

IN THE SUPREME COURT OF THE STATE OF NEVADA

RUTH COHEN, an individual,)
)
 Appellant/Cross-Respondent,)
)
 v.)
)
 PAUL PADDA, et al.)
)
 Respondents/Cross-Appellants.)
 _____)

Supreme Court Case No. 81018
 (Consolidated with Supreme Court
 Case No. 81172)
 Elizabeth A. Brown
 Clerk of Supreme Court
 On Appeal from District Court
 Case No. A-19-792599-B

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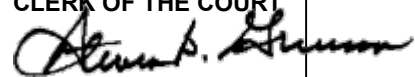
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24 **DISTRICT COURT**
25 **CLARK COUNTY, NEVADA**

26 RUTH L. COHEN, an Individual,
27
28 Plaintiff,

29 v.

30 PAUL S. PADDA, an individual; PAUL
31 PADDA LAW, PLLC, a Nevada professional
32 limited liability company; DOE individuals I-
33 X; and ROE entities I-X,

34 Defendants.

Case No. A-19-792599-B
Dept. No. XI

**DEFENDANTS' MOTION FOR
ATTORNEYS' FEES ~~ON AN ORDER~~
~~SHORTENING TIME FOR HEARING.~~**

Hearing Requested

35 Defendants Mr. Paul S. Padda, Esq. ("Mr. Padda") and Paul Padda Law, PLLC ("Padda
36 Law") (collectively, "Defendants"), by and through their undersigned counsel, file the following
37 Motion for Attorneys' Fees (the "Motion").

38 ///

1 This Motion is made and based on the attached Memorandum of Points and Authorities,
2 NRCP 54(d), NRCP 68, NRS 17.117, the papers and pleadings on file in this action, and any oral
3 argument this Court may allow.

4 DATED this 10th day of March, 2020

5 HOLLAND & HART LLP

6
7 s/ J. Stephen Peek, Esq.

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15 *PAUL PADDA LAW, PLLC*
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ORDER SHORTENING TIME

IT IS SO ORDERED that **DEFENDANTS' MOTION FOR ATTORNEYS' FEES** will
be heard before in Dept. XI, on the _____ day of _____ 2020 at _____m.

DATED this _____ day of _____ 2020.

DISTRICT COURT JUDGE

**DECLARATION OF RYAN A. SEMERAD, ESQ. IN SUPPORT OF MOTION FOR
ORDER SHORTENING TIME**

Ryan A. Semerad, Esq., being first duly sworn, hereby deposes and says:

1. I am an associate with Holland & Hart, LLP, counsel for Defendants Paul S. Padda (“Mr. Padda”) and Paul Padda Law, PLLC (“PPL”) (collectively, “Defendants”). I am duly admitted to practice law in the State of Nevada. Unless stated otherwise, I make this declaration upon personal knowledge and would be competent to testify to the matters stated herein.

2. There exists good cause to hear Defendants’ Motion for Attorneys’ Fees (the “Motion”) on an order shortening time for hearing.

3. On February 18, 2020, the Court entered judgment against Plaintiff Ruth L. Cohen (“Plaintiff”) and in favor of Defendants on all of Plaintiff’s claims. Written notice of entry of judgment was served on all parties the same time.

4. Accordingly, under NRCP 54(d)(2)(B)(i), Defendants had twenty-one (21) days from February 18, 2020, or until March 10, 2020, to file a post-judgment motion for attorneys’ fees.

5. On February 21, 2020, Plaintiff filed a motion for reconsideration pursuant to EDCR 2.24. Plaintiff’s EDCR 2.24 motion is set for a hearing on March 23, 2020.

6. Given that this case is at the post-judgment phase, the best use of the Court’s limited time and the most cost-effective and efficient use of the parties’ and their counsel’s time would be to have Defendants’ Motion for Attorneys’ Fees set for hearing on the same day as Plaintiff’s EDCR 2.24 motion, or March 23, 2020. Setting Defendants’ Motion on March 23, 2020, allows Plaintiff to have sufficient time to file a response to the Motion while also ensuring that all of the remaining issues in this case are resolved in a timely and efficient manner.

7. Therefore, Defendants request that this Court grant his request for a hearing on shortened time and set the Motion for hearing on March 23, 2020.

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8. I declare under penalty of perjury that the foregoing statements are true.

DATED March 10, 2020.

/s/ Ryan A. Semerad
RYAN A. SEMERAD, ESQ.

1 **I. INTRODUCTION**

2 On December 18, 2019, Defendants Paul S. Padda, Esq. ("Mr. Padda") and Paul Padda
3 Law, PLLC ("Padda Law") (collectively, "Defendants") served Plaintiff Ruth L. Cohen
4 ("Plaintiff") with an offer of judgment pursuant to NRCP 68 to allow judgment to be taken against
5 Defendants and in favor of Plaintiff for the total sum of \$150,000.00, inclusive of all accrued
6 interest, costs, attorneys' fees, and other sums that Plaintiff could claim against Defendants in this
7 matter. Plaintiff rejected Defendants' offer of judgment by not accepting the offer within 14 days
8 after service.

9 On February 18, 2020, the Court entered an order granting Defendants' Motion for
10 Summary Judgment, disposing of all of Plaintiff's claims against Defendants, and entering
11 judgment against Plaintiff and in favor of Defendants. Thus, Plaintiff failed to obtain a more
12 favorable judgment after rejecting Defendants' offer of judgment. Accordingly, NRCP 68(f) and
13 NRS 17.117(10)-(11) permit Defendants to recover the reasonable attorneys' fees they actually
14 incurred from December 18, 2019, to present from Plaintiff.

15 Because Plaintiff's claims were not brought in good faith, Defendants' offer of judgment
16 was reasonable and in good faith in both its timing and amount, Plaintiff's decision to reject the
17 offer of judgment and proceed to trial was grossly unreasonable and in bad faith, and the fees
18 Defendants seek are reasonable and justified in amount, the Court should award the full amount of
19 attorneys' fees sought by Defendants, \$279,167.50, from Plaintiff.

20 **II. RELEVANT FACTS**

21 ***A. Case Background***

22 On April 9, 2019, Plaintiff filed her Complaint against Defendants alleging a variety of
23 claims that sought, at bottom, to recover 33.333% of attorneys' fees earned by Padda Law on
24 certain cases. *See generally* Complaint. The highest value cases Plaintiff sought to recover a
25 portion of the attorneys' fees from were *Moradi v. Nevada Property 1, LLC et al.*, Case No. A-14-
26 698824-C (the "Moradi Case"), and *Cochran v. Nevada Property 1, LLC et al.*, Case No. A-13-
27 687601-C (the "Cochran Case"). *See* Complaint at ¶¶ 42-64.

