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2 IN THE SUPREME COURT OF THE STATE OF NEVADA
3

4 Supreme Court No. Electronically Filed
5 District Court Case No. A-18-77270 May 15 2020 10:16 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

9 v.

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

15
16 **APPENDIX TO PETITIONERS' REPLY BRIEF**
17 **Volume 15 (Exhibits 61-63)**

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

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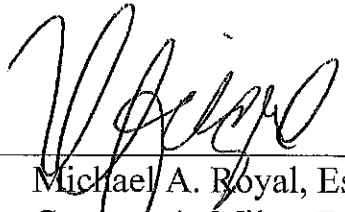
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DATED this 14 day of May, 2020.

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REPORTER'S CERTIFICATE

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

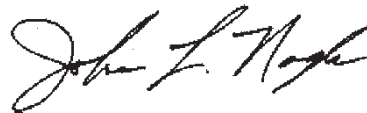
I, John L. Nagle, a duly commissioned Notary Public, Clark County, State of Nevada, do hereby certify:

That I reported the taking of the deposition of DAVID ALLEN ELLIOTT, P.E., on Friday, February 13, 2009, commencing at the hour of 12:16 p.m. That prior to being examined, the witness was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth.

That I thereafter transcribed my said shorthand notes into typewriting and that the typewritten transcript of said deposition is a complete, true and accurate transcription of my said shorthand notes taken down at said time.

I further certify that I am not a relative or employee of an attorney or counsel involved in said action, nor a person financially interested in said action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in my office in the County of Clark, State of Nevada, this 21st day of February, 2009.



John L. Nagle, CCR 211

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EXHIBIT “O”

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June 25, 2019

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SENT VIA E-SERVICE

Re: Sekera v. Venetian

Dear Mike:

On May 14, 2019 the Honorable Kathleen Delaney ordered Venetian to produce the "unredacted incident reports" responsive to Plaintiff's Request for Production No. 7 which asks for

True and correct copies of any and all claim forms, legal actions, civil complaints, statements, security reports, computer generated lists, investigative documents or other memoranda which have, as its subject matter, slip and fall causes occurring on marble floors within the subject VENETIAN CASINO RESORT within three years prior to the incident described in Plaintiff's Complaint [November 4, 2013], to the present.

I have yet to receive the 64 pre-fall unredacted incident reports, as well as the following pre-fall undisclosed incident reports responsive to Plaintiff's Request for Production:

	DATE	TIME	REPORT #	LOCATION	COMMENTS	SECURITY / NOTES
1.	11-7-13	7:54 a.m		Grand Lux Café	Slipped and fell on the marble floor in the front of Grand Lux Café earlier that morning at approximately 6:00 a.m.	
2.	12-27-13	3:07 p.m.		WOW fountain feature	Slipped and fell on a wet area on the marble floor next to the WOW fountain feature	
3.	7-10-14	1:25 PM	1407V-2272	Grand Luxe	Water on floor	J. Larson report writer T. Mofate EMT/SO Merrick Anderson Facilities Eng.

4.	7-13-14	8:02	1407V-3057	Lobby 1	Liquid	Jacob Johnson Asst. Sec. Mngr. Brittany Peck Front desk mngr. Taylor McFate, EMT S.O. G. Rescigno Report writer
5.	7-29-14	2:47 p.m.	1407V-7161	Lobby 1	Liquid	Thomas Labert Front Desk Mngr. Christopher Moiser Asst. Sec Mngr. Sean Pemberton Eng. G. Rescigno Report writer Chris Malcom S.O.
6.	8-23-14			Hotel Lobby	Slip and fall on clear liquid	<i>Rucker v. Venetian Casino Resort, LLC</i> (A-15-729566-C). Venetian stated in its Opposition to Plaintiff's Motion to Amend this "should have been included" and that "Defendants will supplement NRCP 34 responses to provide."
7.	8-28-14	10:30 p.m.	1408V-7104	Venetian Tower	Fall reported next morning. Fall occurred near bathroom by Grand Luxe Water	Mary Ros, Front Desk Monte McAmulty Facilities J. Larson, Report Writer 1/7/15
8.	8-31-14	2:43 p.m.	1408V-7791	Lobby 1	large water spill	Jacob Johnson Asst. Sec. Mgr. Archie Balon, S.O. G. Rescigno, report writer Derek Santillan, Facilities
9.	1-17-15	11:49 p.m.	1501V-3857	Venetian Front Office	Liquid	Nicolas Coronado, asst. mgr. Jonathan Deruth, Front desk mgr. Jose Lopez, EMT Sec. Z. Hakim Report Writer Theodore Reash, Facilities
10.	1-17-15	11:49 p.m.		Venetian Front Office	Fell on liquid	
11.	1-31-15	2:53 p.m.		Lobby 1	Slip and fall on water	
12.	2-9-15	1:37 a.m.	1502V -1803	Lobby 1	Liquid	Eric Wennerberg, S.O. Rady Conception. Seior Watch E. Gizelbach Report writer
13.	2-9-15	1:37		Lobby 1	Slipped and fell on unknown liquid	
14.	2-20-15	1:28 p.m.	1502V-4322	Lobby 1	Liquid. Slipped on spilled beverage	Jacob Johnson Asst. Sec. Mngr. Brittany Peck, Front Desk

						L. Dozier. Report writer
15.	2-20-15	1:28 p.m.		Lobby 1	Slipped but did not fall on liquid	
16.	3-8-15	8:45		Grand Hall	Slipped and fell on wet spot	
17.	3-23-15	3:18		Lobby 1	Slipped and fell in front of Juice Farm. Flooring had red sauce and grease	
18.	4-20-15	7:00 p.m.		Lobby 1	Slipped and fell due to a metal strip that connects the marble tile surface to the wood surface	
19.	4-24-15	3:25 p.m.	1504V-5396	Grand Hall	Broken Bottle of Alcohol	Sang Han, Front Desk Mngr. Melissa Perry Front Desk Mngr. Lynn Sivrais, EMT S.O. V-5319G. Rescigno Report writer Rodolfo Stoino
20.	4-24-15	3:25 p.m.		Grand Hall	Slipped and fell on broken bottle of alcohol	
21.	5-3-15	1:08 p.m.		Grand Hall	Slipped on marble floor in front of fountain	
22.	5-22-15	4:43 p.m.	1505V-5319	Lobby 1	Water on floor	Thomas Lambert Front Desk Tony Bersano Asst. Sec. Mngr. Crystal Clanton S.O. J. Lopez Report writer Jeffrey Duniho, S.O.
23.	5-22-15	4:43		Lobby 1	Slipped and fell on wet surface	
24.	5-29-15	7:36		Lobby 1	Slipped and fell on spilled coffee	
25.	5-30-15	4:35 p.m.	1505V-7506	Lobby 1	Slip Water	Tony Bersano, Asst. Sec. Mngr. Thomas Lambert, Front Desk Mngr. Michael Perez, S.O. D. Davila Report writer Heather Kaufmann, S.O. Zachary Hakim, EMT S.O.
26.	5-30-15	4:35		Lobby 1	Slipped and fell on water	
27.	6-12-15	12:51 p.m.	1506V-7480	Lobby 1	Liquid	Antonio Lopez David Magnuson

						A. Lopez report writer
28.	6-12-15	12:51		Lobby 1	Slipped and fell on liquid on floor	
29.	6-30-15	11:38 a.m.	1506V-7480	Lobby 1	Slip and fall "small pool of clear liquid on marble flooring nearby"	Mary Ros front desk manager Gary Rescigno Security/EMT John Wells Security Officer j. Larson Report writer
30.	6-30-15	11:38		Lobby 1	Slipped and fell on fluid	
31.	7-5-15	12:40 p.m.	1507V-1236	6 Venezia Tower 417 Lobby 4	Slip and fall on water	Jacob Johnson Asst. Security Manager K Ecnamneste facilities G. Rescigno Report writer
32.	7-5-15	12:40		Lobby 4	Slipped and fell on water	
33.	7-19-15	1:47		Grand Hall	Slipped and fell on water	
34.	7-19-15	8:18 a.m.	1507V-5121	19 Venetian Tower 129 Lobby 1	Slip and fall. Liquid on floor at approximately 7:05	Melissa Perry Front desk manager Jacob Johnson Asst. Security manager L. Dozier report writer Jeffrey Duniho security officer Richard Heleman
35.	7-19-15	8:18		Midrise elevator near Lobby 1	Slipped and fell due to liquid	
36.	7-20-15	5:36		Main entrance	Slipped and fell	
37.	8-2-15	10:48		Lobby 1	Slip and fall coming out of the Venetian Gift Shop. Security saw puddle of water	
38.	8-8-15	1:30		Grand Hall	slipped and fell unknown liquid	
39.	8-8-15	2:00 p.m.	1508V-1869	Lobby 1	Slip and fall. Upon contacting surveillance I was advised an unknown guest had dropped a bucket	Jacob Johnson Asst. Security Manger Brittany Peck Front desk manager Allan Hill security officer G. Rescigno report writer
40.	8-8-15	2:00		Lobby 1	Slip and fall puddle of water. Several warning signs around area of fall. Unknown	

					guest dropped a bucket in area	
41.	8-14-15	1:40		Hallway by Grand Lobby	Slipped on some water	
42.	8-29-15	11:34 a.m.	1508V-7246	Lobby 1	Slip and fall clear liquid. "significant pool of water"	Tim Alvonellos Security shift manager Thomas Lambert front desk manager D. Cabada report writer Marc Fesel facilities Joseph De Jesus security/EMT
43.	8-29-15	11:34		Lobby 1	Slipped on clear liquid	
44.	9-6-15	6:39 p.m.	1509V-1497	Lobby 1	Slip and fall wet floor. Spilled drink on floor	Tim Alvonellos security shift manager Nachely Martinez front desk manager J. De Jesus report writer Catherine Carlson security officer
45.	9-6-15	6:39		Lobby 1	Slipped and fell while exiting the Venetian tower elevator. Spilled drink of floor	
46.	9-13-15	11:26		Grand Hall	Slipped and fell on red liquid substance	
47.	12-27-15	3:32		Lobby 1	Slipped on clear liquid	
48.	2-20-16	2:56 p.m.	1602V-4290	1 Guest services podium	Liquid fall occurred earlier in day at 11:45 – 12:05 "very wet floor"	Jacob Johnson asst. Security manager Devon O'Brien G. Rescigo report writer
49.	2-20-16	2:56		Lobby 1	Guest slipped earlier in day. Liquid on floor	
50.	3-6-16	1:59 p.m.	1603V-1233	Lobby 1	Liquid	Jacob Johnson Asst. security manager Kyle Kirchmeyer VIP Services D. Winn report writer Rafael Chavez facilities
51.	3-6-16	1:59		Lobby 1	Slipped on wet spot on floor	
52.	3-18-16	2:57 p.m.	1603V-3584	5 th floor of the garage elevator lobby	Cup of coffee spilled on floor. Fall occurred earlier in the day 11:45 – 12:00	Seljika Bucalo security officer David Boko facilities D. Wi report writer Devin O'Brien front desk manager Jacob Johnson security

						manager
53.	3-18-16	2:57		5 th floor of garage elevator lobby	Slipped on coffee spilled on floor	
54.	3-25-16	1:14 p.m.	1603V-5018	Lobby 1	Slip and fall. Puddle of clear liquid	Sharry Kim front desk supervisor Rafael Chavez facilities J. Larson report writer
55.	3-25-16	1:14		Lobby 1	Slipped on a puddle of liquid near trash cans by Juice Farm	
56.	4-9-16	2:44		Grand Hall	Slipped and fell in puddle of water	
57.	4-9-16	7:34 p.m.	1604V-1926	Lobby 1	Male walker between wet floor signs	Matthew Kaufman security manager C. Reanos report writer
58.	4-10-16	1:51		Grand Hall	Slipped on floor	
59.	4-12-16	3:40 p.m.	1604V-2459	Control 1	Slip and fall. Occurred on 4/10/16 SO "Felix" was attempting to stop foot traffic when he slipped and fell	Matthew Kaufman asst. manager Albert Liu D. Cabda report writer
60.	4-12-16	3:40			Slipped and fall security guard named Felix was trying to stop foot traffic at time of fall	
61.	5-5-16	9:12 p.m.	1605V-0952	Lobby 1	Slip and fall. Picture of red solo cup and liquid on floor	Tim Alvonellos security shift manager Royce Phung front desk manager J. Buscemi report writer James Johnson security officer
62.	5-5-16	9:12		Lobby	Guest slipped and fell on unknown liquid	
63.	5-12-16	12:56 a.m.	1605V-5069	Lobby 1	Liquid	Amy McCaslin front desk manager Nicolas Coronado security manager John Ballesteros facilities J. Dietrich report writer Joseph Barr-Wilson
64.	5-13-16				Foreign slippery substance	<i>Rowan v. Venetian Casino Resort, LLC</i> (A-17-751293-C). Venetian stated in its

						Opposition to Plaintiff's Motion to Amend that this "should have been included and that "Defendants will supplement NRCP 34 responses to provide";
65.	6-11-16		1606V-2353	1 Venetian Front Office	Puddle of water	<i>Boucher v. Venetian Casino Resort, LLC (A-18-773651-C)</i>
66.						

Additionally, I have not received any incident reports which post-date Plaintiff's fall (November 4, 2016 to present). I've enclosed is a copy of the letter sent on May 20, 2019 regarding the case law which supports the proposition that evidence of subsequent falls is discoverable. The cases referenced in this letter hold evidence of subsequent falls is admissible at trial. This is significant because the standard for admissibility at trial is considerably higher than the standard for discoverability under NRCP 26(b)(1).

Additionally, I direct your attention to the following cases which hold evidence of subsequent conduct and incidents are admissible on the issue of punitive damages to prove a defendant's culpable state of mind: *Hallman v. Cushman*, 196 S.C. 402, 13 S.E.2d 498, 501 (1941); *Bergeson v. Dilworth* 959 F.2d 245 (10th Cir. 1992); *Wolfe v. McNeil-PPC Inc*, 773 F.Supp.2d 561, 575-576 (E.D.Pa. 2011); *Coale v. Dow Chem. Co.*, 701 P.2d 885, 890 (Colo.App. 1985); *Palmer v. A.H. Robins Co.*, 684 P.2d 187, 204 (Colo. 1984); *Hoppe v. G.D. Searle & Co.*, 779 F.Supp. 1413, 1424--1425 (S.D.N.Y. 1991); *Peshlakai v. Ruiz*, 39 F. Supp. 3d 1264, 1341-43 (D.N.M. 2014).

I would like to meet and confer with you regarding the inadequate response to Plaintiff's Request for Production No. 7. I propose holding a 2.34 conference on June 27, 2019 10:00 a.m. or 2:00 p.m., June 28, 2019 at 2:00 p.m., or July 9, 2019 at 2:00 p.m. Please advise if any of these dates work for you, and if not, three dates and times you are available between now and July 12. If I do not hear from you by **July 12, 2019 at 5:00 p.m.** I will file a Motion to Compel.

Thank you for your cooperation.

Very truly yours,

THE GALLIHER LAW FIRM



Keith E. Galliher, Jr., Esq.

KEG/gr

KEITH E. GALLIHER, JR.
GEORGE J. KUNZ*
JEFFREY L. GALLIHER *

*Of Counsel

THE GALLIHER LAW FIRM

1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
www.galliher-law.com
Tele: 702-735-0049
Fax: 702-735-0204

Paralegals

DEENA P. MOONEY
STACEY RAY
KU'U'ELAU FINLEY GOO

May 20, 2019

Michael A Royal, Esq.
Royal & Miles LLP
1522 W. Warm Spring Road
Henderson, Nevada 89014
Fax: 702-531-6777

Re: Sekera v. Venetian

Dear Mike:

After reviewing your most recent letter with respect to the NRCP 30 (b)(6) deposition set by my office, I discovered that contrary to the Request for Production of Documents which was served upon your office regarding injury fall incidents, your client did not supply injury incident reports involving slip and falls on marble floors up to the date of the request. Instead, redacted versions of these reports were supplied only three (3) years before the fall up to the date of the fall.

My previous correspondence establishes that case law supports the position that fall events subsequent to the fall event which is being litigated are also discoverable in litigation. Obviously, Judge Delaney can make a decision concerning what information she will allow into evidence at time of trial.

Please treat this letter as a formal request that the entirety of what was requested i.e. reports from three (3) years prior to the fall up to the date of the request be promptly disclosed to my office. Of course, based upon Judge Delaney's ruling, these reports must be unredacted.

Please confirm your agreement to supply this information within the next seven (7) business days so that further motion practice may be avoided.

Thank you for your cooperation.

Very truly yours,

THE GALLIHER LAW FIRM


Keith E. Galliher, Jr., Esq.

KEG/gr

EXHIBIT “P”

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

THE GALLIHER LAW FIRM
Keith E. Galliher, Jr., Esq.
Nevada Bar No. 220
Jeffrey L. Galliher, Esq.
Nevada Bar Number 8078
George J. Kunz, Esq.
Nevada Bar Number 12245
1850 East Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
Telephone: (702) 735-0049
Facsimile: (702) 735-0204
kgalliher@galliherlawfirm.com
jgalliher@galliherlawfirm.com
gkunz@lvlawguy.com
Attorneys for Plaintiffs

DISTRICT COURT
CLARK COUNTY, NEVADA

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

**PLAINTIFF, JOYCE SEKERA'S, RESPONSES TO DEFENDANT VENETIAN CASINO
RESORT, LLC'S FIRST SET OF REQUEST FOR PRODUCTION OF DOCUMENTS**

TO: VENETIAN CASINO RESORT, LLC, Defendant

1 TO: MICHAEL A. ROYAL, ESQ. and GREGORY A. MILES, ESQ. of ROYAL & MILES,
2 LLP, Attorney for Defendant

3 Plaintiff, JOYCE SEKERA, by and through her undersigned attorneys, hereby responds

4 Defendants' First Set of Request for Production of Documents as follows:

5 REQUEST NO. 1:

6 Please produce any and all documents and tangible items upon which you relied or
7 referenced in your responses to Defendant Venetian Casino Resort, LLC's First Set of
8 Interrogatories to Plaintiff, Joyce Sekera, served contemporaneously herewith.

