrs 0 mins |

JNB_002027

JNB02934

Customer: GOLDEN NUGGET Customer Number: 76087

Site Name: GOLDEN NUGGET HOTEL 2400 S CASINO DR LAUGHLIN 89029-1520

| Preventive Maintenance | Assigned To | Incident Date | Act Start Date | Act End Date | Travel Hrs | Labor Hrs | Total Hrs |
|---|------------------------|---------------------------|---------------------------|---------------------------|-----------------|-----------------|-----------------|
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 3098926 Task #: 1861796 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: replace steps,install skirt brushes,remove old steps and cardboard from job Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | DUTCHER, CHRISTOPHER M | 12/07/2012 07:00:00 AM | 12/07/2012 07:00:00 AM | 12/07/2012 01:00:00 PM | 0 hrs 0 mins | 6 hrs 0 mins | 6 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 3144218 Task #: 1885450 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: N/A Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: * PO #: on file | MINTUN, SHANA R | 12/07/2012 07:00:00 AM | 12/07/2012 07:00:00 AM | 12/07/2012 03:00:00 PM | 2 hrs 0 mins | 6 hrs 0 mins | 8 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 3112866 Task #: 1869143 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: Annual clean down on down escalator. Finish up state report. , Escalators Performed annual Cleandown Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | MCEWEN, MONTE J | 12/07/2012 07:00:00 AM | 12/07/2012 07:00:00 AM | 12/07/2012 03:00:00 PM | 0 hrs 0 mins | 8 hrs 0 mins | 8 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 3077086 Task #: 1850423 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: N/A Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: * PO #: N/A | MINTUN, SHANA R | 12/06/2012 07:00:00 AM | 12/06/2012 07:00:00 AM | 12/06/2012 03:00:00 PM | 0 hrs 0 mins | 8 hrs 0 mins | 8 hrs 0 mins |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down Activity Code: SR #: 3081156 Task #: 1852562 Priority: P3 Standard Payroll Status: PROCESSED Description: TKE Preventive Maintenance Caller: N/A PH: N/A Resolution: Escalators Performed annual Cleandown Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N PO #: N/A | MCEWEN, MONTE J | 12/06/2012 07:00:00 AM | 12/06/2012 07:00:00 AM | 12/06/2012 03:00:00 PM | 0 hrs 0 mins | 8 hrs 0 mins | 8 hrs 0 mins |

JNB_002028

JNB02935

Customer: GOLDEN NUGGET Customer Number: 29037

Site Name: GOLDEN NUGGET HOTEL 2400 S CASINO DR LASVEAS NV 89029-1520

Preventive Maintenance

| | Assigned To | Incident Date | Act Start Date | Act End Date | Travel Hrs | Labor Hrs | Total Hrs |
|--|------------------------|---------------------------|---------------------------|---------------------------|-----------------|-------------------|-------------------|
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down | DUTCHER, CHRISTOPHER M | 12/05/2012 07:00:00 AM | 12/05/2012 07:00:00 AM | 12/05/2012 03:00:00 PM | 0 hrs 0 mins | 8 hrs 0 mins | 8 hrs 0 mins |
| Activity Code: SR #: 3076990 Task #: 1850375 Priority: P3 Standard Payroll Status: PROCESSED | | | | | | | |
| Description: TKE Preventive Maintenance Caller: N/A PH: N/A | | | | | | | |
| Resolution: cleandown unit, replacing steps | | | | | | | |
| Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N | | | | | | | |
| PO #: N/A | | | | | | | |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down | DUTCHER, CHRISTOPHER M | 12/04/2012 12:00:00 PM | 12/04/2012 12:00:00 PM | 12/04/2012 04:00:00 PM | 0 hrs 0 mins | 4 hrs 0 mins | 4 hrs 0 mins |
| Activity Code: SR #: 3067172 Task #: 1845281 Priority: P3 Standard Payroll Status: PROCESSED | | | | | | | |
| Description: TKE Preventive Maintenance Caller: N/A PH: N/A | | | | | | | |
| Resolution: performed cleandown | | | | | | | |
| Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N | | | | | | | |
| PO #: N/A | | | | | | | |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down | DUTCHER, CHRISTOPHER M | 12/03/2012 08:00:00 AM | 12/03/2012 08:00:00 AM | 12/03/2012 03:00:00 PM | 0 hrs 0 mins | 7 hrs 0 mins | 7 hrs 0 mins |
| Activity Code: SR #: 3051872 Task #: 1837353 Priority: P3 Standard Payroll Status: PROCESSED | | | | | | | |
| Description: TKE Preventive Maintenance Caller: N/A PH: N/A | | | | | | | |
| Resolution: cleandown unit | | | | | | | |
| Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N | | | | | | | |
| PO #: N/A | | | | | | | |
| SN: US135386 OEM SerNo: CE42505 Description: #2 Down | DUTCHER, CHRISTOPHER M | 11/30/2012 07:00:00 AM | 11/30/2012 07:00:00 AM | 11/30/2012 03:00:00 PM | 0 hrs 0 mins | 8 hrs 0 mins | 8 hrs 0 mins |
| Activity Code: SR #: 3051870 Task #: 1837352 Priority: P3 Standard Payroll Status: PROCESSED | | | | | | | |
| Description: TKE Preventive Maintenance Caller: N/A PH: N/A | | | | | | | |
| Resolution: cleandown unit | | | | | | | |
| Coverage: PLATINUM PREMIERE FULL MAINT 24 HR CBS INCLUDED ESCALATOR Billable: N | | | | | | | |
| PO #: N/A | | | | | | | |
| GOLDEN NUGGET HOTEL - Preventive Maintenance Subtotal | | | | | 3 hrs 0 mins | 162 hrs 7 mins | 165 hrs 7 mins |

JNB_002029

JNB02936

EXHIBIT 1-H

EXHIBIT 1-H

JNB02937

Payment Overview (LDHY Golden Nugget (All) AP - Entry)

| | | | |
|-------------------------|--------------------|-------------------------|--|
| Operating Unit | Gaming and Casinos | Payee | |
| Number | 80369 | Paid To Name | THYSSENKRUPP ELEVATOR |
| Currency | USD | Taxpayer ID | 62-1211267 |
| Amount | 31,017.00 | Supplier Number | 10787 |
| Date | 10/24/2012 | Site | ATL-PO BOX 90 |
| Payment Process Request | WN GNL 102412 | Address | PO BOX 933004 ATLANTA, GA 91193-3004 United States |
| Voucher | | Bank | |
| Status | Reconciled | Name | BANK OF AMERICA |
| Cleared Amount | 31,017.00 | Account | Laughlin - AP |
| Cleared Date | 11/06/2012 | Payment Document | |
| Void Date | | Payment Method | Check |
| Maturity Date | | Payment Process Profile | |
| Acknowledged Status | | | |

Invoices

| Number | Amount Paid | GL Date | Description |
|----------|-------------|------------|-------------|
| Q22814DP | 31,017.00 | 10/24/2012 | |
| | | | |
| | | | |

Invoice Overview Bank Supplier Payments

JNB02938
GNL 002040

Payment Overview (LDLY Golden Nugget (All) AP - Entry)

| | | | |
|--------------------------------|--------------------|--------------------------------|--|
| Operating Unit | Gaming and Casinos | Payee | |
| Number | 81809 | Paid To Name | THYSSENKRUPP ELEVATOR |
| Currency | USD | Taxpayer ID | 62-1211267 |
| Amount | 31,197.00 | Supplier Number | 10787 |
| Date | 02/01/2013 | Site | ATL-PO BOX 90 |
| Payment Process Request | WN GNL 20113 | Address | PO BOX 933004 ATLANTA, GA 91193-3004 United States |
| Voucher | | Bank | |
| Status | Reconciled | Name | BANK OF AMERICA |
| Cleared Amount | 31,197.00 | Account | Laughlin - AP |
| Cleared Date | 02/11/2013 | Payment Document | |
| Void Date | | Payment Method | Check |
| Maturity Date | | Payment Process Profile | |
| Acknowledged Status | | | |

Invoices

| Number | Amount Paid | GL Date | Description |
|------------|-------------|------------|-------------|
| 6000020161 | 31,197.00 | 02/01/2013 | |
| | | | |
| | | | |

[Invoice Overview](#)
[Bank](#)
[Supplier](#)
[Payments](#)

JNB02939
GNL 002041

EXHIBIT 1-I

EXHIBIT 1-I

JNB02940

NOV(Notice of Violation)

| | | | |
|-------------------|----------------------------------|---|--|
| | | | |
| 04/27/05 | NOV | Demarcation Lts Broken comb teeth | By Schaefer |
| 10/18/05 | NOV | Fix Skirt Switch Fix demarcation Fix reversal device on up unit | |
| 10/22/08 | NOV | Replace comb plates Clean | By Schaefer |
| 7/14/09 | NOV | Replace combs Demarcation lights MCP should be on site | By Schaefer |
| 1/7/10 | NOV | Replace combs Demarcation lights | By Schaefer |
| 7/26/10 | NOV | MCP OK Combs Demarcation Lights Clean | By Schaefer |
| 8/17/12 – 8/18/12 | NOV | Perform SSPI Check step attachments for stress cracks and replace steps. Check and adjust drive chain. Check clearance between steps. Demarcation Lines fading. Clean down escalator. Contact inspector of reinspection of above items | Lorne Travis 2 pages Gary L. Schultz, Safety Supervisor, State of Nevada |
| 8/20/12 | DIR Opening and Closing forms | Lorne Travis meets with Ernest Wade, v Security Director | |
| 1/17/13 | NOV | No discrepancies found. Maint records up to | By |

| | | | |
|---------|--|---|---|
| | | date. | |
| 1/17/13 | DIR Opening and Closing Conference forms | W. Schaefer meets with Peggy Ruiz, Ad Min Asst | |
| 7/16/13 | NOV | No discrepancies. Clean and neat. MCP ok | |
| 7/16/13 | DIR Opening and Closing Conference forms | W. Schaefer meets with Peggy Ruiz, Ad Min Asst | |
| 1/17/14 | NOV | No discrepancies MCP ok | By Schaefer |
| 1/17/14 | DIR Opening and Closing conference forms | w. Schaefer meets with Don Hartman, Chief Engineer | |
| 7/14/14 | DIR Opening and closing conference forms | w. Schaefer meets with Don Hartman, Director | |
| 7/17/14 | NOV | No discrepancies found. MCP OK | By Schaefer |
| 5/13/15 | Accident Report MCS | No injured party name given. Escalator condition good. Got on escalator with cane, lost balance & fell. | Steve Robertson. Incident to Joe Brown |
| 5/25/15 | Accident Report, MCS & GNL | Hector Ruelas. Mrs Ruelas lost her balance on the down unit and pulled Mr Ruelas down | Lorne Travis/Henry Arrived 5/26/15 JNB000002 |
| 5/26/15 | NOV | Step chain stretch more than 6mm 8.6.8.15.15 | Lorne Travis inspector ¼ in = 6 mm 6 mm = 0.2362 in ¼ in = 6.35 mm |
| 9/12/16 | DIR Opening and closing conference forms | w. Schaefer meets with Miranda Meyers, Admin at opening Meets with Don | |

EXHIBIT 1-J

EXHIBIT 1-J

JNB02943



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Elevator Consultants

May 4, 2018

Mr. Mohamed A. Iqbal, Jr.
Iqbal Law PLLC
101 Convention Center Drive, Suite 1175
Las Vegas, NV 89109

RE: Joe Brown v. Landry's, Golden Nugget, GNL Corp. / TKE (3rd Party Defendant)

Dear Mr. Iqbal:

The intent of this report is to disclose my opinions and the general basis for those opinions that pertain to the 5-12-2015 escalator incident on the down escalator at the Golden Nugget Casino, Laughlin, NV.

In developing the opinions, I relied on visual inspection of the escalator equipment performed on 5-2-2018 as well as the review of depositions, exhibits, my education and my experience.

ITEMS REVIEWED AND CONSIDERED:

- ASME A17.1- 1978, thru 2013 Safety Code for Elevators and Escalators
- Site examination of down escalator at Golden Nugget Casino, Laughlin, NV.
- on 5-2-2018.
- Agreement for Dover Master Maintenance Service with Golden Nugget Hotel & Casino Laughlin, NV dated March 3, 1994.
- Security Video reviewed as recorded of the incident on 5-12-2015.
- DBI, DIR, Mechanical Compliance Section Incident report dated 5/13/15 by Steve Robertson
- DBI, DIR, Mechanical Compliance Section Incident report dated 5/25/15 by Steve Robertson
- TKE Account History Report inclusive of dates 11/30/2012 thru 8/03/2015
- Golden Nugget Incident Report
- Email document number JNB 002187-002191, JNB 002198-0022206, JNB 002208-002209, JNB 002245, JNB 002252-002253, JNB 002255-002256, JNB 002280-002287, JNB 002290
- DBI, DIR, Inspection report dated 1/27/11, 1/24/12, 7/18/12, 1/17/13, 7/16/13, 1/17/14, 7/14/14, 2/11/15, 9/13/16 Inspected by W. Schaefer
- DBI, DIR, Inspection report dated 1/26/17 by JB Underwood
- TKE Repair order dated 6-26-12 in the amount of \$9,308.00.
- TKE Repair order dated 6-26-12 in the amount of \$11,680.00.
- TKE Repair order dated 9-12-12 in the amount of \$89,916.00.
- TKE Repair order dated 6-26-12 in the amount of \$9,308.00

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- Golden Nugget PO 19266 in the amount of \$89,916.00 - 2/21/12
- Golden Nugget PO 1008826 in the amount of \$89,916.00 -
- TKE Repair order dated 10-2-12 in the amount of \$62,214.00
- TKE Repair order dated 11-1-15 in the amount not to exceed \$11,500.00
- DBI, DIR, Notice of Violation dated 5/26/15
- E-Mail dated 10-31-17 Subject Damaged Escalator Steps (Down Unit) from Larry Panaro to Scott Olson
- E-Mail dated 8-10-15 Subject Damaged Escalator Steps (Down Unit) from Larry Panaro to Larry Panaro, Don Hartman, cc: Scott Olson, Alan Trantina, Tom MacDonald, Paul Hamrick, Jim MacDavid
- E-Mail dated 8-5-15 4:02pm Subject Damaged Escalator Steps (Down Unit) from Larry Panaro to Don Hartman, cc: Scott Olson, Alan Trantina, Tom MacDonald
- E-Mail dated 8-5-15 3:59pm Subject Damaged Escalator Steps (Down Unit) from Larry Panaro to Don Hartman, cc: Scott Olson, Alan Trantina, Tom MacDonald
- E-Mail dated 8-5-15 3:27pm Subject Damaged Escalator Steps (Down Unit) from Don Hartman to Larry Panaro, cc: Scott Olson, Alan Trantina, Tom MacDonald
- E-Mail dated 8-5-15 3:24pm Subject Damaged Escalator Steps (Down Unit) from Larry Panaro to Don Hartman
- E-Mail dated 6-16-15 4:29pm Subject Damaged Escalator Steps (Down Unit) from Larry Panaro to Don Hartman, cc: Scott Olson
- TKE Work Order dated 6/16/15 TKE Scheduling and Production Request for Payment Reference number ACIA-ZQUYOB pages 1-7
- TKE Work Order dated 6/16/15 TKE Scheduling and Production Request for Payment Reference number ACIA-ZQU21Z pages 1-7
- E-Mail dated 10-31-17 11:45am Subject Damaged Escalator Steps (Down Unit) from Larry Panaro to Don Hartman, cc: Scott Olson
- E-Mail dated 6-17-15 8:45am Subject Damaged Escalator Steps (Down Unit) from Don Hartman to Larry Panaro cc: Scott Olson
- E-Mail dated 6-16-15 4:30pm Subject Damaged Escalator Steps (Down Unit) from Larry Panaro to Don Hartman
- Deposition of Don Hartmann, Director of Facilities, Golden Nugget Laughlin taken on 1-24-2018
- Deposition of Richard Louis Smith, Risk Manager for Golden Nugget Laughlin taken on 3-15-2018
- Report of Findings and Opinions in the matter of: Joe N. Brown an individual and his wife, Nettie J. Brown, an individual v Landry's Inc., Golden Nugget, Inc., GNL Corp, et al CASE NO.: A-167-739887-C, Prepared by: Davis L. Turner & Associates, LLC, December 03, 2017
- Nevada Administrative Code 455C
- Nevada Revised Statutes 455C

INTRODUCTION:

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Please note I have been in the vertical transportation industry well over 30 years. I worked as an engineer for 13 years with a major elevator manufacturing company and I have operated my own consulting company doing vertical transportation inspections, engineering, design and expert witnessing for the past 20 or so years.

EQUIPMENT BASICS:

Passenger Escalator
Montgomery HR
24" wide
90 fpm
Installation 1980
Manufacturer – Montgomery
Maintenance Provider – ThyssenKrupp Elevator

INCIDENT SUMMARY:

On May 12, 2015 Mr. Joe Brown and family were guests of Golden Nugget Hotel and Casino in Laughlin, Nevada. The Brown family went from the upper level casino floor to the lower level riverfront to enjoy dinner at a restaurant in the hotel/casino. Mr. Joe Brown entered the upper landing of the down escalator holding the handrail with his left hand and his cane in his right hand. Mr. Brown advised that the escalator step was shaky (unstable). This caused Mr. Brown to lose balance and fall from the upper portion of the escalator to the bottom of the escalator. Mr. Brown was severely injured transported to the local hospital, Western Arizona Regional Medical Center and then airlifted to Sunrise Hospital in Las Vegas with an initial diagnosis of unstable fracture at C1.

SITE REVIEW:

A visual and partial physical inspection of the down escalator, located on the left side if standing on the lower floor looking up at the escalator group was performed. While the escalator was in operation I visually looked at steps, combplates, demarcation lights, caution signage. I rode the escalator applying pressure front to back and side to side on a few escalator steps. I made sure the escalator was adequately barricaded, top and bottom, and then it was removed from service by TKE via the top emergency stop switch. TKE removed the bottom access plates and opened the lower pit. Two steps were removed and the opening was bumped up slowly stopping along the way allowing the truss to be seen (interior of the escalator). After the interior was reviewed TKE closed the escalator and returned the escalator to service. We were escorted to the warehouse and looked at the old steps that were removed

CONCLUSIONS

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Findings from depositions, site visit, and exhibits reviewed:

Site review of the existing escalator showed that most of the replacement steps have been installed however there are still some old design escalator steps in the assembly.

Site review of the escalator showed massive dirt is collected on the machine in the upper area of the elevator truss.

Site review showed that the new steps have stabilizing tabs as an integral part of the step to stabilize the step front to back.

The history report provided by TKE which was run on October 30, 2017 and covered from "start date" of 5-1-2010 through "end date" 12-31-2015 and showed:

Two escalator safety tests were performed by TKE in that 4 years and 7 month span. One on 7/14/14 and one on 7/16/13 in the presence of elevator inspector W. Schaefer. The remainder of the inspections were performed without the TKE elevator maintenance mechanics and therefore the escalator was not tested. There is no way to inspect an escalator in accordance with the guidelines of A17.1 without the assistance and testing by a trained maintenance mechanic.

The history revealed in the 4 years and 7 month span 257 1/8 hours of "work" was performed on the subject down escalator. Of that 257+ hours of work reflected in the history report less than 25 hours of maintenance of any kind was performed much less preventative maintenance.

24 1/2 hours was in response to callbacks (broken equipment). A call to fix a broken escalator is not maintenance.

116 1/2 hours was marked as repair. Repair is NOT maintenance and reflects a lack of maintenance.

50 hours were marked as maintenance hours however upon closer investigation they were repair hours.

About 25 hours listed as maintenance hours were possibly actual maintenance, oil, lubricate, adjust..... This reflects an average of 1/2 hour per month, well below industry norms and recommendations.

The remainder of the hours attributed to maintenance were "visual"s, "customer relations" (talking to customers), a general statement of "preventive maintenance" without tasks attached, and surveying for possible future modernization projects.

The history report revealed long periods of time passed with no maintenance whatsoever on the down escalator.

Four months passed from December (arguably from November) of 2014 to April of 2015 with absolutely no maintenance. The April visit which per the history document was a "call" but not listed as a callback started the stepchain, trail rollers, step problems that culminated in Mr. Brown's incident on 5-12-15 followed quickly by the 5-25-15 similar incident and finally resulted in the step chain violation and 90 plus man hours to replace the step chain.

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No preventative maintenance was done between December of 2013 and May of 2014 which resulted in gearbox failure and a 50 man hour repair/replaced gearbox.

OPINIONS

Escalator maintenance company, ThyssenKrupp Elevator, did not perform preventative maintenance on this escalator in accordance to elevator code and ThyssenKrupp's own maintenance control program (BEEP).

According to A17.1 requirement 8.6.1.2.1(e) *The specified scheduled maintenance intervals shall, as applicable, be based on*

- (1) equipment age, condition, and accumulated wear*
- (2) design and inherent quality of the equipment*
- (3) usage*
- (4) environmental conditions*
- (5) improved technology*
- (6) the manufacturer's recommendations and original equipment certification for any SIL rated devices or circuits (see 8.6.3.12 and 8.7.1.9)*
- (7) the manufacturer's recommendations based on any ASME A17.7/CSA B44.7 approved components or functions.*

This escalator is roughly 38 years old (was roughly 35 years old at time of the incident) and is well into the end of life for this piece of equipment. It resides in a facility that is open 24 hours a day and without proper clean downs runs in pure filth. The Montgomery Model HR has a known and dangerous defect which must be monitored (cracks around the rollers sockets due to design flaw). This flaw has been known since late 1980's and replacement steps are made to correct the issue.

Escalator maintenance company, ThyssenKrupp Elevator, failed to maintain the down escalator at Golden Nugget Casino & Hotel Laughlin, NV in a safe operating condition.

Escalator maintenance company, ThyssenKrupp Elevator, failed to watch over and do adequate preventive maintenance specifically on the step and roller assemblies having had prior knowledge of occurrences and replaced some of them in 2012. This placed the riding public in known danger.

Escalator maintenance company, ThyssenKrupp Elevator, failed to provide the technical knowledge required to service an escalator with such known defects in the step assembly.

Escalator maintenance company, ThyssenKrupp Elevator, failed to provide the supervision and/or oversight to recognize the inherent danger of this equipment and monitor/educate the mechanics.

Escalator maintenance company, ThyssenKrupp Elevator, failed to properly clean the escalator to enable visual inspection of damage to the escalator equipment and step assemblies.

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Escalator maintenance company, ThyssenKrupp Elevator, failed to inspect and test the escalator in accordance with A17.1 code requirements.

Escalator owner, Golden Nugget Inc., did not properly oversee the maintenance contractor ThyssenKrupp Elevator and their required adherence to the maintenance contract.

Escalator owner, Golden Nugget Inc., did not properly train employees for escalator emergencies.

Escalator owner, Golden Nugget Inc., did not react/respond when advised of the extreme danger the escalator equipment exposed the unknowing riding public to when advised by their elevator.

Escalator owner, Golden Nugget Inc., did not respond in a reasonable time when ThyssenKrupp advised them of the dangerous cracks in the steps and the correction and cost required to safely return the escalator to service. Owner only approved the minimum work (stepchain replacement) as cited as a violation by the State of Nevada AHJ. Golden Nugget was advised in June of 2015 of the danger and did not replace steps until after end of 2015.

CONCLUSION

Based upon investigation and review as well as experience and education my opinion is ThyssenKrupp did not maintain the escalator equipment and could have prevented the 5-12-15 incident with proper preventative maintenance. There was signs of the roller and step issues prior to the event and ThyssenKrupp was unable to recognize the event and was unable to adequately maintain the escalator to make it safe for public use even though there was a similar repair in 2012.

Based on investigation and prior similar events occurring in 2012 I believe Golden Nugget Inc. should have recognized the risk to their customers and acted quickly to partner with ThyssenKrupp and have the equipment immediately repaired or removed from service until it was repaired.

I reserve the right to append, amend and/or change my opinion if additional information regarding the escalator in question is presented.

Respectfully Submitted,

Sheila N. Swett

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JNB_002309

GNL-EX-TURNER-000089
JNB02949

EXHIBIT 1-K

EXHIBIT 1-K

Product Bulletin

SEB PCM and Product Reliability



Attn: All Escalator Service Personnel
Date: 2008-1-28 (Rev 1)
(Rev 0 published 2007-01-12)

File: SEB-03-004-2007
Subject: Obsolescence and Replacement
Policy Statement – Fabricated
Escalator Steps with Step Body Cracks

Obsolescence and Replacement Policy Statement – Fabricated Escalator Steps with Step Body Cracks

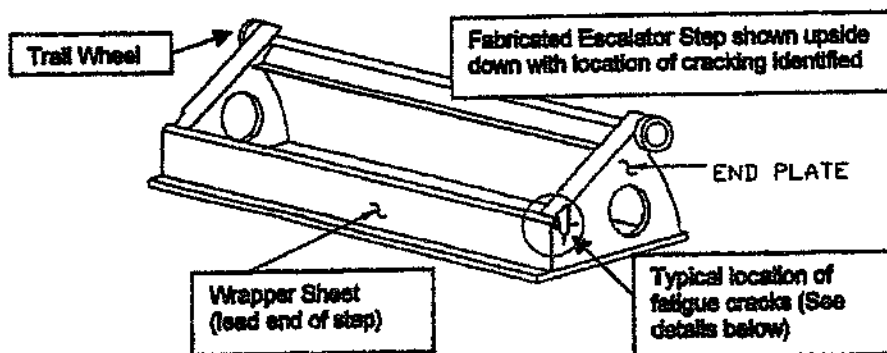
Product Affected

This bulletin defines type A and type B step cracks that may occur in fabricated steps used on HR type escalators, where the chain rollers are individually flange mounted to the step body end plate. This type of step was manufactured prior to 1983, and all related components are now classed as obsolete.

Issue

This bulletin is to be used in making a proper determination of when step replacement is necessary. The replacement policy given is based on the continuing policy KONE has followed since we conducted an independent study through the University of Illinois Engineering Dept. in 1981. Additionally, the many years of accumulated field experience with KONE HR escalators, using fabricated steps, has now provided full life cycle knowledge of this component.

During the lifetime of escalator step band components it has been found that on fabricated steps used on HR type escalators, where the chain rollers are individually flange mounted to the step body end plate, cracking can occur in the sheet metal body, due to long term cyclic loading fatigue. The length of time required to develop these cracks is dependent on the equipment operating hours, unit operating speed, loading on the equipment, environmental and building conditions, and service care provided. Therefore regular maintenance inspections are necessary to determine if cracks have developed, and to determine if steps should be replaced.



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1 (4)

SEB-03-004-2007
(R1) 2007-1-28

JNB02959

Product Bulletin

SEB PCM and Product Reliability

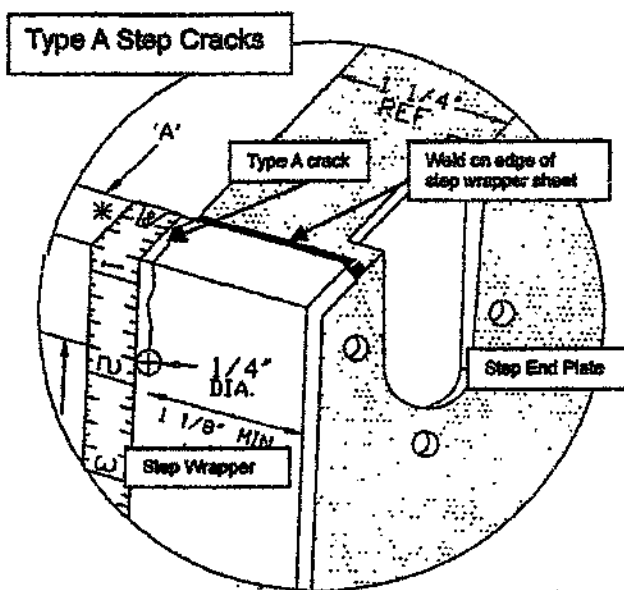


Cause & Effect

Crack type definitions:

Type A – Cracks are located at the lead end of the step (where the chain rollers attach), beginning at the end of the 1" weld on the edge of the step wrapper sheet where it attaches to the end plate. The crack proceeds toward the tread surface at approximately 90 degrees to the weld. (See the diagram below)

Type B – Cracks radiate from the bolt pattern on the end plate where the chain wheel roller flange attaches to the step. (See diagram of Type B cracks for location identification).