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1 In her initial disclosures, which she served on Defendants on June 17, 2019, Plaintiff
2 estimated her total compensatory damages at \$3,458,666.00, which was composed entirely of
3 Plaintiff's claims to 33.333% of the attorneys' fees in the Moradi Case, the Cochran Case, and one
4 other case, *Garland v. SPB Partners, LLC et al.*, Case No. A-15-724139-C (the "Garland Case").
5 Plaintiff's claim to 33.333% of the attorneys' fees in the Moradi Case comprised the overwhelming
6 majority of her estimated compensatory damages throughout her prosecution of this case as she
7 estimated that Defendants earned \$10,000,000.00 in attorneys' fees from the Moradi Case such
8 that she was supposedly owed \$3,333,333.00 from the Moradi Case, or about 96% of Plaintiff's
9 claimed compensatory damages. However, as the Court would ultimately determine, from the
10 very start of her action Plaintiff was barred from recovering any amount of attorneys' fees from
11 the Moradi Case (or any other case) because Plaintiff was voluntarily, knowingly, and intentionally
12 suspended from the practice of law and ethically barred from receiving attorneys' fees as a
13 nonlawyer at the time attorneys' fees were paid.

14 On or about April 6, 2017, Plaintiff was notified that she was suspended from the practice
15 of law by the Nevada Board of Continuing Legal Education pursuant to Nevada Supreme Court
16 Rule ("SCR") 212 for her failure to complete the 2016 Continuing Legal Education ("CLE")
17 requirements, as mandated by SCR 210. Plaintiff made a knowing and intentional decision to
18 remain suspended from the practice of law from April 6, 2017, until December 19, 2019, the day
19 after Defendants filed their motion for summary judgment in this case. See **Exhibit 1** (Excerpts
20 of Depo. Trans of Ruth L. Cohen from *McKenna v. Chesnoff* at 6:17-7:6.) ("And I don't intend to
21 pay them \$700 to get my license back when I'm not going to use it, so. . . . So, it's my protest.";
22 "And when I went to turn [the CLE credits] in, they said, Well, it will cost you \$700, and I said,
23 See you. I'm just not going to do it.").

24 Padda Law earned attorneys' fees from the Moradi Case on or about May 23, 2017, when
25 the parties reached a confidential settlement agreement. Padda Law earned attorneys' fees from
26 the Cochran Case in the spring of 2019 through a confidential settlement agreement.

27 Thus, Padda Law did not earn any attorneys' fees in the Moradi or Cochran Cases until
28 after Plaintiff was suspended from the practice of law on April 6, 2017. Accordingly, Plaintiff

1 was a nonlawyer for purposes of NRPC 5.4(a) at the time Padda Law earned attorneys' fees in the
2 Moradi and Cochran Cases and is forever barred from receiving any attorneys' fees from these
3 cases.

4 Furthermore, while Padda Law earned attorneys' fees from the Garland Case before April
5 6, 2017, Padda Law only earned \$51,590.00 such that Plaintiff's claimed 33.333% interest,
6 assuming it is valid (which it is not), would be \$17,196.67. And Plaintiff received \$51,500.00
7 from Defendants through a superseding buyout agreement related to any limited interest she may
8 have had in certain cases, including the Garland Case. Further still, Plaintiff herself alleges in her
9 Complaint that Defendants gave her \$50,000.00 "in or about the summer of 2017" supposedly
10 related to her demand for payment of fees from the Garland Case among others.¹ Therefore,
11 Plaintiff was not damaged as a result of and cannot show any damages² resulting from Defendants'
12 conduct as to the attorneys' fees earned in the Garland Case.

13 The Court recognized that Plaintiff has no right to any attorneys' fees when it granted
14 Defendants' motion for summary judgment. The Court specifically held that, because of Plaintiff's
15 knowing and intentional refusal to reinstate her law license between April 6, 2017, and December
16 19, 2019, Plaintiff was a nonlawyer prohibited from sharing attorneys' fees under NRCP 5.4(a)
17 during this time period. Accordingly, the Court concluded that there were no genuine issues of
18 material fact as to Plaintiff's claims for damages in this action and so Defendants were entitled to
19 judgment as a matter of law on each and all of Plaintiff's claims for relief.

20 ***B. Defendants' Offer of Judgment***

21 On or about December 18, 2019, two weeks after the close of discovery and the same day
22 Defendants filed their Motion for Summary Judgment, Defendants served Plaintiff with an offer
23 of judgment pursuant to NRCP 68 to resolve all claims and defenses in this action between
24 Defendants and Plaintiff. *See Exhibit 2* (attached herein). Defendants offered to allow judgment
25 to be taken against them and in favor of Plaintiff for "in the amount of **ONE HUNDRED FIFTY**

26
27 ¹Defendants deny that they made any payments related to Plaintiff's claimed interest in fees earned in certain cases,
including the Garland Case, in or about the summer of 2017.

28 ²Findings of Fact, Conclusions of Law, and Order and Judgement (entered Feb. 18, 2020) at page 9.

1 **THOUSAND DOLLARS and NO CENTS (\$150,000.00)** in order to resolve all claims between
2 the parties. This Offer of Judgment is inclusive of attorneys' fees, expenses, prejudgment interest,
3 and costs." *See id.* at 2. Plaintiff rejected Defendants' offer of judgment by not accepting the offer
4 within 14 days after service. *See* NRCP 68(e); NRS 17.117(9).

5 Two months later, on February 18, 2020, after the parties fully briefed extensive pretrial
6 motions, including twenty-two (22) motions *in limine*, as well as Defendants' dispositive motion
7 for summary judgment, and attended five (5) different hearings before this Court, the Court granted
8 Defendants' motion for summary judgment and entered judgment in their favor. Thus, Plaintiff
9 failed to obtain a more favorable judgment than Defendants' offer of judgment for \$150,000.00.

10 **III. DEFENDANTS ARE ENTITLED TO ATTORNEYS' FEES**

11 Because Plaintiff rejected Defendants' offer of judgment and failed to obtain a more
12 favorable judgment, Plaintiff is responsible for Defendants' reasonable attorneys' fees actually
13 incurred from December 18, 2019, onward. *See* NRCP 68(f)(2); NRS 17.117(10)(b). As described
14 in detail below, Defendants actually incurred \$279,167.50 in reasonable attorneys' fees from
15 December 18, 2019, to present to defend against Plaintiff's claim. Because each of the required
16 factors this Court must consider in evaluating a request for an award of attorneys' fees under NRCP
17 68 and NRS 17.117 weigh in favor of awarding attorneys' fees to Defendants here, the Court
18 should award Defendants the total amount of attorneys' fees they incurred.

19 **A. *Legal Standard***

20 NRCP 68 establishes the rules regarding offers of judgment. A party may serve an offer
21 of judgment "[a]t any time more than 10 days before trial." NRCP 68(a). If a party "rejects an
22 offer and fails to obtain a more favorable judgment," that party is responsible for "the offeror's
23 post-offer costs, applicable interest on the judgment from the time of the offer to the time of entry
24 of the judgment and reasonable attorneys' fees, if any be allowed, actually incurred by the offeror
25 from the time of the offer." NRCP 68(f)(2); NRS 17.117(10)(b); *see also RTTC Comms., LLC v.*
26 *The Saratoga Flier, Inc.*, 121 Nev. 34, 40–41, 110 P.3d 24 28 (2005).³

27 ³The Court should be aware that Defendants properly served an earlier offer of judgment, dated June 18, 2019, which
28 Plaintiff also rejected by failing to respond to it. Accordingly, Defendants are permitted to seek attorneys' fees dating
from June 18, 2019, to present pursuant to NRCP 68(f)(2) and NRS 17.117(10)(b), a sum that would be substantially

1 In determining whether to award attorneys' fees pursuant to NRCP 68, the Court must
2 evaluate certain factors identified in by the Nevada Supreme Court in *Beattie v. Thomas*, 99 Nev.
3 579, 668 P.2d 268 (1983) (the "*Beattie* factors"). *See Frazier v. Drake*, 131 Nev. 632, 641–42,
4 357 P.3d 365, 372 (Ct. App. 2015). Ultimately, however, the decision to award attorneys' fees
5 rests within the Court's discretion, and an appellate court will only review this Court's decision as
6 to an award of attorneys' fees for an abuse of discretion. *Id.* at 642, 357 P.3d at 372.