9
10 RESPONSE NO. 1:

11 Previously provided. Please see Plaintiff's Early Case Conference Disclosure and all
12 supplements thereto. Discovery is continuing.

13 REQUEST NO. 2:

14 Please provide all transcribed, written or recorded statements of any witnesses and yourself,
15 if not previously provided. (For any such documents are not being produced based on any kind of
16 privilege, please respond with a privilege log identifying the document and the privilege asserted.)

17
18 RESPONSE NO. 3:

19 None that I am aware of.

20 REQUEST NO. 4:

21 Provide any and all documents supporting your claim for personal injuries and damages as
22 alleged in the subject Complaint, if not previously provided. (Note that this is an ongoing request to
23 be *seasonably* supplemented pursuant to NRCP 26(e).)

24
25 RESPONSE NO. 4:

26 Previously provided. Please see Plaintiff's Early Case Conference Disclosure and all
27 supplements thereto. Discovery is continuing.

1 REQUEST NO. 5:

2 Please produce a copy of pleadings related to any lawsuits filed on either your behalf other
3 than the pending litigation, from November 4, 2016 to the present. (Note that this is an ongoing
4 request to be *seasonably* supplemented pursuant to NRCP 26(e).)

5 RESPONSE NO. 5:

6 None that I am aware of.
7

8 REQUEST NO. 6:

9 Please provide a complete set of records for all employers of which you have worked from
10 the five (5) years preceding the subject accident to the present (*i.e.* from November 4, 2016 to the
11 date of your response to this request for production), including those associated with payroll and
12 personnel, if you are making a claim for loss of earnings or earning capacity. (Note that this is an
13 ongoing request to be *seasonably* supplemented pursuant to NRCP 26(e).)
14

15 RESPONSE NO. 6:

16 Objection. Overbroad. Unduly burdensome. Without waiving said objection, Plaintiff has
17 signed an employment authorization which is attached hereto.

18 REQUEST NO. 7:

19 Please produce an executed authorization to obtain employment records (attached hereto) if
20 you are making a claim for loss of earnings or earning capacity.
21

22 RESPONSE NO. 7:

23 Please see my response to Request No. 7.

24 REQUEST NO. 8:

25 Please provide a complete set of medical records for all medical and psychological
26 professionals who have provided care to you since five (5) years preceding the subject accident to
27
28

1 the present (*i.e.* from November 4, 2011 to the present). (Note that this is an ongoing request to be
2 *seasonably* supplemented pursuant to NRCP 26(e).)

3 RESPONSE NO. 8:

4 Objection. The defendant is not entitled to psychological records. Please see *Schlatter v.*
5 *Eighth Judicial District Court of the State of Nevada*, 95 Nev. 189, 561 P.2d 1342 (1977). Without
6
7 waiving said objection, please see attached signed authorization.

8 REQUEST NO. 9:

9 Please produce an executed authorization to obtain medical and psychological records related
10 to any medical providers rendering care to you for the five (5) years preceding the subject incident
11 (*i.e.* from November 4, 2011) to the present (attached hereto).

12 RESPONSE NO. 9:

13 Please see my response to Request No. 9.

14 REQUEST NO. 10:

15 Please provide a complete set of medical records for all medical and psychological providers
16 who have rendered care to you for injuries or conditions related to any body parts or emotional
17 conditions you allege to have been injured or worsened as a result of the subject incident, without
18 limitation as to time. (Note that this is an ongoing request to be *seasonably* supplemented pursuant
19 to NRCP 26(e).)

20 RESPONSE NO. 10:

21 Please see my response to Request No. 9.

22 REQUEST NO. 11:

23 Please produce an executed authorization to obtain medical records related to any medical
24 and psychological providers rendering care for specific body parts or emotional conditions you
25
26
27
28

1 alleged to have been injured worsened as a result of the subject incident, including but not limited to
2 the head, neck, back or either shoulder, without limitation as to time (attached hereto).

3 RESPONSE NO. 11:

4 Please see my response to Request No. 9.

5 REQUEST NO. 12:

6 Please provide a complete set of tax records filed the Internal Revenue Service for the years
7 2012 through 2017 if you are making a claim for loss of earnings or earning capacity. (Note that this
8 is an ongoing request to be *seasonably* supplemented pursuant to NRCP 26(e).)
9

10 RESPONSE NO. 12:

11 Please see attached Plaintiff's 2016 tax return, W-9 and 1099.

12 REQUEST NO. 13:

13 Please produce an executed authorization to obtain records from the Internal Revenue
14 Service for the years 2012 through 2017 if you are making a claim for loss of earnings or earning
15 capacity (attached hereto).
16

17 RESPONSE NO. 13:

18 Please see attached signed authorization.

19 REQUEST NO. 14:

20 Please produce all documents pertaining reports of any accidents in which you have been
21 involved from the ten (10) years preceding the subject accident to date, excluding the accident
22 mentioned in your Complaint. (Note that this is an ongoing request to be *seasonably* supplemented
23 pursuant to NRCP 26(e).)
24

25 RESPONSE NO. 14:

26 None that I am aware of.
27
28

1 REQUEST NO. 15:

2 Please produce an executed authorization to obtain records related to any claims you have
3 made related to an injury (attached hereto).

4 RESPONSE NO. 15:

5 Please see attached signed authorization.

6 REQUEST NO. 16:

7
8 Please provide a copy of all claims for worker's compensation you have made from the ten
9 (10) years preceding the subject incident to date. (*i.e.* from November 4, 2016 to the present). (Note
10 that this is an ongoing request to be *seasonably* supplemented pursuant to NRCP 26(e).)

11 RESPONSE NO. 16:

12 The only workers compensation claim that I have made was for this fall.

13 REQUEST NO. 17:

14
15 Please produce an executed authorization to obtain records related to any work related injury
16 claims have made related to an injury (attached hereto).

17 RESPONSE NO. 17:

18 Please see attached signed authorization.

19 REQUEST NO. 18:

20 Please produce a copy of the entire file of any experts you have identified to testify at trial
21 in this matter.

22 RESPONSE NO. 18:

23
24 Objection. Premature. Experts will be disclosed in accordance with the Discovery
25 Scheduling Order that has been filed in this case. Defendant can properly notice any experts
26 deposition and subpoena a copy of their file.

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

1 REQUEST NO. 19:

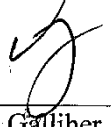
2 Please produce for inspection the shoes you were wearing at the time of the subject incident
3 occurred.

4 RESPONSE NO. 19:

5 The shoes that Plaintiff was wearing at the time of the fall are at The Galliher Law Firm. The
6 Defendant can schedule an inspection to be conducted at The Galliher Law Firm.

7
8 DATED this 24th day of August, 2018.

9 THE GALLIHER LAW FIRM

10
11 
12 Keith E. Galliher, Jr., Esq.
13 Nevada Bar No. 220
14 1850 E. Sahara Avenue, Suite 107
15 Las Vegas, Nevada 89104
16 Attorneys for Plaintiff
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AUTHORIZATION TO DISCLOSE EMPLOYMENT INFORMATION

Name: Joyce Sekera

DOB: March 22, 1956

SSN: xxx-xx-8430

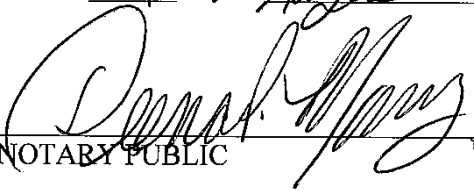
I HEREBY CONSENT to the release of and making copies of my employment file limited to attendance records, wage and salary information and workmen's compensation claims, from November 4, 2011 to the present and further consent that copies of same be made available upon request by ROYAL & MILES.

A photostatic copy of this authorization shall be considered effective and valid as the original.

Unless otherwise revoked, this authorization will remain in effect until the conclusion of this suit.


JOYCE SEKERA

SUBSCRIBED and SWORN to before me
On this 14 day of August, 2018


NOTARY PUBLIC



AUTHORIZATION TO RELEASE MEDICAL RECORDS
Pursuant to HIPAA Rule (45 CFR Section 164.508)

TO: _____

You are authorized and requested to release to ROYAL & MILES, LLP 1522 w. Warm Springs Road, Henderson, Nevada 89014 or their representatives, traffic accident reports, witness statements, copies of the complete medical records of:

Name: Joyce Sekera
DOB: March 22, 1956
SSN: xxx-xx-8430

including but not limited to: all patient registration/information forms and patient histories; all progress and/or office notes and examinations; consultation, evaluation, operative, discharge and/or other narrative reports correspondence to/from other health-care providers, insurance companies, employers and others; telephone memos; prescription, pharmacy and medication records; photographs; EMS/EMT and/or fire department reports, dispatch records, and billing statements; pathology slides and specimens, laboratory test requires and reports; hospital admission forms and all records related to each admission; emergency room records and reports; anesthesia records, nursing notes and physicians' orders, physical/occupational or other therapeutic or rehabilitative records; x-ray, MRI, CT and/or other radiological/diagnostic films, records and reports; and all billing records, including itemized or other statements.

The following information is to be provided **ONLY** if initialed by the patient:

____ Drug or alcohol abuse records
____ Mental health, marriage or family counseling and/or psychological/psychiatric evaluations, counseling and treatment records
____ HIV diagnosis and treatment records

THE INFORMATION TO BE RELEASED FROM 11/4/11 to PRESENT

This authorization does not permit you to prepare written reports or to orally discuss the patient's case with any representative of to ROYAL & MILES, LLP, or to disclose anything other than documents and records to anyone.

The patient understands that any documents or records released by you will be used for purposes of legal proceedings or insurance claims matters, and that once said information or data is obtained by to ROYAL & MILES, LLP it is no longer protected from disclosure by HIPAA Rule 45 CRF Section 164.508, and may potentially be re-disclosed to insurance adjusters, investigators, experts or other agents hired by to ROYAL & MILES, LLP to examine said documents for purposes of legal claims or proceedings.

This Authorization is valid for a period of one (1) year from the date signed below. The patient understands he/she or his/her legal representative may revoke this Authorization in writing to you and simultaneously to to ROYAL & MILES, LLP. Revocation of this Authorization shall not affect any disclosures made prior to written revocation. The patient understands that treatment, payment, enrollment or eligibility for medical benefits may not be conditioned on signing this Authorization. A photocopy or fax of this Authorization is as valid as the original.

DATED this 14 day of August, 2018

Patient Joyce Sekera

STATE OF NEVADA)
)
COUNTY OF CLARK)

ss:

SUBSCRIBED AND SWORN to before me this

14 day of August, 2018.

NOTARY PUBLIC in and for said County and State.



AUTHORIZATION TO RELEASE WORKER'S COMPENSATION RECORDS

Name: Joyce Sekera

DOB: March 22, 1956

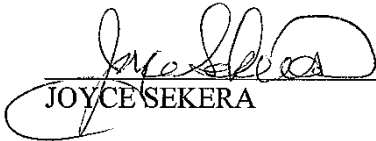
SSN: xxx-xx-8430

YOU ARE HEREBY AUTHORIZED AND INSTRUCTED to release to ROYAL & MILES, LLP 1522 W. Warm Springs Road, Henderson, Nevada 89014 a complete copy of any and all employment and claims files regarding the above-referenced claimant **from November 4, 2011 to present**. Said claims files to include, but not be limited to, any and all medical records, employment records and compensation paid and any and all other written documentation as may be contained in such files.

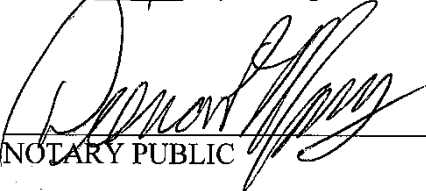
Employees of the law offices of ROYAL & MILES, LLP are allowed to communicate directly with Plaintiff's worker's compensation carrier and/or staff for the limited purpose of independently obtaining complete copies of worker's compensation records during the course of discovery, and to potentially schedule depositions. There will be no other communication.

A photostatic copy of this authorization shall be considered effective and valid as the original.

Unless otherwise revoked, this authorization will remain in effect until the conclusion of this suit.


JOYCE SEKERA

SUBSCRIBED and SWORN to before me
On this 14 day of August, 2018


NOTARY PUBLIC



AUTHORIZATION AND CONSENT TO RELEASE CLAIMS FILE

TO:

RE: Claimant : **JOYCE SEKERA**
Date of Birth : 03/22/1956
Social Security No. : _____

YOU ARE HEREBY AUTHORIZED AND INSTRUCTED to release to Michael A. Royal, Esq., of the law firm of ROYAL & MILES LLP, copies of any and all records associated with the claim file for the matter identified above, including but not limited to all non-privileged reports, statements (recordings and transcribed), transcripts, medical records, filings, briefs, orders, benefits requested and received, claim summaries, memoranda or any other information of any kind in any way related to the subject claim.

This authorization is given upon the express condition that any costs incurred will be borne by the law firm of ROYAL & MILES LLP.

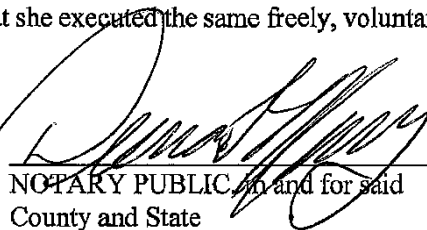
You are further authorized and instructed to accept a photocopy of this signed authorization in the place and stead of the executed original thereof.


JOYCE SEKERA

STATE OF Nevada)
COUNTY OF Clark) ss:

On this 14 day of August, 2018, personally appeared before me, a Notary Public in and for Clark County, Nevada, duly commissioned and sworn, JOYCE SEKERA, known to me to be the person whose name is subscribed to the foregoing instrument and who acknowledged to me that she executed the same freely, voluntarily, and for the uses and purposes therein mentioned.




NOTARY PUBLIC in and for said
County and State

Request for Copy of Tax Return

- ▶ Do not sign this form unless all applicable lines have been completed.
▶ Request may be rejected if the form is incomplete or illegible.
▶ For more information about Form 4506, visit www.irs.gov/form4506.

OMB No. 1545-0429

Tip. You may be able to get your tax return or return information from other sources. If you had your tax return completed by a paid preparer, they should be able to provide you a copy of the return. The IRS can provide a **Tax Return Transcript** for many returns free of charge. The transcript provides most of the line entries from the original tax return and usually contains the information that a third party (such as a mortgage company) requires. See **Form 4506-T, Request for Transcript of Tax Return**, or you can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Get a Tax Transcript..." or call 1-800-808-9946.

1a Name shown on tax return. If a joint return, enter the name shown first. JOYCE SEKERA	1b First social security number on tax return, individual taxpayer identification number, or employer identification number (see instructions) 091-48-8430
2a If a joint return, enter spouse's name shown on tax return.	2b Second social security number or individual taxpayer identification number if joint tax return
3 Current name, address (including apt., room, or suite no.), city, state, and ZIP code (see instructions) 7840 Nesting Pine Pl LV NV 89143	
4 Previous address shown on the last return filed if different from line 3 (see instructions)	

5 If the tax return is to be mailed to a third party (such as a mortgage company), enter the third party's name, address, and telephone number.

Michael A. Royal, Esq., 1522 W Warm Springs Rd., Henderson, NV 89014 (702) 471-6777

Caution: If the tax return is being mailed to a third party, ensure that you have filled in lines 6 and 7 before signing. Sign and date the form once you have filled in these lines. Completing these steps helps to protect your privacy. Once the IRS discloses your tax return to the third party listed on line 5, the IRS has no control over what the third party does with the information. If you would like to limit the third party's authority to disclose your return information, you can specify this limitation in your written agreement with the third party.

6 Tax return requested. Form 1040, 1120, 841, etc. and all attachments as originally submitted to the IRS, including Form(s) W-2, schedules, or amended returns. Copies of Forms 1040, 1040A, and 1040EZ are generally available for 7 years from filing before they are destroyed by law. Other returns may be available for a longer period of time. Enter only one return number. If you need more than one type of return, you must complete another Form 4506. ▶

Note: If the copies must be certified for court or administrative proceedings, check here ☐

7 Year or period requested. Enter the ending date of the year or period, using the mm/dd/yyyy format. If you are requesting more than eight years or periods, you must attach another Form 4506.

2012	2013	2014	2015
2016	2017		

8 Fee. There is a \$60 fee for each return requested. Full payment must be included with your request or it will be rejected. Make your check or money order payable to "United States Treasury." Enter your SSN, ITIN, or EIN and "Form 4506 request" on your check or money order.

a Cost for each return	\$ 50.00
b Number of returns requested on line 7	6
c Total cost. Multiply line 8a by line 8b	\$ 300.00

9 If we cannot find the tax return, we will refund the fee. If the refund should go to the third party listed on line 5, check here ☐

Caution: Do not sign this form unless all applicable lines have been completed.

Signature of taxpayer(s). I declare that I am either the taxpayer whose name is shown on line 1a or 2a, or a person authorized to obtain the tax return requested. If the request applies to a joint return, at least one spouse must sign. If signed by a corporate officer, 1 percent or more shareholder, partner, managing member, guardian, tax matters partner, executor, receiver, administrator, trustee, or party other than the taxpayer, I certify that I have the authority to execute Form 4506 on behalf of the taxpayer. **Note:** For tax returns being sent to a third party, this form must be received within 120 days of the signature date.

☐ **Signatory attests that he/she has read the attestation clause and upon so reading declares that he/she has the authority to sign the Form 4506.** See instructions.

Signature (see instructions) **J. Sekera** Date **8-14-18** Phone number of taxpayer on line 1a or 2a **702 467 5457**

Title (if line 1a above is a corporation, partnership, estate, or trust)

Spouse's signature Date

Section references are to the Internal Revenue Code unless otherwise noted.

Future Developments

For the latest information about Form 4506 and its instructions, go to www.irs.gov/form4506. Information about any recent developments affecting Form 4506, Form 4506-T and Form 4506T-EZ will be posted on that page.

General Instructions

Caution: Do not sign this form unless all applicable lines have been completed.