Type A cracks are a result of weld stress imparted to the step body during manufacturing. On older style steps, where the step wrapper is welded to the step and plate as shown in the diagram, the step body is quite rigid, and the weld places the wrapper in stress at the end of the weld. In use, the slight twisting that a step is subject to during its travel through the step band path will allow that stress to relieve itself in the form of a crack. The crack is not a result of static loading. Even if a unit is maintained properly, 'A' cracks may develop, and proceed to the point of relief, normally the bend in the wrapper sheet of the step body. However, the crack may progress over the bend in the wrapper sheet, as shown in the diagram, before stopping.

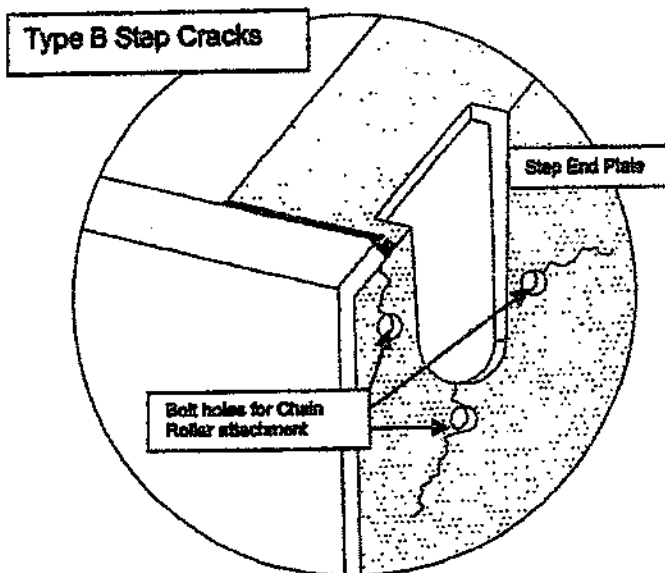
Type A cracks do not necessarily require replacement. If the crack has not grown beyond 1-3/4" long, as shown in the diagram, measured from point 'A' on the wrapper edge, a relief hole may be drilled at the end of the crack to terminate the cracking.

Replacement Policy for steps with Type A cracks

Steps with Type A cracks do not necessarily require replacement. A 1/2" diameter hole may be drilled at the end of the crack to provide a smooth relief surface at the end of the crack. (See diagram above) This relief hole will terminate further progression of the crack. NOTE: If the crack has progressed over the bend in the step body wrapper sheet and has turned toward the side of the step, it should be replaced. The diagram above shows the maximum allowable crack progression for Type A cracks.

Product Bulletin

SEB PCM and Product Reliability



Type B cracks are a direct result of fatigue due to cyclic loading over time imposed on the end plate by the chain roller mounting flange attachment. As the steps move over the upper 30 degree transition, the combined weight of any loading on the step wheel is transferred through the chain wheel flange attachment to the side of the step resulting in continued flexing of the step body as it moves around the step band. Novatex board adjustment plays a role in determining the length of time that steps may operate before cracking occurs. Novatex boards must be adjusted properly to support the weight of the chain, steps and live load, and improperly maintained novatex boards can cause higher cyclic loading to occur on the step body, with resultant life reduction. The continued cycling of steps moving around the step band, combined with step end plate loading results in fatigue crack formation at the chain wheel flange attachment point. Type B cracks radiate outward from the mounting holes, as shown. (See Life Cycle section of this bulletin)

Replacement Policy for steps with Type B cracks
ANY STEPS WITH TYPE "B" CRACKS REQUIRE REPLACEMENT

Factors affecting step lifetime in service

In service, steps may develop cracks defined by KONE as Type A or Type B. Type A cracks are a result of weld stress relief in a particular manufacturing design that used a weld on the edge of the step wrapper sheet. This weld was eliminated in later models of the step and replaced by a rivet. Type B cracks form in the end plate and are a result of long term fatigue in the step end plate due to the cyclic loading described above in this discussion.

Tests conducted by KONE, through the University of Illinois in the early nineteen eighties showed that Type A cracks are unrelated to static loading, and if they occur, this will be after 400,000 to 500,000 stepband cycles. Type A cracks do not cause degeneration of structural integrity, and the cracks may be terminated by drilling a small hole at the end of the crack.

Type B cracks however, are degenerate, and occur due to step and plate fatigue. On escalators where the novatex board adjustments are properly maintained, the life of steps has been found to be in excess of 15 years, and is dependent upon loading, hours of service, step-band speed, environmental conditions, and maintenance care. The step design affected by this cyclic loading is now an OBSOLETE component. KONE recommends that this type of step be upgraded to a through axle type of step, or cast aluminum step, which exhibits much better life and is not affected by end plate flexing in the same way.

Product Bulletin

SEB PCM and Product Reliability



Corrective Action

Step cracks do not appear overnight. Normal maintenance procedures and examinations consistent with KONE approved service guidelines for HR Escalators will give warning of potential problems and prevent them from becoming critical. Steps may not be repaired by welding, and any type of repair other than drilling for type A cracks is not an approved repair. Any field documents or letters which may show repairs by welding should be discarded.

Contact Person

For more information, contact the PCM and Product Reliability engineering group at KONE Service Business Center in Moline IL.

Approvals & Version History

Checked by: E.G.S. Date: 2008-1-16

Approved by: J.M.B. Date: 2008-1-16

| Issue | Date | Description of Change | Ref. CR | Approved by |
|-------|------------|--|---------|-------------|
| R0 | 2008-01-12 | First release | | John Brill |
| R1 | 2008-01-28 | Shorter version of policy statement released in Jan 2007 | | John Brill |

EXHIBIT 1-L

EXHIBIT 1-L

JNB02955

Rebecca Mastrangelo

From: Chris Dutcher <nvdutch@yahoo.com>
Sent: Wednesday, May 27, 2015 3:42 PM
To: Olsen, Scott
Subject: Golden nugget step cracks

Hello sir,

Today I inspected the golden nugget down escalator steps as per Kone's bulletins.

I found 20 steps to be the new thru-axle type.

I found 35 old style welded fabricated cracked steps in total with type A cracks in them.

5 steps had no cracks visually

Of the 35 steps that are cracked 15 of the steps need to be replaced with the new style thru axle step asap.

I recommend at a minimum the 40 old style fabricated steps should be replaced with the new style steps if not all of the steps.

sincerely,
Chris Dutcher

Sent from my iPhone

EXHIBIT 1-M

EXHIBIT 1-M

JNB02957

Rebecca Mastrangelo

From: Panaro, Larry
Sent: Friday, June 05, 2015 9:21 AM
To: nvdutch@yahoo.com
Subject: FW: Quotes and Tech Bulletin
Attachments: 2281_001.pdf; ATT6459538.htm; SEB-03-004-2007.pdf; ATT6459539.htm

Importance: High

Is this the quote for GN Laughlin?

Larry Panaro
Account Manager
Service, Repair and Modernization Sales

ThyssenKrupp Elevator Americas

4145 W. Ali Baba, Suite A
Las Vegas, NV 89118

Phone: (702) 262-6775

Cell: (702) 591-9422

Fax: (866) 248-5612

<mailto:larry.panaro@thyssenkrupp.com>

Monthly Safety Message - Remember: Report all accidents in a timely manner!

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From: Chris Dutcher [<mailto:nvdutch@yahoo.com>]
Sent: Wednesday, May 27, 2015 7:39 AM
To: Olsen, Scott; Panaro, Larry
Subject: Fwd: Quotes and Tech Bulletin

Hello gentleman,

Below are the quotes that I have acquired from Kone spares.

One quote is for just the step chain entirely.

The second quote is for step chain, steps, roller kits.

Also included is the bulletin for cracked steps as we have found cracked steps in this unit beforehand.

thank you, Chris Dutcher

Sent from my iPhone

Begin forwarded message:

Subject: Quotes and Tech Bulletin

Thanks,
Sarah

[illegible]

EXHIBIT 1-N

EXHIBIT 1-N

JNB02960

ThyssenKrupp Elevator Americas



WORK ORDER



Recommended by: Dutcher, Christopher

| | | | |
|----------------|-------------------------|---------------|------------------------|
| Date: | June 16, 2015 | Purchaser | Golden Nugget |
| Building Name: | GOLDEN NUGGET HOTEL | Contact Name: | DON HARTMANN |
| Address: | 2300 S CASINO DR | Title: | DIRECTOR OF FACILITIES |
| City/ST/ZIP: | LAUGHLIN, NV 89029-1520 | Address: | |
| Contract #: | | City/ST/ZIP: | |
| | | Phone: | +1 702 2987160 |

Scope of Work:

Purchaser authorizes ThyssenKrupp Elevator Corporation to perform the following described work on the following vertical transportation equipment in the above building:

Repairs Summary:

DOWN
ESCALATOR

ESCALATOR STEPS
STEP ROLLERS/ROLLER ASSEMBLIES

*****Safety Matter*****

As discussed, TKE has inspected the escalator steps on the "Down" unit located at the Golden Nugget Laughlin. As Chris Dutcher (TKE Mechanic) provided from the OEM, this type of step is prone to develop cracks, which can cause a serious safety issue for the riding passengers. Furthermore the existing steps are obsolete, and a new thru-axel step is recommended as the replacement. During our inspection we identified that forty (40) steps have developed cracks, however five (5) steps are showing critical cracking. At this time, we do recommend replacing all identified cracked steps. Therefore, we are proposing as Option #2 the following: We shall replace all steps (40 steps) showing signs of cracking on the "Down" escalator unit.

The step replacement includes new roller/roller assemblies for each step.

ThyssenKrupp Elevator Americas



Purchaser agrees to pay the sum of: Forty Nine Thousand Eight Hundred Eighty Dollars (\$49,880.00) plus any applicable sales tax billed in addition to this contract price.
Price includes shipping and delivery and sales/use tax imposed on TKEC but does not include sales or gross receipts tax that may be billed in addition to the contract price. No permits or inspections by others are included in this work, unless otherwise indicated herein.

ThyssenKrupp Elevator Americas



Terms and Conditions:

Unless stated otherwise elsewhere in this document, the price of this Work Order includes all applicable sales and use taxes, permit fees and licenses imposed upon ThyssenKrupp Elevator as of the date that ThyssenKrupp Elevator first offers this Work Order for Purchaser's acceptance. Purchaser agrees to pay any additional taxes, fees or other charges exacted from Purchaser or ThyssenKrupp Elevator on account thereof, by any law enacted after the date that ThyssenKrupp Elevator first offered this Work Order for Purchaser's acceptance. A service charge of 1½% per month, or the highest legal rate, whichever is less, shall apply to delinquent accounts.

Purchaser's acceptance of this Work Order and its approval by an authorized manager of ThyssenKrupp Elevator will constitute exclusively and entirely the agreement between the parties for the goods and services herein described. All other prior representations or regarding this work, whether written or verbal, will be deemed to be merged herein and no other changes in or additions to this Work Order will be recognized unless made in writing and properly executed by both parties as a change order. Should Purchaser's acceptance be in the form of a purchase order or other similar document, the provisions of this Work Order will exclusively govern the relationship of the parties with respect to this transaction. No agent or employee shall have the authority to waive or modify any of the terms of this Work Order without the prior written approval of an authorized ThyssenKrupp Elevator manager.

It is agreed that ThyssenKrupp Elevator's personnel shall be given a safe place in which to work and ThyssenKrupp Elevator reserves the right to discontinue its work in the location above whenever, in its sole opinion, ThyssenKrupp Elevator believes that any aspect of the location is in any way unsafe.

Purchaser agrees that in the event asbestos material is knowingly or unknowingly removed or disturbed in any manner at the job site by parties other than employees of ThyssenKrupp Elevator or its subcontractors, the work place will be monitored, and prior to and during ThyssenKrupp Elevator's presence on the job, Purchaser will certify that asbestos in the environment does not exceed .01 fibers per cc as tested by NIOSH 7400. In the event ThyssenKrupp Elevator's employees, or those of its subcontractors, are exposed to an asbestos hazard, PCB's or other hazardous substances resulting from work of individuals other than ThyssenKrupp Elevator or its subcontractors, Purchaser agrees to indemnify, defend, and hold ThyssenKrupp Elevator harmless from any and all claims, demands, lawsuits, and proceedings brought against ThyssenKrupp Elevator or its employees or subcontractors resulting from such exposure. Purchaser recognizes that its obligation to ThyssenKrupp Elevator under this clause includes payment of all attorneys' fees, court costs, judgments, settlements, interest and any other expenses of litigation arising out of such claims or lawsuits. Removal and disposal of asbestos containing material is solely Purchaser's responsibility.

ThyssenKrupp Elevator's performance of this Work Order is contingent upon Purchaser furnishing ThyssenKrupp Elevator with any necessary permission or priority required under the terms and conditions of any and all government regulations affecting the acceptance of this Work Order or the manufacture, delivery or installation of any equipment described in this Work Order. Purchaser shall bear all cost(s) for any re-inspection of ThyssenKrupp Elevator's work due to items outside the scope of this Work Order or for any inspection arising from the work of other trades requiring the assistance of ThyssenKrupp Elevator. If any drawings, illustrations or other descriptive materials were furnished in conjunction with this Work Order, they were intended solely as approximations and to illustrate the general style and arrangement of equipment being offered and should, under no circumstances, be relied upon for their accuracy. Unless otherwise agreed, it is understood that the work described above will be performed during regular working hours of the trades involved. If overtime is mutually agreed upon, an additional charge at ThyssenKrupp Elevator's usual rates for such work shall be added to the price of this Work Order.

ThyssenKrupp Elevator Americas



In consideration of ThyssenKrupp Elevator performing the services herein specified, Purchaser, to the fullest extent permitted by law, expressly agrees to indemnify, defend, save harmless, discharge, release and forever acquit ThyssenKrupp Elevator Corporation, ThyssenKrupp Elevator Manufacturing, Inc., their respective employees, officers, agents, affiliates, and subsidiaries from and against any and all claims, demands, suits, and proceedings for loss, property damage (including damage to the equipment which is the subject matter of this Work Order), personal injury or death that are alleged to have arisen out of the presence, use, misuse, maintenance, installation, removal, repair, replacement, modernization, manufacture, design, operation or condition of the equipment that is the subject matter of this Work Order or any equipment located underground, in the elevator car/cab, in the elevator machine room and/or in the hoistways of the project location. Purchaser's duty to indemnify does not apply to the extent that the loss, property damage (including damage to the equipment which is the subject matter of this Work Order), personal injury or death is determined to be caused by or resulting from the sole negligence of ThyssenKrupp Elevator and/or its employees. Purchaser recognizes that its obligation to ThyssenKrupp Elevator under this clause includes payment of all attorneys' fees, court costs, judgements, settlements, interest and any other expenses of litigation arising out of such claims, demands, suits or proceedings.

Purchaser further expressly agrees to name ThyssenKrupp Elevator Corporation and ThyssenKrupp Elevator Manufacturing, Inc. along with their respective officers, agents, affiliates and subsidiaries as additional insureds in Purchaser's liability and any excess (umbrella) liability insurance policy(ies). Such insurance must insure the above-referenced additional insureds for those claims and/or losses referenced in the above paragraph, and for claims and/or losses arising from the additional insureds' sole negligence or responsibility. Such insurance must specify that its coverage is primary and non-contributory. Purchaser hereby waives its right of subrogation.

By executing this Work Order, Purchaser agrees that in no event shall ThyssenKrupp Elevator be liable for any consequential, indirect, incidental, exemplary, special or liquidated damages of any type or kind under any circumstances including any loss, damage, or delay caused by acts of government, labor troubles, strikes, lockouts, fire, explosion, theft, floods, riot, civil commotion, war, malicious mischief, acts of God or any cause beyond its control. ThyssenKrupp Elevator shall automatically receive an extension of time commensurate with any delay regarding the aforementioned. Should loss of or damage to ThyssenKrupp Elevator's material, tools or work occur at the location that is the subject of this Work Order, Purchaser shall compensate ThyssenKrupp Elevator therefore, unless such loss or damage results solely from ThyssenKrupp Elevator's own acts or omissions.

Purchaser agrees that all existing equipment removed by ThyssenKrupp Elevator in the performance of the work described above shall become the exclusive property of ThyssenKrupp Elevator. ThyssenKrupp Elevator retains title to all equipment supplied by ThyssenKrupp Elevator under this Work Order and a security interest therein, (which, it is agreed, can be removed without material injury to the real property) until all payments under the terms of both this Work Order and any mutually agreed to-change orders have been made. In the event Purchaser fails to meet any of its obligations under this Work Order, Purchaser authorizes ThyssenKrupp Elevator to take immediate possession of the equipment installed under this Work Order and enter upon the premises where it is located (without legal process) and remove such equipment or portions thereof irrespective of the manner of its attachment to the real estate or the sale, mortgage, or lease of the real estate. Pursuant to the Uniform Commercial Code, at ThyssenKrupp Elevator's request, Purchaser agrees to join with ThyssenKrupp Elevator in executing any financial or continuation statements which may be appropriate for ThyssenKrupp Elevator to file in public offices in order to perfect its security interest in such equipment.

In the event a third party is retained to enforce, construe or defend any of the terms and conditions of this Work Order or to collect any monies due hereunder, either with or without litigation, the prevailing party shall be entitled to recover all costs and reasonable attorney's fees. Purchaser agrees that this Work Order shall be construed and enforced in accordance with the laws of the state where the vertical transportation equipment that is the subject of this Work Order is located and consents to jurisdiction of the courts, both state and Federal, of that as to all matters and disputes arising out

ThyssenKrupp Elevator Americas



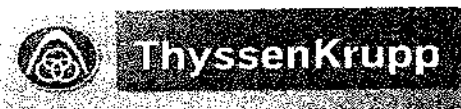
of this Work Order. Purchaser further agrees to waive trial by jury for all such matters and disputes.

The rights of ThyssenKrupp Elevator under this Work Order shall be cumulative and the failure on the part of the ThyssenKrupp Elevator to exercise any rights given hereunder shall not operate to forfeit or waive any of said rights and any extension, indulgence or change by ThyssenKrupp Elevator in the method, mode or manner of payment or any of its other rights shall not be construed as a waiver of any of its rights under this Work Order. In the event any portion of this Work Order is deemed invalid or unenforceable by a court of law, such finding shall not affect the validity or enforceability of any other portion of this Work Order. This Work Order shall be considered as having been drafted jointly by Purchaser and ThyssenKrupp Elevator and shall not be construed or interpreted against either Purchaser or ThyssenKrupp Elevator by reason of either Purchaser or ThyssenKrupp Elevator's role in drafting same.

ThyssenKrupp Elevator does not assume any responsibility for any part of the vertical transportation equipment other than the specific components that are described in this Work Order and then only to the extent ThyssenKrupp Elevator has performed the work described above. ThyssenKrupp Elevator has made no examination of, and assumes no responsibility for, any part of the elevator equipment except that necessary to do the work described above. It is agreed that possession and control of the vertical transportation equipment remains Purchaser's exclusively as the owner, lessor, lessee, possessor, or manager thereof.

ThyssenKrupp Elevator complies with provisions of Executive Orders 11246, 11375, 11758, Section 503 of the Rehabilitation Act of 1993, Vietnam Era Veteran's Readjustment Act of 1974, 38 U.S.C. 4212 and 41 CFR Chapter 60. ThyssenKrupp Elevator supports Equal Employment Opportunity and Affirmative Actions Compliance programs.

ThyssenKrupp Elevator Americas



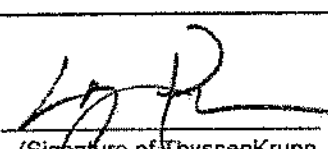
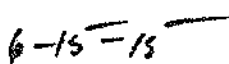
Unless otherwise stated, you agree to pay as follows: 50% upon signed acceptance and 50% upon completion.

To indicate acceptance of this work order, please sign and return one (1) original of this agreement to the address shown below. Upon receipt of your written authorization and required materials and/or supplies, we shall implement the work order.

This Work Order is submitted for acceptance within 30 days from the date executed by ThyssenKrupp Elevator Corporation.

Purchaser's acceptance of this Work Order together with the terms and conditions printed on subsequent pages hereof and which are expressly made a part of this proposal and agreed to, will constitute exclusively and entirely the agreement for the work herein described. All prior representations or agreements regarding this work, whether written or verbal, will be deemed to be merged herein, and no other changes in or additions to this agreement will be recognized unless made in writing and properly executed by both parties. This Work Order specifically contemplates work outside the scope of any maintenance contract currently in effect between the parties; any such contract shall be unaffected by this Work Order.

No agent or employee shall have the authority to waive or modify any of the terms of this agreement without the written approval of an authorized ThyssenKrupp Elevator Corporation manager.

| ThyssenKrupp Elevator Corporation | Golden Nugget | ThyssenKrupp Elevator Corporation Approval |
|--|--|--|
| By:  (Signature of ThyssenKrupp Elevator Representative) | By: _____ (Signature of Authorized Individual) | By: _____ (Signature of Authorized Individual) |
| Larry Panaro Sales Representative larry.panaro@thyssenkrupp.com +1 702 2626775  (Date Submitted) | _____ (Print or Type Name) _____ (Print or Type Title) _____ (Date of Approval) | _____ (Print or Type Name) Branch Manager _____ (Date of Approval) |

ThyssenKrupp Elevator Americas



SCHEDULING AND PRODUCTION REQUEST FOR PAYMENT

Contract Number:

Please Remit To: ThyssenKrupp Elevator Corporation
PO BOX 933004
Atlanta, GA 31193-3004

Attn: Mr. DON HARTMANN

| Terms | Repair No. | Customer Reference No./PO | Date | Reference Number |
|-----------|---------------|------------------------------|---------------|------------------|
| Immediate | 2015-2-117143 | | June 16, 2015 | ACIA-ZQUY0B |

| | |
|----------------------|-------------|
| Total Contract Price | \$49,880.00 |
| Current Amount Due | \$24,940.00 |

We accept credit card payments. Please call 801-449-8221 and ask for the LAS VEGAS Branch Receivable Specialist.

Please detach the below section and provide along with payment.

Remit To:

ThyssenKrupp Elevator Corporation
PO BOX 933004
Atlanta, GA 31193-3004

| | |
|-----------------------|---------------|
| Payment Reference ID: | ACIA-ZQUY0B |
| Quote #: | 2015-2-117143 |
| Customer Number: | |
| Remittance Amount: | 24940 |

Customer Name: Golden Nugget
Site Location: GOLDEN NUGGET HOTEL

JNB029678

EXHIBIT 1-O

EXHIBIT 1-O

JNB02968

Laura Fitzgerald

From: Panaro, Larry <Larry.Panaro@thyssenkrupp.com>
Sent: Tuesday, October 31, 2017 11:45 AM
To: Olsen, Scott
Subject: FW: Damaged Escalator Steps (Down Unit)
Attachments: GN Laughlin - 5 Esc Steps.pdf; GN Laughlin - 40 Esc Steps.pdf

Importance: High

FYI...

Regards,
Larry Panaro
Sales Manager - Las Vegas
ET-AMS/FLD

T: (702) 262-6775, M: (702) 591-9422, ShoreTel 4569, larry.panaro@thyssenkrupp.com

From: Panaro, Larry
Sent: Thursday, June 25, 2015 3:11 PM
To: Hartmann, Don
Cc: Olsen, Scott
Subject: FW: Damaged Escalator Steps (Down Unit)
Importance: High

Hi Don,

I just wanted to follow up to see if a decision has been made on these escalator steps? In talking to your mechanic (Chris Dutcher) today, he stressed that this necessary repair work should be done very soon to avoid any further damage and/or incidents.

Please let us know if you have any additional questions.

Sincerely,

Larry Panaro
Account Manager
Service, Repair and Modernization Sales

ThyssenKrupp Elevator Americas
5440 S. Procyon St., Ste. B
Las Vegas, NV 89118

Phone: (702) 262-6775

Cell: (702) 591-9422

Fax: (866) 248-5612

<mailto:larry.panaro@thyssenkrupp.com>

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From: Panaro, Larry
Sent: Tuesday, June 16, 2015 4:29 PM
To: Hartmann, Don
Cc: Olsen, Scott
Subject: Damaged Escalator Steps (Down Unit)
Importance: High

Good Afternoon Don,

It was great catching up with you last week. Per our conversation, and your conversations with Chris Dutcher (TKE Mechanic), attached are the proposals to replace the damaged/cracked escalator steps on the "Down" unit at the Golden Nugget Laughlin. As we discussed, this is a safety matter for the riding public. There are currently 40 steps showing signs of cracking, and 5 of the 40 are critical. At this time, we recommend replacing the 40 steps, however, the 5 steps need to be addressed asap.

As you will notice, the price per step is significantly less if all 40 can be replaced at once (versus doing only 5 steps)

Please call me with any further questions or concerns pertaining to this correspondence.

Sincerely,

Larry Panaro
Account Manager
Service, Repair and Modernization Sales

ThyssenKrupp Elevator Americas
4145 W. Ali Baba, Suite A
Las Vegas, NV 89118

Phone: (702) 262-6775

Cell: (702) 591-9422

Fax: (866) 248-5612

<mailto:larry.panaro@thyssenkrupp.com>

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EXHIBIT 1-P

EXHIBIT 1-P

JNB02971

Laura Fitzgerald

From: Panaro, Larry <Larry.Panaro@thyssenkrupp.com>
Sent: Tuesday, October 31, 2017 11:45 AM
To: Olsen, Scott
Subject: FW: Damaged Escalator Steps (Down Unit)

FYI...

Regards,
Larry Panaro
Sales Manager - Las Vegas
ET-AMS/FLD

T: (702) 262-6775, M: (702) 591-9422, ShoreTel 4589, larry.panaro@thyssenkrupp.com

From: Hartmann, Don [mailto:DHARTMANN@GoldenNugget.com]
Sent: Wednesday, June 17, 2015 8:45 AM
To: Panaro, Larry
Cc: Olsen, Scott
Subject: Re: Damaged Escalator Steps (Down Unit)

Good Morning

Is it possible to split this cost over two months billing for the five cracked steps on the down escalator?

Best Regards

Sent from my iPhone

On Jun 16, 2015, at 4:30 PM, Panaro, Larry <Larry.Panaro@thyssenkrupp.com> wrote:

Good Afternoon Don,

It was great catching up with you last week. Per our conversation, and your conversations with Chris Dutcher (TKE Mechanic), attached are the proposals to replace the damaged/cracked escalator steps on the "Down" unit at the Golden Nugget Laughlin. As we discussed, this is a safety matter for the riding public. There are currently 40 steps showing signs of cracking, and 5 of the 40 are critical. At this time, we recommend replacing the 40 steps, however, the 5 steps need to be addressed asap.

As you will notice, the price per step is significantly less if all 40 can be replaced at once (versus doing only 5 steps).

Please call me with any further questions or concerns pertaining to this correspondence.

Sincerely,

Larry Panaro
Account Manager
Service, Repair and Modernization Sales

ThyssenKrupp Elevator Americas
4145 W. Ali Baba, Suite A

Las Vegas, NV 89118

Phone: (702) 262-6775

Cell: (702) 591-9422

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<GN Laughlin - 5 Esc Steps.pdf>

<GN Laughlin - 40 Esc Steps.pdf>

EXHIBIT 1-Q

EXHIBIT 1-Q

JNB02974

Laura Fitzgerald

From: Panaro, Larry <Larry.Panaro@thyssenkrupp.com>
Sent: Tuesday, October 31, 2017 11:46 AM
To: Olsen, Scott
Subject: FW: Damaged Escalator Steps (Down Unit)

Importance: High

More info...