7 The *Beattie* factors require the Court to evaluate:

8 "(1) whether the plaintiff's claim was brought in good faith; (2) whether the
9 defendants' offer of judgment was reasonable and in good faith in both its timing
10 and amount; (3) whether the plaintiff's decision to reject the offer and proceed to
11 trial was grossly unreasonable or in bad faith; and (4) whether the fees sought by
12 the offeror are reasonable and justified in amount."

13 *Beattie*, 99 Nev. at 588-89, 668 P.2d at 274.

14 "[N]o one factor under *Beattie* is determinative and [the Court] has broad discretion to
15 grant [a] request [for attorneys' fees under NRCP 68] so long as all appropriate factors are
16 considered." *Yamaha Motor Co., U.S.A. v. Arnoult*, 114 Nev. 233, 252 n.16, 955 P.2d 661, 673
17 n.16 (1998). The first three *Beattie* factors require the Court to consider the parties' motives in
18 making or rejecting an offer of judgment and continuing the litigation. *See Frazier*, 131 Nev. at
19 642, 357 P.3d at 372. The fourth *Beattie* factor requires the Court to consider the amount of fees
20 requested. *See id.*

21 When considering the amount of attorneys' fees requested under the fourth *Beattie* factor,
22 the Court's analysis turns on the factors set forth in *Brunzell v. Golden Gate Nat'l Bank*, 85 Nev.
23 345, 455 P.2d 31 (1969) (the "*Brunzell* factors"). *Brunzell* requires this Court to consider the
24 following in determining the reasonableness of the attorneys' fees requested:

25 (1) the qualities of the advocate: his ability, his training, education, experience,
26 professional standing and skill; (2) the character of the work to be done: its
27 difficulty, its intricacy, its importance, time and skill required, the responsibility
28 imposed and the prominence and character of the parties where they affect the
importance of the litigation; (3) the work actually performed by the lawyer: the
skill, time and attention given to the work; (4) the result: whether the attorney was
successful and what benefits were derived.

greater than the fees Defendants seek in this Motion. Nevertheless, Defendants elect to only seek attorneys' fees from
the date of their later offer of judgment to present.

1 *Brunzell*, 85 Nev. at 349, 455 P.2d at 33.

2 “[I]n determining the amount of fees to award, the court is not limited to one specific
3 approach; its analysis may begin with any method rationally designed to calculate a reasonable
4 amount,” so long as the requested amount is reviewed in light of the *Brunzell* factors. *Haley v.*
5 *Dist. Ct.*, 128 Nev. 171, 178, 273 P.3d 855, 860 (2012).

6 ***B. Plaintiff Did Not Bring Her Claims in Good Faith***

7 The first *Beattie* factor for this Court’s consideration is whether Plaintiff brought her claims
8 in good faith. *See Beattie*, 99 Nev. at 588–89, 668 P.2d at 274. The answer is Plaintiff did not.

9 Plaintiff, by her own account, was an active member of the Nevada State Bar from 1976 to
10 April 6, 2017. *See* Complaint at ¶ 7 (noting that Plaintiff first became licensed to practice law in
11 Nevada in 1976); *see Exhibit 3* (Order of Suspension for Non-Compliant Members). In the four
12 decades that Plaintiff was admitted to practice law, Plaintiff spent nearly 30 years with the United
13 States Attorney’s Office for the District of Nevada and another 10 years in private practice.

14 The events chronicled in Plaintiff’s Complaint relevant to her claims against Defendants
15 span 2014 to 2017. *See generally* Complaint. And Plaintiff filed her Complaint on April 9, 2019.
16 The basic black letter law that nonlawyers may not share in attorneys’ fees earned by a lawyer and
17 that a suspension from the practice of law materially affects a person’s status as a lawyer remained
18 unchanged throughout the events described in Plaintiff’s Complaint and throughout the period of
19 time between those events and the day Plaintiff chose to file her Complaint. Moreover, it defies
20 credulity to suggest that, given Plaintiff’s extensive legal experience, Plaintiff did not know or
21 appreciate that NRPC 5.4 prohibits sharing attorneys’ fees with nonlawyers and/or that Plaintiff
22 did not understand that she was a nonlawyer prohibited from sharing in attorneys’ fees after her
23 suspension from the practice of law on April 6, 2017. Nevertheless, Plaintiff chose to file her
24 Complaint seeking a share of attorneys’ fees with either the express or implicit knowledge that she
25 was categorically prohibited from receiving any such fees.

26 As this Court knows, Plaintiff took an oath when she was admitted to practice law in
27 Nevada. That oath requires Plaintiff to “support, abide by and follow the Rules of Professional
28 Conduct as are now or may hereafter be adopted by the Supreme Court.” Yet, Plaintiff chose to

1 file an action to pursue a kind of compensatory damages that she was barred from obtaining by
2 those very same Rules of Professional Conduct. *See* NRPC 5.4(a). Thus, Plaintiff did not bring
3 her claims in good faith and the first *Beattie* factor weighs in favor of awarding Defendants the
4 attorneys' fees they incurred after December 18, 2019.

5 **C. Defendants' Offer of Judgment Was Reasonable and In Good Faith in Both Its**
6 **Timing and Amount**

7 The second *Beattie* factor requires district courts to evaluate "whether the . . . offer of
8 judgment was reasonable and in good faith in both its timing and amount." *Beattie*, 99 Nev. at
9 588, 668 P.2d at 274. "[T]here is no bright-line rule that qualifies an offer of judgment as per se
10 reasonable in amount; instead, the district court is vested with discretion to consider the adequacy
11 of the offer and the propriety of granting attorney fees." *Certified Fire Prot, Inc. v. Precision*
12 *Constr., Inc.*, 128 Nev. 371, 383, 283 P.3d 250, 258 (2012). Here, Defendants' offer of judgment
13 on December 18, 2019, for \$150,000.00 was reasonable and in good faith both in its timing and
14 amount.

15 Defendants' offer of judgment was reasonable and in good faith in its timing. First,
16 Defendants served their offer of judgment after discovery had closed, which permitted Plaintiff to
17 conduct extensive discovery to support her claims for relief and permitted Defendants to evaluate
18 the reasonable value of Plaintiff's claims in light of the evidence she had procured. Second,
19 Defendants served their offer of judgment at the same time they filed and served their Motion for
20 Summary Judgment, which allowed Plaintiff to consider whether the offer in light of the clear
21 legal flaws in her claims for relief as articulated in Defendants' dispositive motion. Third,
22 Defendants served their offer of judgment in advance of the motion *in limine* deadline as well as
23 the bulk of the pretrial deadlines in this case, which gave Plaintiff the opportunity to consider
24 settlement *before* the bulk of the necessary pretrial machinations had to be completed and attendant
25 costs had to be incurred. In short, Defendants timed their offer of judgment to give Plaintiff the
26 best vantage point to consider settling her claims in light of the legal infirmities of her case and
27 before Plaintiff had to incur most of the trial-specific costs, legal fees, and expenses.