Purpose of form. Use Form 4506 to request a copy of your tax return. You can also designate (on line 5) a third party to receive the tax return.

How long will it take? It may take up to 75 calendar days for us to process your request.

Tip. Use Form 4506-T, Request for Transcript of Tax Return, to request tax return transcripts, tax account information, W-2 information, 1099 information, verification of nonfiling, and records of account.

Automated transcript request. You can quickly request transcripts by using our automated self-help service tools. Please visit us at IRS.gov and click on "Get a Tax Transcript..." or call 1-800-908-9946.

Where to file. Attach payment and mail Form 4506 to the address below for the state you lived in, or the state your business was in, when that return was filed. There are two address charts: one for individual returns (Form 1040 series) and one for all other returns.

If you are requesting a return for more than one year or period and the chart below shows two different addresses, send your request to the address based on the address of your most recent return.

Chart for individual returns (Form 1040 series)

If you filed an individual return and lived in:

Mail to:

Alabama, Kentucky, Louisiana, Mississippi, Tennessee, Texas, a foreign country, American Samoa, Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, or A.P.O. or F.P.O. address

Internal Revenue Service
RAIVS Team
Stop 6716 AJSC
Austin, TX 73301

Alaska, Arizona, Arkansas, California, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, Wyoming

Internal Revenue Service
RAIVS Team
Stop 37106
Fresno, CA 93888

Connecticut, Delaware, District of Columbia, Florida, Georgia, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia

Internal Revenue Service
RAIVS Team
Stop 6705 P-8
Kansas City, MO 64899

Chart for all other returns

If you lived in or your business was in:

Mail to:

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Florida, Hawaii, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wyoming, a foreign country, American Samoa, Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the U.S. Virgin Islands, or A.P.O. or F.P.O. address

Internal Revenue Service
RAIVS Team
P.O. Box 9941
Mail Stop 8734
Ogden, UT 84409

Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin

Internal Revenue Service
RAIVS Team
P.O. Box 145500
Stop 2800 F
Cincinnati, OH 45250

Specific Instructions

Line 1b. Enter your employer identification number (EIN) if you are requesting a copy of a business return. Otherwise, enter the first social security number (SSN) or your individual taxpayer identification number (TIN) shown on the return. For example, if you are requesting Form 1040 that includes Schedule C (Form 1040), enter your SSN.

Line 3. Enter your current address. If you use a P.O. box, please include it on this line 3.

Line 4. Enter the address shown on the last return filed if different from the address entered on line 3.

Note: If the addresses on lines 3 and 4 are different and you have not changed your address with the IRS, file Form 8822, Change of Address. For a business address, file Form 8822-B, Change of Address or Responsible Party — Business.

Signature and date. Form 4506 must be signed and dated by the taxpayer listed on line 1a or 2a. If you completed line 5 requesting the return be sent to a third party, the IRS must receive Form 4506 within 120 days of the date signed by the taxpayer or it will be rejected. Ensure that all applicable lines are completed before signing.



CAUTION You must check the box in the signature area to acknowledge you have the authority to sign and request the information. The form will not be processed and returned to you if the box is unchecked.

Individuals. Copies of jointly filed tax returns may be furnished to either spouse. Only one signature is required. Sign Form 4506 exactly as your name appeared on the original return. If you changed your name, also sign your current name.

Corporations. Generally, Form 4506 can be signed by: (1) an officer having legal authority to bind the corporation, (2) any person designated by the board of directors or other governing body, or (3) any officer or employee on written request by any principal officer and attested to by the secretary or other officer. A bona fide shareholder of record owning 1 percent or more of the outstanding stock of the corporation may submit a Form 4506 but must provide documentation to support the requester's right to receive the information.

Partnerships. Generally, Form 4506 can be signed by any person who was a member of the partnership during any part of the tax period requested on line 7.

All others. See section 6103(e) if the taxpayer has died, is insolvent, is a dissolved corporation, or if a trustee, guardian, executor, receiver, or administrator is acting for the taxpayer.

Notes: If you are heir at law, next of kin, or beneficiary you must be able to establish a material interest in the estate or trust.

Documentation. For entities other than individuals, you must attach the authorization document. For example, this could be the letter from the principal officer authorizing an employee of the corporation or the letters testamentary authorizing an individual to act for an estate.

Signature by a representative. A representative can sign Form 4506 for a taxpayer only if this authority has been specifically delegated to the representative on Form 2848, line 5. Form 2848 showing the delegation must be attached to Form 4506.

Privacy Act and Paperwork Reduction Act Notice. We ask for the information on this form to establish your right to gain access to the requested return(s) under the Internal Revenue Code. We need this information to properly identify the return(s) and respond to your request. If you request a copy of a tax return, sections 6103 and 6108 require you to provide this information, including your SSN or EIN, to process your request. If you do not provide this information, we may not be able to process your request. Providing false or fraudulent information may subject you to penalties.

Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation, and cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file Form 4506 will vary depending on individual circumstances. The estimated average time is: **Learning about the law or the form, 10 min.; Preparing the form, 16 min.; and Copying, assembling, and sending the form to the IRS, 20 min.**

If you have comments concerning the accuracy of these time estimates or suggestions for making Form 4506 simpler, we would be happy to hear from you. You can write to:

Internal Revenue Service
Tax Forms and Publications Division
1111 Constitution Ave. NW, IR-6526
Washington, DC 20224.

Do not send the form to this address. Instead, see **Where to file** on this page.

**JOYCE SEKERA
7840 NESTING PINE PLACE
LAS VEGAS, NV 89143
2016 INCOME TAX RETURN**

ALEXANDER LIBRARY
1755 W ALEXANDER ROAD
NORTH LAS VEGAS NV 89032
(702) 987-4625

JOYCE P SEKERA
7840 NESTING PINE PLACE
LAS VEGAS NV 89143
(702) 675-5457

Preparer No.: 995
Client No. : XXX-XX-8430
Invoice Date: 03/11/2017

INVOICE

Description		Amount
PREPARATION OF 2016 FEDERAL/STATE FORMS & WORKSHEETS: FORM 1040 SCHEDULE C (BUSINESS PROFIT/LOSS) SCHEDULE SE (SELF-EMPLOYMENT TAX) FORM W-2 (WAGES AND TAX) FORM 1099-MISC (MISCELLANEOUS INCOME) FORM 8879 (E-FILE SIGNATURE AUTHORIZATION) FORM 8962 (PREMIUM TAX CREDIT) FORM 1040 V		
		Total Invoice
		\$0.00
		Amount Paid
		\$0.00
		Balance Due
		\$0.00

TAX YEAR: 2016

PROCESS DATE: 03/11/2017

CLIENT : 091-48-8430 JOYCE P SEKERA

BIRTH DATE : 03/22/1956

ADDRESS : 7840 NESTING PINE PLACE
: LAS VEGAS NV 89143

PREPARER : 995

Home : (702) 675-5457
Work : -
Cell : -
STATUS : 1
FED TYPE: Electronic Mail
ST TYPE : Regular Tax
E-MAIL :

PREPARER FEE:
ELECTRONIC :
TOTAL FEES :

LISTING OF FORMS FOR THIS RETURN

FORM 1040
FORM W-2
FORM 1099-MISC (Miscellaneous Income)
SCHEDULE C (BUSINESS INCOME)
SCHEDULE SE (SELF EMPLOYMENT TAX)
FORM 8879 (E-FILE SIGNATURE AUTHORIZATION)
PAYMENT VOUCHER

* QUICK SUMMARY *

SUMMARY	FEDERAL
FILING STATUS	1
TOTAL INCOME	16411
TOTAL ADJUSTMENTS	480
ADJUSTED GROSS INCOME	15931
DEDUCTIONS	6300
EXEMPTIONS	4050
TAXABLE INCOME	5581
TAX	558
CREDITS	0
PAYMENTS	684
OTHER TAXES	959
EARNED INCOME CREDIT	0
REFUND	0
AMOUNT DUE	833.

* W-2 INCOME FORMS SUMMARY *

T/S EMPLOYER	WAGES	FED WITH	FICA	MED TAX	STATE WITH ST
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CLIENT : JOYCE SEKERA

091-48-8430

PREPARER : 995 DATE : 03/11/2017

LISTING OF FORMS FOR THIS RETURN

* W-2 INCOME FORMS SUMMARY *

	T/S	EMPLOYER	WAGES	FED WITH	FICA	MED TAX	STATE WITH ST
1.	T	BRAND VEGAS LL	9624	684	597	140	0
		TOTALS.....	9624	684	597	140	0

* 1099-MISC INCOME FORMS SUMMARY *

	[T/S]	PAYER	RENTS	ROYALTIES	OTHER INCOME	FEDERAL WITH	NONEMPLOYEE COMPENSATION
1.	T	BRAND VEGAS LLC	0	0	0	0	7582
		TOTALS.....	0	0	0	0	7582

Form **W-2** **Wage and Tax
Statement**

2016

a Employee's social security number 091-48-8430		This information is being furnished to the Internal Revenue Service.					
b Employer identification number (EIN) 80-0911898			1 Wages, tips, other compensation 9624		2 Federal income tax withheld 684		
c Employer's name, address, and ZIP code BRAND VEGAS LLC 3130 S RAINBOW BLVD NO 305 LAS VEGAS NV 89146			3 Social security wages 9624		4 Social security tax withheld 597		
			5 Medicare wages and tips 9624		6 Medicare tax withheld 140		
			7 Social security tips		8 Allocated tips		
d Control number			9		10 Dependent care benefits		
e Employee's first name and initial JOYCE P		Last name SEKERA		Suff.		11 Nonqualified plans	
7840 NESTING PINE PLACE LAS VEGAS NV 89143		13 Statutory employee <input type="checkbox"/> Retirement plan <input type="checkbox"/> Third-party sick pay <input type="checkbox"/>		14 Other		12a See instructions for box 12	
						12b	
						12c	
						12d	
f Employee's address and ZIP code							
15 State	Employer's state ID number	16 State wages, tips, etc.	17 State income tax	18 Local wages, tips, etc.	19 Local income tax	20 Locality name	

2016

a Employee's social security number		This information is being furnished to the Internal Revenue Service.					
b Employer identification number (EIN)			1 Wages, tips, other compensation		2 Federal income tax withheld		
c Employer's name, address, and ZIP code			3 Social security wages		4 Social security tax withheld		
			5 Medicare wages and tips		6 Medicare tax withheld		
			7 Social security tips		8 Allocated tips		
d Control number			9		10 Dependent care benefits		
e Employee's first name and initial		Last name		Suff.		11 Nonqualified plans	
		13 Statutory employee <input type="checkbox"/> Retirement plan <input type="checkbox"/> Third-party sick pay <input type="checkbox"/>		14 Other		12a See instructions for box 12	
						12b	
						12c	
						12d	
f Employee's address and ZIP code							
15 State	Employer's state ID number	16 State wages, tips, etc.	17 State income tax	18 Local wages, tips, etc.	19 Local income tax	20 Locality name	

Form 1040

Department of the Treasury—Internal Revenue Service

(99)

U.S. Individual Income Tax Return

2016

OMB No. 1545-0074

IRS Use Only—Do not write or staple in this space.

For the year Jan. 1–Dec. 31, 2016, or other tax year beginning

, 2016, ending

, 20

See separate instructions.

Your first name and initial

Last name

JOYCE P

SEKERA

Your social security number

091-48-8430

If a joint return, spouse's first name and initial

Last name

Spouse's social security number

Home address (number and street). If you have a P.O. box, see instructions.

7840 NESTING PINE PLACE

Apt. no.

▲ Make sure the SSN(s) above and on line 6c are correct.

City, town or post office, state, and ZIP code. If you have a foreign address, also complete spaces below (see instructions).

LAS VEGAS, NV 89143

Presidential Election Campaign

Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund.
☐ You ☐ Spouse

Foreign country name

Foreign province/state/county

Foreign postal code

Filing Status

1 ☒ Single2 ☐ Married filing jointly (even if only one had income)3 ☐ Married filing separately. Enter spouse's SSN above and full name here. ▶4 ☐ Head of household (with qualifying person). (See instructions.) If the qualifying person is a child but not your dependent, enter this child's name here. ▶5 ☐ Qualifying widow(er) with dependent child

Check only one box.

Exemptions

6a ☒ Yourself. If someone can claim you as a dependent, do not check box 6ab ☐ Spouse

c Dependents:

(1) First name	Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) <input checked="" type="checkbox"/> if child under age 17 qualifying for child tax credit (see instructions)
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>

If more than four dependents, see instructions and check here ☐

Boxes checked on 6a and 6b 1

No. of children on 6c who:

• lived with you 0

• did not live with you due to divorce or separation (see instructions) 0

Dependents on 6c not entered above 0

Add numbers on lines above ▶ 1

d Total number of exemptions claimed

Income

7 Wages, salaries, tips, etc. Attach Form(s) W-2

8a Taxable interest. Attach Schedule B if required

b Tax-exempt interest. Do not include on line 8a 8b

9a Ordinary dividends. Attach Schedule B if required

b Qualified dividends 9b

10 Taxable refunds, credits, or offsets of state and local income taxes

11 Alimony received

12 Business income or (loss). Attach Schedule C or C-EZ

13 Capital gain or (loss). Attach Schedule D if required. If not required, check here ☐

14 Other gains or (losses). Attach Form 4797

15a IRA distributions 15a

b Taxable amount 15b

16a Pensions and annuities 16a

b Taxable amount 16b

17 Rental real estate, royalties, partnerships, S corporations, trusts, etc. Attach Schedule E

18 Farm income or (loss). Attach Schedule F

19 Unemployment compensation

20a Social security benefits 20a

b Taxable amount 20b

21 Other income. List type and amount

22 Combine the amounts in the far right column for lines 7 through 21. This is your total income ▶

7 9624

8a

8b

9a

9b

10

11

12 6787

13

14

15b

16b

17

18

19

20b

21

22 16411

Adjusted Gross Income

23 Educator expenses 23

24 Certain business expenses of reservists, performing artists, and fee-basis government officials. Attach Form 2106 or 2106-EZ 24

25 Health savings account deduction. Attach Form 8889 25

26 Moving expenses. Attach Form 3903 26

27 Deductible part of self-employment tax. Attach Schedule SE 27 480

28 Self-employed SEP, SIMPLE, and qualified plans 28

29 Self-employed health insurance deduction 29

30 Penalty on early withdrawal of savings 30

31a Alimony paid b Recipient's SSN ▶ 31a

32 IRA deduction 32

33 Student loan interest deduction 33

34 Tuition and fees. Attach Form 8917 34

35 Domestic production activities deduction. Attach Form 8903 35

36 Add lines 23 through 35 36 480

37 Subtract line 36 from line 22. This is your adjusted gross income ▶

36 480

37 15931

For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see separate instructions. QNA

Form 1040 (2016)

VEN 2955

	38	Amount from line 37 (adjusted gross income)		38	15931
Tax and Credits	39a	Check <input type="checkbox"/> You were born before January 2, 1952, if:	<input type="checkbox"/> Blind.	Total boxes checked ▶ 39a	
		<input type="checkbox"/> Spouse was born before January 2, 1952,	<input type="checkbox"/> Blind.		
	b	If your spouse itemizes on a separate return or you were a dual-status alien, check here ▶	39b		
	40	Itemized deductions (from Schedule A) or your standard deduction (see left margin)	40	6300	
	41	Subtract line 40 from line 38	41	9631	
	42	Exemptions. If line 38 is \$155,650 or less, multiply \$4,050 by the number on line 6d. Otherwise, see instructions	42	4050	
Standard Deduction for— • People who check any box on line 39a or 39b or who can be claimed as a dependent, see instructions. • All others: Single or Married filing separately, \$6,300 Married filing jointly or Qualifying widow(er), \$12,600 Head of household, \$9,300	43	Taxable income. Subtract line 42 from line 41. If line 42 is more than line 41, enter -0-	43	5581	
	44	Tax (see instructions). Check if any from: a <input type="checkbox"/> Form(s) 8814 b <input type="checkbox"/> Form 4972 c <input type="checkbox"/>	44	558	
	45	Alternative minimum tax (see instructions). Attach Form 6251	45		
	46	Excess advance premium tax credit repayment. Attach Form 8962	46		
	47	Add lines 44, 45, and 46	47	558	
	48	Foreign tax credit. Attach Form 1116 if required	48		
	49	Credit for child and dependent care expenses. Attach Form 2441	49		
	50	Education credits from Form 8863, line 19	50		
	51	Retirement savings contributions credit. Attach Form 8880	51		
	52	Child tax credit. Attach Schedule 8812, if required.	52		
	53	Residential energy credits. Attach Form 5695	53		
	54	Other credits from Form: a <input type="checkbox"/> 3800 b <input type="checkbox"/> 8801 c <input type="checkbox"/>	54		
	55	Add lines 48 through 54. These are your total credits	55		
	56	Subtract line 55 from line 47. If line 55 is more than line 47, enter -0-	56	558	
	57	Self-employment tax. Attach Schedule SE	57	959	
	Other Taxes	58	Unreported social security and Medicare tax from Form: a <input type="checkbox"/> 4137 b <input type="checkbox"/> 8919	58	
		59	Additional tax on IRAs, other qualified retirement plans, etc. Attach Form 5329 if required	59	
		60a	Household employment taxes from Schedule H	60a	
b		First-time homebuyer credit repayment. Attach Form 5405 if required	60b		
61		Health care: individual responsibility (see instructions) Full-year coverage <input checked="" type="checkbox"/>	61		
62		Taxes from: a <input type="checkbox"/> Form 8959 b <input type="checkbox"/> Form 8960 c <input type="checkbox"/> Instructions; enter code(s)	62		
	63	Add lines 56 through 62. This is your total tax	63	1517	
Payments If you have a qualifying child, attach Schedule EIC.	64	Federal income tax withheld from Forms W-2 and 1099	64	684	
	65	2016 estimated tax payments and amount applied from 2015 return	65		
	66a	Earned income credit (EIC)	66a		
	b	Nontaxable combat pay election 66b			
	67	Additional child tax credit. Attach Schedule 8812	67		
	68	American opportunity credit from Form 8863, line 8	68		
	69	Net premium tax credit. Attach Form 8962	69		
	70	Amount paid with request for extension to file	70		
	71	Excess social security and tier 1 RRTA tax withheld	71		
	72	Credit for federal tax on fuels. Attach Form 4136	72		
	73	Credits from Form: a <input type="checkbox"/> 2439 b <input checked="" type="checkbox"/> Reserved c <input type="checkbox"/> 8885 d <input type="checkbox"/>	73		
	74	Add lines 64, 65, 66a, and 67 through 73. These are your total payments	74	684	
Refund	75	If line 74 is more than line 63, subtract line 63 from line 74. This is the amount you overpaid	75		
	76a	Amount of line 75 you want refunded to you. If Form 8888 is attached, check here ▶ <input type="checkbox"/>	76a		
	b	Routing number X X X X X X X X X X ▶ c Type: <input type="checkbox"/> Checking <input type="checkbox"/> Savings			
	d	Account number X			
	77	Amount of line 75 you want applied to your 2017 estimated tax ▶	77		
Amount You Owe	78	Amount you owe. Subtract line 74 from line 63. For details on how to pay, see instructions ▶	78	833	
	79	Estimated tax penalty (see instructions)	79		
Third Party Designee	Do you want to allow another person to discuss this return with the IRS (see instructions)? <input type="checkbox"/> Yes. Complete below. <input checked="" type="checkbox"/> No				
	Designee's name ▶	Phone no. ▶	Personal identification number (PIN) ▶		
Sign Here Joint return? See instructions. Keep a copy for your records.	Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and accurately list all amounts and sources of income I received during the tax year. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.				
	Your signature	Date	Your occupation	Daytime phone number	
		03/11/17	SALES	702-675-5457	
	Spouse's signature. If a joint return, both must sign.	Date	Spouse's occupation	If the IRS sent you an Identity Protection PIN, enter it here (see inst.)	
Paid Preparer Use Only	Print/Type preparer's name		Preparer's signature	Date	
				03/11/2017	
	Firm's name ▶ALEXANDER LIBRARY		Firm's EIN ▶		
Firm's address ▶1755 W ALEXANDER ROAD NORTH LAS VEGAS NV 89032		Phone no. 702-987-4625			

SCHEDULE C
(Form 1040)

Department of the Treasury
Internal Revenue Service (99)

Profit or Loss From Business
(Sole Proprietorship)

► Information about Schedule C and its separate instructions is at www.irs.gov/schedulec.
► Attach to Form 1040, 1040NR, or 1041; partnerships generally must file Form 1065.