Regards,
Larry Panaro
Sales Manager - Las Vegas
ET-AMS/FLD

T: (702) 262-6775, M: (702) 591-9422, ShoreTel 4589, larry.panaro@thyssenkrupp.com

-----Original Message-----

From: Panaro, Larry
Sent: Monday, August 10, 2015 10:49 AM
To: Panaro, Larry; Hartmann, Don
Cc: Olsen, Scott; Alan Trantina; Tom MacDonald; Hamrick, Paul; MacDavid, Jim
Subject: RE: Damaged Escalator Steps (Down Unit)
Importance: High

Hi Don,

I hope all is well. I never heard back from you regarding the work to replace the escalator steps? I sent you the e-mail below and I left you a voice message as well. Can you please give me a call to discuss the specifics?

Sincerely,

Larry Panaro
Account Manager
Service, Repair and Modernization Sales

ThyssenKrupp Elevator Americas
5440 S. Procyon St., Ste. B
Las Vegas, NV 89118

Phone: (702) 262-6775
Cell: (702) 591-9422
Fax: (866) 248-5612

<mailto:larry.panaro@thyssenkrupp.com>

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-----Original Message-----

From: Panaro, Larry
Sent: Wednesday, August 05, 2015 4:02 PM
To: 'Hartmann, Don'
Cc: Olsen, Scott; Alan Trantina; Tom MacDonald
Subject: RE: Damaged Escalator Steps (Down Unit)

Don,

Can you please call me at your earliest convenience to discuss specifics of this work, (702) 591-9422.

Thank you,

Larry Panaro
Account Manager
Service, Repair and Modernization Sales

ThyssenKrupp Elevator Americas
5440 S. Procyon St., Ste. B
Las Vegas, NV 89118

Phone: (702) 262-6775

Cell: (702) 591-9422

Fax: (866) 248-5612

<mailto:larry.panaro@thyssenkrupp.com>

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-----Original Message-----

From: Hartmann, Don [<mailto:DHARTMANN@GoldenNugget.com>]
Sent: Wednesday, August 05, 2015 3:59 PM
To: Panaro, Larry
Cc: Olsen, Scott; Alan Trantina; Tom MacDonald
Subject: Re: Damaged Escalator Steps (Down Unit)

This is not covered on our Maintenance Contract??

Sent from my iPhone

> On Aug 5, 2015, at 3:31 PM, Panaro, Larry <Larry.Panaro@thyssenkrupp.com> wrote:

>
> Great Don, where were the steps purchased from?
>
> Would you just like me to revise my proposal for the labor only to install the steps?
>
> Thank you,
>
> Larry Panaro
> Account Manager
> Service, Repair and Modernization Sales
>
> ThyssenKrupp Elevator Americas
> 5440 S. Procyon St., Ste. B
> Las Vegas, NV 89118
>

> Phone: (702) 262-6775
> Cell: (702) 591-9422
> Fax: (866) 248-5612
> <mailto:larry.panaro@thyssenkrupp.com>
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> -----
> -----
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> -----Original Message-----

> From: Hartmann, Don [<mailto:DHARTMANN@GoldenNugget.com>]
> Sent: Wednesday, August 05, 2015 3:27 PM
> To: Panaro, Larry
> Cc: Olsen, Scott; Alan Trantina; Tom MacDonald
> Subject: Re: Damaged Escalator Steps (Down Unit)

> We have the new steps in our Warehouse ready to be scheduled for install.

> Thank you

> Sent from my iPhone

>> On Aug 5, 2015, at 3:24 PM, Panaro, Larry <Larry.Panaro@thyssenkrupp.com> wrote:

>> Hi Don,

>> I hope all is well. I just wanted to reach out to you and follow up
>> on the escalator step matter at Golden Nugget Laughlin. Has a
>> decision been made on which direction the property wants to go on
>> these step replacement proposals?

>> Chris Dutcher (TKE Laughlin Mechanic) brought it up to me again last
>> week as a safety concern of his, that is why I thought I would reach
>> out to you.

>> Please let me know at your earliest convenience.

>> Sincerely,

>> Larry Panaro

>> Account Manager

>> Service, Repair and Modernization Sales

>> ThyssenKrupp Elevator Americas

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>> 5440 S. Procyon St., Ste. B
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>>
>> From: Panaro, Larry
>> Sent: Tuesday, June 16, 2015 4:29 PM
>> To: 'Hartmann, Don'
>> Cc: Olsen, Scott
>> Subject: Damaged Escalator Steps (Down Unit)
>> Importance: High
>>
>>
>>
>> Good Afternoon Don,
>>
>>
>>
>> It was great catching up with you last week. Per our conversation,
>> and your conversations with Chris Dutcher (TKE Mechanic), attached
>> are the proposals to replace the damaged/cracked escalator steps on the "Down"
>> unit at the Golden Nugget Laughlin. As we discussed, this is a
>> safety matter for the riding public. There are currently 40 steps
>> showing signs of cracking, and 5 of the 40 are critical. At this
>> time, we recommend replacing the 40 steps, however, the 5 steps need
>> to be addressed asap.

>>
>>
>>
>> As you will notice, the price per step is significantly less if all
>> 40 can be replaced at once (versus doing only 5 steps).
>>
>>
>>
>> Please call me with any further questions or concerns pertaining to
>> this correspondence.
>>
>>
>>
>> Sincerely,
>>
>>
>>
>> Larry Panaro
>>
>> Account Manager
>>
>> Service, Repair and Modernization Sales
>>
>>
>>
>> ThyssenKrupp Elevator Americas
>>
>> 4145 W. Ali Baba, Suite A
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>> Las Vegas, NV 89118
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>> <[https://plus.google.com/u/0/b/101712657051078702814/1017126570510787](https://plus.google.com/u/0/b/101712657051078702814/1017126570510787028)
>> 028
>> 14> * YouTube
>> <<http://www.youtube.com/channel/UCMik2PG6wp5wjK-UAMqUXXQ?feature=guid>
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>> <GN Laughlin - 40 Esc Steps.pdf>

EXHIBIT 1-R

EXHIBIT 1-R

JNB02981

Rebecca Mastrangelo

From: Panaro, Larry
Sent: Thursday, October 08, 2015 3:54 PM
To: Dutcher, Christopher M. - Field Technician
Subject: RE: Laughlin Proposals needed asap

Chris,

Proposal has been sent to Richard. You can follow up with him.

Proposal has been prepared for Don at Golden Nugget, but I have not sent it yet because I would like to speak with him first. I will let you know when he gets it.

Thanks,

Larry Panaro
Sales Manager - Las Vegas
West Region

ThyssenKrupp Elevator Americas
5440 S. Procyon St., Ste. B
Las Vegas, NV 89118

Phone: (702) 262-6775

Cell: (702) 591-9422

Fax: (866) 248-5612

<mailto:larry.panaro@thyssenkrupp.com>

Monthly Safety Message - Remember: Report all accidents in a timely manner!

www.thyssenkruppelevator.com

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www.urban-hub.com

From: Dutcher, Christopher M. - Field Technician
Sent: Thursday, October 08, 2015 3:23 PM
To: Panaro, Larry
Subject: Re: Laughlin Proposals needed asap

Hello Larry,

Just following up with you to see if you were able to send the proposals out.

I am looking to follow up with the customers after they have received the proposals so I can speed up the process of them approving them.

Thank you ,
Chris Dutcher

Sent from my iPhone

On Oct 7, 2015, at 10:04 AM, Panaro, Larry <Larry.Panaro@thyssenkrupp.com> wrote:

Guys,

I will follow up on these today.

Thanks,

Larry Panaro

Sales Manager - Las Vegas
West Region

ThyssenKrupp Elevator Americas

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Las Vegas, NV 89118

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From: Olsen, Scott

Sent: Wednesday, October 07, 2015 9:24 AM

To: Panaro, Larry

Cc: Dutcher, Christopher M. - Field Technician

Subject: FW: Laughlin Proposals needed asap

Larry, see Chris Dutcher's email below. can you please get proposals sent over to Don and Richard ASAP, if you have already please disregard.

Thanks

Scott Olsen

Service Operation Superintendent

ThyssenKrupp Elevator Americas

5440 S. Procyon St. Ste. B
Las Vegas, NV 89118

Phone: (702) 262-6775

Direct: (702) 789-4636

Cell: (702) 429-9927

Fax: (866) 248-5612

scott.olsen@thyssenkrupp.com

Monthly Safety Message ----- Use the Right Tool and Choose it Correctly

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[Subscribe to our e-newsletter](#)
www.urban-hub.com

From: Dutcher, Christopher M. - Field Technician
Sent: Wednesday, October 07, 2015 8:31 AM
To: Olsen, Scott
Subject: Fwd: Laughlin Proposals needed asap

Sent from my iPhone

Begin forwarded message:

From: Christopher Dutcher <christopher.dutcher@tkelevator.net>
Date: October 6, 2015 at 1:49:14 PM MST
To: larry.panaro@thyssenkrupp.com
Cc: Scott Olsen <scott.olsen@thyssenkrupp.com>
Subject: Laughlin Proposals needed asap

Hello sir,

Yesterday I spoke with Don Hartman in regards to his escalator steps needing replaced as soon as possible.

He made know to me that he has not received a proposal as of yet for step replacement.

Would you please send or resend the proposal to him and to myself in case I need to hand deliver said proposal.

Today I spoke with Richard Ruff in regards to the glass replacement that needs to be done.

He made known to me that he has not received a proposal as of yet for glass replacement.

Would you please send or resend the proposal to him and to myself in case I need to hand deliver said proposal.

Thank you sir

Sincerely,
Chris Dutcher

Sent from my iPhone

EXHIBIT 1-S

EXHIBIT 1-S

JNB02986



GOLDEN NUGGET HOTEL & CASINO
Las Vegas, NV, 89104
Office 702.386.8257 Fax: 702.387.4457

PURCHASE ORDER

GOODS WILL NOT BE ACCEPTED UNLESS THIS PURCHASE ORDER NUMBER
APPEARS ON ALL INVOICES, PACKAGES, PACKING SLIPS AND BILLS OF LADING

| | |
|---------------|--------------------|
| P.O Number : | 1008826 |
| Type : | STANDARD |
| Order Date: | 04-JAN-16 |
| Due Date : | 08-JAN-16 |
| Entered by : | Garcia, Irais Rubi |
| Approved By : | Meyer, Robert |
| Buyer : | Irais, Garcia |

VENDOR :
THYSSENKRUPP ELEVATOR
PO BOX 933004
ATLANTA, GA 91193-3004 UNITED STATES

SHIP TO:
0872 - GOLDEN NUGGET LAUGHLIN
2300 SOUTH CASINO DR.
LAUGHLIN, NV 89029 UNITED STATES

BILL TO :
ACCOUNTS PAYABLE
P.O.BOX 77111
LAUGHLIN, NV 89028 UNITED STATES

Notes :
QUOTE# PROPOSAL DATED 11/1/15 BY LARRY PANARO
PLEASE CONFIRM RECEIPT OF THIS PO TO:

IRAIS GARCIA
P: 702-386-8192
F: 702-387-4457
igarcia@goldennugget.com

REQUESTOR: CODI GIBSON
DEPT: ENGINEERING

THERE MAY BE FREIGHT

PLEASE EMAIL INVOICE TO: GNLVAP@GOLDENNUGGET.COM

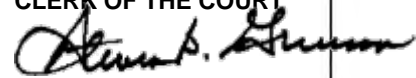
| | | | | | |
|---------------|--|-----------------|----------|-------|-----------|
| Ordered By | Effective Date | Expiration Date | Ship Via | F.O.B | Terms |
| Irais, Garcia | | | | | IMMEDIATE |
| Remarks : | RFQ. 1010108 - ENGINEERING - CODI GIBSON | | | | |
| Comments : | 0872 | | | | |

| Line | Item Number | Description + Comment | UNIT | COST | Taxable | Quantity | Amount |
|--------------|-------------|--|------|----------|---------|----------|--------------|
| 1 | 3084016 | 40 escalator steps to be installed by ThyssenKrupp (LABOR ONLY) | Lot | 11500,00 | N | 1 | \$11500,00 |
| Total Amount | | | | | | | \$ 11,500.00 |

EXHIBIT 2

EXHIBIT 2

JNB02989



ORDR

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

Defendants.

AND ASSOCIATED CASES

Case No.: A-16-739887-C

Dept. No.: XXXI

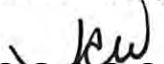
**ORDER GRANTING MOTION FOR
LEAVE TO FILE SECOND AMENDED
COMPLAINT**

On August 7, 2018, the Court considered the Motion for Leave to File Second Amended Complaint ("Motion") filed by Plaintiffs Joe N. Brown and Nettie J. Brown (collectively, "Plaintiffs"). Mohamed A. Iqbal, Jr., Esq., appeared on behalf of the Plaintiffs; Alexandra B. McLeod, Esq., appeared on behalf of Landry's Inc., Golden Nugget, Inc., and GNL, Corp. (collectively, the "Nugget Defendants"); and Rebecca L. Mastrangelo, Esq., appeared on behalf of Thyssenkrupp Elevator Corporation ("TKE").

///

**ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED
COMPLAINT (1 of 6)**

AUG 25 '18 PM 12:43*


JNB02990

1 Having considered the Motion, the moving and opposition papers filed by the parties, and
2 the evidence submitted in support thereof, and having heard the arguments of counsel, the Court
3 enters the following essential:

4 **FINDINGS OF FACT**

5 1. Plaintiffs propose amending their pleadings to add detail regarding the Nugget
6 Defendants, and to name TKE as a direct defendant.

7 2. The proposed amendments are based on the alleged knowledge of TKE and the
8 Nugget Defendants of dangerous defects and conditions involving escalators at the Golden Nugget
9 hotel and casino in Laughlin, Nevada; awareness by TKE and the Nugget Defendants of the risk
10 posed to the public by those alleged defects and conditions; and the alleged failure by TKE and
11 the Nugget Defendants to remedy the danger, which Plaintiffs claim resulted in injuries to Plaintiff
12 Joe N. Brown in the form of a broken neck, and to his wife, Plaintiff Nettie J. Brown, in the form
13 of loss of consortium.

14 3. TKE and the Nugget Defendants both oppose the Motion, arguing it should be
15 denied because it bears a file stamp of 12:01 am on July 4, 2018, one minute after the stipulated
16 deadline for motions to amend. None of the defendants allege the timing of the Motion prejudiced
17 the preparation of their responses.

18 4. Plaintiffs provided evidence the Motion was uploaded shortly before midnight on
19 July 3, 2018, prior to the stipulated deadline. This evidence was not controverted by evidence
20 from any of the defendants.

21 5. Plaintiffs substantially complied with the deadline for filing the instant Motion.
22 There is no evidence that the defendants were prejudiced by any delay in the time stamp.

23 6. TKE for its part separately contends the Motion should be denied to the extent it
24 seeks leave to make TKE a direct defendant because the statute of limitations expired prior to the
25

26
27
28 **ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED
COMPLAINT (2 of 6)**

JNB02991

1 Motion's filing.¹ TKE did not allege it was prejudiced in preparing its defense by the running of
2 the statute.

3 7. Plaintiffs' existing complaint alleges their injuries are attributable in part to
4 negligent maintenance of the escalators at the Golden Nugget in Laughlin.

5 8. Plaintiffs provided evidence that they were unaware of TKE's role as maintainer of
6 the escalators until after they filed their pleadings. This evidence was not controverted by evidence
7 from any of the defendants.

8 9. Plaintiffs further provided evidence that TKE did not produce maintenance logs,
9 emails, and repair orders showing that TKE's engineers knew the escalator steps were "obsolete"
10 and "prone to develop cracks" that posed "a serious safety issue" for the public and should all be
11 replaced, until several months after the statute of limitations expired. This evidence was not
12 controverted by evidence from any of the defendants.²

13 10. Plaintiffs provided evidence that after learning of TKE's alleged role and
14 knowledge, they expeditiously engaged in further discovery regarding the withheld information.
15 This evidence was not controverted by evidence from any of the defendants.

16 11. Plaintiffs provided evidence that TKE's defense of the case to date has been to
17 attack the Plaintiffs' underlying claims rather than those of the Nugget Defendants, who sued TKE
18 prior to the running of the statute of limitations as third-party plaintiffs. This evidence was not
19 controverted by evidence from any of the defendants.

20 12. The Nugget Defendants for their part contend the Motion should be denied to the
21 extent it seeks leave to allege claims for punitive damages because such an amendment would be
22

23
24 ¹ The Nugget Defendants did not make parallel arguments nor join in TKE's opposition.

25 ² Counsel for TKE noted at the hearing she believed the documents were produced earlier than the
26 date alleged by Plaintiffs but did not provide evidence to that effect, nor contend the documents
27 were produced prior to the running of the statute of limitations.

1 futile.³ The current pleadings contain claims for punitive damages that are substantially similar
2 to those in the proposed amendment.

3 13. The Nugget Defendants argue the Plaintiffs cannot show they acted with specific
4 intent to harm the Plaintiffs. The Plaintiffs provided evidence they contend shows the defendants
5 were aware of various deficiencies in the design and condition of the escalator that posed a
6 substantial risk to the public and did not fully remedy those deficiencies. This evidence was not
7 controverted by evidence from any of the defendants.

8 14. Any of the foregoing findings of fact which should more appropriately be
9 denominated conclusions of law shall be so construed.

10 The Court therefore enters the following essential:

11 **CONCLUSIONS OF LAW**

12 1. Nevada has a long-standing preference for adjudicating issues on their merits. *See*
13 *e.g., Nev. Power Co. v. Fluor Ill.*, 837 P.2d 1354, 1359 (Nev. 1992); *see also* Nev. R. Civ. P.
14 (“NRCP”) 1. Because the Motion was filed substantially in compliance with the parties’ stipulated
15 deadline and the defendants have neither alleged nor demonstrated that they were prejudiced
16 thereby, the court will decide the Motion on its merits.

17 2. Nevada courts considering civil procedure issues may look to federal court
18 decisions on analogous federal rules for guidance if the Nevada rule is identical to or mirrors the
19 federal rule. *Las Vegas Novelty, Inc. v. Fernandez*, 787 P.2d 772, 774 (Nev. 1990); *Executive*
20 *Mgmt. Ltd. v. Ticor Title Ins. Co.*, 38 P.3d 872, 876 (Nev. 2002). However, the rules at issue here
21 are neither identical nor mirror images, and the federal cases cited by TKE’s opposition brief are
22 not to the extent they rely on such differing provisions controlling or persuasive.

23 3. Nevada civil procedure rules, in pertinent part, allow parties to amend their
24 pleadings by leave of court which is freely given when justice so requires. NRCP 15(a). Whenever
25

26 ³ TKE did not make parallel arguments nor join in the Nugget Defendants’ opposition.
27

1 the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or
2 occurrence set forth or attempted to be set forth in the original pleading, the amendment relates
3 back to the date of the original pleading. NRCP 15(c). This rule is liberally construed to allow
4 relation back of the amended pleading where the opposing party will be put to no disadvantage.
5 *Costello v. Casler*, 254 P.3d 631, 634 (Nev. 2011).

6 4. Maintenance of the escalators that allegedly caused Plaintiffs' injuries has always
7 been an issue known to the parties in this case, including TKE as a third-party defendant. Because
8 Plaintiffs and the Nugget defendants allege TKE bears responsibility for maintenance of the
9 escalators, the interests of justice require TKE's inclusion as a direct defendant. Because TKE has
10 not alleged or demonstrated it will be prejudiced in its defense, the amendment will relate back to
11 the date of the original pleading. Further, TKE's failure to produce relevant, material evidence
12 concerning its culpability until after the running of the statute is an additional basis for permitting
13 the amendment and relation back. *Nurenberger Hercules-Werke GMBH v. Virotek*, 882 P.2d
14 1100, 1105-06 (Nev. 1991).

15 5. The Nugget Defendants argue the Motion should be denied as futile, because an
16 award of punitive damages requires proof of specific intent to harm the Plaintiffs. However,
17 Nevada law also provides for such damages when a defendant engages in "despicable conduct
18 which is engaged in with a conscious disregard of the rights or safety of others." NRS 42.001(3).
19 Punitive damages are available when the defendant acts willfully and intentionally and in reckless
20 disregard of possible results. *Bader v. Cerri*, 609 P.2d 314, 318-19 (Nev. 1980). Conduct
21 undertaken by a defendant despite knowledge of the probable consequences, including a
22 substantial risk of harm to the public, may be sufficient to support an award of punitive damages.
23 *Countrywide Home Loans, Inc. v. Thitchener*, 192 P.3d 243, 255 (Nev. 2008); *Wyeth v. Rowatt*,
24 244 P.3d 765, 783 n. 11 (Nev. 2010).

25 6. Evidence that the defendants knew of the defective and dangerous condition of the
26 escalators and of the risk posed to the public by those alleged defects and dangers, but chose to
27

28 **ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED
COMPLAINT (5 of 6)**

JNB02994

1 leave the escalators in service, could support an award of punitive damages. Moreover, as the
2 existing pleadings already contain prayers for punitive damages, denying the Motion would not
3 change the scope of the Nugget Defendants' potential liability.


4 7. Any of the foregoing conclusions of law which should more appropriately be
5 denominated findings of fact shall be so construed.

6 Now, therefore, good cause appearing,

7 **IT IS HEREBY ORDERED, DECREED, AND ADJUDGED** that

8 Plaintiffs' Motion for Leave to File Second Amended Complaint is **GRANTED**. Plaintiffs
9 shall file their amendment within ten days of notice of entry of this Order.

10 Dated this ____ day of August, 2018.

11
12  JOANNA S. KISHNER
13 Hon. Joanna S. Kishner
14 District Court Judge, Department XXXI

15 Respectfully submitted after circulation to all counsel
16 appearing at the above-referenced hearing.

17 IQBAL LAW PLLC

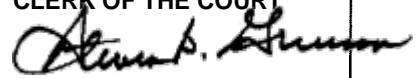
18 By: /s/ Mohamed A. Iqbal, Jr.
19 Mohamed A. Iqbal, Jr. (NSB #10623)
Christopher Mathews (NSB #10674)

8/24/18
M.A.I.

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

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27
28 **ORDER GRANTING MOTION FOR LEAVE TO FILE SECOND AMENDED
COMPLAINT (6 of 6)**

JNB02995



1 **NEO**
2 REBECCA L. MASTRANGELO, ESQ.
3 Nevada Bar No. 5417
4 ROGERS, MASTRANGELO, CARVALHO & MITCHELL
5 700 S. Third Street
6 Las Vegas, Nevada 89101
7 Phone (702) 383-3400
8 Fax (702) 384-1460
9 rmastrangelo@rmcmlaw.com
10 Attorneys for Defendant
11 THYSSENKRUPP ELEVATOR CORPORATION

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DISTRICT COURT
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

JNB02996

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**

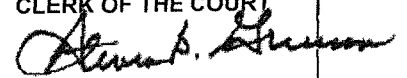
13 Pursuant to N.R.C.P. 5(a), E.D.C.R. 7.26(a), and Rule 9 of the N.E.F.C.R. I hereby
14 certify that I am an employee of Rogers, Mastrangelo, Carvalho & Mitchell, and on the 7th day
15 of August, 2019, a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER**
16 was served via electronic 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
5 700 South Third Street
6 Las Vegas, Nevada 89101
7 Phone (702) 383-3400
8 Fax (702) 384-1460
9 rmastrangelo@rmcmlaw.com
10 Attorneys for Defendant/Third-Party Defendant
11 THYSSENKRUPP ELEVATOR CORPORATION

7
8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

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

13 vs.

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

18 GNL, CORP., a Nevada corporation;
19 Third-Party Plaintiff,

20 vs.

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

25 Third-Party Defendants.

CASE NO.: A-16-739887-C

DEPT. NO.: XXXI


26 **ORDER REGARDING PLAINTIFFS' MOTION TO EXTEND DEADLINE**
27 **FOR COURT-ORDERED DISCOVERY**

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

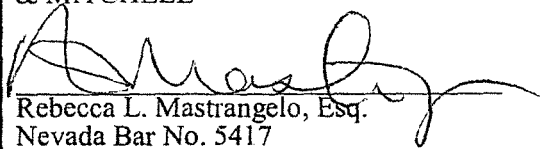
5 IT IS HEREBY ORDERED, ADJUDGED and DECREED that Plaintiffs' motion is
6 denied with the Court finding there to be no good cause to extend discovery nor any excusable
7 neglect requiring an extension.

8 DATED this 19 day of July, 2019.

9  JOANNA S. KISHNER
10 DISTRICT JUDGE


11 SUBMITTED BY:

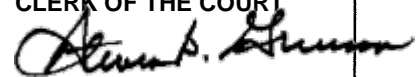
12 ROGERS, MASTRANGELO, CARVALHO
13 & MITCHELL

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.



1 **NEO**
2 REBECCA L. MASTRANGELO, ESQ.
3 Nevada Bar No. 5417
4 ROGERS, MASTRANGELO, CARVALHO & MITCHELL
5 700 S. Third Street
6 Las Vegas, Nevada 89101
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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

JNB03000

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**

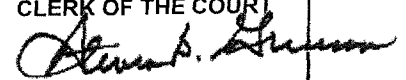
13 Pursuant to N.R.C.P. 5(a), E.D.C.R. 7.26(a), and Rule 9 of the N.E.F.C.R. I hereby
14 certify that I am an employee of Rogers, Mastrangelo, Carvalho & Mitchell, and on the 7th day
15 of August, 2019, a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER**
16 was served via electronic 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
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8 Fax (702) 384-1460
9 rmastrangelo@rmcmlaw.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.

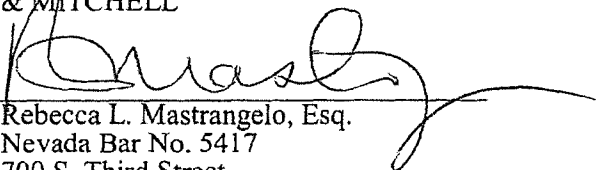
16 DATED this 17 day of July, 2019.

17 JOANNA S. KISHNER

18 
DISTRICT JUDGE

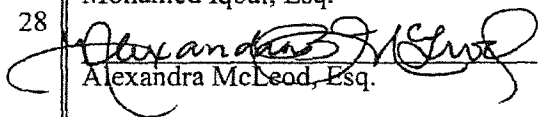
19 SUBMITTED BY:

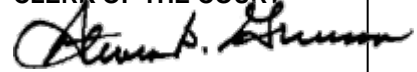
20 ROGERS, MASTRANGELO, CARVALHO
21 & MITCHELL

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

26 APPROVED AS TO FORM AND CONTENT:

27 NO RESPONSE
28 Mohamed Iqbal, Esq.


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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13 Nevada Bar No.

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17 Nevada Bar No.

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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,

6 Third-Party Defendants

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

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

12 DATED this 27th day of September, 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 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.

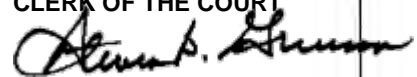
Mohamed A. Iqbal, Jr., Esq.
Christopher Mathews, Esq.
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Rebecca L. Mastrangelo, Esq.
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Attorneys for GNL, Corp

/s/ Denisse A. Girard-Rubio

An Employee of **GRANT & ASSOCIATES**



1 **OGSJ**

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4 ALEXANDRA B. MCLEOD, ESQ.

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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;

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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

TC31

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

GRANT & ASSOCIATES

7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Telephone No. (702) 940-3529
Facsimile No. (855) 429-3413

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*

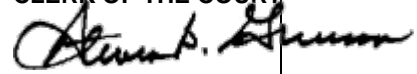
DECLINED

Mohamed A. Iqbal, Jr., Esq.