28 ///

Defendants' offer of judgment was reasonable and in good faith in its amount. On November 20, 2019, Plaintiff served Defendants with an offer of judgment for \$2,974,999.00, *see Exhibit 4* (attached), down from the \$3,455,33.00 in compensatory damages and \$20,731,998.00 in total damages Plaintiff computed in her Eleventh Supplement Disclosures served on November 18, 2019, *see Exhibit 5* (attached). Then, on December 2, 2019, Plaintiff served her Twelfth Supplement Disclosure, the last such disclosure before Defendants served their December 18, 2019, offer of judgment, wherein Plaintiff calculated her compensatory damages at \$3,314,227.49 and her total damages at \$26,513,819.88. *See Exhibit 6* (attached). But, Plaintiff's damages calculations always fundamentally depended on her entitlement to attorneys' fees from the Moradi Case and the Cochran Case, which constituted 95% of her compensatory damages. Given that Plaintiff's suspension from the practice of law at the time attorneys' fees were earned in the Moradi and Cochran Cases prevented Plaintiff from recovering any amount of these fees and given that Plaintiff incurred no damages from the Garland Case, Plaintiff's compensatory damages—using her own disclosures—would be \$150,522.18 from "Other Contingency Matters for Clients Who Retained C & P Prior to 12/31/2014." *See Exhibit 6* at 15-16. Thus, while Defendants disputed (both then and now) that Plaintiff could ever recover any amount of attorneys' fees from any matters, Defendants' offer of judgment for \$150,000.00 accounted for 99.7% of Plaintiff's claimed compensatory damages for these "other" cases. Accordingly, by Plaintiff's own disclosures and damages computation, Defendants' December 18, 2019, offer of judgment for \$150,000.00 was reasonable and in good faith in its amount.

For all these reasons, Defendants' offer of judgment was reasonable and in good faith both in its timing and amount. Thus, the second *Beattie* factor weighs in favor of awarding Defendants the attorneys' fees they actually incurred after December 18, 2019.

D. Plaintiff's Decision to Reject Defendants' Offer of Judgment and Proceed to Trial Was Grossly Unreasonable and in Bad Faith

The third *Beattie* factor requires the Court to consider whether Plaintiff's rejection of Defendants' December 18, 2019, offer of judgment was "grossly unreasonable or in bad faith."

1 *See Yamaha Motor Co.*, 114 Nev. 252, 955 P.2d at 673. It is beyond reasonable dispute that
2 Plaintiff's rejection of Defendants' offer of judgment was grossly unreasonable and in bad faith.

3 As of December 18, 2019, Defendants had put Plaintiff on notice that her status as a
4 nonlawyer prevented her from recovering any attorneys' fees and so she must have known she had
5 little hope of recovering any attorneys' fees as a result (let alone over \$3 million worth of attorneys'
6 fees). Plaintiff effectively conceded the force of Defendants' position by giving up her two-and-
7 a-half year "protest" of the reinstatement fee she owed to the Nevada State Bar and having her law
8 license reinstated the day after Defendants filed their Motion for Summary Judgment. Yet,
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2. The Character and Nature of the Litigation

This litigation arose out of Plaintiff’s claims that Defendants defrauded her out of a 33.333% interest in the gross attorneys’ fees from certain contingency fee cases that Defendants knew would be worth millions of dollars. Plaintiff estimated her damages between \$20 and \$30 million throughout the course of this case necessitating Defendants to defend themselves vigorously. Moreover, Plaintiff requested and received a preferential trial setting, which accelerated the pace of this case dramatically requiring Defendants and their attorneys to dedicate significant time, money, and resources in a short period of time to prepare for a jury trial of Plaintiff’s claims.

Throughout discovery in this case, Plaintiff repeatedly ignored her obligations under the Nevada Rules of Civil Procedure by hiding highly relevant and damaging email communications with supposedly key witnesses and providing demonstrably false testimony in the form of her own deposition testimony and responses to written discovery requests. *See generally* Defendants’ Motion to Compel the Production of Certain Documents; Defendants’ Motion for Sanctions.

1 See *Yamaha Motor Co.*, 114 Nev. 252, 955 P.2d at 673. It is beyond reasonable dispute that
2 Plaintiff's rejection of Defendants' offer of judgment was grossly unreasonable and in bad faith.

3 As of December 18, 2019, Defendants had put Plaintiff on notice that her status as a
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6 fees). Plaintiff effectively conceded the force of Defendants' position by giving up her two-and-
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Moreover, Plaintiff filed numerous motions for protective order in a naked effort to stonewall Defendants' good-faith efforts to obtain relevant documents through the proper NRCP 45 subpoena process or to prevent Defendants from asking damaging questions to Plaintiff's most favorable witness. *See* Plaintiff's Motion for Protective Order Regarding the Deposition of Karla Koutz; Plaintiff's Motion for Protective Order Regarding Defendants' Subpoena to Daniel Kim, CPA, P.C.; Plaintiff's Motion for Protective Order Regarding Defendants' Subpoena to NP Texas, LLC; Plaintiff's Motion for Protective Order Regarding Defendants' Amended Subpoena Duces Tecum to Wells Fargo, N.A.

What's more, Plaintiff's claims were predicated largely on her own self-serving testimony and her attempts to dredge up negative stories about Defendants and any fact witnesses who had testimony favorable to Defendants. Plaintiff's attempt to prosecute her claims via a smear campaign against Defendants and any witness who had testimony favorable to Defendants required Defendants to fully brief fourteen (14) motions *in limine* in anticipation of a 4-week jury trial.

Because of the highly inflammatory claims Plaintiff was making against Defendants, the high stakes of this litigation given Plaintiff's estimated damages, and the deeply troubling nature of Plaintiff's litigation strategy and conduct during discovery, the nature of this litigation justifies the fees incurred by Defendants.