OMB No. 1545-0074

2016

Attachment
Sequence No. **09**

Name of proprietor JOYCE P SEKERA		Social security number (SSN) 091-48-8430
A Principal business or profession, including product or service (see instructions) OTHER DIRECT	B Enter code from instructions ▶ 454390	
C Business name. If no separate business name, leave blank.	D Employer ID number (EIN), (see instr.)	
E Business address (including suite or room no.) ▶ 7840 NESTING PINE PLACE City, town or post office, state, and ZIP code LAS VEGAS NV 89143		
F Accounting method: (1) <input checked="" type="checkbox"/> Cash (2) <input type="checkbox"/> Accrual (3) <input type="checkbox"/> Other (specify) ▶		
G Did you "materially participate" in the operation of this business during 2016? If "No," see instructions for limit on losses <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
H If you started or acquired this business during 2016, check here <input type="checkbox"/>		
I Did you make any payments in 2016 that would require you to file Form(s) 1099? (see instructions) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
J If "Yes," did you or will you file required Forms 1099? <input type="checkbox"/> Yes <input type="checkbox"/> No		

Part I Income

1 Gross receipts or sales. See instructions for line 1 and check the box if this income was reported to you on Form W-2 and the "Statutory employee" box on that form was checked. ▶ <input type="checkbox"/>	1	7582
2 Returns and allowances	2	
3 Subtract line 2 from line 1	3	7582
4 Cost of goods sold (from line 42)	4	
5 Gross profit. Subtract line 4 from line 3	5	7582
6 Other income, including federal and state gasoline or fuel tax credit or refund (see instructions)	6	
7 Gross income. Add lines 5 and 6. ▶	7	7582

Part II Expenses. Enter expenses for business use of your home **only** on line 30.

8 Advertising	8		18 Office expense (see instructions)	18	
9 Car and truck expenses (see instructions)	9	405	19 Pension and profit-sharing plans	19	
10 Commissions and fees	10		20 Rent or lease (see instructions):	20a	
11 Contract labor (see instructions)	11		a Vehicles, machinery, and equipment	20b	
12 Depletion	12		b Other business property	21	
13 Depreciation and section 179 expense deduction (not included in Part III) (see instructions)	13		21 Repairs and maintenance	22	75
14 Employee benefit programs (other than on line 19)	14		22 Supplies (not included in Part III)	23	
15 Insurance (other than health)	15		23 Taxes and licenses	24	
16 Interest:			24 Travel, meals, and entertainment:	24a	
a Mortgage (paid to banks, etc.)	16a		a Travel	24b	
b Other	16b		b Deductible meals and entertainment (see instructions)	25	315
17 Legal and professional services	17		25 Utilities	26	
			26 Wages (less employment credits)	27a	
			27a Other expenses (from line 48)	27b	
			b Reserved for future use		
28 Total expenses before expenses for business use of home. Add lines 8 through 27a. ▶	28	795			
29 Tentative profit or (loss). Subtract line 28 from line 7.	29	6787			
30 Expenses for business use of your home. Do not report these expenses elsewhere. Attach Form 8829 unless using the simplified method (see instructions). Simplified method filers only: enter the total square footage of: (a) your home: _____ and (b) the part of your home used for business: _____. Use the Simplified Method Worksheet in the instructions to figure the amount to enter on line 30.	30				
31 Net profit or (loss). Subtract line 30 from line 29. • If a profit, enter on both Form 1040, line 12 (or Form 1040NR, line 13) and on Schedule SE, line 2. (If you checked the box on line 1, see instructions). Estates and trusts, enter on Form 1041, line 3. • If a loss, you must go to line 32.	31	6787			
32 If you have a loss, check the box that describes your investment in this activity (see instructions). • If you checked 32a, enter the loss on both Form 1040, line 12, (or Form 1040NR, line 13) and on Schedule SE, line 2. (If you checked the box on line 1, see the line 31 instructions). Estates and trusts, enter on Form 1041, line 3. • If you checked 32b, you must attach Form 6198. Your loss may be limited.			32a <input type="checkbox"/> All investment is at risk. 32b <input type="checkbox"/> Some investment is not at risk.		

For Paperwork Reduction Act Notice, see the separate instructions.

Link ID - 1000

Schedule C (Form 1040) 2016

Part III Cost of Goods Sold (see instructions)

33	Method(s) used to value closing inventory: a <input checked="" type="checkbox"/> Cost b <input type="checkbox"/> Lower of cost or market c <input type="checkbox"/> Other (attach explanation)	
34	Was there any change in determining quantities, costs, or valuations between opening and closing inventory? If "Yes," attach explanation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
35	Inventory at beginning of year. If different from last year's closing inventory, attach explanation	35
36	Purchases less cost of items withdrawn for personal use	36
37	Cost of labor. Do not include any amounts paid to yourself	37
38	Materials and supplies	38
39	Other costs	39
40	Add lines 35 through 39	40
41	Inventory at end of year	41
42	Cost of goods sold. Subtract line 41 from line 40. Enter the result here and on line 4	42

Part IV Information on Your Vehicle. Complete this part **only** if you are claiming car or truck expenses on line 9 and are not required to file Form 4562 for this business. See the instructions for line 13 to find out if you must file Form 4562.

43	When did you place your vehicle in service for business purposes? (month, day, year)	► 01 / 01 /2016
44	Of the total number of miles you drove your vehicle during 2016, enter the number of miles you used your vehicle for:	
a	Business	750
b	Commuting (see instructions)	
c	Other	
45	Was your vehicle available for personal use during off-duty hours?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
46	Do you (or your spouse) have another vehicle available for personal use?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
47a	Do you have evidence to support your deduction?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b	If "Yes," is the evidence written?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Part V Other Expenses. List below business expenses not included on lines 8-26 or line 30.

48	Total other expenses. Enter here and on line 27a
	48

Name of person with self-employment income (as shown on Form 1040 or Form 1040NR)

JOYCE P SEKERA

Social security number of person
with self-employment income ▶

091-48-8430

Section B—Long Schedule SE**Part I Self-Employment Tax****Note.** If your only income subject to self-employment tax is **church employee income**, see instructions. Also see instructions for the definition of church employee income.

- A** If you are a minister, member of a religious order, or Christian Science practitioner **and** you filed Form 4361, but you had \$400 or more of **other** net earnings from self-employment, check here and continue with Part I ☐

1a Net farm profit or (loss) from Schedule F, line 34, and farm partnerships, Schedule K-1 (Form 1065), box 14, code A. **Note.** Skip lines 1a and 1b if you use the farm optional method (see instructions)

b If you received social security retirement or disability benefits, enter the amount of Conservation Reserve Program payments included on Schedule F, line 4b, or listed on Schedule K-1 (Form 1065), box 20, code Z

2 Net profit or (loss) from Schedule C, line 31; Schedule C-EZ, line 3; Schedule K-1 (Form 1065), box 14, code A (other than farming); and Schedule K-1 (Form 1065-B), box 9, code J1. Ministers and members of religious orders, see instructions for types of income to report on this line. See instructions for other income to report. **Note.** Skip this line if you use the nonfarm optional method (see instructions)

3 Combine lines 1a, 1b, and 2

4a If line 3 is more than zero, multiply line 3 by 92.35% (0.9235). Otherwise, enter amount from line 3 **Note.** If line 4a is less than \$400 due to Conservation Reserve Program payments on line 1b, see instructions.

b If you elect one or both of the optional methods, enter the total of lines 15 and 17 here

c Combine lines 4a and 4b. If less than \$400, **stop**; you do not owe self-employment tax.

Exception. If less than \$400 and you had **church employee income**, enter -0- and continue ▶

5a Enter your **church employee income** from Form W-2. See instructions for definition of church employee income

b Multiply line 5a by 92.35% (0.9235). If less than \$100, enter -0-

6 Add lines 4c and 5b

7 Maximum amount of combined wages and self-employment earnings subject to social security tax or the 6.2% portion of the 7.65% railroad retirement (tier 1) tax for 2016

8a Total social security wages and tips (total of boxes 3 and 7 on Form(s) W-2) and railroad retirement (tier 1) compensation. If \$118,500 or more, skip lines 8b through 10, and go to line 11

b Unreported tips subject to social security tax (from Form 4137, line 10)

c Wages subject to social security tax (from Form 8919, line 10)

d Add lines 8a, 8b, and 8c

9 Subtract line 8d from line 7. If zero or less, enter -0- here and on line 10 and go to line 11 ▶

10 Multiply the **smaller** of line 6 or line 9 by 12.4% (0.124)

11 Multiply line 6 by 2.9% (0.029)

12 **Self-employment tax.** Add lines 10 and 11. Enter here and on Form 1040, line 57, or Form 1040NR, line 55

13 **Deduction for one-half of self-employment tax.**

Multiply line 12 by 50% (0.50). Enter the result here and on

Form 1040, line 27, or Form 1040NR, line 27

Part II Optional Methods To Figure Net Earnings (see instructions)

Farm Optional Method. You may use this method **only** if (a) your gross farm income¹ was not more than \$7,560, or (b) your net farm profits² were less than \$5,457.

14 Maximum income for optional methods

15 Enter the **smaller** of: two-thirds ($\frac{2}{3}$) of gross farm income¹ (not less than zero) or \$5,040. Also include this amount on line 4b above

Nonfarm Optional Method. You may use this method **only** if (a) your net nonfarm profits³ were less than \$5,457 and also less than 72.189% of your gross nonfarm income,⁴ and (b) you had net earnings from self-employment of at least \$400 in 2 of the prior 3 years. **Caution.** You may use this method no more than five times.

16 Subtract line 15 from line 14

17 Enter the **smaller** of: two-thirds ($\frac{2}{3}$) of gross nonfarm income⁴ (not less than zero) or the amount on line 16. Also include this amount on line 4b above

¹ From Sch. F, line 9, and Sch. K-1 (Form 1065), box 14, code B.

² From Sch. F, line 34, and Sch. K-1 (Form 1065), box 14, code A—minus the amount you would have entered on line 1b had you not used the optional method.

³ From Sch. C, line 31; Sch. C-EZ, line 3; Sch. K-1 (Form 1065), box 14, code A; and Sch. K-1 (Form 1065-B), box 9, code J1.

⁴ From Sch. C, line 7; Sch. C-EZ, line 1; Sch. K-1 (Form 1065), box 14, code C; and Sch. K-1 (Form 1065-B), box 9, code J2.

Form **8879****IRS e-file Signature Authorization**

OMB No. 1545-0074

Department of the Treasury
Internal Revenue Service

▶ Don't send to the IRS. This isn't a tax return.

▶ Keep this form for your records.

▶ Information about Form 8879 and its instructions is at www.irs.gov/form8879.**2016**

Submission Identification Number (SID) ▶

Taxpayer's name

JOYCE P SEKERA

Social security number

091-48-8430

Spouse's name

Spouse's social security number

Part I Tax Return Information — Tax Year Ending December 31, 2016 (Whole dollars only)

1	Adjusted gross income (Form 1040, line 38; Form 1040A, line 22; Form 1040EZ, line 4; Form 1040NR, line 37)	1	15931
2	Total tax (Form 1040, line 63; Form 1040A, line 39; Form 1040EZ, line 12; Form 1040NR, line 61)	2	1517
3	Federal income tax withheld from Forms W-2 and 1099 (Form 1040, line 64; Form 1040A, line 40; Form 1040EZ, line 7; Form 1040NR, line 62a)	3	684
4	Refund (Form 1040, line 76a; Form 1040A, line 48a; Form 1040EZ, line 13a; Form 1040-SS, Part I, line 13a; Form 1040NR, line 73a)	4	
5	Amount you owe (Form 1040, line 78; Form 1040A, line 50; Form 1040EZ, line 14; Form 1040NR, line 75)	5	833

Part II Taxpayer Declaration and Signature Authorization (Be sure you get and keep a copy of your return)

Under penalties of perjury, I declare that I have examined a copy of my electronic individual income tax return and accompanying schedules and statements for the tax year ending December 31, 2016, and to the best of my knowledge and belief, it is true, correct, and accurately lists all amounts and sources of income I received during the tax year. I further declare that the amounts in Part I above are the amounts from my electronic income tax return. I consent to allow my intermediate service provider, transmitter, or electronic return originator (ERO) to send my return to the IRS and to receive from the IRS (a) an acknowledgement of receipt or reason for rejection of the transmission, (b) the reason for any delay in processing the return or refund, and (c) the date of any refund. If applicable, I authorize the U.S. Treasury and its designated Financial Agent to initiate an ACH electronic funds withdrawal (direct debit) entry to the financial institution account indicated in the tax preparation software for payment of my federal taxes owed on this return and/or a payment of estimated tax, and the financial institution to debit the entry to this account. This authorization is to remain in full force and effect until I notify the U.S. Treasury Financial Agent to terminate the authorization. To revoke (cancel) a payment, I must contact the U.S. Treasury Financial Agent at 1-888-353-4537. Payment cancellation requests must be received no later than 2 business days prior to the payment (settlement) date. I also authorize the financial institutions involved in the processing of the electronic payment of taxes to receive confidential information necessary to answer inquiries and resolve issues related to the payment. I further acknowledge that the personal identification number (PIN) below is my signature for my electronic income tax return and, if applicable, my Electronic Funds Withdrawal Consent.

Taxpayer's PIN: check one box only☒ I authorize ALEXANDER LIBRARY to enter or generate my PIN

ERO firm name

1 8 4 3 0

Enter five digits, but
don't enter all zeros

as my signature on my tax year 2016 electronically filed income tax return.

☐ I will enter my PIN as my signature on my tax year 2016 electronically filed income tax return. Check this box **only** if you are entering your own PIN **and** your return is filed using the Practitioner PIN method. The ERO must complete Part III below.Your signature ▶ _____ Date ▶ 03/11/2017**Spouse's PIN: check one box only**☐ I authorize _____ to enter or generate my PIN

ERO firm name

Enter five digits, but
don't enter all zeros

as my signature on my tax year 2016 electronically filed income tax return.

☐ I will enter my PIN as my signature on my tax year 2016 electronically filed income tax return. Check this box **only** if you are entering your own PIN **and** your return is filed using the Practitioner PIN method. The ERO must complete Part III below.

Spouse's signature ▶ _____ Date ▶ _____

Practitioner PIN Method Returns Only—continue below**Part III Certification and Authentication — Practitioner PIN Method Only**

ERO's EFIN/PIN. Enter your six-digit EFIN followed by your five-digit self-selected PIN.

8 8 5 1 0 0 9 8 7 6 5

Don't enter all zeros

I certify that the above numeric entry is my PIN, which is my signature for the tax year 2016 electronically filed income tax return for the taxpayer(s) indicated above. I confirm that I am submitting this return in accordance with the requirements of the Practitioner PIN method and **Pub. 1345**, Handbook for Authorized IRS e-file Providers of Individual Income Tax Returns.

ERO's signature ▶ ALEXANDER LIBRARY Date ▶ 03/11/2017**ERO Must Retain This Form — See Instructions****Don't Submit This Form to the IRS Unless Requested To Do So**

For Paperwork Reduction Act Notice, see your tax return instructions.

QNA

Form **8879** (2016)

VEN 2960

2016 Form 1040-V



Department of the Treasury
Internal Revenue Service

What Is Form 1040-V

It's a statement you send with your check or money order for any balance due on the "Amount you owe" line of your 2016 Form 1040, Form 1040A, Form 1040EZ, or Form 1040NR.

Consider Making Your Tax Payment Electronically—It's Easy

You can make electronic payments online, by phone, or from a mobile device. Paying electronically is safe and secure. When you schedule your payment you will receive immediate confirmation from the IRS. Go to IRS.gov/payments to see all your electronic payment options.