101 Convention Center Drive, Suite 1175

Las Vegas, NV 89109

Attorney for Plaintiffs



1 RTRAN

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA
7

8 JOE BROWN,) CASE NO. A-16-739887-C
9 Plaintiff,) DEPT. NO. XXXI
10 vs.)
11 GNL CORP,)
12 Defendant.)

13
14 BEFORE THE HONORABLE JOANNA S. KISHNER, DISTRICT COURT JUDGE

15 MONDAY, OCTOBER 7, 2019

16 **RECORDER'S TRANSCRIPT OF HEARING:**

17 **ALL PENDING MOTIONS**

18 APPEARANCES:

19 For the Plaintiff: MOHAMED A. IQBAL, ESQ.,

20 For the Defendant
21 Thyssenkrupp: REBECCA L. MASTRANGELO, ESQ.,

22 For the Defendant
23 GNL Corp: D. LEE ROBERTS, JR., ESQ.,
ALEXANDRA B. McLEOD, ESQ.,

24
25 RECORDED BY: SANDRA HARRELL, COURT RECORDER

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Las Vegas, Nevada; October 7, 2019
[Hearing commenced at 1:06 p.m.]

THE COURT: Okay. We're on the record in case number 739887, Brown versus GNL Corp. So, counsel, can we have your appearances please?

MR. IQBAL: Good afternoon, Your Honor. Mohamed Iqbal on behalf of the plaintiffs.

MS. MASTRANGELO: Rebecca Mastrangelo, Thyssenkrupp Elevator.

MS. McLEOD: Good afternoon, Your Honor. Alexandra McLeod, 8185, on behalf of GNL Corp.

MR. ROBERTS: Good afternoon, Your Honor. Lee Roberts also on behalf of GNL.

THE COURT: Okay. Well, counsel, there's a huge issue here folks. Should we -- first off, Mr. Iqbal, providing the Court at 10 something this morning when you knew the Court was going to be on the bench all morning with going straight into this hearing; right? Because we told you we were giving away -- a letter said we were giving away time all morning; right? When you know how much time you had; right?

So giving the Court this morning some potential deposition excerpts would give the Court absolutely no time whatsoever to in any way have any time to prepare for resolving any deposition excerpts; okay?

1 MR. IQBAL: I believe, Your Honor, they were delivered last
2 week.

3 THE COURT: No. We got your Judge's courtesy copy this
4 morning at 10 o'clock.

5 MR. IQBAL: Oh.

6 THE COURT: 9:58.

7 MR. IQBAL: I believe we put that in the box last week, Your
8 Honor.

9 THE COURT: You mean, like Friday after 5 o'clock?

10 MR. IQBAL: Please -- please check.

11 THE COURT: I mean, if it comes in Friday after 5 o'clock,
12 then, of course, it gets looked up and if it doesn't say anything about any
13 hearing or anything, right?

14 MR. IQBAL: Right.

15 THE COURT: Knowing the Court was starting at 8:30 this
16 morning because we were booking up all times and we're going straight
17 through to accommodate the special settings because you knew that
18 from our letter. At what time were you expecting that the Court would
19 look at something? Have the time to look at it.

20 MR. IQBAL: I believe, Your Honor, it was -- it was dropped off
21 in the box well before 5 o'clock. It was filed Thursday night and then it
22 was dropped off --

23 THE COURT: My JEA is right here. No.

24 MR. IQBAL: Okay.

25 THE COURT: We check that box too and I wasn't here.

1 Everyone knew I wasn't even going to be here in the jurisdiction;
2 remember? Because I was going to be at CLE which is why I could not
3 do it Thursday or Friday. Which is why if there was going to be
4 anything, remember these specific deadline that the Court gave
5 everyone that they needed everything. If there was going to be anything
6 for today's hearing which no one gave me by that deadline. Which is
7 why we then sent you the letter because no one responded at all to the
8 Court. Which is why we had to send you to the memo even seeing if
9 you wanted the time.

10 Remember you were supposed to get back to me the day
11 after or the day of your 2.67 conference with a specific detailed list of
12 everything that the parties wanted the Court to address, how much time
13 each one would take and how much time you needed for the day
14 because the Court told you specifically that we had because of the other
15 trials that you were and you were here at the pre-trial conference when
16 those other trials were specifically discussing what they needed.

17 And so we were going to try and balance that day because at
18 first you all needed part of the day, then you were saying that you
19 potentially needed more than a day and I was going to try and balance it
20 with the other case. And then when we didn't hear from you is why the
21 Court then had to send a memo. And the only thing the Court got back
22 from anyone was on September 25th, the parties respectfully request
23 time before the Court for the purpose of voir dire of Plaintiffs' escalator
24 expert, Sheila Swett, remotely and for resolving any disputes regarding
25 deposition transcripts excerpts between one and five on Monday,

1 October 7th. I would appreciate the Court's assistance. So there wasn't
2 anything attached to this letter, so we didn't know what you were talking
3 about, okay.

4 And then the footnote says Dr. Srinivasu, Plaintiffs' pain
5 expert has confirmed availability and it says [indiscernible] and will
6 appear in person for the voir dire. So this Court thought you meant he
7 was coming in person and Sheila Swett was being remotely. So this
8 Court went and backed to your July 10th and fully prepared listening to
9 the hearings in each of those for Sheila Swett and Srinivasu. Pulled
10 your prior motions and all of that, was fully prepared for that. Pulled all
11 the information from the pre-trial conference to address the juror
12 notebooks, tried to figure out what else outstanding issues you might be
13 wanting and was prepared for all of that. And since we never got
14 anything or any notification about any of deposition -- because
15 remember everything was supposed to be by that day, the 2.67.

16 This letter didn't have anything attached to it, so we didn't
17 know what you were talking about. Had no idea, weren't thinking you
18 wanted any depo excerpts. And then I guess some -- some objection I
19 guess showed up at some point, but it made no sense to my law clerk.

20 Well, I was out of the jurisdiction on Thursday or Friday --
21 Friday at 2 -- 2:44 some objection showed up less than a judicial day
22 and then this morning some alleged depositions information came to the
23 Court. It was time-stamped 10 o'clock which means it either came in
24 late after hours on Friday or this morning, but this Court's been on the
25 bench straight since 8:30 as I told you all I was going to be because I

1 was going to be balancing time. I told you all at the pre-trial conference
2 for three of the four of you that were here.

3 And so this presents a huge challenge because the only
4 reason why I thought you needed four hours was because you had two
5 huge voir dieres. I mean, the other hearing I have now had to continue
6 until Thursday. They're coming back. They're flying back in town. The
7 other trial that's -- so that -- excuse me, no. They're not flying back in
8 town. Yeah, they are flying back in town. Defense counsel is flying
9 back in town. I've got -- the other one is continuing tomorrow and the
10 other one continuing on Thursday. My 8:30 because that I guess my the
11 other one I couldn't do that because we had you all and I had to leave
12 [indiscernible] leave and they had to come back on Thursday.

13 Come on folks. This is not the first time this has happened.
14 It's not the second time in this case. I mean, if you didn't want the guy to
15 be here then we'll appear in person for voir dire and his potential test --
16 well, so you're going to have the jurors wait? You want me to have
17 jurors wait while you want the person to be here? When you specifically
18 said we're not going to have jurors wait; right?

19 MR. IQBAL: We can have him show up before then, Your
20 Honor.

21 THE COURT: How can we do that when I'm going back to
22 back trials? And you all even got the notice on October 2nd. You would
23 have gotten a call about being number three because the case didn't
24 settle; right? You got that nice courtesy call. Still didn't get anything
25 from you all. You wanted depositions. Couldn't you all given at least to me

1 then or told my law clerk something was coming on its way?

2 It looks like we're doing Sheila Swett and that's it. I don't
3 know when you're going to have time to do your depos because we
4 don't have it. Obviously, I couldn't be prepared when -- I didn't even get
5 it, folks, so. And you know the rule. You couldn't have given it to me
6 that short of time. Courtesy copies are due when? Feel free to look at
7 the counsel table. It's right there taped to counsel table; right? Five
8 days currently. Realistically, seven days, but we're not holding people to
9 the seven days because the EDCR has not yet been affirmed by the
10 Supreme Court; right? But any courtesy copies are due.

11 So yes, I am spent hours over the weekend and then coming
12 in this morning incredibly early to [indiscernible] that is what it is.

13 Okay. Well, I guess we're doing Sheila Swett and that's it.
14 Because knowing -- does anyone think that you gave it to me five or
15 seven days earlier? Did anyone give me anything timely in accordance
16 with the rules? Did you five days before under the EDCR? Simple yes
17 or no.

18 MR. IQBAL: Not under the EDCR, Your Honor. And that's --
19 that's our --

20 THE COURT: So --

21 MR. IQBAL: -- error.

22 THE COURT: -- so what sell style -- self-style deadline did
23 you give yourself?

24 MR. IQBAL: The -- the handout states I had two judicial days
25 prior to the calendar call and --

1 THE COURT: So two judicial days would have been last
2 Thursday; right? Two full judicial days. You don't count the day; right?

3 MR. IQBAL: Right.

4 THE COURT: So that means they're due Thursday.

5 MR. IQBAL: Yes, Your Honor.

6 THE COURT: Did I get them on Thursday?

7 MR. IQBAL: No. You did not, Your Honor.

8 THE COURT: But this wasn't -- and this was -- okay. Well --
9 so 1:30 she's on the phone. So what do you need for the first 15
10 minutes? Are you doing juror notebooks or did that get resolved?

11 MR. IQBAL: We're -- we're not going to do juror notebooks,
12 Your Honor.

13 THE COURT: Okay.

14 MR. IQBAL: It's resolved.

15 THE COURT: Well just until you told me that was an issue,
16 you wanted a pre-trial conference that you want to discuss at the
17 hearing, so -- okay. So we also had that you -- I have an order
18 regarding GNL's Corp's motions in limine one through three. The Court
19 held that for today because we had under Plaintiffs' counsel declined.
20 So I guess, did you receive it and you declined to sign it because you
21 disagreed with it or did you decline for something -- other reason?

22 MR. IQBAL: We -- we disagreed with the -- with the language,
23 Your Honor. We received it, but counsel certainly --

24 THE COURT: What language do you disagree with?

25 MR. IQBAL: There was -- I don't have it right in front of me,

1 but there was all-encompassing sentence regarding --

2 THE COURT: Sure. Let me show --

3 MR. IQBAL: -- discovery disputes.

4 THE COURT: Marshall, will you give -- can you show that to
5 Plaintiffs' counsel? Because it also shows that there's video deposition
6 issues that you all wanted addressed? Is that no longer an issue?

7 MR. IQBAL: There is --

8 THE COURT: Because that was an issue that you all are
9 going to discuss at your 2.67 that you said you wanted the Court to
10 initially put it at no longer.

11 MR. IQBAL: We -- we have one deposition that was taken by
12 video and so the excerpts from that we would request --

13 THE COURT: How would that be? Did you provide that to
14 the Court two days before? Did I get that one Thursday? I was told I
15 got no video dep excerpts, so.

16 MR. IQBAL: If we didn't provide it, we'll just -- we'll go with the
17 -- the written transcript excerpts that we provided, Your Honor.

18 THE COURT: Did you provide it on Thursday? Which
19 deposition excerpts did you provide on Thursday?

20 MR. IQBAL: So we E-served the deposition --

21 THE COURT: Provide to the Court; right?

22 MR. IQBAL: Right.

23 THE COURT: I'm sorry. This Court understands. I was not
24 here. Everyone knows I was not going to be here on Thursday and
25 Friday because I was at a CLE conference with several of the Supreme

1 Courts, Court of Appeals and other Judges; right? So the Court
2 understood from all my emails, calls and texts to my department, I didn't
3 receive anything on Thursday regarding this case. So, does someone
4 think they submitted something to the Court on Thursday? Someone in
5 my department incorrect? I just -- oops, this happened. I don't know. I
6 mean I was calling, texting and emailing. I was not physically here. I
7 don't go look at the box when I'm not -- I don't go look in the box
8 anyway, but --

9 MR. IQBAL: No, Your Honor. Unfortunately, we didn't drop
10 off the courtesy copies until Friday.

11 THE COURT: You do realize my JEA's got a camera and can
12 see when people go to the box; right? And we know the times that we
13 go out and check the box.

14 MR. IQBAL: Yes, Your Honor.

15 THE COURT: FYI, all of the departments do. Just FYI, to let
16 you know. But okay.

17 Because we don't have, at least when I checked, that's what I
18 understood because under the depositions, right, any designation of any
19 portions of testimony to be offered must be served on all parties with a
20 courtesy copy to the Court, bold and underlined, two judicial days prior
21 to the calendar call which would have been Thursday.

22 To this Court's understanding, we did not get anything. Any
23 counter designations by page line, citation or testimony which, of course,
24 you had to provide the testimony as well because we can't guess what it
25 is; right? Must be served on all parties with a courtesy copy to the Court

1 one judicial day prior to the calendar call. So if there are any objections
2 to the designations or counter designations, then the parties need to
3 provide the Court, I refer calling [indiscernible] deposition which showing
4 each page line, the excerpts and by whom. If they are to be used -- if
5 there is to be used deposition testimony in lieu of live testimony from
6 more than one witness, you need to notify the Court at the pre-trial
7 conference; right? So that the time can be set aside prior to the trial to
8 hear those.

9 So, I was okay with the fact that you didn't tell me at the pre-
10 trial conference that letter as long as I had it, but no one gave me any
11 timeframes which is why I went to the standard EDCR because if we
12 have more than one witness, then we need to have time to prepare so
13 that I can read everything. And since everyone knew I was going to be
14 out of the jurisdiction, I kind of -- so I guess, does anyone think that they
15 gave me any deposition excerpts on Thursday? So no, no and no?

16 MS. MASTRANGELO: Your Honor, when three -- actually, all
17 of us met for 2.67, it was my understanding at that point based on
18 agreement of counsel that Mr. Iqbal was going to send you something
19 telling you what we were going to do today. The next morning when I
20 got into my office, I saw that I didn't receive a copy. And I emailed him
21 and said, did you send that letter to the Judge and he said, no, but I'm
22 going to do it.

23 So eventually you got that order. I did not --

24 THE COURT: You said I got an order.

25 MS. MASTRANGELO: I mean, you got that letter.

1 THE COURT: That's after I sent you all a memo --
2 MS. MASTRANGELO: Right.
3 THE COURT: -- saying I got nothing --
4 MS. MASTRANGELO: Exactly.
5 THE COURT: -- because you all --
6 MS. MASTRANGELO: Exactly.
7 THE COURT: -- didn't send me anything. And I had two
8 other cases on hold because --
9 MS. MASTRANGELO: No. I --
10 THE COURT: -- you all asked for the time first.
11 MS. MASTRANGELO: -- I totally understand it. And by the
12 time I got his deposition sections that he wanted to read, I'm supposed
13 to have two days to do my counter designations which I did, but because
14 he was late, we were late. And I wasn't planning on doing that today.
15 My understanding was today was going to be Sheila Swett's
16 voir dire.
17 THE COURT: Well --
18 MS. MASTRANGELO: So I'm willing to discuss anything the
19 Court wants to discuss, but --
20 THE COURT: -- I don't even have counter designations. I
21 don't --
22 MS. MASTRANGELO: I know that we served our counter
23 designation's courtesy copy here, I was out of town also, Thursday or
24 Friday along with our voir dire -- jury voir dire and our --
25 THE COURT: Okay.

1 MS. MASTRANGELO: -- pre-trial memo which was done
2 unilaterally because Plaintiffs' counsel did not prepare one, so --

3 THE COURT: I've got 244 from October 4th. Two forty-four is
4 what I have, so 244. It's dated the 4th. You presumably filed it and then
5 gave us a courtesy copy, so okay. Two forty-four on the 4th, I have
6 Defendant third party Thyssenkrupp's deposition list. Third party
7 Thyssenkrupp's proposed questions for voir dire. Defendant
8 Thyssenkrupp's objections to Plaintiffs' deposition excerpts of Don
9 Hartmann. And one for Defendant Thyssenkrupp's objections to
10 deposition excerpts of Christopher Dutcher. And Defendant third party --
11 these two you've just put Defendants, so I don't know if that was
12 intentional.

13 MS. MASTRANGELO: I don't know. It doesn't really --

14 THE COURT: I'm reading as is. I'm just -- so. Okay. I'm not
15 intentionally omitting the third party, but these two didn't say a third
16 party. And then the third one says, Defendant third party, Defendant
17 Thyssenkrupp's Corporation's pre-trial memorandum because yeah,
18 that, of course, was due with specific dates pursuant to the trial order.
19 And the Court -- that's -- that we have.

20 And then right before I came into this hearing, my JEA -- I
21 said, by chance since I've been on the bench all morning non-stop did
22 by chance anything come in while I've been on the bench all morning
23 and she said this morning we got Judge's courtesy copy. It was
24 stamped 10 o'clock, 9:58 this morning which means it could have easily
25 come in after hours on Friday or it could have come in Monday because

1 what happens is things get brought in when they -- you know, first thing
2 in the morning they get brought in and then they get brought in and then
3 they get brought in at the end of the day. But obviously after hours
4 people don't go to the box after hours. And if it's a minute or two it's
5 usually around 4ish is about the last run because that's about the last
6 run when you get Legal Wings and whatever come and do it. And so
7 this department usually goes out there. I do that.

8 And that's -- this which we saw. I just got handed was
9 deposition excerpts I guess of Dutcher and Hartmann and Davis Turner
10 which I guess the third one which I didn't see any objections to, so I
11 didn't have -- and then there's two -- oh, there's another Hartmann. First
12 one says, Hartmann May 17. This one says Hartmann January 24. And
13 that was the one that you saw my JEA and I were discussing when you
14 came in. So that's all I've got.

15 MS. MASTRANGELO: And we do have objections to Turner,
16 but I didn't get them in a timely manner to have them done, so. Your
17 Honor's frustrated. I'm very frustrated. So --

18 THE COURT: Let's not frustrate. The Court just can't -- the
19 Court's just concerned that you can appreciate if you were in the other
20 case where they were in a midst of a --

21 MS. MASTRANGELO: I totally understand.

22 THE COURT: -- evidentiary hearing for terminating sanctions
23 and I had to tell them to come back and somebody's flying out of town
24 because in fairness you had done the time. And you could appreciate
25 when you all preserved the time first. I try and give you the time. But

1 then there's representations made by counsel that you'll notify the Court.
2 Court usually doesn't think I have to send out reminder memos, do you
3 really, really want the time.

4 And usually attorneys explain to the Court what you'd like to
5 have heard specifically when the Court asks so that the Court can
6 prepare for it. I don't usually have to go fishing in all your documents.
7 Now I have to give you extra consideration because you had a little
8 oops. That was the Court's issue back on motions in limine, so I was
9 okay kind of doing that because I figured you guys had a little oops one
10 time on your motions in limine, so I went looking for you all to try and
11 figure this out for today.

12 But that doesn't do the untimeliness of depo excerpts because
13 those -- it's clear in those rules that if you have more than one you got to
14 set aside specific time. If you wanted this time was to set aside specific
15 time, then presumably you all wouldn't know that and then you can't
16 provide the Court the day of. And I don't know if GNL's got any issues
17 or not because I didn't let you get -- you haven't had a chance to stand
18 up and speak, so go ahead. One of the two GNL counsel, do you want
19 to say anything? Do you have a viewpoint or do you think you gave me
20 something that I don't have?

21 MS. McLEOD: I likewise appreciate the Court's frustration as
22 much as it seems like --

23 THE COURT: Court's not frustrated.

24 MS. McLEOD: -- we're disorganized. We've actually had two
25 in-person meetings and telephone call between counsel where we

1 discussed pre-trial issues and agree on how things will be done and a
2 timeline for doing them. And it's just that those things don't seem to
3 come to fruition.

4 For example, with regard to the deposition issue, we
5 discussed at one point that we would each select a color and highlight
6 our excerpts in that party's assigned color so that the transcript could be
7 delivered to Your Honor and you could easily see which party was
8 proposing which excerpt.

9 THE COURT: Right. Right. The Court --

10 MS. McLEOD: Instead --

11 THE COURT: -- the Court was kind of wondering how it was
12 supposed to deal with excerpts and depositions when I have pages with
13 no text whatsoever. Do you realize I was even going to bring up the text
14 concept, but how are you all planning on me doing depo excerpts when
15 there's absolutely no depositions for this Court to even look at?

16 MS. McLEOD: I understand the Court's concern. And so I
17 have started -- and as you know from what has been filed Mr.
18 Hartmann's deposition is quite lengthy and in two parts. But we've
19 started doing what we had discuss --

20 THE COURT: With the Court specifically.

21 MS. McLEOD: -- being done which was color coding it. And
22 so we have the first volume color coded with three different colors for
23 each party and we're simply working on the second volume in order to
24 provide that for the Court so that, of course, the Court could follow along
25 with any arguments as to what excerpts should come in or consider

1 objections of the parties.

2 So the -- we know what they say about good intentions and
3 the road they've pave. I think there's some good intentions here, but a
4 lack of follow through, so we apologize, Your Honor.

5 THE COURT: Well, I just don't know how you're planning on
6 having anything heard. It's really today's October 7th. Trial's October
7 14TH.

8 MR. IQBAL: The 21st, Your Honor.

9 THE COURT: Excuse me, 21st. My apologies. So you know
10 I'm in a trial because you were there at the pre-trial conference; right?
11 So when were you planning on having this heard? You know this was
12 the only time that the Court had. That's why you wanted this one day.
13 So I'm not sure when you're planning on having it heard because -- and
14 how about your pre-trial memo pursuant to the trial order? Where's
15 that?

16 Tomorrow is your calendar call; right? The pre-trial memo
17 pursuant to your trial order is due -- was due when? And who do I
18 have? I mean --

19 MR. IQBAL: We got a notification that the pre-trial memo
20 would be due October 7th, Your Honor.

21 THE COURT: You got a notification from?

22 MR. ROBERTS: Your JEA, Your Honor.

23 THE COURT: My JE -- hold on a second. Orally or you said
24 you got something in writing?

25 UNIDENTIFIED SPEAKER: No. I spoke with her on the

1 phone on the day it was due. I asked --

2 THE COURT: Which --

3 UNIDENTIFIED SPEAKER: I'm looking --

4 THE COURT: -- you spoke to who?

5 UNIDENTIFIED SPEAKER: -- I'm looking for my email so I
6 can find the exact name, date and time.

7 THE COURT: Because that's not allowed. If anyone in my
8 department had an ex parte communication with you without my consent
9 that is going to be a huge challenge. And everybody knows in this
10 department that is --

11 UNIDENTIFIED SPEAKER: I spoke with Tracy.

12 THE COURT: On what date?

13 UNIDENTIFIED SPEAKER: On September 30th at
14 approximately -- let's see, the email went out at 12:22, so shortly before
15 that.

16 THE COURT: Okay. It's -- are you an attorney?

17 UNIDENTIFIED SPEAKER: No.

18 THE COURT: Okay.

19 MR. ROBERTS: So [indiscernible] Bonnie, she's my
20 paralegal, Your Honor.

21 THE COURT: Okay. She didn't identify herself. My Clerk just
22 wanted to know her name.

23 MR. ROBERTS: That's why I just --

24 THE COURT: Okay.

25 MR. ROBERTS: -- for the record, that's why I identified her.

1 THE COURT: No worries. Okay. Let's go off the record for a
2 quick second and let me find out.

3 [Recess taken at from 1:32 p.m. to 1:36 p.m.]

4 THE COURT: Okay. Back on the record. Okay. Well, the
5 Court talked to the JEA, I guess there's some difference of opinion on
6 the nature of that phone call because my understanding is you didn't
7 disclose that the calendar call was tomorrow and that you didn't ask for
8 a specific date. Did you disclose when the calendar call was on the 8th
9 and you specifically told my JEA that the calendar call was the 8th and
10 you specifically asked you could turn in the pre-trial -- the joint pre-trial
11 memo on the 7th; is that your statement? Because that's not her
12 understanding of the call --

13 MS. BONNIE: No.

14 THE COURT: -- on the 30th.

15 MS. BONNIE: No. I told her that the trial was scheduled to
16 start on the 21st and based on the order until I asked --

17 THE COURT: But that doesn't matter.

18 MS. BONNIE: Okay. I'm sorry.

19 THE COURT: The calendar call is when you look at a joint
20 pre-trial memorandum which is why it's triggered to the joint pre-trial
21 memorandum under the rules. If you don't provide accurate information,
22 then she can't respond to it. If you think about it, that's what we do.
23 Think about it. This Court has to go through the entire joint pre-trial
24 memorandum. That's what happens at the joint pre-trial -- at the pre-
25 trial conferences.

1 This is one of the unique cases where the parties did not ask
2 the Court to move the pre-trial memorandum. And the rule specifically
3 precluded you from even contacting the department in that regard, okay.
4 Because you can't contact and change of date by a phone call. The
5 EDCR is very clear on that. The general rule would be that you have to
6 look at your trial order and if the parties do not request to change the
7 joint pre-trial memorandum at the time of pre-trial conference, it's
8 pursuant to the trial order. Could you imagine people just call and
9 change dates?

10 So there's a misunderstanding that you gave the trial date, not
11 the calendar call date. If you look at the general rules under the NRCP,
12 that would make sense. But if you don't say when the calendar call is,
13 then she'd have no idea. And she's not going to independently look up
14 things when she's getting 50, 60 calls a day if you don't provide the
15 accurate information.

16 So therein lies a different challenge. And this Court -- and you
17 can't change it -- you can't -- the rule specifically preclude you from
18 calling up a department and actually it's the Rule of Professional
19 Conduct, counsel, as you know, precludes you from ever having any
20 member of your staff call up a department to ever try and get something
21 changed as you know. You can't. It's precluded. Specifically precluded
22 from you even attempting to do that. The EDCR also specifically says
23 you can't change a date by calling.

24 So to even make that call is specifically precluded both
25 ethically and legally. And if my JEA is misunderstanding what you're

1 saying about trial, you should say a generalized questioned, when is a
2 pre-trial memorandum due. A pre-trial memorandum is generally due, I
3 told you, is generally due a couple weeks before the trial. That is
4 standard. That is a correct answer.

5 In this case, you all didn't want to have your calendar call the
6 week before your trial. You specifically asked to have your calendar
7 call, for some reason I don't recall specifically, you wanted a calendar
8 call tomorrow instead of next week. I believe it's because it was neither
9 the triggering of the -- of the trial. For some reason you wanted it
10 tomorrow versus next week which is why your calendar -- we show your
11 calendar call being tomorrow. Do you not show that? Is that incorrect?

12 MS. MASTRANGELO: That's correct, Your Honor. Because
13 originally we were on the -- I guess, we still are technically on the
14 October 14th stack, but because you have --

15 THE COURT: Right.

16 MS. MASTRANGELO: -- a med-mal starting there were --

17 THE COURT: Right.

18 MS. MASTRANGELO: -- we're going to start the --

19 THE COURT: So, you have --

20 MS. MASTRANGELO: -- 21st.

21 THE COURT: -- a unique thing where your calendar call is
22 two weeks before your trial start date which is unusual. Usually
23 calendar calls are the Tuesday immediately before trial which is why the
24 pre-trial memorandum are generally due two weeks before trial. It's
25 completely a consistent answer. If you don't provide the calendar call

1 date, then we can't get correct and accurate information because the
2 Court -- and the Court even explains this at the pre-trial conference
3 which other three counsel were there and I said every single pre-trial
4 conference the importance of getting the pre-trial memorandum on time
5 is the Court looks through that specifically because there's specific
6 deadlines or specific objections and everything because the Court goes
7 over it at the time of the calendar call. So that you just understand this,
8 it's not an artificial deadline. It's because the Court goes over that. We
9 have to go over that at a time of the calendar call because that's when
10 all of the exhibits and everything are due.

11 And if you think about the -- if you get it on late today, how
12 would I have any chance to go over that if people raise an objection to
13 any of the exhibits that are due tomorrow? You can't. That's really not
14 giving the Court any time to look at anything. To be prepared when the
15 parties, if they raise any exhibits -- objections to exhibits, that's the
16 reason why we have pre-trial memorandum. Generally it's two weeks
17 before trial which is the week before the calendar call. Calendar call is
18 generally the week before and that's why you aren't supposed to call
19 and ask these because that's why you go to the trial order.