3. The Work Actually Performed by the Advocates

In addition to requesting attorneys' fees with this Motion, counsel for Defendants performed, among other things, the following tasks *after* Defendants served Plaintiff with their December 18, 2019 offer of judgment, which Plaintiff rejected:

- Legal research on numerous topics, including (but not limited to):
 - Fee sharing with nonlawyers;
 - The effects of an administrative suspension from the practice of law on a person's ability to collect attorneys' fees;
 - Partnership duties and the effects of dissolution of a partnership on those duties; and

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- Fraudulent concealment and the duty of disclosure element required to plead and prove a claim of fraudulent concealment under Nevada state law;
- Drafting pleadings and motions, including (but not limited to):
 - Defendants' Reply in Support of Motion for Summary Judgment;
 - Defendants' fourteen (14) Motions *in Limine* and Replies in Support Thereof;
 - Defendants' Oppositions to Plaintiff's eight (8) Motions *in Limine*;
 - Defendants' Opposition to Plaintiff's Motion to Extend Deadline and Establish Briefing Schedule;
 - Defendants' Opposition to Plaintiff's Motion to Adopt Plaintiff's Version of the Proposed Jury Questionnaire;
 - Defendants' Motion to Compel Plaintiff to Produce Certain Documents that are Relevant and Material to this Case and Reply in Support Thereof;
 - Defendants' Motion for Sanctions and Reply in Support Thereof;
 - Defendants' Motion for Attorneys' Fees;
 - Defendants' Opposition to Plaintiff's Motion for Reconsideration;
 - Defendants' Opposition to Plaintiff's Motion to Retax Costs;
- Attending and participating in the second day of three (3) continued depositions noticed by Plaintiff;
- Identifying, retaining, corresponding with, and disclosing an expert witness after the close of discovery due to Plaintiff's claims about the evidence in this case;
- Preparing, serving, and filing Defendants' pretrial disclosures pursuant to NRCP 16.1(a)(3);
- Reviewing Plaintiff's pretrial disclosures pursuant to NRCP 16.1(a)(3);
- Preparing, serving, and filing a joint pretrial memorandum in compliance with EDCR 2.67;
- Preparing Defendants' proposed jury questionnaire;
- Reviewing Plaintiff's proposed jury questionnaire;

- Preparing all necessary documents, exhibits, and other demonstrative items in preparation for a jury trial; and
- Attending about five (5) hearings before the Court and making oral presentations at these hearings where appropriate.⁵

A detailed itemization of the time spent, each professional's billing rate, the matters involved, and costs incurred is described in the accounting attached to each of the aforementioned declarations: the Peek Declaration at **Exhibit 7-A** and the Peterson Declaration at **Exhibit 8-A**.

Because of Plaintiff's failure to accept Defendants' offer of judgment, Defendants incurred attorneys' fees in connection with their defense against Plaintiff's claims. Defendants' counsel spent considerable time in performing the work outlined above and detailed in the exhibits referred to after December 18, 2019, the date of Defendants' offer of judgment. Thus, the Court ought to award the total amount of attorneys' fees incurred by Defendants from June 18, 2019, to date, or \$279,167.50.⁶

4. The Result

The result obtained by Defendants in this matter clearly demonstrates the reasonableness of the fees requested herein. After about two (2) months of intensive trial preparation *after* Defendants served their December 18, 2019, offer of judgment for \$150,000.00 on Plaintiff, the Court entered summary judgment in favor of Defendants on all of Plaintiff's claims on February 18, 2020. Plaintiff completely failed on all of her claims, which sought upwards of \$27 million. Based upon the result obtained, the attorneys' fees incurred by Defendants herein are reasonable and the Court should award them.

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⁵See **Exhibit 4** at ¶ 16; **Exhibit 5** at ¶ 13.

⁶This figure is the sum of the actual attorneys' fees Defendants incurred from Holland & Hart and Peterson Baker. Defendants anticipate that they will continue to incur fees through any hearing on this Motion, Plaintiff's Motion for Reconsideration, and/or Plaintiff's Motion to Retax Costs and reserve the right to supplement this amount at the time of the hearing on this Motion. Defendants also reserve the right to supplement this amount for any fees incurred on and after any appeals from the Court's Order Granting Defendants' Motion for Summary Judgment. *See In re Estate & Living Tr. of Miller*, 125 Nev. 550, 555, 216 P.3d 239, 243 (2009) ("We therefore hold that the fee-shifting provisions in NRCP 68 and NRS 17.115 extend to fees incurred on and after appeal.").

1 **IV. CONCLUSION**

2 Because Plaintiff rejected Defendants' December 18, 2019, offer of judgment and failed to
3 obtain a more favorable judgment, Defendants are entitled to and respectfully request an award of
4 its reasonable attorneys' fees actually incurred from December 18, 2019, to present in the total
5 amount of \$279,167.50 against Plaintiff.

6 DATED this 10th day of March, 2020

7 HOLLAND & HART LLP

8
9 s/ J. Stephen Peek, Esq.

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11 Ryan A. Semerad, Esq.
12 9555 Hillwood Dr., 2nd Floor
Las Vegas, NV 89134

13 Tamara Beatty Peterson, Esq.
14 Nikki L. Baker, Esq.
15 701 S. 7th Street
Las Vegas, NV 89101

16 *Attorneys for Defendants PAUL S. PADDA and*
17 *PAUL PADDA LAW, PLLC*
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19
20
21
22
23
24
25
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27
28

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of March, 2020, a true and correct copy of the foregoing **DEFENDANTS' MOTION FOR ATTORNEYS' FEES ~~ON AN ORDER~~ SHORTENING TIME FOR HEARING** was served by the following method(s):

☒ **Electronic:** by submitting electronically for filing and/or service with the Eighth Judicial District Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

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Liane K. Wakayama, Esq.
Jared M. Moser, Esq.
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Las Vegas, NV 89145
lwakayama@maclaw.com
jmoser@maclaw.com

CAMPBELL & WILLIAMS
Donald J. Campbell, Esq.
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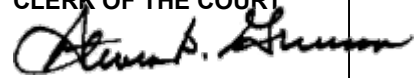
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/s/ C. Bowman
An Employee of Holland & Hart LLP

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1 **APEN**

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26 *Attorneys for Defendants Paul S. Padda*
27 *and Paul Padda Law, PLLC*
28

DISTRICT COURT

CLARK COUNTY, NEVADA

18 RUTH L. COHEN, an individual,
19
20 Plaintiff,

21 v.

22 PAUL S. PADDA, an individual; PAUL
23 PADDA LAW, PLLC, a Nevada professional
24 limited liability company; DOE individuals I-X;
25 and ROE entities I-X,

26 Defendants.
27
28

Case No.: A-19-792599-B
Dept. No.: XI

**APPENDIX OF EXHIBITS TO
DEFENDANTS' MOTION FOR
ATTORNEYS' FEES**

26 Defendants Paul S. Padda and Paul Padda Law, PLLC (collectively, "Defendants"), by
27 and through their counsel of record, Holland & Hart LLP and Peterson Baker, PLLC, hereby
28 submit the following Appendix of Exhibits to Defendants' Motion for Attorneys Fees.

Exhibit	Description	Page(s)
1	Excerpts of Deposition Transcript of Ruth L. Cohen from <i>McKenna v. Chesnoff</i>	001-018
2	December 18, 2019 Offer of Judgment	019-021
3	Order of Suspension for Non-Compliant Members	022-032
4	November 20, 2019 Offer of Judgment	033-036
5	Plaintiff's Eleventh Supplement Disclosures	037-051
6	Plaintiff's Twelfth Supplement Disclosure	052-068
7	Declaration of J. Stephen Peek, Esq.	069-073
8	Detailed itemization of the time spent	074-114
9	Declaration of Tamara Beatty Peterson, Esq.	115-120
10	8-A Detailed itemization of the time spent	121-148

DATED this 24th day of March, 2020.