How To Fill In Form 1040-V

Line 1. Enter your social security number (SSN).

If you are filing a joint return, enter the SSN shown first on your return.

Line 2. If you are filing a joint return, enter the SSN shown second on your return.

How To Prepare Your Payment

- Make your check or money order payable to "**United States Treasury**." Don't send cash. If you want to pay in cash, in person, see *Pay by cash*.

- Make sure your name and address appear on your check or money order.

- Enter your daytime phone number and your SSN on your check or money order. If you have an Individual Taxpayer Identification Number (ITIN), enter it wherever your SSN is requested. If you are filing a joint return, enter the SSN shown first on your return. Also enter "2016 Form 1040," "2016 Form 1040A," "2016 Form 1040EZ," or "2016 Form 1040NR," whichever is appropriate.

Line 3. Enter the amount you are paying by check or money order. If paying at IRS.gov don't complete this form.

Line 4. Enter your name(s) and address exactly as shown on your return. Please print clearly.

IF you live in . . .	THEN use this address to send in your payment . . .
Florida, Louisiana, Mississippi, Texas	Internal Revenue Service P.O. Box 1214 Charlotte, NC 28201-1214
Alaska, Arizona, California, Colorado, Hawaii, Idaho, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming	Internal Revenue Service P.O. Box 7704 San Francisco, CA 94120-7704
Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Wisconsin	Internal Revenue Service P.O. Box 802501 Cincinnati, OH 45280-2501
Alabama, Georgia, Kentucky, New Jersey, North Carolina, South Carolina, Tennessee, Virginia	Internal Revenue Service P.O. Box 931000 Louisville, KY 40293-1000
Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Missouri, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, West Virginia	Internal Revenue Service P.O. Box 37008 Hartford, CT 06176-7008
A foreign country, American Samoa, or Puerto Rico (or are excluding income under Internal Revenue Code 933), or use an APO or FPO address, or file Form 2555, 2555-EZ, or 4563, or are a dual-status alien or nonpermanent resident of Guam or the U.S. Virgin Islands.	Internal Revenue Service P.O. Box 1303 Charlotte, NC 28201-1303

Form **1040-V** (2016)

▼ Detach Here and Mail With Your Payment and Return ▼

Form **1040-V**

Department of the Treasury
Internal Revenue Service (99)

Payment Voucher

► Do not staple or attach this voucher to your payment or return.

OMB No. 1545-0074

2016

Print or type	1 Your social security number (SSN) (if a joint return, SSN shown first on your return)		2 If a joint return, SSN shown second on your return		3 Amount you are paying by check or money order. Make your check or money order payable to "United States Treasury"		Dollars	Cents
	091-48-8430						833	
	4 Your first name and initial JOYCE P				Last name SEKERA			
	If a joint return, spouse's first name and initial				Last name			
	Home address (number and street) 7840 NESTING PINE PLACE		Apt. no.	City, town or post office, state, and ZIP code (if a foreign address, also complete spaces below.) LAS VEGAS NV 89143				
	Foreign country name		Foreign province/state/county			Foreign postal code		

For Paperwork Reduction Act Notice, see your tax return instructions.

QNA

091488430 00 SEKE 30 0 201612 610

VEN 2961


Hewlett Packard
Enterprise



050000-1 00401 NVT_1095B 17/48 030214

JOYCE P SEKERA
7840 NESTING PINE PL
LAS VEGAS, NV 89143

IRS Form 1095-B Health Coverage
For Nevada Medicaid / Nevada Check Up

Dear Nevada Medicaid & Nevada Check Up Recipient(s):

You are receiving this notice due to the new IRS requirement that the Nevada Division of Health Care Financing and Policy (DHCFP) send a "Form 1095-B Health Coverage" to everyone who has been enrolled in Nevada Medicaid or Nevada Check Up during calendar tax year 2016. The "Form 1095-B Health Coverage" is needed only if you will file a 2016 federal tax return. More information about the "Form 1095-B Health Coverage" can be found at the following website: www.irs.gov.

If your 1095-B form has incorrect information (e.g. Social Security Number(s) or Date(s) of Birth), please call one of the following telephone numbers in order to have it corrected:

Northern Nevada: (775) 684-7200 or
Southern Nevada: (702) 486-1646

Sincerely,
Nevada Division of Health Care Financing and Policy



560116

Form 1095-B Department of the Treasury Internal Revenue Service	Health Coverage Do not attach to your tax return. Keep for your records. Information about Form 1095-B and its separate instructions is at www.irs.gov/form1095b .	<input type="checkbox"/> VOID <input type="checkbox"/> CORRECTED	OMB No. 1545-2252 2016
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Part I Responsible Individual	2 Social security number (SSN or other TIN) XXXXX8430	3 Date of birth (if SSN or other TIN is not available)
1 Name of responsible individual JOYCE P SEKERA	5 City or town LAS VEGAS	7 Country and ZIP or foreign postal code NV 89143
4 Street address (including apartment no.) 7840 NESTING PINE PL	6 State or province NV	9 Reserved

8 Enter letter identifying Origin of the Health Coverage (see instructions for codes): C	11 Employer identification number (EIN)
Part II Information about Certain Employer-Sponsored Coverage (see instructions)	
10 Employer name	15 Country and ZIP or foreign postal code

12 Street address (including room or suite no.)	13 City or town	14 State or province	15 Country and ZIP or foreign postal code
--	------------------------	-----------------------------	--

Part III Issuer or Other Coverage Provider (see instructions)	17 Employer identification number (EIN) 886000022	18 Contact telephone number 7756843651
16 Name STATE OF NEVADA - OFFICE OF CONTROLLER	21 State or province NV	22 Country and ZIP or foreign postal code 89701
19 Street address (including room or suite no.) 1000 EAST WILLIAM STREET SUITE 118	20 City or town CARSON CITY	

Part IV Covered Individuals (Enter the information for each covered individual.)	(a) Name of covered individual(s)	(b) SSN or other TIN	(c) DOB (if SSN or other TIN is not available)	(d) Covered all 12 months	(e) Months of coverage											
					Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
23	JOYCE P SEKERA	XXXXXX8430		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



560317

Part IV Covered Individuals — Continuation Sheet

(a) Name of covered individual(s)	(b) SSN or other TIN	(c) DOB (if SSN or other TIN is not available)	(d) Covered all 12 months	(e) Months of coverage													
				Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec		
29			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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34			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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☐ CORRECTED (if checked)

PAYER'S name, street address, city or town, state or province, country, ZIP or foreign postal code, and telephone no. Brand Vegas LLC 3130 S. Rainbow Blvd #305 Las Vegas, NV 89146 (702) 538-9000		1 Rents \$	OMB No. 1545-0115 2016 Form 1099-MISC	Miscellaneous Income
		2 Royalties \$		
		3 Other income \$	4 Federal income tax withheld \$	
		5 Fishing boat proceeds \$	6 Medical and health care payments \$	
PAYER'S federal identification number 80-0911898	RECIPIENT'S identification number 091-48-8430	7 Nonemployee compensation \$ 7582.46	8 Substitute payments in lieu of dividends or interest \$	This is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction may be imposed on you if this income is taxable and the IRS determines that it has not been reported.
RECIPIENT'S name, street address (including apt. no.), city or town, state or province, country, and ZIP or foreign postal code 1099 Joyce P Sekera 7840 Nesting Pine Place Las Vegas NV 89143		9 Payer made direct sales of \$5,000 or more of consumer products to a buyer (recipient) for resale <input type="checkbox"/>	10 Crop insurance proceeds \$	
Account number (see instructions)	FATCA filing requirement <input type="checkbox"/>	11	12	
		13 Excess golden parachute payments \$	14 Gross proceeds paid to an attorney \$	
15a Section 409A deferrals \$	15b Section 409A income \$	16 State tax withheld \$	17 State/Payer's state no. \$	
				18 State Income \$


Form 1099-MISC

(keep for your records)

www.irs.gov/form1099misc

Department of the Treasury - Internal Revenue Service

FORM # LMISCREC

a Employee's social security number 091-48-8430		Safe, accurate, FAST! Use  Visit the IRS website at www.irs.gov/efile	
b Employer identification number (EIN) 80-0911898		OMB No. 1545-0008	
c Employer's name, address, and ZIP code BRAND VEGAS LLC 3130 S RAINBOW BLVD #305 LAS VEGAS NV 89146		1 Wages, tips, other compensation 9623.95	2 Federal income tax withheld 684.00
d Control number		3 Social security wages 9623.95	4 Social security tax withheld 596.98
e Employee's first name and initial Last name JOYCE P SEKERA		5 Medicare wages and tips 9623.95	6 Medicare tax withheld 139.85
7840 NESTING PINE PLACE LAS VEGAS NV 89143		7 Social security tips	8 Allocated tips
f Employee's address and ZIP code		9	10 Dependent care benefits
15 State Employer's state ID number		11 Nonqualified plans	12a See instructions for box 12
16 State wages, tips, etc.		12b	12c
17 State income tax		12d	12e
18 Local wages, tips, etc.		12f	12g
19 Local income tax		12h	12i
20 Locality name			

Form **W-2** Wage and Tax Statement

2016

Department of the Treasury - Internal Revenue Service

Copy B - To Be Filed With Employee's FEDERAL Tax Return.
This information is being furnished to the Internal Revenue Service.

VEN 2965

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An employee of THE GALLIHER LAW FIRM

EXHIBIT “Q”

ROYAL & MILES LLP
1522 W Warm Springs Road
Henderson NV 89014
Tel: (702) 471-6777 ♦ Fax: (702) 531-6777

SUBP

Michael A. Royal, Esq.

Nevada Bar No. 4370

Gregory A. Miles, Esq.

Nevada Bar No. 4336

ROYAL & MILES LLP

1522 West Warm Springs Road

Henderson Nevada 89014

Tel: (702) 471-6777

Fax: (702) 531-6777

Email: mroyal@royalmilesllp.com

Attorneys for Defendants

VENETIAN CASINO RESORT, LLC and

LAS VEGAS SANDS, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

JOYCE SEKERA, an Individual;

Plaintiff,

v.

VENETIAN CASINO RESORT, LLC, d/b/a
THE VENETIAN LAS VEGAS, a Nevada
Limited Liability Company; LAS VEGAS
SANDS, LLC d/b/a THE VENETIAN LAS
VEGAS, a Nevada Limited Liability Company;
YET UNKNOWN EMPLOYEE; DOES I
through X, inclusive,

Defendants.

CASE NO.: A-18-772761-C

DEPT. NO.: XXV

(For Personal Appearance at Deposition)

Date: Tuesday, July 2, 2019

Time: 9:00 a.m.

SECOND SUBPOENA DUCES TECUM FOR TOM JENNINGS

THE STATE OF NEVADA SENDS GREETINGS TO:

Tom Jennings
c/o THE GALLIHER LAW FIRM
1850 E Sahara Ave., Ste 107
Las Vegas, NV 89104

YOU ARE ORDERED TO APPEAR AS A WITNESS and give testimony pursuant to
NRS 50.165 and NRCP 30 and 45, that all and singular, business and excuses set aside, you appear
and attend your deposition on the **2nd day of July, 2019**, at the hour of **9:00 a.m.** at **THE**

8/9/04

1 **GALLIHER LAW FIRM, 1850 E Sahara Ave, Suite 107, Las Vegas, NV 89014.** Your
2 attendance is required to give testimony and/or to produce and permit inspection and copying of
3 designated books, documents or tangible things in your possession, custody or control, or to permit
4 inspection of premises. You are required to bring with you at the time of your appearance any
5 items set forth below. If you fail to attend, you may be deemed guilty of contempt of Court and
6 liable to pay all losses and damages caused by your failure to appear.
7

8 **WITNESS FEES:** You are entitled to witness fees and mileage traveled, as provided by
9 NRS 50.225. This Subpoena must be accompanied by the fees for one day's attendance and
10 mileage, unless issued on behalf of the State or a State agency. NRCPC 45(b).

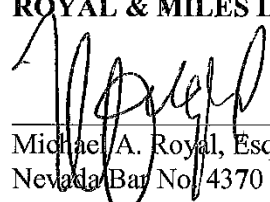
11 **CONTEMPT:** Failure by any person without adequate excuse to obey a subpoena served
12 upon that person may be deemed a contempt of the court, NRCPC 45(e), punishable by a fine not
13 exceeding \$500 and imprisonment not exceeding 25 days, NRS 22.100. Additionally, a witness
14 disobeying a subpoena shall forfeit to the aggrieved party \$100 and all damages sustained as a
15 result of the failure to attend, and a warrant may issue for the witness' arrest. NRS 50.195, 50.205,
16 and 22.100(3).
17

18 Please see the attached Exhibit "A" for information regarding your rights and
19 responsibilities relating to this Subpoena.

20 DATED this 7 day of June, 2019.
21

ROYAL & MILES LLP

By:



Michael A. Royal, Esq.
Nevada Bar No. 4370
1522 W. Warm Springs Road
Henderson, NV 89014
Attorneys for Defendants
VENETIAN CASINO RESORT, LLC and
LAS VEGAS SANDS, LLC

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SCHEDULE A

ITEMS TO BE PRODUCED

Your entire file pertaining to Joyce Sekera vs Venetian Casino Resort, LLC

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I HEREBY CERTIFY that on this 3 day of June, 2019, I served the following
ent: **SECOND SUBPOENA DUCES TECUM FOR TOM JENNINGS**

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

Maralea Royal
An employee of ROYAL & MILES LLP

EXHIBIT "A"
NEVADA RULES OF CIVIL PROCEDURE

Rule 45

(c) *Protection of persons subject to subpoena.*

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) *Duties in responding to subpoena.*

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

EXHIBIT “R”

Jennings Forensic Services, LLC

355 W. Mesquite Blvd. #D30
PMB 1-111
Mesquite, NV 89027
calnevsafety@hotmail.com
702.613.5076 (O) 702.203.4192 (C)

May 30, 2019

Keith E. Galliher, Esq.
The Galliher law Firm
1850 West Sahara Avenue, Suite 107
Las Vegas, NV 89104

Re: Sekera v. Venetian

Dear Mr. Galliher,

Your firm has retained my services as an expert in the above referenced matter. Please accept this document as my rebuttal report. To prepare for this report, I have reviewed the defense expert report of Wilson C. Hayes, Ph.D. dated 5/17/2019.

On Pages 7 and 8 of the Hayes report, Mr. Hayes references the ANSI A326.3 Standard, in particular, the portion that addresses, "that there are many factors that affect the possibility of a slip occurring on a hard surface", and "the COF shall not be the only factor determining the appropriateness of a hard surface flooring material for a particular application".

While both of those references are accurate, in this particular incident, there was a spilled liquid on the marble floor surface and objective slip resistance testing clearly indicated an unsafe and slippery walking surface when contaminated with a liquid substance. That single factor alone was the primary causal factor contributing to plaintiff's slip and fall.

On Page 13 of the report, Mr. Hayes states; "In addition, she was wearing very worn shoes that were well beyond their safe life".

Apparently, Mr. Hayes would like us to consider that as an 'unsafe shoe expert' it is clear that had plaintiff been wearing 'safe' shoes, the potential for the slip and fall would have been considerably less likely.

Following this line of reasoning, we can draw two specific conclusions; one, that 'unsafe shoes' presents a serious risk for slip and fall events as a sole causal factor. And secondly, If that is indeed the case, then the Venetian Hotel-Casino is allowing guests to bring an 'unsafe condition' onto their property!

Continuing with that line of reasoning, it is certainly likely that many guests entering the property are entering with 'unsafe shoes' and should be restricted from entering the property.

That of course, is a ridiculous expectation as it is virtually impossible to enforce such a prohibition. Keeping all walking surfaces in a safe and slip resistant condition is a far more rationale approach and property owners have a responsibility to do so.

On Page 16 of the report, Mr. Hayes makes reference to the Burnfield and Powers study relating to the probability of slips and falls in relation to an established COF.

The Burnfield and Powers study was performed in a laboratory setting with individuals wearing full body harnesses and tethered to an overhead structure to prevent them from falling when they 'slip'. The participants were aware that they would be subjected to various COF levels and that at some point, would indeed slip. The published results of that study clearly indicates that if you are walking in a laboratory on a pre-selected walking surface, with specific footwear, you will slip at a determined COF level.

The overwhelming majority of slips and falls do not occur in laboratories under such controlled conditions – they occur in the real -world arena of a multitude of walking surfaces in varying conditions with a wide- ranging assortment of footwear.

Within the same page, Mr. Hayes states; "With respect to the role of slip resistance in the initiation of Ms. Sekera's fall, as noted above, the BOT-3000E (BOT) is supported by both national and international standards and widely-used worldwide. While the English XL Variable Incidence Tribometer (XL) is no longer supported by such standards, it continues to be used in the United States".

Mr. Hayes fails to reference exactly which 'national and international standards' he is referencing in relation to the BOT-3000E. It should also be noted that the BOT measures dynamic coefficient of friction and not static coefficient of friction.

Mr. Hayes is wrong with his statement regarding the English XL Tribometer not being supported by national and international standards.

The English XL Tribometer was validated by the publication of the American Society for Testing and Materials Standard; 'ASTM F2508-11'. Additionally, the English XL Tribometer is the instrument of choice for the United States Army, Navy and Air Force in addition to the National Aeronautics and Space Administration (NASA) along with a multitude of national and international corporations.

On Page 17 of the report, Mr. Hayes states in reference to the 0.50 slip resistance standard; "There are, of course, no "accepted national standards" or requirements for safe and slip resistant walking surfaces".

The 0.50 slip resistance level for a safe and slip resistant walking surface is referenced within the ANSI A1264.2-2001 national Standard as well as the Underwriters Laboratory (UL) national Standard, and by the National Safety Council (NSC). All are 'national standards' and all have established the 0.50 threshold for a slip resistant walking surface.