20 People often times ask the Court to move a pre-trial
21 memorandum to a different date if they have their calendar call and their
22 trial later on in the stack. We're glad to do it if people ask. If people
23 don't ask, it stays specifically pursuant to the trial order. Just so you
24 understand why we do that and that's the reason why we do it because
25 otherwise Court can't be prepared for everything.

1 I mean, there's a situation which we have today. If I don't get
2 the information, it's like how can I possibly do any depos when I have
3 absolutely no language -- how can I possibly address any arguments on
4 any objections to any depositions; right, when I have no language in
5 front of me whatsoever? I can't. I don't have anything in front of me.

6 That would be the same thing with the calendar call with any
7 issues people would raise with regards to exhibits and the various other
8 things that are in a joint pre-trial memorandum. Specifically it requires
9 that you raise certain objections. People have witnesses. If they don't
10 have it correctly in their pre-trial memorandum, it gets to calendar call
11 and it's not in there, there's motions to strike galore that people often
12 times do. And that's -- I'm just trying to give you the explanation why it
13 is and why the rules preclude the very thing to avoid this problem.

14 But since it was there, you all get to the end of the day. But
15 please don't do that again because you're not allowed to; okay? So
16 thank you so much. It takes care of that issue, so.

17 Now you have Sheila Swett on the phone; is that one actually
18 going forward today?

19 MR. IQBAL: Yes, Your Honor.

20 THE COURT: Do you all agree on that?

21 MS. MASTRANGELO: Yes.

22 MR. IQBAL: And --

23 THE COURT: Do you know? You in agreement with that too,
24 all three?

25 MR. ROBERTS: Yes, Your Honor.

1 THE COURT: You all three at least know about that one? I'm
2 just trying to make sure that there's -- okay.

3 MR. IQBAL: Yeah. And --

4 THE COURT: She's available audio visually?

5 MR. IQBAL: Yes, Your Honor. And --

6 THE COURT: Okay. Are the screens turned on, Marshal?
7 Marshal?

8 THE MARSHAL: They're on.

9 THE COURT RECORDER: Yes.

10 THE COURT: Okay. So let's put her on. So do you all have
11 an agreed upon order?

12 MR. IQBAL: We -- we submitted the audio visual request and
13 there was no objection.

14 THE COURT: No. I ask -- sir, the agreed upon order --

15 MR. IQBAL: Oh.

16 THE COURT: -- after she gets sworn in; do you have an
17 agreed upon order who's going first, who's going second, who's going
18 third?

19 MR. IQBAL: I was going to do the direct first and then allow
20 time for the cross-examination.

21 THE COURT: Sure.

22 MS. MASTRANGELO: I'll be second.

23 THE COURT: And who from GNL?

24 MS. McLEOD: And I'll be third.

25 THE COURT: Okay. Sounds great. Then lets -- Madam

1 Clerk, can you please swear in the witness?

2 THE CLERK: Yes, Your Honor.

3 Please raise your right hand. Ma'am, please raise your right
4 hand.

5 THE COURT: Can you hear us? It doesn't appear that your
6 witness can hear. I thought you -- did you have this checked?

7 MR. IQBAL: We did, Your Honor. We had it checked on
8 Thursday.

9 THE COURT: Okay. Can -- can she hear us?

10 THE WITNESS: I can hear you. You're splashy. It was not
11 like that when we checked it.

12 THE COURT: This is what it is. It's the same JAVS system.
13 Are you using the same internet connection? Is it the same location and
14 the same computer?

15 THE WITNESS: Yes. Location has not changed on the
16 computer. I'm using the same computer.

17 THE COURT: Okay. So you can hear us; yes or no? Okay.
18 This is the same Court system is what I'm saying. It's -- the system is
19 the same throughout the courthouse, so there's no difference if you
20 tested it. Did you test it through the Court system, counsel? You did?

21 MR. IQBAL: Yeah. Yes, Your Honor. We specifically called
22 the IT department on Thursday and went to the -- through the test on
23 Thursday.

24 THE COURT: Okay. I'm just saying it's -- they approve it.
25 That's obviously not something I ever get involved in.

1 MR. IQBAL: Right.

2 THE COURT: I kind of got my own job duties.

3 MR. IQBAL: Sheila, can you hear us?

4 THE WITNESS: I could hear you better right then, yes.

5 MR. IQBAL: Okay.

6 THE COURT: Well --

7 THE WITNESS: Can you hear me?

8 THE COURT: Yeah.

9 MR. IQBAL: We can hear you, yes. You're going to be sworn

10 in now.

11 THE WITNESS: Okay. I can be sworn in and listen very

12 closely.

13 THE COURT: Now the Clerk's going to swear you in.

14 **SHEILA SWETT**

15 [having been called as a witness and being first duly sworn, testified via

16 video conference as follows:]

17 THE CLERK: Thank you. Could you please state and spell

18 your name for the record?

19 THE WITNESS: Sheila Swett, S-H-E-I-L-A, S-W-E-T-T.

20 THE CLERK: Thank you, ma'am.

21 THE COURT: Okay. Counsel, feel free to proceed.

22 MR. IQBAL: Thank you, Your Honor.

23 **DIRECT EXAMINATION**

24 **BY MR. IQBAL:**

25 Q Ms. Swett, what -- what is your occupation?

1 A I am an elevator consultant.

2 Q And where do you work?

3 A I currently work in my own companies, Swett and Associates
4 which is a consulting company and Swett Corp. which is a DBA elevator
5 technical service.

6 Q Okay. Starting with Swett Corp., how long have you operated
7 Swett Corp.?

8 A Swett Corp. July of 2005 is when I began operating Swett
9 Corp.

10 Q Okay. And turning to Swett and Associates, how long have
11 you operated Swett and Associates?

12 A Since 1996.

13 Q Okay. Just briefly please describe the subject matter of your
14 specialty.

15 A My specialty is -- is engineering, elevator specifications,
16 elevator and escalator inspections and consulting in general all
17 professional portions of elevator and escalators.

18 Q Okay. And before you started Swett Corp. and Swett and
19 Associates, did you work somewhere else?

20 A Prior to 1996, I was 13 years with a major elevator company.
21 That major elevator company was Dover Elevator which is currently
22 Thyssenkrupp Elevator.

23 Q Okay. What was your title at Dover at the time you left?

24 A I was lead mechanical modernization engineer.

25 Q Okay. And how many years were you a lead mechanical

1 modernization engineer?

2 A It was about four years.

3 Q Okay. And what were your responsibilities in that position?

4 A Basically, modernization -- when the company got contracts to
5 perform modernizations, I went out and completely surveyed that
6 elevator and design product that would fit with the existing elevator
7 components or escalator components.

8 Q Okay. And were you ever in a position to be a project
9 coordinator or supervisor?

10 A I was not a product coordinator. I was more the project
11 engineer, design engineer for the project.

12 Q Okay. Did you have any responsibilities at Dover with
13 providing training?

14 A I'm sorry. I didn't hear that.

15 Q Did you have any responsibilities at Dover with respect to
16 providing training?

17 A I got the -- I didn't have any responsibilities; it's the last portion
18 I didn't get.

19 Q With providing training, was that -- was training part of your
20 job responsibilities?

21 A Basically, we did -- I did instructions -- installation instruction
22 for the mechanics to install specialty products [indiscernible].

23 Q And can you describe what you mean by specialty products?

24 A Yes. I designed the specialty products that as to go on the
25 existing non-manufacturer equipment that was in the field.

1 Q Okay. And in your position, did you provide any technical
2 assistance?

3 A I did technical assistance mostly to the engineers in the field.
4 Occasionally to the fabrication people in the manufacturing facility.

5 Q Okay. And can you briefly discuss the prior positions that you
6 held at Dover before your modernization mechanical engineer?

7 A Yes. I started as a design engineer one which involved new
8 equipment that the elevator installed. And I went from there to design
9 engineer two which -- which just more advanced high-rise, more difficult
10 design jobs.

11 Q Okay. Did that constitute a promotion going from one to two
12 as a design engineer?

13 A Can you repeat that?

14 Q Yes. Did that constitute a promotion going from design
15 engineer one to two?

16 A It was more of an experienced promotion. It was the same
17 department. It was just higher level projects.

18 Q Okay. And were you a project coordinator for any major
19 construction projects in the U.S.?

20 THE COURT: Can we focus this please --

21 THE WITNESS: Yes.

22 THE COURT: -- on what the issues are that are outstanding
23 for this motion? I mean, not going back through all of her -- I mean, isn't
24 the issues before the Court right -- there's some specific issues that
25 need to be addressed based on what happened at the motion in limine

1 hearing which I'm sure you all either ordered the discs or ordered the
2 transcripts so that you know what are the specific issues; can we -- I
3 appreciate you going back, but you're going back on the same
4 background which was attached; right? There was issues on
5 maintenance [indiscernible] design, elevators versus escalators; aren't
6 those the issues --

7 MR. IQBAL: Absolutely, Your Honor.

8 THE COURT: -- really before the Court?

9 MR. IQBAL: Yes, Your Honor. I will focus the questions.

10 THE COURT: And you had issues on experience and the
11 degrees and things. I mean, it was articulable things that the Court
12 specifically said. Did anyone bother to order the DVD --

13 MR. IQBAL: We did, Your Honor.

14 THE COURT: -- or get the transcript of that hearing so that
15 you know the issues?

16 MR. IQBAL: We did. I was just --

17 THE COURT: Okay.

18 MR. IQBAL: -- establishing background, but I can -- I can
19 move forward, Your Honor.

20 THE COURT: Okay.

21 MR. IQBAL: Okay.

22 THE COURT: No worries. I just want to make sure we can
23 get things --

24 MR. IQBAL: Okay.

25 THE COURT: -- addressed. Okay.

1 BY MR. IQBAL:

2 Q Did you -- specifically about escalators did you assist with the
3 installation of escalators at Dover?

4 A Did you ask specifically on escalators?

5 Q Yes.

6 A How I'm qualified? The licenses and inspection for escalator
7 and inspection is the same as the elevator inspection. It is the same
8 code book. It is a different product line. I also had while at Dover I was
9 the one that did the design of the escalator products they had for a brief
10 amount of time.

11 Q Okay. I want to go directly to your education. We'll move on
12 from -- from your time at Dover. So, when did you graduate from high
13 school, Ms. Swett?

14 A I'm sorry. You broke up.

15 Q When did you graduate from high school, Ms. Swett?

16 A Oh, in high school, 1974.

17 Q Okay. And after that did you attend technical institute or
18 college?

19 A Yes. State Technical Institute in Memphis. It was an
20 Associate's Degree in Engineering --

21 Q Okay.

22 A -- Technology. And my major was Mechanical Engineering
23 Technology.

24 Q And if you can recall, what was your GPA at the technical
25 institute?

1 A It was exceptional. I don't know that I have the exact one in
2 my head, but I think I did make one B in the two years that I was there
3 and it was probably in English.

4 Q Okay. Did you graduate with honors?

5 A Yes.

6 Q And did you continue your studies after the State Technical
7 Institute in Memphis, Tennessee?

8 A Right after State Tech, I went to work for Dover. And I
9 attended part-time at University of Memphis. At the time it was Home
10 Memphis State.

11 Q Okay. Did you complete Bachelor's Degree at Memphis?

12 A I did not. I had two small children and as slow as it was going,
13 it just -- I was not able to manage the children and the 60-hour work
14 weeks and go to school.

15 Q Okay. At that time, were you married?

16 A I'm sorry. I lost the end of that question.

17 Q Strike that question. I'll -- I'll just move -- move ahead. Did --
18 did Dover require a Bachelor Degree when you began in 1983?

19 A No. Not at all. There was none of the engineers that I worked
20 with at all had four-year degrees --

21 Q Okay.

22 A -- at Dover.

23 Q So did Dover have any four-year degree requirements for its
24 engineers at that time?

25 A There wasn't a four-year engineer degree in that building

1 when I first started.

2 Q Okay. Did --

3 A They needed to bring on a PE -- one single PE a few years
4 after that.

5 Q Okay. Did anyone at Dover have any concerns about the lack
6 of a Bachelor's Degree?

7 A I'm sorry. That scrambled on me. Didn't hear that.

8 Q Did -- did anyone at Dover have any concerns about the lack
9 of a Bachelor's Degree?

10 A I still didn't hear it, but that's the only degree people that were
11 in the facility.

12 Q Okay. And does Swett Corp. do escalator inspections and
13 testing?

14 A Yes. Mainly Swett Corp. is mainly an inspection company in
15 the Houston area.

16 Q Okay. And does Swett and Associates also engage in
17 inspections and testing?

18 A Yes. Normally, it is with my clients that have been with me a
19 very long time and their large facilities and they're outside of the
20 Houston area.

21 Q How many elevators have you personally inspected or tested
22 since leaving Dover?

23 A Thousands and thousands. We currently look at 3,000
24 buildings per year and that is just ETS or just Swett Corp. And an
25 additional thousand elevators outside of Houston that I usually do

1 through Swett and Associates.

2 Q Okay. How many escalators have you personally inspected or
3 tested since leaving Dover?

4 A Escalators are smaller portion of the vertical transportation
5 industry. We -- I've probably done two or three hundred escalators.
6 Escalators are only about five percent of our industry.

7 Q Okay. And when you say you've personally inspected or
8 tested 200 to 300 escalators, do you actually get hands on and into the
9 pit of the escalator when you -- when you do the testing or the
10 inspection?

11 A Did you ask me if I get hands on into the equipment?

12 Q Yes.

13 A Okay. We oversee the test. We manage the test. And a
14 mechanic is the one that performs the actual test for the equipment. It is
15 -- our mechanics are union laborer and we're not allowed to carry tools.
16 We require -- we tell them what has to be done. We watch the
17 inspection or we watch the test and we record and present that to
18 whoever the authority having jurisdiction is.

19 Q Okay. When you do escalator inspections, do you have the
20 authority to shut down machines?

21 A When I do escalator inspections, do I what?

22 Q Do you have the authority to shut down a machine?

23 THE COURT: She's going to have to check her connection.
24 It looks like she has too slow of a connection -- a network connection. I
25 was afraid of that.

1 BY MR. IQBAL

2 Q Sheila, did you hear that last question? I'm sorry.

3 A I did not. I did not hear the end portion and then it lost video
4 from you.

5 Q Okay. When you do inspections of escalators, do you have
6 the authority to shut down machines?

7 A Yes. That varies in different authority having jurisdictions, but
8 we do have the authority to shut them down in most jurisdictions.
9 Otherwise, we have the authority to tell the owner, it must be shut down
10 and the State will send someone out to make sure that they shut it
11 down.

12 Q Okay. What is your title with Swett and Associates?

13 A Swett and Associates is -- is -- is my personal business. It's
14 just a small business and I own it. I'm the owner of Swett and
15 Associates.

16 Q And what is your title with Swett Corp.?

17 A Swett Corp. is a corporation and I'm the president of Swett
18 Corp.

19 Q And how many employees do you have at Swett Corp.?

20 A Five --

21 Q Okay.

22 A -- besides me.

23 Q Okay. Do you consult with major elevator and escalator
24 companies from time to time?

25 A I hadn't done engineering work --

1 THE COURT: It's the speed at her house.
2 MR. IQBAL: It's her office unfortunately.
3 THE COURT: It's not her house?
4 MR. IQBAL: No. It's --
5 THE COURT: Sorry.
6 MR. IQBAL: -- it's her office and we -- we specifically checked
7 on Thursday.
8 THE COURT: Okay. As you can see, the video is still running
9 here in the courtroom.
10 MR. IQBAL: Yeah.
11 THE COURT: It's just -- okay. Try again.
12 THE WITNESS: Okay. I can hear you again.
13 BY MR. IQBAL:
14 Q Okay. Sheila, do you -- do you work with the -- the major
15 elevator and escalator companies?
16 A I do. I engineer with virtually all the majors.
17 Q Okay. Do you do --
18 A And [indiscernible - audio distortion] --
19 Q -- do you do work with Thyssenkrupp?
20 A Yes. Thyssenkrupp hires me. In the last 21 years there's only
21 been one year that Thyssenkrupp did not use my services.
22 Q Are you saying in the last 21 years, 20 of those years you've
23 done work for Thyssenkrupp?
24 A Exactly, yes.
25 Q Okay. Have you done engineering work for Thyssenkrupp?

1 A Yes.

2 Q Okay. And you mentioned big facilities and institutions; can
3 you mention some of the facilities and institutions for whom you test and
4 inspect their escalators and elevators?

5 A Washington University School of Medicine in St. Louis,
6 University of Alabama in Tuscaloosa. I have done inspections and
7 consulting at the University of Illinois Champaign, Urbana. I have in the
8 past done for the City -- I mean, Jefferson County in Alabama --
9 Birmingham, Alabama, Jefferson County, all of their elevator work.

10 Q Okay.

11 A Those are the major ones.

12 Q Have you ever been appointed or approved by a Court?

13 A I did work in the San Francisco area. The -- it was an answer
14 to a Court -- to a lawsuit that was settled. The Court required a certain
15 amount of elevators modernizations of their elevators because --

16 MR. IQBAL: I apologize, Your Honor. We tested this on
17 Thursday.

18 THE COURT: No worries. It's only Monday. Week will get
19 better.

20 MR. IQBAL: Does she have other programs running on her
21 computer at the time? Did she make sure that everything was turned off
22 other than just being on this hearing?

23 THE COURT: That's an excellent question.

24 THE WITNESS: Okay. It's back. It's back.

25 BY MR. IQBAL:

1 Q Okay. Sheila, can you make sure you don't have any other
2 programs running on your computer because your office WiFi appears to
3 be slow. Just -- just to ensure that we don't get cut off again.

4 A No problem. I will shut everything I've got, but this laptop
5 thing on.

6 Q Okay. I'm going to repeat the question. So you have been
7 appointed or approved by a Court?

8 A Yeah. I suppose. I was appointed and they approved me. I
9 never went before a Judge. I mean, I was the appointed in answer to
10 the lawsuit.

11 Q Okay. And what did the Court require there in -- in San
12 Francisco?

13 A I did a design of the modernization. I was on site. I did the
14 design. I oversaw the work. I did they surveys of the equipment --

15 Q Okay.

16 A -- for a few months.

17 Q And was this for the Bay Area Transit Authority?

18 A Yes. Bay Area Rapid Transit, BART.

19 Q Okay. And for that work, were you paid by Thyssen?

20 A Yes.

21 Q Okay. And when that appointment from the Court was
22 initiated, was it also Thyssen that was involved in getting you appointed?

23 A Originally, it was U.S. Elevator, but it was in the project
24 Thyssen purchased U.S. Elevator. Thyssen paid everything. It was at
25 the very beginning of the project.

1 Q Okay. Can you explain the consulting services that you've
2 provided to Thyssen and other major elevator and escalator companies?

3 A I surveyed jobs for them. I do full layouts for them. I develop
4 reactions that the equipment will put on the building. Most of the time
5 it's modernization. Modernization's my specialty working with existing
6 equipment. And I'm -- I basically do the full design of whatever they're
7 putting in.

8 Q Okay. You -- you mentioned in your resume having a QEI
9 certification; what is that?

10 A That is a Qualified Elevator Inspector.

11 Q Okay. What are the requirements for that certification?

12 A It is a requirement -- I mean it is made by NAESA is the
13 certifying agency. My particular is NAESA, National Association of
14 Elevator Safety Authorities. And there's a criteria of length of time that
15 you must have been in the elevator industry. There's a criteria for length
16 of time that you have been associated with elevator design and there's a
17 giant test that takes about eight hours.

18 THE COURT: Is that dinging coming from her or somebody's
19 computer in the courtroom?

20 MR. IQBAL: Is that dinging coming from your computer,
21 Sheila?

22 THE COURT: Like do you have your notification -- does she
23 have her notifications on? Never mind. Let's just continue. It's just
24 problem with that noise, you can imagine my poor Court Recorder's
25 hearing that noise incredibly loud in her ears. Notifications should be

1 turned way down so that it's just not dinging. But if that's going to
2 potentially impede the timing of this moving forward, just feel free to
3 move forward because it's we need to ensure everyone has an
4 opportunity to be heard.

5 THE WITNESS: Okay. I'll try to --

6 THE COURT: Go ahead. Sorry, Sandy.

7 Go ahead, counsel.

8 MR. IQBAL: Okay.

9 THE COURT: Feel free.

10 BY MR. IQBAL:

11 Q Now your resume mentions having a QEC certification; what
12 is that?

13 A It's a Qualified Elevator Consultant. It's similar to QEI.
14 However, it has different requirements for maintaining.

15 Q And what are those requirements?

16 A You have to have certifiable evidence and documentation that
17 you -- you've been a consultant for I believe six years. You have to
18 have -- maintain education in the consulting industry which normally is
19 tradeshow education. You have to contribute to the -- the industry in a
20 way you have to either serve on code committees or you have to publish
21 articles or you have to serve in a way your AHJ which is Authority
22 Having Jurisdiction. So you have to be in government-type work and
23 assist in that way.

24 Q Okay. Sheila, in the -- in the country today, how many people
25 have a QEC certification?

1 A The last I counted it was about ten, but I know that there are
2 two that are seeking it right now. So that would take it to about 12.

3 Q You're saying 12 individuals in the country have obtained --
4 obtained a QEC certification?

5 A Correct.

6 Q Okay. And under licenses, you have listed an MBE; what is
7 that?

8 A Oh no. That's not a license. That's a -- in Texas I am a
9 minority business owner -- woman business owner. I was a
10 disadvantage business owner, but I did not -- I did not put my application
11 in that because I don't feel like I qualify even though they continue to
12 give it to me and also a small business.

13 Q Okay. Are you currently licensed with the National
14 Association of Elevator Safety Authorities?

15 A Yes.

16 Q And what is required for that license?

17 A Right now certification of insurance and a fee. In the past
18 there was an annual test, but that has since stopped.

19 Q Okay. That QEC certification or license we discussed; how
20 long have you had that?

21 A I think since about 2000. I forgot actually. I thought I'd written
22 it down somewhere. Yeah, about 2000.

23 Q Okay. And QEI certification; how long have you had that?

24 A Since 1997.

25 Q Okay.

1 A The QEC I did have it written down. I'm sorry. It's 2010.

2 Q The QEC is since 2010?

3 A Yes.

4 Q Okay. And the QEI is since when?

5 A 1997.

6 Q Okay. And you mentioned previously you had done work for
7 Thyssen for -- for 20 of the last 21 years; at any point have they had any
8 concerns about your educational background or history?

9 A No. They certainly have not.

10 Q Okay. When you -- when you discuss your work with
11 Thyssen, are you referring to the local office in Texas or nationally?

12 A Well I've worked with many local offices. Not necessarily --
13 the 20 years does not include Texas because I would have put that
14 down under ETS. I worked with many, but most come from the
15 headquarters for manufacturing.

16 Q Okay. And do you have inspector licenses in states outside of
17 Texas?

18 A Yes. I have Missouri. I have Alabama. I dropped Mississippi
19 and Illinois. I had those in the past and I have Texas.

20 Q Okay. And have you inspected elevators and escalators in
21 multiple states outside of Texas?

22 A I have, yes.

23 Q Okay. And it says here you did work with the Washington
24 University School of Medicine; is that associated with their elevators and
25 escalators?

1 A Yes. They have -- they have both.

2 Q And how many years have you inspected the Washington
3 University School of Medicine elevators and escalators?

4 A I'm guessing about -- I'm trying to find it. I'm sure it's on this
5 thing, 15 years.

6 Q Okay.

7 A Seventeen years, yes.

8 Q Okay.

9 A And that was two years ago, so it's 19 now.

10 Q Okay. And aside from these academic institutions, have you
11 done work for big companies?

12 A I did some projects for Anheuser-Busch. I've done design
13 work for Boeing. The Dallas -- the Georgia Brown Convention in
14 Houston which has 26 escalators. The convention center in Dallas has
15 a lot of escalators. And we have inspected Bush International Airport
16 escalators and there's 40 or 50 in that airport.

17 Q Okay. How many years have you been responsible for
18 inspecting the escalators at Bush International Airport?

19 A I only inspected those one year and only because I was the
20 only one that had all the equipment required to inspect. Normally that
21 equipment comes from the elevator company and this particular contract
22 wanted the inspector to provide all of the tools.

23 Q Okay. And last question of this nature, have you done any
24 work in Chicago?

25 A I've done a lot of work in Chicago. Both new -- there's -- the

1 last new building was called the Aqua. It had 30-something escalators
2 and tons of elevators. It's on the river. But I've done a lot of design
3 work in Chicago.

4 Q Okay. And how long have you been certified by the National
5 Association of Elevator Safety Authority?

6 A That is my QEI. The QEI that I was at was with Total
7 Technology. That was my original and they went out of business. So I
8 transferred to -- in a SA. So it's the same QEI. It just got transferred
9 when Total Technologies went out of business.

10 Q Okay.

11 A So it was 1997 is when I first got it.

12 Q Okay. And the National Association of Elevator Safety
13 Authorities; is there a separate organization for escalators?

14 A No. It is the same. It is based on the code which is A17.1
15 which is the safety code for elevators and escalators.

16 Q Okay. So is it fair to say when you mention elevators, you
17 also mean escalators?

18 A Yes.

19 Q Okay. Are you a member of any professional organizations or
20 associations?

21 A I'm a member of National Association of Elevator Contractors.
22 I sit on the board of the Elevator and Escalator Safety Foundation. I --
23 cheating and looking them up, resume here. National Association
24 Women in Construction. Of course, the International Association of
25 Elevator Consultants. I'm sorry. If I could find the place that made it go

1 away, I would.

2 Q Okay.

3 A The -- I recently was put on the Texas Department of
4 Licensing and Regulation Elevator Advisory Board. I'm an elevator
5 contractor -- licensed elevator contract in the State of Texas. Founding
6 member of Elevator U which is an organization for large facilities. And
7 I'm on multiple code committees.

8 Q Okay. And the code committees; can you explain a little bit
9 what you mean when you say code committees?

10 A The A17.1 code has committees underneath it. There's a
11 standard's committee which is dubbed largest and it oversees all of
12 them. But there are committees that -- that respond to them and I'm
13 currently on the inspection committee, elevator and escalator inspection
14 committee and elevator and existing elevator committee for all the older
15 elevators. And I'm one of the authors of the wind turbine elevator
16 inspect -- wind turbine elevator code.

17 Q Okay. Have you helped write code for elevators and
18 escalators in the past?

19 A The wind turbine elevator I was totally the author of. All the
20 other committees do write the code for their particular specialty.

21 Q Okay. And did you serve on those subcommittees?

22 A Yes. The inspection committee and the existing elevator
23 committee.

24 Q Okay. And with the International Association of Elevator
25 Consultants; did you serve in any leadership positions?

1 A I have served on the board for many years. I was the
2 president and I have been the executive director of it for the last eight or
3 nine years.

4 Q Are you saying you're currently the executive director of the
5 International Association of Elevator Consultants?

6 A That is correct, yes.

7 Q Okay. And it says here EESF; what is that?

8 A That is Elevator and Escalator Safety Foundation.

9 Q And is that a national organization or a state organization?

10 A It is a national organization.

11 Q Okay. And you just testified that you served on a number of
12 committees for ASME; is that right?

13 A That is the code committees, yes. ASME A17.1, yes.

14 Q Okay. So is it fair to say ASME writes the code and regulates
15 elevators and escalators around the country?

16 A Correct. That is the national code.

17 Q Okay. Is that code binding on all manufacturers and servicers
18 of escalators?

19 A It is -- it is according to state statute. I think 45 of the 50
20 states have that in their state law.

21 Q Okay. And you mentioned that the State of Texas advisory
22 board that you got appointed to recently; when was that?

23 A July of this year.

24 Q Okay. And what is your function with that board?

25 A It is purely advisory. I've only been to meetings. I have not

1 been to meetings where I was on the advisory board yet.