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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of March 2020, a true and correct copy of the foregoing **APPENDIX OF EXHIBITS TO DEFENDANTS' MOTION FOR ATTORNEYS**

FEES was served by the following method(s):

- ☒ Electronic: by submitting electronically for filing and/or service with the Eighth Judicial District Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following email addresses:

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EXHIBIT 1

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * * * *

MICHELLE McKENNA,)	
Plaintiff,)	
)	
vs.)	CASE NO.
)	2:14-CV-01773-JAD-CWH
DAVID Z. CHESNOFF, CHTD. P.C.)	
d/b/a CHESNOFF & SCHONFELD;)	
DAVID Z. CHESNOFF, and RICHARD)	
A. SCHONFELD,)	
)	
Defendants.)	
)	

VIDEOTAPED DEPOSITION OF RUTH COHEN, ESQ.

Taken on Thursday, January 4, 2018

At 10:15 a.m.

Las Vegas, Nevada

REPORTED BY: CHRISTY LYN DeJONKER, CCR NO. 691
JOB NO.: 438601

<p style="text-align: right;">Page 2</p> <p>1 VIDEOTAPED DEPOSITION OF RUTH COHEN, ESQ. 2 taken on Thursday, January 4, 2018, at 10:15 a.m., at 3 3770 Howard Hughes Parkway, Suite 300, Las Vegas, 4 Nevada, before Christy Lyn DeJonker, Certified Court 5 Reporter, in and for the State of Nevada. 6 7 APPEARANCES: 8 For the Plaintiff: 9 KELLY B. STOUT, ESQ. BAILEY KENNEDY 10 8984 Spanish Ridge Avenue Las Vegas, Nevada 89148 11 (702) 562-8820 kstout@baileykennedy.com 12 13 For the Defendants: 14 SEAN D. COONEY, ESQ. THORNDAL, ARMSTRONG, DELK, 15 BALKENBUSH & EISINGER 1100 East Bridger Avenue 16 Las Vegas, Nevada 89101 (702) 366-0622 17 sdc@thorndal.com 18 19 The Videographer: 20 J.P. MARRETTA 21 22 Also Present: RICHARD SCHONFELD MICHELLE MCKENNA 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 THE VIDEOGRAPHER: This is the beginning of 2 Media No. 1 in the deposition of Ruth Cohen in the 3 matter of McKenna versus Chesnoff and Schonfeld, held 4 at Litigation Services on January 4th, 2018, at 5 10:15 a.m. The court reporter is Christy DeJonker. I 6 am J.P. Marretta, the videographer, an employee of 7 Litigation Services. This deposition is being 8 videotaped at all times unless specified to go off the 9 video record. 10 11 Would all present please identify themselves, 12 beginning with the witness. 13 THE WITNESS: Ruth Cohen. I'm the witness. 14 MS. STOUT: Kelly Stout, counsel for 15 Ms. McKenna. Also present with me today is 16 Ms. McKenna. 17 MR. COONEY: I'm Sean Cooney. Attorney for 18 David Chesnoff, Richard Schonfeld, and the law firm of 19 Chesnoff & Schonfeld. 20 THE VIDEOGRAPHER: Thank you. Will the court 21 reporter please swear in the witness. 22 Thereupon -- 23 RUTH COHEN, ESQ., 24 was called as a witness, and having been first duly 25 sworn, was examined and testified as follows: THE WITNESS: Sure. Before we start, does</p>
<p style="text-align: right;">Page 3</p> <p>1 I N D E X 2 WITNESS: RUTH COHEN, ESQ. 3 EXAMINATION FURTHER EXAMINATION 4 By Mr. Cooney: 5 5 6 7 8 9 E X H I B I T S 10 11 Exhibit No. Description Page 12 1 Plaintiff's Offer of Judgment 45 13 2 Confidential Mediation Statement 65 14 3 Lien for Attorney's Fees 65 15 16 17 INFORMATION TO BE SUPPLIED 18 19 Page Line 20 41 11 21 22 23 24 25</p>	<p style="text-align: right;">Page 5</p> <p>1 anybody else hear that noise coming from the other 2 room? 3 MR. COONEY: Yes, I hear it. And I don't 4 know what can be done about it. 5 THE WITNESS: Okay. 6 MR. COONEY: I think they're having a 7 telephonic deposition. 8 THE WITNESS: Oh, all right. It's kind of 9 loud. I'm hard of hearing on the right side. 10 EXAMINATION 11 BY MR. COONEY: 12 Q. Good morning, Ms. Cohen. 13 A. Good morning. 14 Q. My name is Sean Cooney. We met once before, 15 I think about a year ago. I represent David Chesnoff, 16 Richard Schonfeld and their firm, Chesnoff & Schonfeld 17 in McKenna's suit against them. 18 Now, we were talking off the record prior to 19 the deposition. I believe you said that you retired; 20 is that correct? 21 A. Fully retired, yes. 22 Q. And prior to retirement, you were a 23 practicing lawyer? 24 A. Yes. 25 Q. Okay. As a practicing lawyer, did you take</p>