Mr. Hayes conveniently fails to address the seminal study to determine the appropriate level of COF for a safe and slip resistant walking surface. That study is the 1983 'University of Michigan Work Surface

Keith E. Galliher, Esq.
Sekera Rebuttal report
May 30, 2019
Page Three

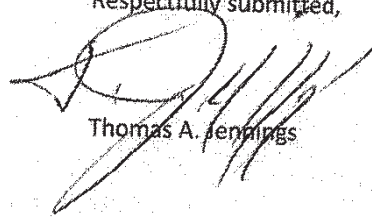
Friction: Definitions, Laboratory and Field measurements and a Comprehensive Bibliography' by James M. Miller, Don B. Chaffin and Robert O. Andres. Within the conclusions of that extensive study is the following:

"The most common recommended COF by standards organizations and by individual authors is 0.5. This value seems reasonable since it allows a small margin of safety over and above the 0.4 COF which was often cited as needed for walking."

From all materials reviewed, it is abundantly clear that the primary causal factor for Ms. Sekera's slip and fall event was the spilled liquid onto the marble walking surface which reduced the slip resistance level of the walking surface to a slippery and unsafe walking surface.

It should also be noted that the Venetian Hotel-Casino has experienced 196 slip and fall events between January 1, 2012 to August 5, 2016 with the majority of those events occurring on the marble flooring within the same approximate area as plaintiff's slip and fall. This level of activity would certainly indicate a 'frequency' issue that should have been addressed by the Venetian Hotel-Casino at some point.

Respectfully submitted,



Thomas A. Jennings

TAJ/gw

EXHIBIT “S”

Michael A. Royal*
Gregory A. Miles*

*Also Admitted in Utah



1522 W. Warm Springs Road
Henderson, NV 89014

Telephone:
702.471.6777

Facsimile:
702.531.6777

Email:
mroyal@royalmilesllp.com

July 2, 2019

Sent Via E-Service

Keith E. Galliher, Jr., Esq.
THE GALLIHER LAW FIRM
1850 E. Sahara Avenue, Suite 107
Las Vegas, NV 89104
Attorney for Plaintiff

Re: **Venetian adv. Sekera, Joyce**
Our File No.: 3837-18

Keith:

This follows the deposition of Tom Jennings taken at your office today in the above-referenced matter. During the deposition, Mr. Jennings testified that he received a spreadsheet directly from you via email which identified ***196 slip and fall events between January 1, 2012 to August 5, 2016*** per his May 30, 2019 report. Mr. Jennings testified that the alleged 196 prior incidents occurred within the Grand Lux rotunda area of the Venetian property. When asked for a copy of the spreadsheet, Mr. Jennings replied that he believes it has been erased and he has no access to it. According to Mr. Jennings, the only information regarding prior incident reports was found on the spreadsheet sent to him from your office.

Please immediately forward to me an electronic/digital copy of the email you sent to Mr. Jennings with the spreadsheet reportedly identifying 196 prior incidents as set forth above.

Very truly yours,

ROYAL & MILES LLP

Michael A. Royal

MAR/as

EXHIBIT “T”

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

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

DISTRICT COURT

CLARK COUNTY, NEVADA

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

PLAINTIFF'S SIXTH REQUEST FOR PRODUCTION OF DOCUMENTS AND

MATERIALS TO DEFENDANT

TO: VENETIAN CASINO RESORT, LLC. d/b/a THE VENETIAN LAS VEGAS,
Defendant; and

1 TO: MICHAEL A. ROYAL, ESQ. with ROYAL & MILES LLP., attorneys for Defendant
2 Plaintiff, JOYCE SEKERA, by and through her attorneys, THE GALLIHER LAW FIRM,
3 hereby makes the following Sixth Request for Production of Documents upon Defendant:

4 REQUEST NO. 23:

5 True and correct copies of any and all reports, documents, memoranda, or other information
6 describing or referring to slip testing performed on the marble floors at the Venetian Hotel and
7 Casino by any Plaintiff, or the Venetian, from January 1, 2000 to date.

8 REQUEST NO. 24:

9 Any and all communications, including correspondence, emails, internal communication, or
10 other memoranda which refers to the safety of marble floors located within the Venetian Hotel and
11 Casino from January 1, 2000 to date.

12 REQUEST NO. 25:

13 Any and all transcripts, minutes, notes, emails, or correspondence which has as a subject
14 matter, any meetings held by and between Venetian personnel, including management personnel,
15 where the subject of the safety of the marble floors at the Venetian was discussed and evaluated
16 from January 1, 2000 to date.

17 REQUEST NO. 26:

18 Any and all correspondence, emails, memoranda, internal office correspondence, or other
19 documents directed to the Venetian from a Contractor, Subcontractor, Flooring Expert, or similar
20 entity which discusses or refers to the safety of marble floors located within the Venetian Hotel and
21 Casino from January 1, 2000 to date.

22 REQUEST NO. 27:

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

1 the marble floors located within the Venetian Hotel and Casino from January 1, 2000 to date.

2 REQUEST NO. 28:

3 Any and all current and dated policies, procedures and training manuals and amendments
4 referencing standards for flooring and procedures for slip and falls including, but not limited to a
5 copy of "Preventing Slips, Trips and Falls."
6

7 REQUEST NO. 29:

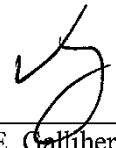
8 Any and all complaints submitted by guests or other individuals regarding the safety of the
9 marble floors.

10 REQUEST NO. 30:

11 Any and all quotes and estimates and correspondence regarding quotes and estimates relating
12 to the modification of the marble floors to increase their slip resistance.

13 DATED this 31st day of May, 2019.

14 THE GALLIHER LAW FIRM

15
16 
17 _____
18 Keith E. Galliher, Jr., Esq.
19 Nevada Bar No. 220
20 1850 E. Sahara Avenue, Suite 107
21 Las Vegas, Nevada 89104
22 *Attorney for Plaintiff*
23
24
25
26
27
28

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of THE GALLIHER LAW FIRM and that service of a true and correct copy of the above and foregoing **FIFTH REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT** was serve on the 31st day of May, 2019, to the following addressed parties by:

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

_____ Facsimile, pursuant to EDCR 7.26 (as amended)

X _____ Electronic Mail/Electronic Transmission

_____ Hand Delivered to the addressee(s) indicated

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

acknowledged by, _____

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



An Employee of THE GALLIHER LAW FIRM

EXHIBIT “U”



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

1 **COMP**

2 THE GALLIHER LAW FIRM
3 Keith E. Galliher, Jr., Esq.
4 Nevada Bar Number 220
5 1850 E. Sahara Avenue, Suite 107
6 Las Vegas, Nevada 89104
7 Tele: 702-735-0049
8 Fax: 702-735-0204
9 kgalliher@galliherlawfirm.com

10 Attorneys for Plaintiff

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 JOYCE SEKERA, an Individual,
14
15 Plaintiff,

CASE NO.: A-18-772761-C
DEPT. NO.: Department 24

16 v.

17 VENTIAN CASINO RESORT, LLC,
18 d/b/a THE VENETIAN LAS VEGAS,
19 a Nevada Limited Liability Company;
20 LAS VEGAS SANDS, LLC d/b/a THE
21 VENETIAN LAS VEGAS, a Nevada
22 Limited Liability Company; YET
23 UNKNOWN EMPLOYEE; DOES I
24 through X, inclusive,

25 Defendants.

26 **COMPLAINT**

27 Plaintiff, by and through her undersigned attorneys, complains of Defendants as follows:

28 **GENERAL ALLEGATIONS**

I

Plaintiff is a resident of the State of Nevada. The incident which gives rise to this cause of action occurred within the State of Nevada.

II

Defendants, VENETIAN CASINO RESORT, LLC d/b/a THE VENETIAN LAS VEGAS (hereinafter VENETIAN), LAS VEGAS SANDS, LLC d/b/a THE VENETIAN LAS VEGAS (hereinafter VENETIAN), are, upon information and belief, Nevada Limited Liability Companies duly licensed and doing business within the State of Nevada.

III

1. The true names of DOES I through V, their citizenship and capacities, whether individual, corporate, associates, partnership or otherwise, are unknown to Plaintiff who therefore sues these Defendants by such fictitious names. Plaintiff is informed and believes, and therefore alleges, that each of the Defendants, designated as DOES I through V, are or may be, legally responsible for the events referred to in this action, and caused damages to the Plaintiff, as herein alleged, and Plaintiff will ask leave of this Court to amend the Complaint to insert the true names and capacities of such Defendants, when the same have been ascertained, and to join them in this action, together with the proper charges and allegations.

2. DOES I through V are employers of Defendants who may be liable for Defendants negligence pursuant to NRS 41.130, which states:

Whenever any person shall suffer personal injury by wrongful act, neglect or default of another, the person causing the injury shall be liable to the person injured for damages; and where the person causing such injury is employed by another person or corporation responsible for his conduct, such person or corporation so responsible shall be liable to the person injured for damages.

IV

On or about November 4, 2016 at approximately 1:00 p.m. Defendants negligently and carelessly permitted a pedestrian walkway to be unreasonably dangerous in that they allowed liquid on the floor causing the Plaintiff to slip and fall. Defendant had actual and/or constructive notice of

1 the condition which caused the fall. Pursuant to the mode of operation doctrine Defendant was on
2 continuous notice of the presence of liquid on its floors.

3
4 **V**

5 At the aforementioned place and time, Plaintiff was walking through the VENETIAN when
6 her foot came into contact with a liquid substance on the floor causing her to slip and fall. The
7 liquid on the floor coupled with the composition of the floor, rendered the area dangerous for use as
8 a passageway for the Plaintiff and for other patrons of the VENETIAN.

9 **VI**

10 The Defendant knew or should have known that liquid located in an area of the fall was
11 dangerous and in the exercise of ordinary care would have had reasonable opportunity to remedy the
12 situation prior to the happening of the fall herein alleged. In spite of Defendants actual, constructive
13 and/or continuous notice of the presence of the liquid, the Defendant failed to take appropriate
14 precautions to prevent injury to Plaintiff and/or guests and/or patrons.
15

16 **FIRST CLAIM FOR RELIEF**

17 **(Negligence)**

18 **I**

19 Plaintiff repeats and realleges the allegations contained in Paragraphs I through VI of her
20 General Allegations as though fully set forth herein.
21

22 **II**

23 As a direct and proximate result of the negligence of Defendant and its yet unknown
24 employee and/or employees, Plaintiff sustained personal injuries to her head, neck, back, arms and
25 legs and has suffered pain and discomfort all to her damage in a sum in excess of FIFTEEN
26 THOUSAND DOLLARS (\$15,000).
27
28

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

III

Said injuries have resulted in medical treatment all to Plaintiff's damage in a sum in excess of FIFTEEN THOUSAND DOLLARS (\$15,000).

IV

Plaintiff has been compelled to retain the services of an attorney to prosecute this action and Plaintiff is, therefore, entitled to reasonable attorney's fees and costs of suit incurred herein.

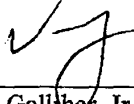
WHEREFORE, Plaintiff prays for judgment in her favor and against Defendant as follows:

FIRST CLAIM FOR RELIEF

1. General damages in a sum in excess of \$15,000;
2. Special damages in a sum in excess of \$15,000;
3. Attorney's fees and costs of suit incurred herein; and,
4. For such other and further relief as the Court may deem just and proper on the premises.

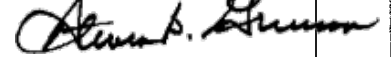
DATED this 19th day of March, 2018

THE GALLIHER LAW FIRM



Keith E. Gallher, Jr., Esq.
Nevada Bar No. 220
1850 E. Sahara Ave., Suite 107
Las Vegas, NV 89104
Attorney for Plaintiffs

EXHIBIT “V”



1 THE GALLIHER LAW FIRM
2 Keith E. Galliher, Jr., Esq.
3 Nevada Bar No. 220
4 Jeffrey L. Galliher, Esq.
5 Nevada Bar No. 8078
6 George J. Kunz, Esq.
7 Nevada Bar No. 12245
8 Kathleen H. Gallagher, Esq.
9 Nevada Bar Number 15043
10 1850 East Sahara Avenue, Suite 107
11 Las Vegas, Nevada 89104
12 Telephone: (702) 735-0049
13 Facsimile: (702) 735-0204
14 kgalliher@galliherlawfirm.com
15 jgalliher@galliherlawfirm.com
16 gkunz@lvlawguy.com
17 kgallagher@galliherlawfirm.com
18 Attorneys for Plaintiff

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

DISTRICT COURT
CLARK COUNTY, NEVADA

JOYCE SEKERA, an Individual,
Plaintiff,

CASE NO.: A-18-772761-C
DEPT. NO.: 25

v.

VENETIAN CASINO RESORT, LLC,
d/b/a THE VENETIAN LAS VEGAS, a
Nevada Limited Liability Company; LAS
VEGAS SANDS, LLC d/b/a THE
VENETIAN LAS VEGAS, a Nevada
Limited Liability Company; YET
UNKNOWN EMPLOYEE; DOES I
through X, inclusive,

FIRST AMENDED COMPLAINT

Defendants.

Plaintiff, by and through her undersigned attorneys, complains of Defendants as follows:

I

II

III

2

1 the person causing such injury is employed by another person or corporation responsible for his
2 conduct, such person or corporation so responsible shall be liable to the person injured for damages.

3
4 **IV**

5 On or about November 4, 2016 at approximately 1:00 p.m. Defendants negligently and
6 carelessly permitted a pedestrian walkway to be unreasonably dangerous in that they allowed liquid
7 on the floor causing the Plaintiff to slip and fall. Defendant had actual and/or constructive notice of
8 the condition which caused the fall. Pursuant to the mode of operation doctrine Defendant was on
9 continuous notice of the presence of liquid on its floors.

10
11 **V**

12 At the aforementioned place and time, Plaintiff was walking through the VENETIAN when
13 her foot came into contact with a liquid substance on the floor causing her to slip and fall. The liquid
14 on the floor coupled with the composition of the floor, rendered the area dangerous for use as a
15 passageway for the Plaintiff and for other patrons of the VENETIAN.

16
17 **VI**

18 The Defendant knew or should have known that liquid located in an area of the fall was
19 dangerous and in the exercise of ordinary care would have had reasonable opportunity to remedy the
20 situation prior to the happening of the fall herein alleged. In spite of Defendants actual, constructive
21 and/or continuous notice of the presence of the liquid, the Defendant failed to take appropriate
22 precautions to prevent injury to Plaintiff and/or guests and/or patrons.

23
24 **VII**

25 The Defendant knew that its marble floors caused unreasonable amount of injury slip and
26 falls and thus were dangerous to pedestrians, and in the existence of ordinary care, would have had
27 opportunity to remedy the situation prior to Plaintiff's fall.
28

VIII

In the three years prior to Plaintiff's fall there were at least 73 injury slip and falls on the marble floors in Venetian. In spite of Defendant's actual, constructive, and/or continuous notice their marble floors were significantly more slippery than is safe for pedestrians, the Defendant failed to take any appropriate precautions to prevent injury to Plaintiff and other guests.

FIRST CLAIM FOR RELIEF

(Negligence)

I

Plaintiff repeats and realleges the allegations contained in Paragraphs I through VI of her General Allegations as though fully set forth herein.

II

As a direct and proximate result of the negligence of Defendant and its yet unknown employee and/or employees, Plaintiff sustained personal injuries to her head, neck, back, arms and legs and has suffered pain and discomfort all to her damage in a sum in excess of FIFTEEN THOUSAND DOLLARS (\$15,000).

III

Upon information and belief, Defendant had actual or constructive notice of the hazard posed by their marble floors. Defendant knew that the unsafe condition posed an unreasonable hazard or slip and fall risk to the general public, invitees, patrons and business invitees. Defendant's failure to remedy the situation was knowing, wanton, willful, malicious and/or done with conscious disregard for the safety of Plaintiff and of the public. Defendant's outrageous and unconscionable conduct warrants an award of punitive damages pursuant to NRS 42.005.

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IV

Said injuries have resulted in medical treatment all to Plaintiff's damage in a sum in excess of FIFTEEN THOUSAND DOLLARS (\$15,000).

V

Plaintiff has been compelled to retain the services of an attorney to prosecute this action and Plaintiff is, therefore, entitled to reasonable attorney's fees and costs of suit incurred herein.

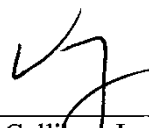
WHEREFORE, Plaintiff prays for judgment in her favor and against Defendant as follows:

FIRST CLAIM FOR RELIEF

1. General damages in a sum in excess of \$15,000;
2. Special damages in a sum in excess of \$15,000;
3. Punitive damages;
4. Attorney's fees and costs of suit incurred herein; and,
5. For such other and further relief as the Court may deem just and proper on the premises.

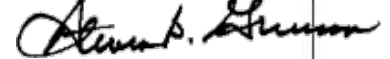
DATED this 27th day of June, 2019

THE GALLIHER LAW FIRM



Keith E. Gallihier, Jr., Esq.
Nevada Bar Number 220
1850 E. Sahara Avenue, Ste. 107
Las Vegas, Nevada 89104
Attorney for Plaintiff

EXHIBIT “W”



DCRR

FARHAN R. NAQVI
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SARAH M. BANDA
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sarah@naqvilaw.com
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

ANGELICA BOUCHER, individually,

Plaintiff,

Case No.: A-18-773651-C
Dept. No.: X

vs.

**DISCOVERY COMMISSIONER'S
REPORT AND RECOMMENDATION**

VENETIAN CASINO RESORT, LLC d/b/a
VENETIAN RESORT HOTEL CASINO
d/b/a THE VENETIAN d/b/a THE
VENETIAN/THE PALAZZO; LAS VEGAS
SANDS, LLC d/b/a VENETIAN RESORT
HOTEL CASINO / PALAZZO RESORT
HOTEL CASINO d/b/a THE VENETIAN
CASINO d/b/a VENETIAN CASINO
RESORT; LAS VEGAS SANDS CORP.;
DOES 1 through 100 and ROE
CORPORATIONS 1 through 100, inclusive,

Defendants.

HEARING DATE: June 14, 2019

HEARING TIME: 9:30 a.m.

Counsel for Plaintiff: SARAH M. BANDA, Esq. of NAQVI INJURY LAW

Counsel for Defendant: MICHAEL M. EDWARDS, Esq. of MESSNER REEVES LLP

I.