2 Q Okay. All right. How many years have you been an expert
3 witness?

4 A My first expert case was in 2000 I believe.

5 Q Okay. So about 19 years?

6 A Yes.

7 Q Okay. How many cases have you been retained as an expert
8 witness?

9 A Around 50. It is not my major portion of my business.

10 Q And how many of those approximately 50 cases have gone to
11 trial?

12 A Zero.

13 Q Okay. Did any of those cases settle of the eve of trial?

14 A Yes.

15 Q Okay.

16 A The one in Chicago I was on a plane when it settled.

17 Q Okay. Currently how many cases are you currently retained
18 as an expert witness?

19 A About 12, but a lot of times I don't know when they settle.
20 They don't tell me.

21 Q Okay. Have you served as an expert for the manufacturer?

22 A I have served as an expert for MTech which is owned by Otis.
23 I had served as an expert for manufacturer of specific product like
24 valves, pieces of elevators.

25 Q Okay. Have you served as an expert for building owners and

1 property managers?

2 A I have. I have served for as an expert for building owners,
3 property managers. I'm trying to think. Yes.

4 Q And currently in this case, you've been designated as a
5 Plaintiffs' expert; have you -- have you served before or currently in
6 other cases as an expert for Plaintiffs?

7 A Yes.

8 Q Okay. In the 50 or so cases that you've been designated or
9 retained as an expert witness, how many times has your expert
10 designation been challenged?

11 A Never.

12 MR. IQBAL: Your Honor, at this time could I offer Sheila
13 Swett's CV into the record?

14 MS. MASTRANGELO: I don't have any objection.

15 THE COURT: Is that already attached to the motion in limine;
16 wasn't it? I thought it was, but if you want to. I mean, do you want to
17 use the Court's exhibit specifically for today --

18 MR. IQBAL: Yes.

19 THE COURT: -- purposes?

20 MR. IQBAL: Yes, Your Honor.

21 THE COURT: Did you bring copies for the Clerk?

22 MR. IQBAL: Yes, Your Honor.

23 THE COURT: Any objection by other counsel?

24 MS. MASTRANGELO: I don't have an objection.

25 MS. McLEOD: No, Your Honor.

1 THE COURT: Okay. Of course, there being no objection, of
2 course.

3 MR. IQBAL: May I approach?

4 THE COURT: Of course you may. Again, more than one
5 proposed exhibit.

6 MR. IQBAL: No. That'll be the only one.

7 THE COURT: Okay. No worries. So it'll be Court's Exhibit 1?

8 THE CLERK: Yes.

9 THE COURT: Okay. Thanks. Appreciate it.

10 MR. IQBAL: Courtesy copy.

11 THE COURT: Always. I appreciate it. Thanks so much.

12 MR. IQBAL: Okay.

13 Sheila, aside from the ASME --

14 THE COURT: Counsel, let me stop you for one quick second.
15 Have you all calculated how much time each person needs because of
16 how much time you're taking? I mean, did you all coordinate time to
17 ensure that everyone gets full time to ask their questions?

18 MR. IQBAL: Yeah. I should be done in ten minutes, Your
19 Honor.

20 THE COURT: Okay. I just -- my question was did you all
21 coordinate? No. Okay. Well, no one is objecting, so go ahead.

22 MR. IQBAL: Okay.

23 Aside from the ASME, Sheila, are there any other
24 organizations that write the code for elevators and escalators?

25 THE WITNESS: No. Not a full code. Some states -- some

1 authority having jurisdiction will make exceptions or additions to the
2 code for their particular state.

3 BY MR. IQBAL:

4 Q Okay. You have on your -- your resume that you're diligently
5 active with the processes of the ASME code committees; can you go
6 into a little bit of detail regarding that?

7 A Correct. They may -- each -- each maybe makes three to four
8 times a year all over the country. And they have to answer the public's
9 questions about the code, so questions about the code are submitted
10 and the main committee sends them out to the subcommittees that have
11 to answer them to see if the code has been written correctly or the code
12 is clear or if the code needs to be changed.

13 Q Okay. And in the past, have you assisted with modifying or
14 amending the code?

15 A Yes.

16 Q And you also state that you've -- you've worked with all major
17 manufacturers in various projects including some reverse engineering --
18 engineering; can you give an example of such a project?

19 A For reverse engineering?

20 Q Yes.

21 A Within the last couple of weeks and then I was asked to do it
22 again today in Chicago. An elevator had been modified over the years.
23 It originally was a 12,000 freight elevator. It's been modified to be a
24 20,000 pound elevator. The state had not received permits for it to be
25 modified and the elevator company had a short memory and did not

1 remember that they had modified for a signified amount of money.

2 And I was brought in to reverse engineer which means take all
3 of the measurements and do all the calculations to make sure that it
4 adhere to current code. And to make suggestions if any part of it did not
5 adhere to the new capacity.

6 Q Okay. And in terms of expert witness services, have you
7 served as an expert witness with respect to escalators previous to this
8 case?

9 A Yes. I have. Can't quite remember how many times. I
10 remember at least three.

11 Q Okay. And what percentage of the vertical transportation
12 industry is elevators versus escalators?

13 A Elevators are 95 percent. Escalators are 5 percent.

14 Q Okay. And you've served as an expert witness with respect to
15 elevators?

16 A Yes.

17 Q Okay. And on your inspections, I don't qualify to ask this,
18 have you on occasion shut down escalators or elevators based on lack
19 of compliance?

20 A Yes.

21 Q Okay. In terms of a dollar amount, do you have a dollar
22 amount with respect to the work that you have done for Thyssenkrupp
23 since starting your Swett and Associates, Swett Corp.?

24 A I might looked at my QuickBooks and pulled them up, a
25 hundred ninety-eight thousand, three hundred and forty-seven dollar's

1 worth of work.

2 Q For Thyssenkrupp?

3 A Well, Thyssen -- Thyssenkrupp, they changed their name
4 about three times over the last 20 years.

5 Q Okay. All right. And would you consider yourself an -- an
6 expert witness with respect to elevators and escalators then?

7 A Yes.

8 Q Okay. And in this case, did you prepare a report?

9 A I did.

10 Q Okay. Can you please explain the -- the materials you
11 reviewed in creating your reports in this case?

12 A Yes. I actually reviewed depositions. I've reviewed the
13 contract between Golden Nugget and -- at the time I believe I started at
14 Dover. I reviewed the security video, the inspections, the history report
15 of the years that I was given. The incident report and multiple emails
16 and repair orders. Emails. Emails. Emails. The work orders that were
17 not complete, but the ones that I had I did review. And that's -- I did
18 review the code also for Nevada.

19 Q And did you -- did you review the account histories from
20 Thyssenkrupp?

21 A I did.

22 Q Okay. And after you completed your review and then -- of the
23 materials in your report, did you arrive at conclusions?

24 A Yes, I did.

25 Q Okay.

1 A I -- one --

2 Q Can -- can you briefly discuss the conclusions that you arrived
3 at?

4 A One of the conclusions was the elevator was not maintained
5 of the amount of time that was put in according to the history. Most of
6 the time was done in call backs which is broken equipment and repair
7 which is also not maintained.

8 And I think there was some testing in there. But the only
9 maintenance performed was about 25 hours which reflected about a half
10 hour per month for maintenance.

11 Q Is that sufficient given your experience in the code?

12 A Not -- not at all. An escalator needs more maintenance than
13 even a high-rise elevator.

14 Q Why does an escalator need more maintenance than even a
15 high-rise escalator -- elevator?

16 A One of the reasons is usage. And normally when an escalator
17 is utilized is on a minimum of 16 hours a day and some are 24 hours a
18 day. So they run constantly.

19 Q Okay. Can you please describe briefly the specific facts and
20 data that you relied on in coming to your conclusions?

21 A Basically the video, the depositions, we did -- I went on site
22 and viewed the escalator itself as well as the parts of the escalator that
23 had been changed. The repair -- amount of repair, the documents from
24 the AHJ that showed the report of the incidents and I put them in a -- for
25 the most part -- and the emails and you put them in a chronological

1 order so that you're able to make a whole story instead of just
2 separately.

3 Q Okay. You mentioned the inspection. Did you also inspect
4 the actual steps involved in the --

5 A Yes.

6 Q -- escalator accident?

7 A Yes. They were stored in -- it's either a basement or parking
8 garage. It was very dark place. On site, but not in the actual building.

9 Q Okay. When you inspected the escalator, did you have steps
10 removed so you could see underneath and inside the escalator?

11 A I did.

12 Q Okay. And how -- how long if you recall was your inspection?

13 A I don't have it written in front of me that -- it would be in my
14 billing notes for the most part. But I know that we were -- we were there
15 at least three hours.

16 Q If you could describe some of the scientific or tech -- technical
17 principles or methods that you used in coming to your conclusions.

18 A Like I say, you look at the history. You look at the -- the
19 documentation provided by the elevator company and all the -- all the
20 documentation between the elevator company and the building, there
21 were pictures of the elevator steps and the issues. There were the
22 video and you also are looking to see that the required replacement of
23 the elevator, whatever they've done, has -- has been done. You can --
24 you can usually tell.

25 And just in general the maintenance of the elevator can be

1 determined when you're opening it up and looking inside of it. One of
2 the most important parts of maintenance is -- is cleanliness and proper
3 lubrication. That type of thing.

4 Q And what -- what did your inspection reveal?

5 A We looked in the upper portion of the truss and the upper pit
6 of the escalator and it was packed with dust which means it had not
7 been cleaned.

8 Q And does the code say anything about cleanliness?

9 A The code says there must be maintenance. I believe that
10 Thyssenkrupp has their own maintenance guy that requires a clean
11 down of their escalators.

12 Q And based on your inspection, do you believe those code
13 sections and Thyssen policies were followed?

14 A Not at all, no.

15 Q Were you aware of the KONE Bulletin regarding the old style-
16 steps versus through axle steps?

17 A Yes. There's a elevator -- anyone in the escalator portion of
18 our business is aware of that.

19 Q And -- and what is that bulletin or notice from the
20 manufacturer?

21 A It is cracked steps that you as a mechanic you look at the
22 crack to see that they're cracked steps or two types of cracks in that.
23 Some can be relieved. However, there were cracks in these that could
24 not be relieved. And that means you have no choice but to change out
25 the steps.

1 Q Okay. And how long or how many years have you been
2 aware of the KONE manufacturer's bulletin regarding the old-style
3 steps?

4 A Since -- I mean, since at least 2005. I've been completely
5 aware of it.

6 Q Okay. At this specific model of escalator that is in the Golden
7 Nugget, were you familiar with this model previously?

8 A I've seen the HR's in the field, yes.

9 Q Okay. And have you been involved with either inspections or
10 testing regarding Montgomery Escalators?

11 A Yes.

12 Q Now are the -- the specific technical principles or methods that
13 you used in coming to your conclusion -- conclusions widely used in
14 your field?

15 A Yes.

16 Q Okay. Do you believe that your -- your testimony will be
17 helpful in assisting the Judge or jury to understand the facts of the case?

18 A I would --

19 MS. McLEOD: Objection.

20 THE WITNESS: -- I would --

21 MS. McLEOD: Improper opinion.

22 THE COURT: Sustained. Court can't take that into account,
23 her opinion on her own opinion.

24 BY MR. IQBAL:

25 Q Do you -- do you believe that your testimony will be helpful in

1 assisting the Judge or jury to understand the facts of this case?

2 MS. McLEOD: Same objection. Calls for legal conclusion.

3 THE COURT: [indiscernible]

4 MR. IQBAL: Your Honor, that's partly why --

5 THE COURT: Sorry.

6 MR. IQBAL: -- we're here.

7 THE COURT: Right. That's part of the analysis the Court has
8 to do; right?

9 MR. IQBAL: Yes, Your Honor.

10 THE COURT: Not the witness to do whether or not. So under
11 *Hallmark* that's a legal determination of the Court has to evaluate. So
12 it's improper for the witness to give her own position as to whether she's
13 going to think it's going to be helpful; right?

14 MR. IQBAL: Right. But it's just --

15 THE COURT: So what's your response?

16 MR. IQBAL: What's -- it's essentially why and part of the --
17 the seven -- seven or six analysis and *Daubert* requirements for an
18 expert witness testimony that it'd be, and *Hallmark*, that the testimony
19 needs to be helpful in assisting the Judge or -- or jury.

20 THE COURT: But since the objection was that this witness
21 can't opine on what the Court has to analyze under *Hallmark*, that's why
22 I need to sustain the objection because she can only give, right, factual
23 base testimony in support of your request to maintain her as a witness
24 and contrary to the motion in limine to exclude as a witness. That's why
25 the Court has to sustain the objection to listening to her testimony

1 whether she thinks she qualifies under *Hallmark*.

2 MR. IQBAL: Understood. Okay.

3 THE COURT: I mean I'll evaluate that was one of the factors
4 obviously under *Hallmark*, but I have to evaluate based on what she
5 said, not her view on what she said.

6 MR. IQBAL: Understood.

7 How many expert reports have you written, Sheila, in -- in the
8 20 years and the 50 cases that you've been involved with?

9 THE WITNESS: Probably 40 of them went to expert report.

10 BY MR. IQBAL:

11 Q Okay. And did you rely on your experience at Dover and work
12 with the major elevator companies and your expert witness experience
13 in putting your report together?

14 A I did, yes.

15 Q Do you believe you have a sufficient understanding of the
16 code regulations and requirements for escalators of this nature sufficient
17 to assist the jury?

18 MS. McLEOD: Objection. Leading. Calls for legal
19 conclusion.

20 THE COURT: Sustained on both grounds.

21 MR. IQBAL: Okay.

22 THE COURT: Because the assistance comes [indiscernible]
23 legal conclusion. The Court has to determine after analysis under
24 *Hallmark* and NRCP.

25 BY MR. IQBAL:

1 Q And in -- in your work, Sheila, with Thyssenkrupp or Thyssen
2 or some variation to that effect, has there been any objections or
3 concerns from that company with respect to the work that you've done
4 for them over the last two decades?

5 A No. There hasn't.

6 Q Okay. Are you working with Thyssenkrupp or any major
7 manufacturers or servicers currently on any elevator or escalator
8 projects?

9 A My desk is pretty clean right now of projects.

10 Q Okay. And you stated previously that you're retained right
11 now in approximately 12 cases?

12 A Yes.

13 Q In the 50 or so cases that you've been retained, how many
14 depositions have you been called?

15 A Probably about 30 depositions.

16 Q Okay. The Bay Area Transport Authority case in San
17 Francisco; do you recall approximately when you were appointed and
18 approved by the Court?

19 A I had that written down somewhere. BART I will say 2000, but
20 it's written down here somewhere because I searched for it.

21 Q So approximately two decades ago when you started your --

22 A Yes.

23 Q -- expert report experience -- expert witness experience? I'm
24 sorry.

25 A Yes.

1 Q Okay. And approximately two decades ago when you were
2 appointed, were there any concerns about your qualifications or
3 background?

4 A No.

5 Q I'm sorry. I didn't get that answer.

6 A No. There's not. There was not.

7 MR. IQBAL: Your Honor, at this time, I tender this witness as
8 an expert in the field of escalator inspections and custom.

9 THE COURT: For purposes of today's hearing, you want to
10 do your direct exam and then --

11 MR. IQBAL: Yes.

12 THE COURT: -- you want to give them an opportunity to do
13 any questions; right? And then the Court needs to make a
14 determination based on the motion in limine; right?

15 MR. IQBAL: Yes.

16 THE COURT: Okay. So, Thyssenkrupp's counsel, you were
17 going next. You can sit down, stand up, whatever fits your needs.

18 MS. MASTRANGELO: I think I'll stand so we can hopefully
19 hear each other. Ms. Swett, can you hear me okay?

20 THE WITNESS: I can, yes.

21 MS. MASTRANGELO: Okay. Great.

22 CROSS EXAMINATION

23 BY MS. MASTRANGELO:

24 Q During your testimony here today, you've used the word
25 engineer and engineering in the context of your work in the industry

1 quite a bit. But I want the record to be clear, you are not and have never
2 been a licensed engineer; true?

3 A That is true.

4 Q You have no engineering degree; true?

5 A I've have an associate of engineer technology.

6 Q That is not an engineering degree? You don't have --

7 A That is not --

8 Q -- PE or an ME or a PhD after your lit name?

9 A I do not.

10 Q Okay. And the classes that you've taken in different schools,
11 you've never taken any classes that have to do with escalators; true?

12 A There is only one place in the world that teaches class in
13 escalator.

14 Q You didn't go there?

15 A I didn't -- I did go there, but I didn't do escalators there.

16 Q Okay. You -- you went to that university; are you talking about
17 North Hampton in -- in England?

18 A East. Yes.

19 Q You -- you participated in some classes there through the
20 mail; correct?

21 A Correct. I was -- I was to fly there for testing on 9-11.

22 Q But you never did take any classes physically at the
23 university?

24 A No.

25 Q And you never graduated from that university?

1 A I did not.

2 Q And you never took any specific classes about escalators from
3 that university?

4 A I did not.

5 Q Now you're aware that in order to be allowed to maintain,
6 repair, service, etcetera, escalators, a person would have to attend four
7 years of schooling on elevators and escalators; are you aware of that?

8 A Community school [indiscernible - multiple speakers]

9 THE COURT: Counsel, sorry. Can you repeat that question?
10 There was too much background noise.

11 MS. MASTRANGELO: That's oaky.

12 THE COURT: I couldn't hear the question. Do you mind
13 repeating it please?

14 BY MS. MASTRANGELO:

15 Q In order to work on escalators whether it be maintenance,
16 repairs, service, excreta, a person has to attend four years of schooling
17 to be allowed to do that; is that your understanding?

18 A Not specific for escalators, but yes, for elevators and
19 escalators.

20 Q Elevators and escalators. And then after that -- during that
21 four year of schooling, they also have to have on-the-job training with an
22 elevator, escalator company; is that fair?

23 A Yes. During that four years, yes.

24 Q Okay. At which time they're an apprentice or a journeyman
25 and then after they finish the schooling, they can become a mechanic?

1 A When they pass the mechanic test, yes.

2 Q Correct. So they have to take a mechanic's test and then if
3 they pass the test they can get their license?

4 A Correct.

5 Q Okay. And you've never attended the elevator, escalator four-
6 year program?

7 A I have not.

8 Q And you've never held a mechanic's license?

9 A I have not.

10 Q And you don't have any license which allows you to inspect
11 escalators in the State of Nevada; true?

12 A Not specifically. I have the QEI which is the national license.

13 Q Okay. You've never worked as an elevator mechanic --
14 escalator mechanic?

15 A No. No.

16 Q You've never maintained an escalator ever?

17 A No.

18 Q You've never repaired --

19 THE COURT: Just a second. So sorry. Got a double
20 negative there. You never --

21 BY MS. MASTRANGELO:

22 Q Have you ever maintained an escalator at any point in time?

23 A I have not.

24 Q Have you ever repaired or serviced an escalator at any period
25 of time?

1 A I have not.

2 Q Have you ever installed an escalator?

3 A I have not.

4 Q And in fact, you're not -- you are not allowed to install, repair,
5 service or maintain escalators because you haven't been trained and
6 educated through the apprentice program; true?

7 A I cannot because I'm not a member of the union and have
8 done those things.

9 Q It's not just being a member of the union. You have to be
10 trained four years on the job training, apprenticeship, past the test. You
11 haven't done any of those things.

12 MR. IQBAL: Objection, Your Honor. Outside the scope.
13 We're not putting Ms. Swett forward as a mechanic or a master
14 mechanic or an apprentice mechanic. We're putting Ms. Swett for -- as
15 an expert with respect to the inspections of -- of escalators. And none of
16 this training to be a mechanic is -- is required for that.

17 THE COURT: Okay. Would you like to respond?

18 MS. MASTRANGELO: With all due respect, I did not interrupt
19 his questioning. And this is the whole issue that started with the motion
20 in limine that she is not qualified to render an opinion on maintenance
21 because she hasn't been in the -- in the industry in that context.

22 THE COURT: So the Court because that is the part of the
23 issue which you are having the Court resolve, the Court is going to
24 overrule the objection.

25 MS. MASTRANGELO: Okay.

1 MR. IQBAL: Thank you, Your Honor.

2 BY MS. MASTRANGELO:

3 Q And, Ms. Swett, not only have you never maintained, but your
4 businesses that you -- they've never done any maintenance work on
5 escalators either; true?

6 A I have union mechanics that work for me.

7 Q I did not --

8 A They do [indiscernible - audio distortion] --

9 Q Okay. I didn't ask you if you had union mechanics. I asked
10 you whether any of your companies do escalator maintenance.

11 A No. That would be a conflict of interest.

12 Q Okay. And of the 50 give or take cases that you've been
13 retained to provide expert opinions on, most of those have been on
14 elevators rather than escalators; true?

15 A Elevators are 95 percent of our industry.

16 Q I didn't ask you that. Of your --

17 A Yes.

18 Q -- 50 cases, most of them have been elevators; true?

19 A Most, yes.

20 Q You've never published anything of any kind pertaining to
21 escalators; true?

22 A Actually --

23 MR. IQBAL: Objection. Misstates testimony.

24 THE COURT: I'm going to overrule that because the way the
25 question's phrased in an open-ended manner allow the witness to

1 respond whether she has or hasn't, so.

2 BY MS. MASTRANGELO:

3 Q And I didn't get your response. Have you never authored any
4 publications of any kind pertaining to escalators?

5 A No publications.

6 Q Okay. You've never been a member of any A17 escalator
7 committee; have you?

8 A The A17 escalator inspections come through the inspection
9 committee.

10 Q Have you ever been a member of any A17 escalator
11 committee?

12 A No.

13 Q You've never testified as an expert in Court regarding
14 escalators before today?

15 A Correct.

16 Q And this, in fact, is your one and only case that you've ever
17 had in Nevada as an expert; true?

18 A I believe that's true.

19 Q Okay. And when you worked for Dover, the company that
20 was purchased by Thyssen at some point, your modernization projects
21 that you discussed at length in direct had to do with elevators, not
22 escalators; is that true?

23 A Correct.

24 Q Okay. In fact, at that time, Dover had very little business in
25 escalators. They were an elevator company; is that fair?

1 A That is correct.

2 Q Prior to author -- authoring your expert reports and giving a
3 deposition in this case, did you ever speak to Joe Brown or his wife?

4 A I did not.

5 Q Did you ever speak to Joe Brown's relatives and friend who
6 were on the escalator at the time he fell?

7 A No.

8 Q Did you ever read Mr. Brown's deposition?

9 A I believe I read depositions and I saw the video, but I have to
10 check to see if that exact deposition was there. No. His deposition was
11 not there.

12 Q I'm sorry.

13 A His -- Joe Brown's deposition was not in my package.

14 Q Plaintiffs' counsel didn't provide you with a copy of the
15 Plaintiffs' deposition; is that what you're saying?

16 MR. IQBAL: Objection. Assumes facts not in evidence --

17 THE COURT: Counsel --

18 MR. IQBAL: -- she's --

19 THE COURT: -- counsel -- counsel, let's -- that was a
20 question. It was an open-ended question and so the witness can
21 answer the open-ended question about whether or not she received it.
22 And so the Court's going to have to overrule that objection because the
23 witness can answer whether she got it or didn't; right?

24 BY MS. MASTRANGELO:

25 Q Did you get it?

1 A I'm looking at the list and it was not on the list.

2 Q Okay. In fact, you aren't -- you have not reviewed the
3 depositions of anyone on the escalator on the day of that incident at the
4 time of Mr. Brown's fall -- fall; is that fair?

5 A Only the director of facility and the risk manager.

6 Q Okay. They weren't on the escalator at the time of Mr. Brown
7 fell; were they?

8 A I'm not sure. I don't believe so.

9 Q Okay. So you did look at the video; right?

10 A Yes.

11 Q And the video showed four people on that escalator including
12 Mr. Brown at the time he fell; correct?

13 A Correct.

14 Q And you haven't talked to or reviewed the depositions of any
15 of those four people as to what exactly they experienced on that
16 escalator; correct?

17 A Correct.

18 Q And you're aware that the State of Nevada in elevator,
19 escalator inspector inspected the subject escalator the day after Mr.
20 Brown fell; are you aware of that?

21 A I am.

22 Q You never spoke to him?

23 THE COURT: Was that question, counsel?

24 BY MS. MASTRANGELO:

25 Q Did you ever speak to him?

1 A I did not.

2 Q Did you ever read his deposition, Mr. Robertson?

3 A No.

4 Q And as of the time of your deposition, you had not reviewed
5 the maintenance control program check charts that were in the machine
6 room at the Golden Nugget?

7 A As far as I know, they were not disclosed at that time, but no, I
8 did not.

9 Q And you never --

10 A -- at the time.

11 Q -- looked at the Nevada code pertaining to this escalator
12 before you issued your reports?

13 A I reviewed the Nevada code.

14 Q Which code did you review?

15 A The Administrative Code 455C.

16 Q Okay.

17 THE COURT: Counsel, is your -- is the witness referring to
18 documents that are there present? Because any documents that she
19 has present have to be provided to the Court and all parties. Is she
20 looking at documents? Because your statement said that you would
21 provide her with anything and then the Court would have to have it. Is
22 she reviewing anything or is it just her --

23 MR. IQBAL: She's --

24 MS. MASTRANGELO: Excuse me. My question to her was
25 whether she looked at the Nevada code because when I deposed her,

1 she had not reviewed the code. So that's what I was asking her.

2 THE COURT: You're asking time period as to her deposition?

3 MS. MASTRANGELO: Right.

4 THE COURT: Okay.

5 MS. MASTRANGELO: All right.

6 Do you have a copy of your deposition with you?

7 THE WITNESS: I do not.

8 BY MS. MASTRANGELO:

9 Q Or accessible?

10 THE COURT: Wait. Court didn't hear the answer because
11 the Court was asking the question because it looked like the witness
12 maybe referring to documents while she's in the middle of an evidentiary
13 hearing. And a witness can't look at documents in the middle of an
14 evidentiary hearing when they're on audio/visual. It's the same as if
15 they're here in Court because if they're going to look at anything it has to
16 be disclosed to the Court and all other parties. So this Court has to
17 make sure -- I mean, is this what just looking anything other than us --

18 THE WITNESS: I'm looking -- I'm looking at my report and I'm
19 looking at my resume. And I'm looking at -- that's it.

20 THE COURT: Do --

21 MR. IQBAL: And I'll represent, Your Honor, that -- that the
22 parties have both of those.

23 THE COURT: Okay. So those are the only two documents,
24 the report and the resume?

25 MR. IQBAL: And both GNL and Plaintiffs --

1 THE COURT: Okay.

2 MR. IQBAL: -- have produced the -- the -- her report.

3 BY MS. MASTRANGELO:

4 Q Did you not get a copy of your deposition transcript?

5 A I'm not sure. I would have to go pull files.

6 Q Okay.

7 Your Honor, I'm going to need to publish her deposition.

8 THE COURT: Okay. Court's going to have to ask for a quick
9 question here, folks, because as you know any time we do an
10 audio/visual, there's the affirmative representation that the witness has
11 to have everything necessary for the hearing presented to her. That is
12 part of the statement that gets signed which as you know means
13 presumably the parties talked and -- did you provide her a copy of the
14 deposition?

15 MR. IQBAL: I believe we did, but if counsel was going to ask
16 questions about her deposition transcript, they should have made at
17 least me aware that they were going to ask questions about her
18 deposition transcript.

19 MS. MASTRANGELO: I did not expect her to testify contrary.
20 Therefore, I did not anticipate that I was going to have to impeach her
21 with her deposition, but I have it. They have it. I don't know why she
22 doesn't have it.

23 THE COURT: Okay. Let's -- let me quickly go back to the
24 audio/visual statement that was done for today's hearing. Ms. McLeod,
25 it'll just be one second. Just give me one second so I don't get -- don't

1 get side on a whole new issue. Give me one quick second if you don't
2 mind. On the audio/visual transmission and see what it says.

3 Audio/visual appearance request, one second.

4 Okay. The audio/visual appearance request -- okay.
5 Counsel, phone number, certified [indiscernible] okay. Plaintiffs agreed
6 to provide all exhibits to Sheila Swett in advance in the same form as
7 has been or will be submitted to the Court Clerk.