<p style="text-align: right;">Page 6</p> <p>1 many depositions?</p> <p>2 A. Hundreds.</p> <p>3 Q. Okay. So is it fair to say that you're</p> <p>4 familiar with the deposition process?</p> <p>5 A. I know it by heart, yeah.</p> <p>6 Q. So if it's okay with you, I'm just going to</p> <p>7 dispense with the admonitions. We don't have to go</p> <p>8 through all of those.</p> <p>9 Is that fine?</p> <p>10 A. That's fine.</p> <p>11 Q. Great. Now, even though you're retired, do</p> <p>12 you still maintain an active law license?</p> <p>13 A. I don't.</p> <p>14 Q. Are you, like, in inactive status?</p> <p>15 A. No. I am suspended from the practice of law.</p> <p>16 Q. And what was the basis for the suspension?</p> <p>17 A. I didn't complete my CLEs. I'm 11 credits</p> <p>18 short. And I don't intend to pay them \$700 to get my</p> <p>19 license back when I'm not going to use it, so. And I</p> <p>20 don't know if you know this or not, but you have to</p> <p>21 continue to pay and go to school until you're 70. They</p> <p>22 don't let you off the hook, even if you're retired from</p> <p>23 the practice of law. It's ridiculous. So it's my</p> <p>24 protest.</p> <p>25 Q. When was your license suspended?</p>	<p style="text-align: right;">Page 8</p> <p>1 A. No.</p> <p>2 Q. Given that you're a lawyer, I'm going to sort</p> <p>3 of skip the standard educational background stuff. And</p> <p>4 I just want to start with your law school and move</p> <p>5 forward. Where did you go to law school?</p> <p>6 A. Seaton Hall University School of Law.</p> <p>7 Q. Where is that?</p> <p>8 A. Actually, the school of law is located in</p> <p>9 Newark, New Jersey. The main campus is in East Orange,</p> <p>10 New Jersey.</p> <p>11 Q. When did you graduate from law school?</p> <p>12 A. I guess before you were born. 1975.</p> <p>13 Q. That was before I was born. It was the year</p> <p>14 my brother was born.</p> <p>15 A. Thought so.</p> <p>16 Q. And after graduating law school, did you take</p> <p>17 the bar exam here in Nevada?</p> <p>18 A. No. I took the New Jersey bar exam.</p> <p>19 Q. Okay. And I assume you passed that?</p> <p>20 A. I did.</p> <p>21 Q. And how long did you practice in New Jersey?</p> <p>22 A. I didn't. I moved here.</p> <p>23 Q. Okay. When did you move to Nevada?</p> <p>24 A. I moved to Nevada in February of 1976.</p> <p>25 Q. Did you take the bar at that time?</p>
<p style="text-align: right;">Page 7</p> <p>1 A. I don't know. Last year sometime. The</p> <p>2 credits were for 2016. Like I said, I was 11 credits</p> <p>3 short. I bought classes, took them. And when I went</p> <p>4 to turn them in, they said, Well, it will cost you</p> <p>5 \$700, and I said, See you. I'm just not going to do</p> <p>6 it.</p> <p>7 Q. Okay. When did you retire?</p> <p>8 A. Well, I partially retired, like, two years</p> <p>9 ago. I was only working part-time. I think it was two</p> <p>10 years ago. I fully retired -- well, I like to say this</p> <p>11 summer, but it was really before that because there was</p> <p>12 no -- I was only doing consults and there was no work</p> <p>13 coming in. So I would go to the office, look at my</p> <p>14 computer and do some paperwork, but I didn't meet with</p> <p>15 any clients, because we didn't have any. I mean,</p> <p>16 employment clients. We had plenty of clients.</p> <p>17 Q. Okay. Before we get a little more into that,</p> <p>18 I just wanted to ask you some background questions.</p> <p>19 Did you do anything to prepare for the</p> <p>20 deposition today?</p> <p>21 A. No.</p> <p>22 Q. Didn't review any documents?</p> <p>23 A. No.</p> <p>24 Q. Did you speak with anybody prior to coming in</p> <p>25 today?</p>	<p style="text-align: right;">Page 9</p> <p>1 A. I did.</p> <p>2 Q. Were you licensed in Nevada also in '76?</p> <p>3 A. Yes.</p> <p>4 Q. And who did you go to work for after becoming</p> <p>5 licensed?</p> <p>6 A. I started with the Clark County District</p> <p>7 Attorney's office.</p> <p>8 Q. And how long did you work for them?</p> <p>9 A. About a year and a half.</p> <p>10 Q. So starting in '76 through --</p> <p>11 A. No, I started January '77.</p> <p>12 Q. Okay. And you worked, you said, through</p> <p>13 1978?</p> <p>14 A. Yes, spring of 1978.</p> <p>15 Q. And after working for the DA's office, who</p> <p>16 did you work for?</p> <p>17 A. I worked for the Department of Justice,</p> <p>18 United States Attorney's office, District of Nevada.</p> <p>19 Q. And how long did you work for the U.S. DOJ?</p> <p>20 A. 29 years.</p> <p>21 Q. So you said you worked for the District of</p> <p>22 Nevada. Was there a particular division you worked for</p> <p>23 while at the DOJ?</p> <p>24 A. No, it covered the whole state. There is a</p> <p>25 Reno office, but that's a satellite office of the main</p>

<p style="text-align: right;">Page 10</p> <p>1 office here. So they loosely divide the state for 2 purposes of federal courts. I did cases up in Reno. 3 So I was primarily assigned to the Southern Nevada 4 office. 5 Q. Okay. Were there particular types of cases 6 that you handled as a U.S. attorney? 7 A. Yes. The first eight years was criminal, and 8 then I switched to the civil side and did 21 years 9 civil. 10 Q. In your -- while you were working on the 11 civil side of things, was there a particular practice 12 area that you focused on, in terms of the case, 13 antitrust or something else of that nature? 14 A. I did a variety of cases. I did almost all 15 of the medical malpractice cases initially. I did 16 employment discrimination, all types. I did Bivens 17 actions. I'm sure there's other things. I can't think 18 of them right now. I represented the United States 19 anytime anybody sued it, and they sued it a lot. 20 Q. I assume the med mal, that would be med mal 21 defense -- 22 A. Right. 23 Q. -- where somebody that worked for the United 24 States was accused of -- 25 A. Military usually, VA.</p>	<p style="text-align: right;">Page 12</p> <p>1 chiefs. 2 Q. Is there a reason why you in the 29 years you 3 were at the DOJ, that you never sought a supervisory 4 role? 5 A. Sought one? Maybe you haven't heard, but 6 this is the time of women, and they are all coming 7 forward. And there's all kinds of sexual 8 discrimination. I worked for a bunch of white men; a 9 lot of them were in the military and there weren't very 10 many women doing much of anything. Unless, of course, 11 they kissed the butts of the white men, then a couple 12 did get to be supervisors. Even the first female 13 United States attorney didn't do much to help the 14 situation. It was okay. I mean, I liked my job. It 15 was a real good job. Saw a lot of cases. I got to do 16 things lawyers never in their wildest dreams in their 17 entire careers would ever do. 18 Q. If I'm doing my math right, you left the 19 U.S. DOJ in 2007? 20 A. '7, I retired. 21 Q. Did you go into private practice in 2007? 22 A. I did. 23 Q. Did you open your own firm? 24 A. No. I worked for Atkins, Winner & Sherrod, 25 an insurance defense firm.</p>
<p style="text-align: right;">Page 11</p> <p>1 Q. Any prisoner cases? 2 A. I actually did a few of those; had a couple 3 of trials, actually. Hated them all. 4 Q. I'm not familiar with what a Bivens action 5 is. Can you explain that for me? 6 A. When an employee agent, official -- officer 7 of the United States is sued, they are often sued under 8 a -- there is a constitutional area, but they are often 9 sued under a Bivens form of action. And that's -- that 10 is how you saw a lot of federal agents get sued. It's 11 a constitutionally created cause of action. And 12 there's lots of defenses to it and it's really 13 successful. 14 Q. Other than the med mal, did you handle any 15 personal injury cases? 16 A. Yes, slip and falls, car accidents. 17 Q. What was sort of the highest job title you 18 held prior to leaving the DOJ? 19 A. Well, if you're not a supervisor, everybody 20 is an assistant United States attorney. I did a short 21 supervisory stint, but I was an assistant United States 22 attorney. 23 Q. About how long were you a supervisor for? 24 A. Oh, very short period of time. Maybe six 25 months. I was just filling in between different civil</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. What prompted you to leave the DOJ and go 2 into private practice? 3 A. I had earned a full retirement, and they were 4 giving incentives for people to go. And I said, Fine, 5 show me the door. I'm out the door. 6 Q. How long did you work for Atkin Winner? 7 A. I think it was about four years. Three and a 8 half, four years. 9 Q. 2011-ish, then? 10 A. Right. 11 Q. What did you do after Atkin Winner? 12 A. I went into practice with Paul Padda. 13 Q. Is that with the firm Cohen & Padda? 14 A. It was. He and I had been assistant U.S. 15 attorneys together. 16 Q. And did you stay with Mr. Padda through your, 17 I guess, partial retirement a couple of years ago and 18 full retirement this year -- or last year, I should 19 say. Now that we're in 2018. 20 A. Exactly. 21 Q. I'm sorry. Going back to your time with 22 Atkin Winner, what kind of cases did you handle for 23 them? 24 A. Well, it was an insurance defense firm. They 25 mostly did personal injury defense, but I think it was</p>