FINDINGS

The matter having come on for hearing on June 14, 2019 at 9:30 a.m., on *Plaintiff's First Motion to Compel Production of Documents, and Request for Sanctions on an Order Shortening Time ("Motion to Compel")*, filed on June 7, 2019, and *Defendant's Opposition and Countermotion for Protective Order*, filed on June 13, 2019, the Court having considered all pleadings on file associated therewith; there being good cause appearing, the Discovery Commissioner finds and recommends as follows:

THE COURT HEREBY FINDS that the JCCR was filed in this case on August 13, 2018.

THE COURT FURTHER FINDS Plaintiff propounded her first set of requests for production of documents on Defendant on October 18, 2018 and Defendant provided responses on December 4, 2018.

THE COURT FURTHER FINDS that Plaintiff served a letter on Defendant outlining the deficiencies in Defendant's Responses to Plaintiff's First Request for Production on December 10, 2018, which included but was not limited to a request for Defendant to produce the insurance policies.

THE COURT FURTHER FINDS that the Defendant did not supplement the responses thereafter.

THE COURT FURTHER FINDS that the Defendant's general statement that "[r]esponding Defendant does not have any documents responsive to this request at this time," is insufficient and leaves potential loopholes based upon the caveat "at this time."

THE COURT FURTHER FINDS that the Defendant must produce the applicable insurance policies *and declaration pages* (Request No. 2) under NRS 16.1(a)(1)(A)(v), NRCP 16.1(a)(1)(D), Vanguard

1 Piping v. Eight Jud. Dist. Ct., 129 Nev. 602, 309 P.3d 1017 (2013), and pursuant to the
2 Plaintiff's written discovery request.

3 THE COURT FURTHER FINDS that the claims file is discoverable, and must be
4 produced with a privilege log, if a privilege log is applicable (Request No. 1).

5 THE COURT FURTHER FINDS that the parties stipulated that the Defendant will
6 provide the prior six months' worth of record and documents related to any waxing, cleaning,
7 polishing or other maintenance of the walking surface. However, Plaintiff still seeks the
8 construction and repair documents, which are also discoverable (Request No. 7).

9 THE COURT FURTHER FINDS that any documents related to any warning provided to
10 Plaintiff regarding the subject condition are discoverable (Request No. 14).

11 THE COURT FURTHER FINDS that that parties have stipulated that Defendant will
12 provide documents related to changes to the walking surface, such as tile replacement. However,
13 changes made to the walking surface, such as subsequent remedial measures, and any changes to
14 the walking surface are discoverable (Request No. 15). Subsequent incident reports do not need
15 to be provided, *because liquid on a walkway is a transient condition.* (EJ)

16 THE COURT FURTHER FINDS that sub rosa video surveillance and research are
17 discoverable and must be produced (Request No. 16). *within 30 days of the*
18 *Plaintiff's deposition if it will be utilized at trial.*

19 THE COURT FURTHER FINDS that subsequent remedial measures are discoverable
20 (Requests No. 19 and 20).

21 THE COURT FURTHER FINDS that the individual employee files of any specifically
22 identified employee *who was responsible for maintenance of the location of the area*
23 *at issue, or inspection of the area,* (EJ)
24 on the day of the incident is discoverable. The remainder of the employee files are not
25 discoverable at this time (Request No. 22).

THE COURT FURTHER FINDS that the Defendant agreed to produce documents related to Team Member job performance, if any, that directly relate to the incident at issue. ^{training, policy and procedure} However, all job ~~performance~~ documents are discoverable (Request No. 23).

THE COURT FURTHER FINDS that the training materials and policies and procedures for the employees responsible for inspection the Walking Surface on the day of the incident at issue are discoverable (Request No. 24).

THE COURT FURTHER FINDS that the Plaintiff's request for "citations, warnings, reprimands, and/or code violations [Venetian] received concerning the Premises in the five years preceding the subject Incident through the present" is overbroad and should be limited to the flooring in the ^{subject} lobby only (Request No. 25).

THE COURT FURTHER FINDS that the Plaintiff's request for "documents and items evidencing any inspection, maintenance and/or cleaning performed on the Walking Surface..." should be limited to the flooring in the ^{subject} lobby only ^{and only for the 24 hours before and after the incident at issue.} (Request No. 29).

THE COURT FURTHER FINDS that Defendant filed a Countermotion requesting a protective order be issued regarding: [✓] Venetian incident reports stemming from unrelated incidents, team member personnel files, and construction or repairs within the Venetian.

II.

RECOMMENDATIONS

IT IS HEREBY RECOMMENDED that *Plaintiff's Motion to Compel* is GRANTED IN PART.

IT IS HEREBY FURTHER RECOMMENDED that the Defendant shall produce the entire pre-litigation claims file, ^{subject to a privilege log.} with reference to bates number. This includes, but is not limited to, every note, email, and correspondence regarding the incident at issue. If there is no specific

claims file, Defendant must provide an explanation why a claims file does not exist. Defendant must produce a privilege log for any documents deemed privileged from the claims file (Request No. 1).

IT IS HEREBY FURTHER RECOMMENDED that the Defendant shall produce any and all insurance policies and declarations pages, the policy amount of SIR, and whether the policy was self-depleting (Request No. 2).

IT IS HEREBY FURTHER RECOMMENDED that the Defendant shall produce the prior six months' worth of records and documents related to any waxing, cleaning, polishing or other maintenance of the walking surface, ^{at issue in the subject lobby.} Defendant shall also produce the construction and repair documents from five years prior to the Incident to the present. The Defendant must clearly outline what it has, what it is giving, and what it is trying to obtain. If no such documentation exists, the Defendant must state that no such documentation exists (Request No. 7).

IT IS HEREBY FURTHER RECOMMENDED that the Defendant shall produce evidence of any warnings to Plaintiff, such as photographs, signage, and statements. If no such documentation exists, the Defendant must state that no such documentation exists. Defendant must also state that a diligent inquiry was conducted and there were no documents located responsive to this request (Request No. 14).

IT IS HEREBY FURTHER RECOMMENDED that Defendant shall produce documents related to repairs, replacements, improvements, and/or changes to the walking surface, ^{in the subject lobby} including, but not limited to, tile replacement, from five years prior to the subject Incident to the present. If no such documentation exists, the Defendant must state that no such documentation exists (Request No. 15).

IT IS HEREBY FURTHER RECOMMENDED that sub rosa documents^{surveillance,} and information shall be produced within 30 days after the Plaintiff's deposition or it cannot be utilized at trial by the Defendant for any purpose. If sub rosa is conducted after the Plaintiff's deposition, said document and information must be produced within 30 days of receipt by counsel. If no such ^{ED} documentation exists, the Defendant must state that no such documentation exists (Request No. 16).

IT IS HEREBY FURTHER RECOMMENDED that any documents that any party obtains that are relevant and can be used for impeachment, including public information, must be produced under NRCP 16.1, ^{unless subject to privilege and then a privilege log must be submitted. ED}

IT IS HEREBY FURTHER RECOMMENDED that Defendant must produce any and all documents regarding ~~action taken following the subject Incident to render the Walking Surface~~ ^{ED} in a safer condition and/or any changes made to the Walking surface since the Incident, including subsequent remedial measures. If no such documentation exists, the Defendant must state that no such documentation exists. (Requests No. 19 and 20).

IT IS HEREBY FURTHER RECOMMENDED that the individual employee files are ^{who had the} PROTECTED WITHOUT PREJUDICE until he/she is identified as an employee with ^{responsibility to maintain or inspect ED} knowledge of or involvement in the incident or inspection of the area on the day of the incident ^{at issue.} (Request No. 22).

IT IS HEREBY FURTHER RECOMMENDED that the Defendant shall produce documents related to Team Member job performance of any specifically identified employee with knowledge of or involvement in the incident or inspection of the area on the day of the incident (Request No. 23).

1 IT IS HEREBY FURTHER RECOMMENDED that the Defendant shall produce ^{Cap} maintenance and for
2 training materials and policies and procedures for the employees responsible for inspection the
3 Walking Surface on the day of the incident at issue (Request No. 24).
4

5 IT IS HEREBY FURTHER RECOMMENDED that the Defendant shall produce
6 citations, warnings, reprimands, and/or code violations Defendant received concerning the
7 subject lobby flooring in the Premises in the five years preceding the subject Incident through
8 the present. If no such documentation exists, the Defendant must state that no such
9 documentation exists (Request No. 25).
10

11 IT IS HEREBY FURTHER RECOMMENDED that the Defendant shall produce
12 documents and items evidencing any inspection, maintenance and/or cleaning performed on the
13 Walking Surface in the subject lobby during the 24-hour period prior to the Incident through the
14 24-hour period after the subject Incident including but not limited to, any maintenance logs
15 (Request No. 29).
16

17 IT IS HEREBY FURTHER RECOMMENDED that Plaintiff's Request for Sanctions is
18 DENIED.

19 IT IS HEREBY FURTHER RECOMMENDED that *Defendant's Countermotion for*
20 *Protective Order* is GRANTED WITHOUT PREJUDICE as to the personnel files as outlined
21 above and DENIED on the issues of construction/repairs and incident reports. On the issue of
22 incident reports stemming from unrelated incidents, Defendant must hold an EDCR 2.34
23 meeting and file a separate Motion as incident reports were not addressed in Plaintiff's
24 underlying Motion to Compel.
25

26 ///



1 IT IS HEREBY FURTHER RECOMMENDED that a status check hearing is set for July
2 25, 2019 in chambers.

3 The Discovery Commissioner, met with counsel for the parties, having discussed the
4 issues noted above and having reviewed any materials proposed in support thereof, hereby
5 submits the above recommendations.

6 DATED this 5th day of July, 2019.

7 
8


9 DISCOVERY COMMISSIONER

10 Respectfully Submitted by:

Approved as to Form and Content by:

11 NAQVI INJURY LAW

MESSNER REEVES LLP

12 
13

refused to sign
14

15 FARHAN R. NAQVI, ESQ.
16 Nevada Bar No. 8589
17 SARAH M. BANDA, ESQ.
18 Nevada Bar No. 11909
19 9500 West Flamingo Road, Suite 104
20 Las Vegas, Nevada 89147
21 *Attorneys for Plaintiff*

22 MICHAEL M. EDWARDS, ESQ.
23 Nevada Bar No. 6281
24 DAVID P. PRITCHETT, ESQ.
25 Nevada Bar No. 10959
26 8945 W. Russell Road Suite 300
27 Las Vegas, Nevada 89148
28 *Attorney for Defendant*

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NOTICE

Pursuant to NRCP 16.3(c)(2), you are hereby notified that within fourteen (14) days after being served with a report any party may file and serve written objections to the recommendations. Written authorities may be filed with objections, but are not mandatory. If written authorities are filed, any other party may file and serve responding authorities within seven (7) days after being served with objections.

Objection time will expire on July 23 2019.

A copy of the foregoing Discovery Commissioner's Report was:

_____ Mailed to Plaintiff/Defendant at the following address on the _____ day of _____ 2019:

✓ Electronically filed and served counsel on July 9, 2019, Pursuant to N.E.F.C.R. Rule 9.

By: 
COMMISSIONER DESIGNEE

07/29/2019	Opposition to Plaintiff's Motion to Extend Discovery Deadlines and Continue Trial (Second Request) on Order Shortening Time
07/29/2019	Reply to Opposition <i>Reply to Plaintiff's Opposition to Countermotion for Protective Order as to Plaintiff's Request for Production of Incident Reports from January 1, 2000 to Present, Countermotion to Compel Information and Documents of Prior Incident Reports Provided to Plaintiff Expert Thomas Jennings and Identified in His May 30, 2019 Rebuttal Report and for Leave to Retake Jennings Deposition to Address the 196 Prior Claims Referenced in His Report.</i>
07/29/2019	Reply in Support <i>Plaintiff's Reply in Support of her Motion to Extend Discovery Deadlines and Continue Trial (Second Request) On Order Shortening Time</i>
07/30/2019	Motion to Extend Discovery (9:00 AM) (Judicial Officer Delaney, Kathleen E.) <i>Plaintiff's Motion to Extend Discovery Deadlines and Continue Trial (Second Request) on Order Shortening Time</i> Result: Granted in Part
07/30/2019	All Pending Motions (9:00 AM) (Judicial Officer Delaney, Kathleen E.) Parties Present Minutes Result: Matter Heard
07/31/2019	Order <i>Order</i>
08/01/2019	Notice of Entry of Order <i>Notice of Entry of Order</i>
08/02/2019	CANCELED Motion to Compel (9:00 AM) (Judicial Officer Truman, Erin) <i>Vacated - per Commissioner</i> <i>Plaintiff's Motion to Compel Testimony and Documents</i> <i>08/06/2019 Reset by Court to 08/02/2019</i>
08/02/2019	CANCELED Opposition and Countermotion (9:00 AM) (Judicial Officer Truman, Erin) <i>Vacated - per Commissioner</i> <i>Opposition to Plaintiff's Motion to Compel Testimony and Documents and Countermotion for Protective Order as to Plaintiff's Request for Production of Incident Reports from January 1, 2000 to Present, Countermotion to Compel Information and Documents of Prior Incident Reports Provided to Plaintiff Expert Thomas Jennings and Identified in His May 30, 2019 Rebuttal Report and for Leave to Retake the Jennings Deposition to Address the 196 Prior Claims Referenced in His Report</i>
08/02/2019	Opposition and Countermotion <i>Opposition to Plaintiff's Motion for Jury Trial and Countermotion to Strike Inappropriate Arguments Wholly Unrelated to this Civil Action and for Sanctions</i>
08/02/2019	Opposition to Motion to Dismiss <i>Plaintiff's Opposition to Defendants' Motion to Dismiss or in the Alternative Motion for Summary Judgment Exhibits 7 through 25</i>
08/02/2019	Opposition to Motion to Dismiss <i>Plaintiff's Opposition to Defendants' Motion to Dismiss or in the Alternative Motion for Summary Judgment Exhibits 3 Through 6A</i>
08/02/2019	Exhibits <i>Exhibits 7 through 25 to Plaintiff's Opposition to Defendants' Motion to Dismiss or in the Alternative Motion for Summary Judgment</i>
08/05/2019	Motion to Compel <i>Plaintiff's Motion to Compel Testimony and Documents</i>
08/05/2019	Clerk's Notice of Hearing <i>Notice of Hearing</i>
08/05/2019	Motion for Protective Order <i>Defendants' Motion for Protective Order as to Plaintiff's Request for Production of Incident Reports From May 1999 to Present, Motion to Compel Information and Documents of Prior Incident Reports Provided to Plaintiff Expert Thomas Jennings and Identified in His May 30, 2019 Rebuttal Report and for Leave to Retake the Jennings Deposition to Address the 196 Prior Claims Referenced in His Report at Plaintiff's Expense</i>
08/05/2019	Clerk's Notice of Hearing <i>Notice of Hearing</i>
08/06/2019	Reply to Opposition <i>Reply to Plaintiff's Opposition to Defendants' Motion for Summary Judgment Pursuant to NRCP 56(c) Based on Statutory Immunity Under the Nevada Industrial Insurance Act</i>
08/07/2019	Stipulation and Order <i>Stipulation and Order To Seal Exhibit P To Defendants' Opposition To Plaintiff's Motion To Compel Testimony And Documents And Countermotion</i>
08/07/2019	Stipulation and Order <i>Stipulation and Order To Seal Exhibit K To Defendants' Motion To Dismiss Plaintiff's Claim Of Punitive Damages Set Forth In The First Amended Complaint, Pursuant To Nrcp 12(B)(5) Or, Alternatively, Motion For Summary Judgment As To Claim For Punitive Damages</i>
08/08/2019	CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer Truman, Erin) <i>Vacated</i> <i>Status Check: Compliance / 6-26-19 DCRR</i>
08/08/2019	Notice of Entry of Stipulation and Order <i>Notice of Entry of Stipulation and Order</i>
08/08/2019	Notice of Entry of Stipulation and Order <i>Notice of Entry of Stipulation and Order</i>
08/09/2019	Discovery Commissioners Report and Recommendations <i>Discovery Commissioner s Report and Recommendations -Originals</i>
08/12/2019	Motion to Reconsider <i>Motion For Leave To File Motion For Reconsideration On Order Reversing Discovery Commissioner s Report And Recommendation And Motion To Stay Order Until Hearing On Reconsideration Or Alternatively Motion To Stay All Proceedings Pending Application For Writ Of Mandamus On</i>

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

VENETIAN CASINO RESORT, LLC, A
NEVADA LIMITED LIABILITY
COMPANY; AND LAS VEGAS SANDS,
LLC, A NEVADA LIMITED LIABILITY
COMPANY,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
KATHLEEN E. DELANEY, DISTRICT
JUDGE,

Respondents,

and

JOYCE SEKERA, AN INDIVIDUAL,
Real Party in Interest.

No. 79689-COA

FILED

MAY 14 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

Original petition for a writ of mandamus or prohibition challenging a district court order requiring petitioners to produce unredacted prior incident reports in discovery and refusing to impose requested protections related to those reports.

Petition granted.

Royal & Miles LLP and Gregory A. Miles and Michael A. Royal, Henderson,
for Petitioners.

The Galliher Law Firm and Keith E. Galliher, Jr., Las Vegas,
for Real Party in Interest.

BEFORE GIBBONS, C.J., and TAO, J.¹

OPINION

By the Court, GIBBONS, C.J.:

The Nevada Rules of Civil Procedure were recently amended, including significant portions of NRCP 26—the seminal rule governing discovery. These amendments have changed the analysis that district courts must conduct. In this writ proceeding, we discuss the proper process courts must use when determining the scope of discovery under NRCP 26(b)(1). We also provide a framework for courts to apply when determining whether a protective order should be issued for good cause under NRCP 26(c)(1). Because respondents did not engage in this process or use the framework we are providing, we grant the petition and direct further proceedings.