8 So, I'm going to address the deposition question in just one
9 moment. I think Ms. McLeod quietly stood up twice. I want to make
10 sure you address, was that an objection or did you have an issue or
11 want to try to take care of yours as well? Go ahead, counsel.

12 MS. McLEOD: The Court had inquired about documents that
13 Ms. Swett was looking at on her end that were not provided for the Court
14 record. And I wanted to volunteer that I had additional printed hard copy
15 should the Court wish to make it part of the record or for the Court's
16 reference. I'm happy to show those to counsel. They have counsel's
17 bate stamps from production. But it's just Ms. Swett's resume and her
18 report and rebuttal report if it is needed. I'm just trying to be helpful.

19 THE COURT: Oh, no, no. I appreciate it. It's just normally on
20 these, we usually either attach to it or there's a bate stamp reference or
21 something that -- that says [indiscernible] or the Court gets a copy of it at
22 the time of the hearing so that I can follow along. In the absence of
23 having it, I just don't have a frame of reference which is why I needed to
24 ask the question.

25 MS. MASTRANGELO: Your Honor --

1 THE COURT: You can appreciate it. So thank you. Okay.

2 MS. MASTRANGELO: -- I'm happy to waive this question and
3 move on because it's not --

4 THE COURT: Okay.

5 MS. MASTRANGELO: -- entirely necessary.

6 THE COURT: Okay. So then if you're waiving, you're moving
7 on, feel free to do so.

8 MS. MASTRANGELO: Okay.

9 THE COURT: Go ahead.

10 BY MS. MASTRANGELO:

11 Q Let me ask you this, Ms. Swett, instead; are you planning to
12 testify in this case that the subject escalator violated code at the time of
13 Mr. Brown's fall?

14 A Not -- in accordance with the evidence of the cracked steps, it
15 would have, yes.

16 Q Okay. That's not what you said in your deposition; do you
17 remember giving a deposition in this case where you testified to the
18 contrary?

19 A I did give a deposition in this case.

20 Q Do you remember that I asked you specifically question, are
21 you going to testify at trial that this elevator violated code on the date of
22 Mr. Brown's fall, my counsel corrected, you mean escalator, I said, yes,
23 escalator, sorry; your answer, on the day of his fall, no, I wasn't there?

24 A Exactly. Be of the evidence I can, but I wasn't there on the
25 day of that fall.

1 Q Okay. What --

2 THE COURT: Counsel, is there a page reference to the
3 deposition page?

4 MS. MASTRANGELO: Yes, Your Honor. Page 80, lines 14
5 through 20.

6 THE COURT: Okay.

7 BY MS. MASTRANGELO:

8 Q When you went down to Laughlin in 2018 to look at that
9 escalator, what you did was a cursory visual looking at the escalator, it
10 was not an inspection; do you agree with that?

11 MR. IQBAL: Objection. Counsel's argumentative and
12 testifying.

13 THE COURT: Court's going to overrule the objection because
14 the way the question was phrased at the end it says, do you agree with
15 that, so it allows the witness to respond -- how the witness chooses to
16 respond.

17 THE WITNESS: It was not an annual inspection. It was a
18 visual inspection of equipment.

19 BY MS. MASTRANGELO:

20 Q You did not perform an A17-1 inspection; is that true?

21 A Now that's true.

22 Q And when you looked at that escalator in 2018, were the steps
23 shaking?

24 A No.

25 Q Did any of them rock?

1 A None of the ones that I was on rocked.

2 Q Did you see any cracks in those steps?

3 A I did not look at those steps. That would have been on an
4 angle inspection.

5 Q But you did have the mechanics take out a couple of steps so
6 you could see underneath?

7 A That's correct.

8 Q And you were given the opportunity were you not to look at
9 the old steps in the warehouse?

10 A I did look at those steps.

11 Q And did you see any cracks in those steps?

12 A I did not see any cracks that were -- but the pictures were
13 shown with the cracks.

14 Q I didn't ask you if you saw any pictures. I -- you -- you saw the
15 subject escalator and you saw the subject escalator steps; did you see
16 any cracks in any of those steps?

17 A Of the six or eight that we looked, no.

18 Q Okay. No -- no one prevented you from looking at all the
19 steps; did they?

20 A No.

21 Q Okay. In fact, you didn't even inspect those steps in the
22 warehouse to see if they did have any cracks; is that true?

23 A I did not clean -- and those steps were unable to be seen. I
24 did not clean them.

25 Q Okay. No one told you couldn't clean them; did they?

1 A That's correct.

2 Q Okay.

3 A No.

4 Q And your opinion in this case as to the reason for Mr. Brown's
5 fall is that the escalator steps were dirty which prevented someone from
6 seeing the cracks; is that the opinion you've given in deposition in this
7 case?

8 A No.

9 Q Okay. All right. I'm going to --

10 THE COURT: I didn't hear the witness' answer. It cut out.

11 MS. MASTRANGELO: She said no. Did you say no?

12 THE WITNESS: I said no. I'm -- that is not my opinion.

13 BY MS. MASTRANGELO:

14 Q Are you able to say whether or not those steps were dirty in
15 May of 2015?

16 A I'm not. I did not see them in May of 2015.

17 Q Are you able to say that Mr. Brown was standing on a cracked
18 step at the time he began to fall in May of 2015?

19 A I'm not able to say that.

20 Q Did you see anything on the video of his fall which indicated
21 that the steps were shaky?

22 A I don't recall you could see the steps shaking.

23 Q When you did the rebuttal report in this case, you stated --
24 hold on one second -- Court's indulgence.

25 THE COURT: Sure.

1 BY MS. MASTRANGELO:

2 Q In your rebuttal report in this case on page 4 you stated, I
3 believe the cracked steps led to the unstable steps Mr. Brown may have
4 encountered which led to his accident. At that point, why did you use
5 the words may have encountered instead of he encountered?

6 A As there's 60 steps involved and I don't know which steps he
7 was stepping on.

8 Q And of those 60 steps, I think there's only 58, but semantics,
9 of those 58 or 60 steps, not all of them were cracked; do you agree with
10 that?

11 A I do agree with that.

12 MR. IQBAL: Objection.

13 BY MS. MASTRANGELO:

14 Q And you don't know which one he -- he was standing on?

15 THE COURT: Hold on, counsel, for a second. There was a
16 pending objection. I need to hear what Plaintiffs.

17 MR. IQBAL: Assumes facts not in evidence, Your Honor.

18 THE COURT: Albeit, it was [indiscernible] she'd already
19 answered, but even taking -- if it would have been the time that the
20 Court would have needed to overrule that objection because it's her
21 opinion. And so it wouldn't be a fact in evidence. She knew whether
22 what she applying one way or another. Okay. Sorry. Please go ahead.

23 BY MS. MASTRANGELO:

24 Q Are you, Ms. Swett, that Nevada law requires escalators to be
25 inspected every six months by an independent? In other words, not by

1 Thyssenkrupp or the maintenance company.

2 A By an independent elevate -- escalator inspector.

3 Q Correct. And you reviewed in connection with your consulting
4 where you're formulating your opinions in this case, you did review those
5 third party independent inspection records; did you not?

6 A I believe I had two. Hold on.

7 Q Specifically did you review the very last inspection report
8 before Mr. Brown's fall?

9 A Would it -- I have one listed as 5/13/15.

10 Q That would be after the fall. I'm talking about the six month
11 internal inspection report. The last one that was done prior to Mr.
12 Brown's fall and the date of it is July 14, 2014. We discussed it at your
13 deposition, so I know you have it somewhere.

14 A I'm looking.

15 Q You got it?

16 A I found July 16th, no. July 14th, 2014.

17 Q You got it. Okay.

18 A Yes. I have that I had it, yes. I don't have it in front of me.

19 Q Can you find it?

20 MR. IQBAL: Your Honor, we already discussed that the
21 witness has her report and her supplemental report. If counsel wanted
22 to ask about separate document or documents that were already
23 produced in discovery, this should have been circulated, then given to
24 the witness.

25 THE COURT: Is it her job -- does she have her job file --

1 MS. MASTRANGELO: It's in her job file.

2 THE COURT: -- with her which would have been produced
3 provide --

4 THE WITNESS: I did have my job file, but as soon as I bring
5 it, it's going to have everything else also. And you wouldn't have copies
6 of that.

7 THE COURT: What do the parties wish to do? Why don't we
8 do this, we can go off the record if you want to talk among yourselves,
9 but you need to let the witness know that she can't go and get anything
10 until there's an agreement among counsel. But if you want -- it's 3:20.
11 We've been going for a couple of hours now. Parties might need a
12 break any way to stretch their legs; right? And do whatever they need to
13 do. We can take a brief 10 minute recess as long as the witness
14 understands A, she's still under oath and B, she can't look at anything
15 during the break until she comes back on. And the parties say whatever
16 the party joint agreement is if you want to do that. Does that make
17 sense for everyone?

18 MS. MASTRANGELO: Sure.

19 MR. IQBAL: Yes.

20 THE WITNESS: I'm good.

21 THE COURT: I don't want interrupt. You're in the middle of
22 you asking questions.

23 MS. MASTRANGELO: No. I'm fine.

24 THE COURT: I'm not --

25 MS. MASTRANGELO: It's fine.

1 THE COURT: -- going to interrupt it. If you want to keep
2 going, that's perfectly fine. But since you're raising this issue, I'm not
3 sure --

4 MS. MASTRANGELO: Right.

5 THE COURT: -- if it makes sense to discuss it now if you got
6 a couple of questions in this area?

7 MS. MASTRANGELO: Right.

8 THE COURT: And I don't know --

9 MS. MASTRANGELO: I do, Your Honor.

10 THE COURT: Counsel for GNL may have the same. How
11 you all want to do this, so?

12 MS. MASTRANGELO: My attempt was to introduce this as an
13 exhibit to this proceeding today not for trial purposes, but for today
14 because it was discussed in her deposition. It was attached, so I would
15 like Your Honor to see it, so.

16 THE COURT: If that's where you're potentially going, it'd
17 make more sense for counsel to discuss among yourselves if there's
18 other things that maybe coming up and how you want to handle that?
19 Yes, no, maybe so?

20 MS. MASTRANGELO: Yes.

21 MR. IQBAL: Yes.

22 THE COURT: Is that agreement of all three -- all three clients
23 through their respective counsel?

24 MS. McLEOD: Yes.

25 THE COURT: Yes, yes and yes?

1 MR. IQBAL: Yes.

2 MR. ROBERTS: Yes.

3 MS. MASTRANGELO: Yes.

4 THE COURT: Okay. So then the witness understands you
5 may not look at anything although we will be actually clicking you off and
6 then we'll be click you back on. It's 3:22. So say it's about going to be
7 3:35. Take recess. We'll go off the record. When we come back on,
8 what I will do is you will not come back on the record immediately. First
9 I will ask counsel if they have a joint agreement. If they don't have a
10 joint agreement, if there is a difference of opinion and the Court needs to
11 resolve something, then the Court will resolve it. And if there is a joint
12 agreement and you all resolve it and tell the witness well, the Court's not
13 present, that's going to be fine if all three of you specifically agree and
14 you want to do it that way. If you want to wait until we're back on here in
15 Court and then you want the witness to be told what the joint agreement
16 is, fine. If you all do not have a joint agreement and you have a
17 difference of opinion, then the Court will be glad address your difference
18 of opinion when you return from the break. Does that meet the party's
19 needs?

20 MR. IQBAL: Yes, Your Honor.

21 MS. McLEOD: Yes, Your Honor.

22 THE COURT: Sure. Go ahead, counsel. What's up?

23 MR. IQBAL: Just for the record to preserve just objecting to
24 the this whole line of questioning. It goes to the weight and sufficiency
25 of the report that should be in front of the jury. This doesn't go to the

1 purpose of why we're here today --

2 THE COURT: In Court.

3 MR. IQBAL: -- whether Ms. Swett is qualified as an expert
4 witness.

5 THE COURT: As you know, the Court to address objections
6 on a question by question basis as the question is asked before the
7 witness answer. The Court can't after the fact for a whole line of
8 questioning that's already occurred, so the Court will be more than glad
9 to address timely objections on a question by question basis raised by
10 whoever wishes to raise said objections, okay?

11 MR. IQBAL: Okay.

12 THE COURT: I do appreciate it. Thank you so very much.

13 MR. IQBAL: Thank you, Your Honor.

14 THE COURT: So Madam Clerk and Madam Court Recorder,
15 we'll go off the record.

16 THE MARSHAL: Court is in recess.

17 THE COURT: Thank you.

18 [Recess taken from 3:24 p.m. to 3:44 p.m.]

19 THE COURT: Okay. Back on the record. Side currently the
20 presence of the witness, Ms. Swett. So -- wait, she wasn't supposed to
21 be back on --

22 THE CLERK: Oh.

23 THE COURT: -- remember? So that I needed to talk to
24 counsel first --

25 THE CLERK: Right.

1 THE COURT: -- before. Thank you so much. So she cannot
2 hear us; is that correct?

3 THE CLERK: Correct.

4 THE COURT: Okay. So I need to hear what counsel want to
5 say first before we put her on and see if they'll let her on. So, counsel,
6 what would you like to state?

7 MR. IQBAL: First, Your Honor, plaintiffs would like to object to
8 the introduction of the inspection records. It goes beyond the scope of
9 Ms. Swett's voir dire and to the extent --

10 THE COURT: Okay. Can I see what your objecting to and
11 have bate stamp references because do I need to rule on that first?

12 MS. MASTRANGELO: I brought a copy for you too.

13 THE COURT: Yeah. Can I see it because if he's objecting,
14 don't I need to rule on that first before you go any further or --

15 MS. MASTRANGELO: Yes.

16 THE COURT: Okay. Just give me one second. Are these --
17 wait a second. These do not have bate stamps. Were they provided
18 during discovery and these are just unbate stamped number ones?

19 MS. MASTRANGELO: Yes. I don't think anybody is objecting
20 to that if they weren't provided.

21 THE COURT: Okay. So are the three pages that the Court
22 was handed, everybody agrees have been properly produced, they just
23 happen to be an unbate stamp copy; is that correct?

24 MR. IQBAL: That's correct, Your Honor.

25 MS. MASTRANGELO: Yes.

1 THE COURT: Do you know? Are you on that same page or -
2 -

3 MS. McLEOD: Yes. I'm sorry, Your Honor. I'm -- I'm looking
4 for the bate stamped copy of the documents --

5 THE COURT: Oh sure.

6 MS. McLEOD: -- so that we can get them to Ms. Swett and I'll
7 be on the same page. I apologize.

8 THE COURT: No worries. I just wanted to make sure. If we -
9 - if we have a foundation at somebody thought these were different
10 versions or whatever, I'm trying to do this step by step for you all, so.
11 Okay.

12 MR. ROBERTS: Ms. McLeod is trying to confirm that right
13 now, Your Honor.

14 THE COURT: No worries. I can wait a second. If we did this
15 tomorrow, I could have done this said reference the binders; right?

16 Shall I let counsel for plaintiff finish his objection and then let
17 you respond and then we can deal with the bate stamp numbering at the
18 end; would that work for everyone --

19 MS. MASTRANGELO: Yes.

20 THE COURT: -- to be efficient? And then you all in
21 agreement Ms. Swett should not be hearing this; correct?

22 MS. MASTRANGELO: Yes.

23 THE COURT: Is that right?

24 MS. McLEOD: Yes.

25 MR. IQBAL: Sure.

1 THE COURT: Okay. No worries. Just make sure everyone's
2 on the same page. Okay. So go ahead counsel for plaintiff. Your
3 objection is it's outside what the scope.

4 MR. IQBAL: It's -- it's outside the -- the scope of -- of the voir
5 dire of Ms. Swett what here -- what we're here for today, Your Honor.
6 And outside the scope of the direct examination to the extent that the
7 Court is going to allow questioning regarding these documents. The
8 parties have reached a stipulation as to how we would get this document
9 in front of Ms. Swett to ask her questions. But plaintiffs would request
10 an opportunity to redirect following the cross examination.

11 THE COURT: Okay. And just so before the Court makes a
12 ruling, this -- from what I understood you all had agreed to with regards
13 to the evidentiary for voir dire was not a standard examination, cross
14 examination like you normally do in trial is that you each wanted an
15 opportunity to ask questions with regards to the motion in limine
16 because the motion in limine obligation is upon the movant. It's not on --
17 unlike trial where it's plaintiffs' obligation.

18 Here, since the precipitating factor for the evidentiary hearing
19 slash voir dire slash, you know, *Hallmark* hearing, however you'd like to
20 phrase today's proceeding, right, the burden is on the movant which is to
21 establish that they're requesting that Ms. Swett not testify. So by
22 agreement of the parties, plaintiff went first even though the motion is
23 truly a defense phased motion in limine.

24 And so generally, in these types of proceedings, the
25 examination from the parties that goes second are here, second and

1 third is not limited by the party who went first in a traditional direct cross
2 examination type function unless there's an agreement between the
3 parties as such. There's usually just an opportunity for each side to ask
4 the appropriate questions subject to objections, subject to the scope of
5 the motion in limine, right --

6 MR. IQBAL: Right.

7 THE COURT: -- to see if the witness can or cannot meet the
8 standards with regards to what today's hearing is with regards to the
9 particular motion in limine. Sometimes it's more than one motion in
10 limine, here it's a singular one, right. So if there is singular motion and
11 joinder, they're two. I should be more precise, right.

12 So if there was an agreement with the parties that it would
13 follow a direct examination, cross examination limited by plaintiffs'
14 counsel's questions on this witness, then this Court needs to know
15 because that's not generally the way the Court does a *Hallmark* slash
16 evidentiary hearing slash voir dire, however you'd like to phrase what
17 you call today.

18 MR. IQBAL: And candidly, Your Honor, the parties did not --

19 THE COURT: Okay.

20 MR. IQBAL: -- discuss that specific point of the sequence of
21 who would ask the questions first or even the -- the sequence of
22 questioning between the parties. And so that was not -- that was not
23 discussed prior to today or prior to when we started.

24 THE COURT: Which is why the Court asked if you all had any
25 agreements up front because usually having an agreement the Court's

1 fine with it as long as it's legal, ethical, right, and meets generally
2 deadlines because otherwise, it contradicts some Court rulings or
3 something like that, right, with a couple of other sections that I don't
4 need to get into; right?

5 So since you didn't, it was like, whoever wanted to go first,
6 you know, do how you wanted to do it and then that's fine. So with that
7 in mind, an objection as to scope, I don't see as do you still really have a
8 scope objection versus -- excuse me -- an objection as to outside the
9 scope of your direct examination, but still maintaining your outside the
10 scope of a motion in limine objection.

11 MR. IQBAL: Yes, Your Honor.

12 THE COURT: Do you have both of them or just one of them?

13 MR. IQBAL: It's just one. The latter. So this is --

14 THE COURT: Okay.

15 MR. IQBAL: -- all outside the scope of what was raised in the
16 motion in limine as the basis for Thyssenkrupp objecting to Ms. Swett.

17 THE COURT: Okay.

18 MR. IQBAL: And that was largely based on as they put it or,
19 you know, educational background where these questions go to the
20 sufficiency and weight of her report which is properly before a jury. And
21 the scope of the motion in limine was very limited and the scope of this
22 hearing has expanded greatly and that's why I am requesting given that
23 great expansion of questions that plaintiffs have an opportunity to
24 redirect following questions by defense counsel.

25 THE COURT: Okay. So now I'm going to give both defense

1 counsel if they wish an opportunity to be heard or if only one does that,
2 that's fine too. And I'm giving both because you have different roles and
3 different clients. Go ahead. Go ahead.

4 MS. MASTRANGELO: Yes, Your Honor. The motion in
5 limine that I filed to exclude Ms. Swett was not based solely upon her
6 lack of qualifications, but was also based upon their reliability prong of
7 *Hallmark*. You know, there's a qualification requirement, a reliability
8 requirement and an assistant -- assistance requirement and we believe
9 she fails all three of those.

10 And the questions that I'm now asking her goes to the
11 reliability of her opinion and how she disregarded evidence and
12 formulated opinions based on no evidence. And that's sort of what I've
13 been questioning her on for the last 20 minutes. And it's not outside the
14 scope. It's specifically within *Hallmark*.

15 THE COURT: Counsel for GNL, do you wish to be heard,
16 anything addition?

17 MS. McLEOD: We agree with TK's position, Your Honor.

18 THE COURT: Okay. Thank you. Okay. The Court has hold
19 up Thyssenkrupp's K, however you'd like to phrase it, motion in limine
20 number 8 re exclude the testimony of Sheila Nabor Swett. Okay.

21 Actually it's just easier for me to -- I pulled up the reply. Okay.
22 So --

23 MS. MASTRANGELO: It's pretty much pages 7 and 8.

24 THE COURT: You're going to the motion or the reply?

25 MS. MASTRANGELO: The motion.

1 THE COURT: Okay. Let me go back because I was looking
2 at the reply, the 2/28 reply. Let me go back to the motion. She also filed
3 that on 11/13? For some reason I was having trouble kind of finding that
4 one easily.

5 MS. MASTRANGELO: Eleven --

6 THE COURT: Yes. I found it.

7 MS. MASTRANGELO: -- fourteen.

8 THE COURT: As soon as I said that -- because it was on the
9 next day the 14th. That's what it was. Thanks. Okay. So page 8; is that
10 correct?

11 MS. MASTRANGELO: Pages 7 and 8 talk about the standard
12 for reliability as well as the qualification.

13 THE COURT: Okay. Ms. Swett's experience in escalator
14 design does not provide her the necessary qualifications to testify as to
15 negligent maintenance. See cite *Jones versus Novartis* and other
16 citations. Ms. Swett does not satisfy any of the qualification
17 requirements under *Hallmark*. She has no relevant escalator
18 maintenance experience from any formal schooling, employment
19 experience or practical experience and specialized training.

20 Even if she could testify as to the negligent design, these
21 opinions have no bearing up the liability for negligent maintenance. And
22 therefore she should be precluded from testifying as self-proclaimed
23 expert at trial.

24 Expert is not sufficient based on facts. It should not be
25 admitted. And then we talk about the dirty condition did not cause --

1 shaky -- one second -- and you said can't due to crack stuff which she
2 has admitted. Okay.

3 So what this Court's going to ask you is is this maintenance,
4 these three pages of maintenance records, were they presented in any
5 manner in the underlying motion from November slash February
6 discussed at the various hearings or are they coming for the first time
7 today?

8 MS. MASTRANGELO: Those -- those are not maintenance
9 records.

10 THE COURT: Oh sorry.

11 MS. MASTRANGELO: Those are --

12 THE COURT: The three pages --

13 MS. MASTRANGELO: Yeah.

14 THE COURT: -- what are you calling them?

15 MS. MASTRANGELO: Those are inspection records from the
16 independent party which I was asking her about prior to our breaks.

17 THE COURT: The last two when she mentioned the one
18 afterwards and you said no --

19 MS. MASTRANGELO: Right. Right.

20 THE COURT: -- pre-incident and this is the one pre-incident.

21 MS. MASTRANGELO: And it was attached to her deposition
22 as an exhibit because we discussed it at her deposition and that's what I
23 want to discuss with her today as part of reliability from --

24 THE COURT: Is it in any of the pleadings that were presented
25 to the Court at the time of the motion in limine or --

1 MS. MASTRANGELO: I don't think so.

2 THE COURT: Okay. One moment. I think Ms. McLeod's
3 about to give me three bates -- are you about to give me three bates
4 stamp numbers?

5 MS. MASTRANGELO: So beyond that objection, what -- what
6 we would like to do Ms. McLeod has been able to email those three
7 pages that I have here, Your Honor --

8 THE COURT: Mm-hmm.

9 MS. MASTRANGELO: -- to counsel and he could forward
10 them to Ms. Swett so she would have them in front of her because they
11 are in her file, but I guess just not easily -- she's not able to easily pull
12 them up.

13 MR. IQBAL: And, Your Honor --

14 THE COURT: Sure. Go ahead.

15 MR. IQBAL: -- this was not presented in the motion in limine.
16 This is the basis for why we're here. It is greatly expanded through all of
17 these areas that plaintiffs frankly did not -- did not have an opportunity in
18 that -- in that motion in limine to -- to address. It was her educational
19 qualifications. I don't believe this inspection form was attached to the
20 motion in limine or to the reply in support.

21 THE COURT: Okay. But herein lies the question really for
22 the Court is getting to the heart of it, right, is the Court did ask the
23 narrow question about these particular pages because that's the easy
24 one, right, if it was specifically attached and there's the easy answer.
25 Somewhat next question the Court used to ask is under *Fiesta Palms*

1 NRCP 16, etcetera, right, that experts can only -- and now I'm going to
2 proceduralize it, right, consistent with their reports, etcetera, is -- and the
3 report was attached to the motion and that was forming the basis of the
4 expert report and the deposition formed the basis of the motion in limine;
5 would all parties agreed to that general concept?

6 MS. MASTRANGELO: Yes.

7 MR. IQBAL: I'm sorry.

8 THE COURT: That the expert report and the deposition
9 answered formed the basis of the motion in limine. Meaning, the expert
10 report was attached to the motion and there's excerpts from her
11 deposition that were attached to the motion. Maybe there's another way
12 just of phrasing, okay [indiscernible] --

13 MR. IQBAL: Yes. Yes.

14 THE COURT: -- her deposition was attached, okay. So the
15 broader is the easy question is not answered in the affirmative, then the
16 Court goes to the broader question since her expert report and her
17 deposition was attached. There was specific references to the
18 deposition in the -- without you all wanting me to go back and look the
19 motion, the opposition and the reply to see if these specific questions
20 were asked and referenced in the underlying motions, right.

21 The questions that the Court had addressed where we
22 relistened to the DVD, right, from the prior hearing is outstanding issues.
23 And this is a generalized summary, okay. This is not in any sense of a
24 pure grammatical aspect. This is kind of a generalized conceptual
25 summary is that the generalized issue was maintenance versus design

1 expertise CV to qualified experience and degrees and does Swett have
2 the requisite qualifications to testify as an expert [indiscernible] steps,
3 preventative maintenance from noticing and repairing the cracks as to
4 those steps.

5 And the Court's not saying that that's essential. That's just
6 kind of my cheat, cheat notes for lack of not my best legally way of
7 phrasing it, but kind of, you know, going back to the July 10th so that I
8 had kind of a heads up in my, you know, looking to see what the general
9 scope of today's was based on what you all said was still kind of
10 outstanding as some of the questions and issues that were argued
11 leading to the voir dire slash *Hallmark* hearing, so.

12 MR. IQBAL: One more basis, Your Honor, regarding the --
13 her report. Ms. Swett given the expert witness deadline, her report was
14 produced May 4th, 2018. She did not have the benefit of the
15 maintenance logs. The maintenance logs were only produced in July of
16 2018 despite plaintiffs having the discovery going back years asking for
17 records.

18 THE COURT: Okay.

19 MR. IQBAL: And it wasn't until Mr. Dutcher was deposed
20 which was after again the expert report deadline that we found out about
21 his emails, that we found out about logs and specifically raised that
22 issue, then we received those logs.

23 So in addition, Ms. Swett did not have during her inspection
24 the benefit of Chris Dutcher who was there for defendant's expert
25 witness' inspection. And there is a great deal of prejudice which

1 obviously the plaintiffs will be -- is submitting in the form of separate jury
2 instructions that there is a quite a bit of prejudice with -- with respect to
3 what she had at the time when she did her initial expert report.

4 I just wanted to put that on the record.

5 THE COURT: Well, if that would have been appropriately A,
6 in an opposition to the motion in limine; correct?

7 MR. IQBAL: Yeah.

8 THE COURT: And B, the Court needs a clarification point for
9 [indiscernible] I'm going to let Ms. McLeod speak in just one second.
10 But I just want to clear the clarification point. I need a chronological
11 clarification point. Were those -- were the -- these pages, the three
12 pages that you handed the Court, okay; what date were they provided to
13 plaintiffs' counsel?

14 MS. MASTRANGELO: Ms. McLeod will have that, but she's --
15 Ms. Swett specifically reflects on page 1 of her report that she looked at
16 the inspection report dated 7/14/14 which is the one I want to introduce.

17 THE COURT: Okay. So do you disagree with plaintiffs'
18 characterization from the date stamp point with regards to the three
19 pages that you handed to this Court because it's in her expert report so
20 she had to have had it; right?

21 MS. MASTRANGELO: Correct. It's talking about different
22 maintenance records. I'm talking about inspection records from the
23 independent state-appointed, you know, guy.

24 THE COURT: Okay. So let's focus on what you're talking
25 about, 7/14/14 a document called inspection form dated 7/14/14 in

1 handwriting, three pages; correct?

2 MS. MASTRANGELO: Correct.

3 THE COURT: And your statement is that it's in her actual
4 report that's holding --

5 MS. MASTRANGELO: Report --

6 THE COURT: -- in your hand and in Mr. Iqbal's hands as
7 well?

8 MR. IQBAL: It is, Your Honor.

9 THE COURT: Okay.

10 MR. IQBAL: Yes.

11 THE COURT: So your statement doesn't apply to these three
12 pages; correct?

13 MR. IQBAL: Not -- not to these three pages.

14 THE COURT: Ms. McLeod, you're patiently waiting. Go
15 ahead.

16 MS. McLEOD: First, to answer the Court's question and
17 documents that counsel is proffering to the Court and proposing to email
18 to Ms. Swett come from Thyssenkrupp's third 16.1 supplement which
19 was electronically served 11/17/17. Both excerpts come from that same
20 disclosure. Both are excerpted from Exhibit 17 to that supplement.

21 The other reason I was standing up is a counter point to
22 plaintiffs' counsel's point regarding the timing of disclosures compared
23 with the timing of expert reports that is not uncommon and the
24 requirement from the NRCP is that new information is given to an
25 excerpt -- an expert and then reports are supplemented accordingly.

1 THE COURT: Please see great articles by our Supreme
2 Court and our Nevada Court of Appeals in the Nevada Lawyer June of
3 2019. It mentions that.

4 MS. McLEOD: So --

5 THE COURT: Yeah.

6 MS. McLEOD: -- we just don't believe that that -- the point
7 about timing holds water in the scheme of the overall history of the case.

8 THE COURT: Okay. Overall history of the case, the Court
9 doesn't need to thank you for that point, correct, on the procedural. But
10 for these three pages, the 7/14/14 pages, since they are referenced in
11 Ms. Swett's May 4th, 2018 report what may apply to other pages isn't
12 before the Court for these three pages. These three pages are in her
13 May 4th, 2018 report, so the May 4th, 2018 report is attached to the
14 motion in limine is the subject of the motion in limine and therefore is --
15 and is contained in the context of the motion as to the issues of striking
16 her and therefore is fair game for purposes -- excuse me, let me choose
17 a better choice of words rather than fair game -- would be an appropriate
18 subject for examination to the extent that any counsel wishes to inquire
19 as to these documents in an appropriate sense with regard to the issues
20 raised for today's evidentiary hearing slash *Hallmark* hearing slash voir
21 dire of Ms. Swett.

22 Therefore, plaintiffs' objection as to the inspection form of
23 three pages dated 7/14/14 is overruled which then goes to your prong
24 two of your agreement. Can you email that to her? Is that what you
25 want -- agreed to do? Is that right?

1 MS. MASTRANGELO: Yes.

2 MR. IQBAL: Yes, Your Honor.

3 THE COURT: Okay. Does that work?

4 MR. IQBAL: And --

5 THE COURT: Should we let her know that she's doing that so
6 she should take a look to get that email?

7 MR. IQBAL: Yes, Your Honor. And separately, but --

8 THE COURT: Sure.

9 MR. IQBAL: -- plaintiffs have a request to have the
10 opportunity to ask questions in a form of a redirect after counsel have
11 finished asking questions regarding this.

12 THE COURT: Is there any objection by the two of you? I
13 mean subject to time, folks, because since you took -- you took over an
14 hour and a halfish or whatever you took, that was why the Court was
15 remember like the three. I was trying to remind you all time period is the
16 time period. And so subject to the time period as long as all parties
17 have a chance to get an opportunity, then the Court's going to be fine
18 with it if there's no objection. If there's an objection, I'll deal with it. At
19 this juncture, do you want to get her back on the audio visual while you
20 email so we tell her that she's getting an email; does that work?

21 MR. IQBAL: Yes. Yes, Your Honor.

22 THE COURT: Or do you want the Court to state my ruling or
23 you just want to start with your inquiry of questions? And after we can
24 just say she's getting emailed three pages and that she's going to be
25 asked some questions on it?

1 MS. MASTRANGELO: That's fine by me.

2 THE COURT: Does that work for you plaintiffs' counsel?

3 MR. IQBAL: Yes, Your Honor.

4 THE COURT: Does that work for you, counsel, for GNL?

5 MS. McLEOD: Yes, Your Honor.

6 THE COURT: Okay. Find. I'll do it that way. Thank you so
7 much.

8 MS. MASTRANGELO: May I give one to your Clerk to mark,
9 Your Honor?

10 THE COURT: Oh yes. And while you're doing that, counsel
11 for plaintiff, you had handed to the Court the resume of Sheila Swett; did
12 you want that to be Court's exhibit for today's hearing too?

13 MR. IQBAL: Yes, Your Honor.

14 THE COURT: Okay.

15 [Colloquy between the Court and the Clerk]

16 THE COURT: So that means we now have three Court's
17 exhibits for purposes so far for today's hearing; is that consistent with
18 what counsel show?

19 MS. MASTRANGELO: There's going to be one more. And I
20 don't believe there's any objection because counsel referenced the
21 KONE product bulletin in his direct.

22 MR. IQBAL: That's correct. No objection.

23 THE COURT: Do you want to hand that to Madam Clerk at
24 this juncture, so then she can just do these all in one close swoop for
25 you?

1 THE CLERK: Thank you.

2 MS. MASTRANGELO: Courtesy for Your Honor.

3 THE COURT: Thank you. Appreciate it. And counsel for
4 GNL, since I'm not hearing any objection should I assume science is
5 acquiescence?

6 MR. ROBERTS: Yes, Your Honor.

7 MS. McLEOD: Yes, Your Honor.

8 THE COURT: Beautiful. Okay. No worries. Just -- okay.
9 And she should be connecting back in.

10 THE COURT RECORDER: Ready?

11 THE COURT: Yeah. Yes please. Thank you so much.
12 Okay. Ms. Swett, you should be back -- you should be
13 receiving an email --

14 THE WITNESS: Okay.

15 THE COURT: -- from counsel for plaintiff which is three
16 pages.

17 Is the other document also getting to her by email? Is that --

18 MS. MASTRANGELO: She has the other one I think.

19 THE COURT: Okay.

20 MS. MASTRANGELO: Or we can send it if we need to.

21 THE COURT: Do you have the capability of receiving email?

22 THE WITNESS: Yeah. Turning on the computers back on.

23 THE COURT: So you have multiple computers that you can
24 see the email as well as --

25 THE WITNESS: Yes.

1 THE COURT: Okay. Perfect. Okay. So then, counsel for
2 Thyssenkrupp you may continue and the witness understands she's still
3 under oath and right, the witness understands she's still under oath; is
4 that correct?

5 THE WITNESS: Correct.

6 THE COURT: Okay. Perfect. Then counsel for
7 Thyssenkrupp you may continue with your questions and if you want to
8 confirm with the witness has gotten the email, that's up to you.

9 MS. MASTRANGELO: Thank you, Your Honor.

10 Did you receive that email attachment three pages?

11 THE WITNESS: I received -- I'm picking it up now. I have
12 three page email attachment of inspection form --

13 BY MS. MASTRANGELO:

14 Q Okay. Now --

15 A -- dated that date, 7/14 -- yes, 7/16/13 crossed at 7/14,
16 hopefully 14.

17 Q Okay. So the date of the inspection was July 14th, 2014 and
18 then there's a stamp that says it was received by the State of Nevada
19 July 16th, 2014; do you see that?

20 A I do.

21 Q Okay. All right. And your report actually had referred to this --
22 in other words this is -- you're not saying this for the first time you
23 reviewed this in connection with your work in this case; is that fair?

24 A Right.

25 Q Okay.

1 A Yes.

2 Q Now this inspection form as we started to discuss prior to the
3 break was completed by a third party inspector, in other words,
4 someone not employed by Thyssenkrupp; are we in agreement so far?

5 A Yes.

6 Q Okay.

7 A I can't see that there's any Thyssenkrupp mechanic.

8 Q Okay. And this third party inspector comes out pursuant to
9 Nevada law twice a year and performs inspections of all the escalators;
10 is that your understanding?

11 A Yes. But they're not the same inspections.

12 Q Correct.

13 A They have -- yes.

14 Q You're reading my notes.

15 A I'm sorry.

16 Q So this particular inspection in July of 2014 it states that it was
17 an internal inspection as opposed to external; do you see that?

18 A Correct, yes.

19 Q And an internal inspection means the inspector would have
20 had steps removed and he would have looked under them and looked at
21 the steps; is that your understanding also?

22 A He would have looked at the steps removed and hopefully the
23 mechanic would have looked at the steps inside for the cracks.

24 Q Okay. The second page of that exhibit or the attachment that
25 you were sent says escalator inspection guide at the top; do you see

1 that?

2 A I have two [indiscernible] going now. I'm sorry. Inspection
3 guide, yes.

4 Q Okay. And then there's three maybe four dozen boxes some
5 say NA, not applicable, and others are checked; we're on the same
6 page?

7 A Yes.

8 Q Okay. And so these are the -- where the boxes are checked,
9 these are things the inspector would have specifically looked at as part
10 of his internal inspection of this escalator in July of 2014; do you agree?

11 A Correct, yes.

12 Q And specifically he was to look at steps; do you see that?

13 A Yes.

14 Q Okay. And specifically he was to look housekeeping; do you
15 see that? It's on the first column near the bottom and also the middle
16 column toward the bottom and also the third column toward the top each
17 references --

18 A Yes.

19 Q -- housekeeping. Okay.

20 A I see that.

21 Q And those entries for housekeeping means that the
22 inspector's looking to see if there's a buildup of dirt and lint and grease;
23 isn't that true?

24 A That is what's supposed to be looked for, yes.

25 Q Okay. Then on the third page of that exhibit it's entitled

1 Results of Inspection on the top; do you see that?

2 A I do.

3 Q The inspector wrote in the body of that document, no
4 discrepancies found during inspection; does that mean no violations?

5 A I'm sure that's what he meant.

6 Q It says, okay to issue operating permits. That means he's
7 deeming the equipment safe to order to issue an operating permit;
8 correct?

9 A Yes. I'm sorry. I just got a delivery man. I'm trying to hand
10 him not to knock on my door.

11 Q Okay.

12 A I'm sorry. Yes.

13 Q The next line says maintenance program on site and up-to-
14 date which indicates he looked at the maintenance control program and
15 found it was filled out and up-to-date, yes?

16 A Yes.

17 Q And the fourth line says location clean and neat; do you see
18 that?

19 A Yes.

20 Q You have no reason to believe that this document is forged or
21 false; do you?

22 A No reason to believe it's forged, no.

23 Q Do know Mr. William Schaffer who was the field who was the
24 field inspector on that date?

25 A I do not.

1 Q Do you know he has over 40 years of experience as an
2 escalator inspector?

3 A I have no reason to know that either way, but yes.

4 Q Prior to you issuing your report in this case, did the plaintiffs'
5 counsel tell you that this case was about shaky and cracked steps?

6 A No.

7 Q That was your idea?

8 A It was in the evidence.

9 Q Okay. You didn't see it on the video; correct?

10 A Correct.

11 Q You didn't see it on the incident report from the casino; did
12 you?

13 A No.

14 Q You didn't see it in the State of Nevada elevator and escalator
15 inspector's report; did you?

16 A No.

17 Q Mr. Brown didn't tell you that; did -- did he?

18 A No.

19 Q No -- none of the witnesses told you that; did they?

20 A No.

21 Q Okay. And you didn't take any steps to rule out other reasons
22 for Mr. Brown's fall; did you?

23 A I looked at the evidence --

24 Q Did you --

25 A -- that I was given.

1 Q -- I'm sorry. Go ahead. I cut you off.

2 A Yes. I'm sorry. That I was given. I looked at the evidence
3 that was provided.

4 Q Did you have other theories that you ruled out as to why he
5 fell?

6 A Not after looking at the evidence.

7 Q Don't you think it would have been important to ask Mr. Brown
8 why he thought he fell?

9 A I have never spoken to a plaintiff. I have only looked at
10 depositions.

11 Q But in this case you didn't even look at this depo.

12 A It wasn't provided. I don't know that it had been done.

13 Q And -- and your description on direct examination of your
14 scientific methodology was just to look at the records that were given to
15 you?

16 A Correct. It's very difficult to look at records not given to me.

17 Q Correct. And we've already determined that you did not
18 conduct an inspection, a code inspection, of the escalator at issue?

19 A That's correct.

20 Q You didn't do any testing of any escalator steps in formulating
21 your conclusions in this case; is that true?

22 A That's true.

23 Q Okay. You referenced on direct examination this KONE
24 product bulletin that you were given in this case; do you know what I'm
25 referring to?

1 A I wasn't given it. I've had it, but --

2 Q Okay.

3 A -- I do know about the KONE product.

4 Q Okay. It's the four-page bulletin that says product bulletin --

5 A Correct.

6 Q -- on the front. Okay. Is there anywhere in that KONE, the
7 manufacturer product bulletin that says cracks in escalator steps can
8 cause them to shake?

9 A Because it's what? I'm sorry.

10 Q Can cause them to shake.

11 A No.

12 Q And it doesn't say that because the true risk of a crack in an
13 escalator step is that the crack will get bigger and bigger until it'll
14 eventually cracks all the way through and down go the steps into the
15 machine; isn't that true?

16 A That's correct.

17 MS. MASTRANGELO: I think those are all the questions that
18 I have for you.

19 THE COURT: Okay.

20 MS. MASTRANGELO: Thank you.

21 THE COURT: Counsel for Golden Nugget, do you have any
22 questions?

23 CROSS EXAMINATION

24 BY MS. McLEOD:

25 Q Good afternoon, Ms. Swett. My name's Alexander McLeod. I

1 represent GNL Corp. in this case, one of the attorneys who do so.
2 Luckily, I have only a few questions left for you. The attorneys who were
3 before me took the laboring oar, so.

4 When you started ask -- answering Mr. Iqbal's questions this
5 afternoon, he asked you what your occupation was and you responded
6 that you are an elevator consultant; do you recall that?

7 A Yes.

8 Q Okay. And when we asked you that same question at
9 deposition you responded that you're an elevator engineer; do you recall
10 that?

11 A Probably I did, yes.

12 Q You do not hold yourself out as an escalator consultant or
13 engineer; do you?

14 A Not separate than national codes, right. I am an inspector. I
15 am an escalator inspector.

16 Q Are you an escalator consultant and engineer?

17 A I'm an escalator consultant. Escalator don't normally need
18 engineering when they're modernized. They're ripped out and put back
19 to get put in.

20 Q Was there a reason that you did not include escalators when
21 you were asked what your occupation is?

22 A Only 95 percent of business is elevators and I -- I was just
23 never by definition say elevators and escalators every time I refer to
24 vertical transportation equipment.

25 Q You spoke with both of the attorneys before me about your

1 experience doing forensic expert work; isn't it true that only one of those
2 cases involved an escalator rather than an elevator?

3 A The Georgia Brown case was an escalator.

4 Q So one of your expert cases involved an escalator rather than
5 an elevator?

6 A Oh no. A few of them involved escalators.

7 Q Out of the 50 expert files how many have involved an
8 escalator rather than elevator?

9 MR. IQBAL: Objection. Asked and answered.

10 THE WITNESS: About four. About four.

11 THE COURT: Just a sec. Overrules because of her saying
12 she misunderstood the question, so she asked to clarify.

13 BY MS. McLEOD:

14 Q You were asked about the number of inspections that you
15 performed in your career and you responded that you've inspected
16 thousands of elevators; correct?

17 A Correct.

18 Q And that you've probably inspected -- excuse me -- probably
19 performed two to three hundred escalator inspections; is that also
20 correct?

21 A Correct.

22 Q At deposition, you told us that most of those escalator
23 inspections are repeats of the same machine; correct?

24 A Yes.

25 Q So that you have --

1 A [indiscernible - multiple speakers]

2 Q -- probably inspected closer to one hundred different
3 escalators, but on multiple occasions; is that also correct?

4 A Yes.

5 Q When you were asked at deposition, you were unable to
6 testify regarding what -- maintenance of escalators were required in the
7 State of Nevada; isn't that true?

8 A It was different than normal, A17.1. Correct.

9 THE COURT: Counsel, can you -- your question was when
10 you were asked something in the State of Nevada you were unable to
11 answer; I missed the word in between.

12 MS. McLEOD: I asked her that in her deposition, when you
13 were asked about the requirements for maintaining an escalator --

14 THE COURT: Okay. Maintaining.

15 MS. McLEOD: -- in the State of Nevada, you were unable to
16 respond; isn't that true?

17 THE WITNESS: If it's different than the A17.1, I was not
18 aware.

19 BY MS. McLEOD:

20 Q Did you do any research to determine whether there were any
21 specific requirements for maintaining escalators in the State of Nevada?

22 A I looked at 455C I think, but I don't recall anything specific on
23 there on maintenance.

24 Q Did you perform any research other than looking at the code
25 that you just referenced to determine whether there was any differences

1 for requirements for escalator inspections in the State of Nevada?

2 A No.

3 MS. McLEOD: Thank you very much. That's all the questions
4 I have.

5 THE COURT: Okay. Counsel for plaintiff.

6 MR. IQBAL: Thank you, Your Honor. Thank you, Your
7 Honor.

8 MS. MASTRANGELO: Your Honor, I don't know if this is the
9 appropriate time, but I am going to object to him redoing this whole
10 examination.

11 THE COURT: I understand. The only thing he gets to ask
12 about are the two sets of documents that were provided after he
13 concluded his questions.

14 MS. MASTRANGELO: Oh okay.

15 THE COURT: That's what I understood.

16 MS. MASTRANGELO: Okay.

17 THE COURT: Is that correct, counsel?

18 MR. IQBAL: Yes, Your Honor. And everything else that --
19 that counsel raised that were outside the scope of what was anticipated
20 during the direct. But --

21 THE COURT: Well, let's do it this way. You can ask about
22 these two first. If you think you have additional questions, then the
23 Court will hear it on a question by question and see if I have any
24 objection by defense counsel; does that work?

25 MR. IQBAL: Yes, Your Honor. Thank you, Your Honor.

1 THE COURT: Does that work for defense counsels as well?

2 MS. MASTRANGELO: Yes.

3 THE COURT: You have the opportunity to break down the
4 two steps and see where we're at. Realizing the time. Realizing if you
5 all want any short summations because in this one you had requested a
6 short summation unlike the one I had earlier today that specifically had
7 not. So if you want time for short summation, you have to allocate that
8 appropriately.

9 MS. MASTRANGELO: And that's my concern because I do
10 want time to argue.

11 THE COURT: Because this one was [indiscernible] --

12 REDIRECT EXAMINATION

13 BY MR. IQBAL:

14 Q So, Sheila, you did a report in May of 2018; is that correct?

15 A Yes.

16 Q Okay. And then you did a supplemental report in June of
17 2018; correct?

18 A Yes.

19 Q And you're aware that in July of 2018 after your reports, the
20 plaintiffs finally got the maintenance logs; correct?

21 A I'm aware that it happened after the reports.

22 Q Okay. And you took a look at the maintenance logs; correct?

23 A I don't have it written down here, but if I was given it, I took a
24 look at it.

25 Q Okay. And so counsel was -- was talking about this inspection

1 form and Mr. Schaffer and his 40 years, so let's go directly to that
2 inspection form, page 3 --

3 A Yes.

4 Q -- where it says quote, maintenance program on site plus up-
5 to-date; correct?

6 A Correct.

7 Q You see that. Now isn't it true that the maintenance logs were
8 absolutely in an atrocious condition and lacked a lot of detail and
9 entries?

10 MS. McLEOD: Objection. Leading.

11 MS. MASTRANGELO: Objection, Your Honor. Leading,
12 among other things, argumentative.

13 THE COURT: Okay. I've got a co-joinder. Sustained on the
14 double leading. Leading from each of the counsel. And sustained on
15 the argumentative. It's your own witness and so.

16 BY MR. IQBAL:

17 Q So what was the state of the maintenance logs that you saw?

18 A It appeared to be incomplete to me.

19 Q Why were they incomplete?

20 MS. McLEOD: Objection. Calls for speculation.

21 THE WITNESS: I would have to look at them again.

22 MR. IQBAL: Again, this has been --

23 THE COURT: Okay.

24 MR. IQBAL: -- this has been made an issue, Your Honor.

25 Counsel specifically asked questions to -- to the witness to build up the -

1 - the independent inspector's review, but the actual maintenance logs
2 are missing lots and lots of entries.

3 THE COURT: Okay. Here's the question, right, for this
4 witness' expert for the *Hallmark* voir dire hearing, we've got all the
5 *Hallmark* factors, but you don't need to renumerate, incorporating.
6 They're in your pleadings, right. So you're asking the question if she
7 disagrees with the inspector who did the inspection?

8 MR. IQBAL: No. Your Honor, we're establishing that the
9 actual maintenance records are incomplete. Now to the extent that
10 counsel was attacking Ms. Swett's credibility by raising the work of Mr.
11 Schaffer, the false statements in Mr. Schaffer's inspection report are
12 then relevant. And that --

13 THE COURT: How do you establish they're at fault --

14 MR. IQBAL: Well because --

15 THE COURT: -- when he's the state inspector for the State of
16 Nevada that does it and signs of on it? He's the authorized person for
17 the State.

18 MR. IQBAL: That individual is the authorized person for the
19 State and that individual wrote that the maintenance program on site
20 plus up-to-date there are a whole years where there are literally no
21 entries into the maintenance logs. The maintenance logs are
22 incomplete and this is part what we're going to establish at trial.

23 And so to the extent that my expert witness' credibility is being
24 attacked with a report, I get to -- and when -- when that report was
25 entered into the record as an exhibit and questions were specifically

1 asked about statements in the report, we get to address those
2 statements.

3 THE COURT: But the Court's credibility is not at issue in this
4 hearing. I mean, the -- this is a *Hallmark* or do you want to call it a
5 *Hallmark* whether you want to call it a voir dire or you want to call it
6 evidentiary hearing, people uniformly use those terms interchangeably
7 for this type of proceeding. So I'll just informally call it a *Hallmark*
8 hearing because it involves an expert, right, is I have to look to see if
9 she meets the qualifications under the NRCP and applicable case law.

10 Uniformly, people generically call it *Hallmark* even though it's
11 really a body of cases, okay, that include *Hallmark*, right. So I'm -- I had
12 an objection and so -- Ms. McLeod, you're standing up. I might as well
13 hear your position first. Go ahead.

14 MS. McLEOD: I just believe counsel's response to the
15 objection went far field. The question that's pending was a why
16 question. The objection was much more narrow. It was called for
17 speculation meaning that we believe that it's outside this witness'
18 knowledge. And then we've had extensive argument about the
19 relevance of some issues, but our -- our objection was more narrow than
20 that.

21 MR. IQBAL: And responding to --

22 THE COURT: And with that --

23 MR. IQBAL: -- that question --

24 THE COURT: -- refocusing it is speculation. She wouldn't
25 know -- even if she thinks they're incomplete, she still didn't know why

1 they are incomplete, right, because she didn't prepare them. She's not
2 here in the State of Nevada. She doesn't -- she hasn't established that
3 she knows the policies and practices of the individuals that prepare
4 them, right. So does she have the foundation to know why they're
5 incomplete? So the question is phrased, I'm going to have to sustain
6 the speculation. That's as narrow as my ruling is. Feel free to ask your
7 next question. It's a question by question remember? Okay.

8 MR. IQBAL: Okay

9 Ms. Swett, did you -- do you recall looking at the maintenance
10 logs?

11 THE WITNESS: I do.

12 BY MR. IQBAL:

13 Q Okay. Are there code sections that apply nationally that
14 require annual inspections every year?

15 A Yes.

16 Q Okay. Did the maintenance logs that you saw which were
17 produced by Golden Nugget, did they contain evidence of annual
18 inspections every year?

19 A Not in those logs.

20 Q I'm sorry.

21 A Not in the logs, no.

22 Q Not in the logs, okay. Did they maintenance logs that you
23 reviewed --

24 THE COURT: Wait. Did the maintenance log include an
25 inspection?

1 MR. IQBAL: The maintenance logs --

2 THE COURT: [indiscernible - multiple speakers]

3 MR. IQBAL: -- have a section, Your Honor. For every annual
4 inspection, there is -- there is a section that needs to be -- that needs to
5 be filled in.

6 THE COURT: Thank you.

7 BY MR. IQBAL:

8 Q The maintenance logs that you've reviewed, did they -- did
9 they contain all of the records that were presented in Thyssenkrupp's
10 account history?

11 A Those did not agree.

12 Q So was there an inconsistency between the Thyssenkrupp
13 account history that you reviewed and the maintenance logs that you
14 reviewed?

15 A Yes.

16 Q Okay. Do the codes that apply nationally require a clean
17 down of escalators?

18 A They require them to be cleaned. There's no time element.

19 Q Okay. And in your review of the Thyssenkrupp account
20 history, how many times was there a clean down between 2012 -- I'm
21 sorry -- 2010 and 2015?

22 A Again, I would have to look at those records. I mean --

23 Q Okay. Based on what you can recall, were there sufficient
24 clean downs on a timely basis?

25 A No, because I determined the amount and time that was

1 actually spent on maintenance and that's not enough time to do clean
2 downs.

3 Q Okay. Do you agree with the statement in Mr. Schaffer's
4 inspection report that says, maintenance program on site plus up-to-
5 date?

6 A I would not agree with that based on what I seen of their
7 [indiscernible] maintenance control plan.

8 Q Okay. Do you agree with the statement in the inspection
9 report that states location clean and neat?

10 MS. MASTRANGELO: Objection. Calls for speculation, Your
11 Honor. She was not there in 2014 when that inspection occurred.

12 MR. IQBAL: I'm merely asking, Your Honor, if she agrees
13 with the statement.

14 MS. MASTRANGELO: Same objection. Foundation.

15 THE COURT: Can you establish the foundation that she
16 would know what Mr. Schaffer saw on 7/14/14?

17 BY MR. IQBAL:

18 Q Based on the account history for Thyssenkrupp that you
19 reviewed went from 2010 to 2015; correct?

20 A I believe so.

21 Q Okay.

22 THE COURT: She stated she didn't recall what it said. You
23 understand I have to sustain the objection?

24 MR. IQBAL: Yes, Your Honor.

25 THE COURT: She said she have to look at the document.

1 She doesn't recall what they say, so.

2 MR. IQBAL: I'm just asking for the time period.

3 THE COURT: Okay. No worries. Okay.

4 BY MR. IQBAL:

5 Q So the time period, you can recollect, the time period for the
6 account history was between 2010 and 2015; correct?

7 A I said 2012 through 2015.

8 Q Okay. That is what the actual account history shows. But if
9 you go to the very top of the account history, it will say dates from 2010
10 to 2015 at the top left corner.

11 MS. MASTRANGELO: Objection. Leading.

12 THE COURT: Sustained.

13 BY MR. IQBAL:

14 Q Do you have a copy of the account history in front of you?

15 A I do not.

16 Q Okay. In your supplemental report, did you address the lack
17 of annual cleanings?

18 A I made -- I made a great deal of notations about them not
19 being cleaned, but can you repeat the question?

20 Q Sure. Actually let me -- let me ask a more -- I'm going to
21 strike that. In your -- in your inspection you actually took a look at the
22 steps involved in the incident; correct?

23 A That is correct.

24 Q Are you aware that defendant's expert witness did not review
25 those steps at all?