FACTS AND PROCEDURAL HISTORY

Real party in interest, Joyce Sekera, allegedly slipped and fell on the Venetian Casino Resort's marble flooring and was seriously injured. During discovery, Sekera requested that the Venetian produce incident reports relating to slip and falls on the marble flooring for the three years preceding her injury to the date of the request. In response, the Venetian provided 64 incident reports that disclosed the date, time, and circumstances of the various incidents. However, the Venetian redacted the

¹The Honorable Bonnie A. Bulla, Judge, voluntarily recused herself from participation in the decision of this matter. In her place, the Honorable Michael L. Douglas, Senior Justice, was appointed to participate in the decision of this matter under an order of assignment entered on February 13, 2020. Nev. Const. art. 6, § 19(1)(c); SCR 10. Subsequently, that order was withdrawn.

personal information of injured parties from the reports, including names, addresses, phone numbers, medical information, and any social security numbers collected. Sekera insisted on receiving the unredacted reports in order to gather information to prove that it was foreseeable that future patrons could slip and fall on the marble flooring and that the Venetian was on notice of a dangerous condition.² Further, Sekera wanted to contact potential witnesses to gather information to show that she was not comparatively negligent, as the Venetian asserted. Sekera's counsel disseminated all 64 redacted reports to other plaintiffs' counsel in different cases, who also were engaged in litigation against the Venetian for slip and fall injuries.

Unable to resolve their differences regarding redaction, the Venetian moved for a protective order, which Sekera opposed. The discovery commissioner found that there was a legitimate privacy issue and recommended that the court grant the protective order, such that the reports remain redacted, and prevented Sekera from sharing the reports outside of the current litigation. The commissioner further recommended, however, that after Sekera reviewed the 64 redacted reports and identified substantially similar accidents that occurred in the same location as her fall, the parties could have a dispute resolution conference pursuant to EDCR 2.34. At that conference, the parties would have the opportunity to reach an agreement to allow disclosure of the persons involved in the previous similar accidents. If the parties failed to reach an agreement, Sekera could file an appropriate motion.

²Sekera agreed that any social security numbers should remain redacted.

Sekera objected to the discovery commissioner's recommendation. The district court agreed with the objection and rejected the discovery commissioner's recommendation in its entirety, thereby denying the motion for a protective order. The district court concluded (1) there was no legal basis to preclude Sekera from knowing the identity of the persons involved in the prior incidents, as this information was relevant discovery material, and (2) there was no legal basis to prevent the disclosure of the unredacted reports to third parties not involved in the Sekera litigation. Nevertheless, the court strongly cautioned Sekera to be careful with how she shared and used the information.

The Venetian filed the instant petition for writ relief, which was transferred to this court pursuant to NRAP 17. We subsequently granted a stay of the district court's order pending resolution of this petition.

DISCUSSION

Writ consideration is appropriate

This court has original jurisdiction to issue writs of mandamus. Nev. Const. art. 6, § 4(1). But “[t]he decision to entertain a writ petition lies solely within the discretion of” the appellate courts. *Quinn v. Eighth Judicial Dist. Court*, 134 Nev. 25, 28, 410 P.3d 984, 987 (2018). “A writ of mandamus is available to compel the performance of an act that the law requires . . . or to control an arbitrary or capricious exercise of discretion.” *Humphries v. Eighth Judicial Dist. Court*, 129 Nev. 788, 791, 312 P.3d 484, 486 (2013). Writ relief is not appropriate where a “plain, speedy, and adequate remedy” at law exists. *Id.* “A writ of mandamus may be issued to compel the district court to vacate or modify a discovery order.”³ *Valley*

³We recognize that writs of prohibition are typically more appropriate for the prevention of improper discovery. See, e.g., *Club Vista Fin. Servs. v.*

Health Sys., LLC v. Eighth Judicial Dist. Court, 127 Nev. 167, 171, 252 P.3d 676, 678 (2011).

Here, if the discovery order by the district court remained in effect, a later appeal would not effectively remedy any improper disclosure of the Venetian's guests' private information. Because we conclude that the Venetian has no plain, speedy, and adequate remedy at law, we exercise our discretion to entertain the merits of this petition. NRS 34.170.

The district court should have considered proportionality under NRCP 26(b)(1)

The Venetian argues that the district court abused its discretion when it did not consider and apply proportionality under NRCP 26(b)(1) prior to allowing the discovery.⁴ Sekera argues that other courts

Eighth Judicial Dist. Court, 128 Nev. 224, 228 n.6, 276 P.3d 246, 249 n.6 (2012). A writ of prohibition is the "proper remedy to restrain a district judge from exercising a judicial function without or in excess of its jurisdiction." *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991); *see also* NRS 34.320. Here, we are not concluding that the district court's discovery order was outside its jurisdiction. Instead, we are (1) compelling the district court to perform the analysis that the law requires and (2) controlling an arbitrary exercise of discretion. Thus, mandamus relief is more appropriate, and we deny the Venetian's alternative request for a writ of prohibition.

⁴The Nevada Rules of Civil Procedure were amended effective March 1, 2019. *See In re Creating a Comm. to Update & Revise the Nev. Rules of Civil Procedure*, ADKT 0522 (Order Amending the Rules of Civil Procedure, the Rules of Appellate Procedure, and the Nevada Electronic Filing and Conversion Rules, December 31, 2018) ("[T]his amendment to the [NRCP] shall be effective prospectively on March 1, 2019, as to all pending cases and cases initiated after that date."). Thus, we cite and apply the current version of Rule 26 because the motions and hearings before the district court judge, and the resulting orders at issue in this writ petition, all occurred after March 1, 2019.

have found the information at stake here to be discoverable under rules similar to NRCP 26(b)(1).⁵ We agree with the Venetian.

Generally, “[d]iscovery matters are within the district court’s sound discretion, and we will not disturb a district court’s ruling regarding discovery unless the court has clearly abused its discretion.” *Club Vista*, 128 Nev. at 228, 276 P.3d at 249. NRCP 26(b)(1) defines and places limitations on the scope of discovery:

Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party’s claims or defenses and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.

NRCP 26(b)(1). Further, “[i]nformation within this scope of discovery need not be admissible in evidence to be discoverable.” *Id.*

Here, the district court identified only relevance at the hearing and in its order as the legal basis to deny the protective order. Specifically, the court stated at the hearing that the information was relevant to show

⁵The authority cited by Sekera is unpersuasive, as the cases do not consider proportionality as required by the newly adopted amendments to NRCP 26(b)(1). However, we emphasize that our opinion does not stand for the proposition that the information at stake here is not proportional to the needs of the case and thus not discoverable. Rather, we hold that the district court must conduct the proper analysis under the current version of NRCP 26(b)(1) and consider both relevance *and* proportionality together as the plain language of the rule requires.

notice and foreseeability.⁶ Problematically, the district court did not undertake any analysis of proportionality as required by the new rule. The rule amendments added a consideration of proportionality to

redefine[] the scope of allowable discovery consistent with the proportionate discovery provision in FRCP 26(b). As amended, [NRCP] 26(b)(1) requires that discovery seek information “relevant to any party’s claims or defenses and proportional needs of the case,” departing from the past scope of “relevant to the subject matter involved in the pending action.” This change allows the district court to eliminate redundant or disproportionate discovery and reduce the amount of discovery that may be directed to matters that are otherwise proper subjects of inquiry.

NRCP 26 advisory committee’s note to 2019 amendment; *see also* FRCP 26 advisory committee’s note to 2015 amendment (“The objective is to guard against redundant or disproportionate discovery by giving the court authority to reduce the amount of discovery that may be directed to matters that are otherwise proper subjects of inquiry.”). When FRCP 26(b)(1) was amended, federal district courts noted that relevance was no longer enough for allowing discovery. *In re Bard IVC Filters Prod. Liab. Litig.*, 317 F.R.D. 562, 564 (D. Ariz. 2016) (“Relevancy alone is no longer sufficient—discovery must also be proportional to the needs of the case.”); *Samsung Elecs. Am.*,

⁶The Venetian cites *Eldorado Club, Inc. v. Graff*, 78 Nev. 507, 511, 377 P.2d 174, 176 (1962), to demonstrate prior incidents are not relevant to establish notice when it relates to a temporary condition “unless . . . the conditions surrounding the prior occurrences have continued and persisted.” Sekera appears to have abandoned the notice and foreseeability arguments proffered in the district court and now only argues in her answering brief that the unredacted reports are relevant to show a lack of comparative negligence.

Inc. v. Yang Kun Chung, 321 F.R.D. 250, 279 (N.D. Tex. 2017) (“[D]iscoverable matter must be both relevant and proportional to the needs of the case—which are related but distinct requirements.”).⁷

As noted above, NRCP 26(b)(1) outlines several factors for district courts to consider regarding proportionality:

[(1)] the importance of the issues at stake in the action; [(2)] the amount in controversy; [(3)] the parties’ relative access to relevant information; [(4)] the parties’ resources; [(5)] the importance of the discovery in resolving the issues; and [(6)] whether the burden or expense of the proposed discovery outweighs its likely benefit.⁸

See also *In re Bard*, 317 F.R.D. at 563. Upon consideration of these factors, “a court can—and must—limit proposed discovery that it determines is not proportional to the needs of the case . . .” *Vallejo v. Amgen, Inc.*, 903 F.3d 733, 742 (8th Cir. 2018) (quoting *Carr v. State Farm Mut. Auto. Ins., Co.*, 312 F.R.D. 459, 468 (N.D. Tex. 2015)).

The district court abused its discretion when it failed to analyze proportionality in light of the revisions to NRCP 26(b)(1) and make findings related to proportionality. Because discovery decisions are “highly fact-

⁷ “[F]ederal decisions involving the Federal Rules of Civil Procedure provide persuasive authority” for Nevada appellate courts considering the Nevada Rules of Civil Procedure. *Nelson v. Heer*, 121 Nev. 832, 834, 122 P.3d 1252, 1253 (2005). Furthermore, the current version of the NRCP is modeled after the federal rules. NRCP Preface, advisory committee’s notes to 2019 amendment.

⁸ Per the amendments to the Federal Rules of Civil Procedure, these factors specifically apply to proportionality. See FRCP 26 advisory committee’s note to 2015 amendment (“The present amendment restores the *proportionality factors* to their original place in defining the scope of discovery.” (emphasis added)).

intensive,” *In re Anonymous Online Speakers*, 661 F.3d 1168, 1176 (9th Cir. 2011), and this court is not positioned to make factual determinations in the first instance, we decline to do so; instead, we direct the district court to engage in this analysis.⁹ See *Ryan’s Express Transp. Servs., Inc. v. Amador Stage Lines*, 128 Nev. 289, 299, 279 P.3d 166, 172-73 (2012).

The district court should have determined whether the Venetian demonstrated good cause for a protective order under NRCP 26(c)(1)

The Venetian sought a protective order under NRCP 26(c)(1), arguing that it had good cause to obtain one. The district court determined that there was no legal basis for a protective order. We disagree and conclude the district court abused its discretion when it determined that it had no legal basis to protect the Venetian’s guests’ information without first considering whether the Venetian demonstrated good cause for a protective order based on the individual circumstances before it. As stated above, discovery matters are generally reviewed for an abuse of discretion. *Club Vista*, 128 Nev. at 228, 276 P.3d at 249. A district court abuses its discretion when it “ma[kes] neither factual findings nor legal arguments” to support its decision regarding a protective order. *In re Nat’l Prescription Opiate Litig.*, 927 F.3d 919, 929 (6th Cir. 2019) (quoting *Gulf Oil Co. v. Bernard*, 452 U.S. 89, 102 (1981)).

⁹While the district court abused its discretion by not considering proportionality whatsoever in its order or at the hearing, the parties are also responsible for determining if their discovery requests are proportional. “[T]he proportionality calculation to [FRCP] 26(b)(1)” is the responsibility of the court and the parties, and “does not place on the party seeking discovery the burden of addressing all proportionality considerations.” FRCP 26, advisory committee’s notes to 2015 amendment.

NRCP 26(c)(1) articulates the standard for protective orders, stating that “[t]he court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense”¹⁰ The United States Supreme Court has interpreted the similar language of FRCP 26(c) as conferring “broad discretion on the trial court to decide when a protective order is appropriate and what degree of protection is required.” *Seattle Times Co. v. Rhinehart*, 467 U.S. 20, 36 (1984). The Court continued by noting that the “trial court is in the best position to weigh fairly the competing needs and interests of the parties affected by discovery.” *Id.* “The unique character of the discovery process requires that the trial court have substantial latitude to fashion protective orders.” *Id.*

The United States Court of Appeals for the Ninth Circuit has articulated a three-part test for conducting a good-cause analysis under FRCP 26(c). *In re Roman Catholic Archbishop of Portland in Or.*, 661 F.3d 417, 424 (9th Cir. 2011). First, the district court must determine if particularized harm would occur due to public disclosure of the information. *Id.* at 424. (“As we have explained, ‘[b]road allegations of harm, unsubstantiated by specific examples or articulated reasoning, do not

¹⁰Although NRCP 26(c), like its federal counterpart, applies to all forms of discovery (including written discovery), the Nevada Supreme Court has defined what constitutes good cause under the rule only in the context of depositions. See *Okada v. Eighth Judicial Dist. Court*, 131 Nev. 834, 842-43, 359 P.3d 1106, 1112 (2015) (articulating factors for courts to consider when determining good cause for a protective order designating the time and place of a deposition). Therefore, Nevada courts do not have firm guidelines to assist their determination of good cause when it comes to written discovery.

satisfy the Rule 26(c) test.” (quoting *Beckman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992))).

Second, if the district court concludes that particularized harm would result, then it must “balance the public and private interests to decide whether . . . a protective order is necessary.” *Id.* (internal quotation marks and citation omitted). The Ninth Circuit has directed federal district courts to utilize the factors set forth in a Third Circuit Court of Appeals case, *Glenmede Trust Co. v. Thompson*, 56 F.3d 476, 483 (3d Cir. 1995), to help them balance the private and public interests. *Roman Catholic*, 661 F.3d at 424; see also *Phillips v. Gen. Motors*, 307 F.3d 1206, 1212 (9th Cir. 2002). *Glenmede* sets forth the following nonmandatory and nonexhaustive list of factors for courts to consider when determining if good cause exists:

(1) whether disclosure will violate any privacy interests; (2) whether the information is being sought for a legitimate purpose or for an improper purpose; (3) whether disclosure of the information will cause a party embarrassment; (4) whether confidentiality is being sought over information important to public health and safety; (5) whether the sharing of information among litigants will promote fairness and efficiency; (6) whether a party benefiting from the order of confidentiality is a public entity or official; and (7) whether the case involves issues important to the public.

56 F.3d at 483. The *Glenmede* court further recognized that the district court is in the best position to determine what factors are relevant to balancing the private and public interests in a given dispute. *Id.*

Third, even if the factors balance in favor of protecting the discovery material, “a court must still consider whether redacting portions of the discovery material will nevertheless allow disclosure.” *Roman Catholic*, 661 F.3d at 425.

The Venetian sought a protective order pursuant to NRCP 26(c)(1), but the district court summarily concluded that there was no legal basis for issuing the protective order. It did so without analyzing whether the Venetian had shown good cause pursuant to NRCP 26(c)(1).¹¹ The district court's outright conclusion that there was no legal basis for a protective order and failure to conduct a good-cause analysis resulted in an arbitrary exercise of discretion. NRCP 26(c)(1) grants the district court authority to craft a protective order that meets the factual demands of each case if a litigant demonstrates good cause. Thus, since the court did have the legal authority to enter a protective order if the Venetian had shown good cause under NRCP 26(c)(1), it should have determined whether good cause existed based on the facts before it.

To determine good cause, we now approve of the framework established by the Ninth Circuit in *Roman Catholic* and the factors listed by the Third Circuit in *Glenmede*. District courts should use that framework and applicable factors, and any other relevant factors, to consider whether parties have shown good cause under NRCP 26(c)(1).¹² If

¹¹Sekera argues that the district court did not abuse its discretion by determining the Venetian did not show good cause. We are not convinced. The fact that the district court failed to mention good cause, either in its order or at the hearing, undermines Sekera's argument.

¹²Writ relief is discretionary, and in light of our disposition, we decline to address the other issues argued by the parties in this original proceeding. However, we note that *Glenmede* factors one, three, and five authorize the district court to consider the ramifications of information being disseminated to third parties (i.e., "whether disclosure will violate any privacy interests," "whether disclosure of the information will cause a party embarrassment," and "whether the sharing of information among litigants will promote fairness and efficiency"). 56 F.3d at 483. Importantly, the Nevada Supreme Court has recently stated that disclosing medical

the party seeking the protective order has shown good cause, a district court may issue a remedial protective order as circumstances require. *See* NRCP 26(c)(1). However, we do not determine whether the Venetian has established good cause for a protective order; instead, we conclude that is a matter for the district court to decide in the first instance. *See Ryan's Express*, 128 Nev. at 299, 279 P.3d at 172.

CONCLUSION

In denying the Venetian's motion for a protective order, the district court abused its discretion in two ways. First, it focused solely on relevancy and did not consider proportionality as required under the amendments to NRCP 26(b)(1). Second, it did not conduct a good-cause analysis as required by NRCP 26(c)(1). Because the district court failed to conduct a full analysis, its decision was arbitrarily rendered.


Thus, we grant the Venetian's petition and direct the clerk of this court to issue a writ of mandamus instructing the district court to vacate its order denying the Venetian's motion for a protective order. The district court shall conduct further proceedings consistent with this opinion to determine whether disclosure of the unredacted reports is relevant and proportional under NRCP 26(b)(1). If disclosure is proper, the district court must conduct a good-cause analysis under NRCP 26(c)(1), applying the framework provided herein to determine whether the Venetian has shown good cause for a protective order. If the Venetian demonstrates good cause,

information implicates a nontrivial privacy interest in the context of public records requests. *Cf. Clark Cty. Coroner v. Las Vegas Review-Journal*, 136 Nev., Adv. Op. 5, 458 P.3d 1048, 1058-59 (2020) (explaining that juvenile autopsy reports implicate "nontrivial privacy interest[s]" due to the social and medical information they reveal, which may require redaction before their release).

the district court may issue a protective order as dictated by the circumstances of this case.


_____, C.J.
Gibbons

I concur:


_____, J.
Tao