<p style="text-align: right;">Page 14</p> <p>1 CNA. It was an insurance company that liked me, and 2 they gave me all kinds of weird cases to do. Personal 3 injury, but weird ones, and I kind of liked that. I 4 was of counsel to them. So I was able to bill at 5 partner rate. 6 Q. Did you handle any plaintiff cases with Atkin 7 Winner? 8 A. Yes. 9 Q. Do you have any estimate as to what 10 percentage of your practice was plaintiff versus 11 defense? 12 A. I would say 10 percent was plaintiff. They 13 were my cases. The firm didn't give them to me. The 14 people came to me, and I took their cases. 15 Q. Were these also personal injury cases? 16 A. No. 17 Q. What types of cases were they mostly? 18 A. I can't give you a genre. I did a couple of 19 criminal defense matters. I did a couple of 20 contract-type cases, and then I did some plaintiff 21 personal injury. 22 Q. And then when you left Atkin Winner and 23 opened up the firm with Mr. Padda, did you continue to 24 do mostly defense work, or did your practice shift? 25 A. Oh, we shifted.</p>	<p style="text-align: right;">Page 16</p> <p>1 Ms. McKenna? 2 A. It was tried after, but it came in years 3 before. I was a full-time partner. It came into 4 Cohen & Padda. 5 Q. Going back to your time with the U.S. DOJ, I 6 just want to clarify. Do you recall how many TBI cases 7 you handled? 8 A. Just one. 9 Q. Any TBI cases, any defense cases with Atkin 10 Winner? 11 A. Oh, geez. The firm had one, and I did not 12 participate. 13 Q. So you did not personally handle any TBI 14 cases while at Atkin Winner? 15 A. No, I weighed in on the meetings, strategies 16 and stuff. But no, they didn't ask me to take any role 17 or take any depositions or anything. 18 Q. And while at Cohen & Padda, you referenced a 19 Cosmopolitan case. 20 A. Yes. 21 Q. Did you work actively in that case? 22 A. Initially I did, yes. 23 Q. And who was the firm that -- you made 24 reference to another firm coming in to help on the 25 case; is that correct?</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. Was Cohen & Padda exclusively a plaintiff 2 firm? 3 A. For the most part. We did do some criminal 4 defense, and I think we did a couple of, like, contract 5 cases for defendants. But primarily it was personal 6 injury on the plaintiff's side. 7 Q. And throughout your career and going all the 8 way back to your time with Clark County District 9 Attorney's office, did you ever handle any traumatic 10 brain injury cases? 11 A. We did do a couple, yeah. Uh-huh. 12 Q. Do you recall when those were? And when I 13 ask you that, I am saying exclusive of Ms. McKenna's 14 case. 15 A. I don't recall specifics, but somewhere when 16 I was in the U.S. Attorney's office there was somebody 17 that had traumatic brain injury. Then just recently in 18 a case that began when I was in the office, Paul -- 19 well, the firm he hired brought in the largest verdict 20 for any individual plaintiff, and that was brain 21 injury. 22 Q. That was the Cosmopolitan case? 23 A. Yes. 24 Q. But that case came in after you had 25 finished -- or after you finished working with</p>	<p style="text-align: right;">Page 17</p> <p>1 A. Well, they took over the litigation, yes. 2 Q. And who was that? 3 A. Brian Paddish. It's apparently a big 4 personal injury firm in California. 5 Q. Actually I have run into them several times. 6 I used to do defense work in Santa Barbara. 7 A. Oh, so you know who they are. 8 Q. So I've had some run-ins with Mr. Paddish. 9 A. Apparently people don't like him. 10 Q. He's an interesting character. Let's put it 11 that way. 12 In addition to this Cosmopolitan case, you 13 also had Ms. McKenna's case at Cohen & Padda; is that 14 correct? 15 A. Right. And I am thinking there was something 16 else, but it's not coming to mind right now. 17 Q. Now, my understanding is that Cohen & Padda 18 took over Ms. McKenna's case in -- at the very end of 19 July of 2013; is that correct? 20 A. I don't remember. 21 Q. Well, I should be able to find the 22 substitution of attorney. But in any event, there was 23 a substitution of attorney filed in the case, correct? 24 A. Yes. Absolutely. 25 Q. And it's your understanding that upon the</p>

<p style="text-align: right;">Page 18</p> <p>1 filing of a fully executed substitution of attorney, 2 then the new attorneys are then the attorneys of 3 record, correct? 4 A. Correct. 5 Q. So whatever the date on the substitution of 6 attorney is, that would be the date you guys officially 7 took over the case, correct? 8 A. Yeah, I would think so. I didn't prepare it 9 nor did I file it, but yes, I would think so. 10 Q. Prior to Cohen & Padda officially taking over 11 Ms. McKenna's case, how many traumatic brain injury 12 cases have you been involved in? 13 A. That is the same answer I just gave. It 14 didn't change. I didn't add anything to it. 15 Q. So the one from the U.S. Attorney's office 16 and then the Cosmopolitan case? 17 A. Yeah. 18 Q. How involved were you in the handling of 19 Ms. McKenna's case? 20 A. I was pretty much involved. I am the one 21 that took her to mediation. I met her, I spoke with 22 her, I got to know her. And then I spoke to Schonfeld 23 and the file came over. I read the file and went into 24 mediation. Paul is the one that drafted the motion and 25 appeared in court.</p>	<p style="text-align: right;">Page 20</p> <p>1 A. But it had to be pretty close to when we 2 filed the substitution of attorney, because we didn't 3 meet with her -- I don't think more than once -- twice 4 at the most. And we agreed to take her case. 5 Q. Do you recall how much time passed, roughly, 6 between the time that you met with her and when you 7 took over the case? 8 A. No, but it wouldn't have been a long period 9 of time, because we had to move quickly. The case had 10 been pending a long time. That's why she came to us in 11 the first place. 12 Q. Was Mr. Padda present at the meeting that you 13 had with Ms. McKenna the first time? 14 A. It was his practice to show up sometimes 15 during a meeting like that. I usually did it, and he 16 would come in and out. So I don't remember. 17 Q. Do you know how Ms. McKenna found you guys? 18 And by "you guys," I mean your law firm. 19 A. I know. I don't remember precisely. I think 20 one of her treating physicians referred her to us, but 21 I'm not positive on that. 22 Q. Do you know who that physician was? 23 A. I don't remember. 24 Q. And this first meeting you had with her, how 25 long did the meeting last?</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. Okay. Then let me do this, so I can try to 2 delineate a little better what your involvement was so 3 I don't have to go through every single part of the 4 file with you. 5 A. Okay. 6 Q. Do you recall when Ms. McKenna first 7 contacted Cohen & Padda? 8 A. I don't know. 9 Q. Were you the first person she made contact 10 with? 11 A. I'm not sure. Obviously it was either Paul 12 or I. I think I might have been the first person to 13 meet with her, but I don't know that I set the meeting. 14 In other words, what would often happen is, Paul or one 15 of the staff would say, Potential client coming in at 16 10:00. Can you take it? And I would just go in the 17 conference room and there was a potential client, you 18 know. So I'm not sure. 19 Q. Okay. Was the meeting that you are making 20 reference to, is that the first time that you had 21 spoken to Ms. McKenna? 22 A. Yes. 23 Q. Do you recall when that was? 24 A. No. 25 Q. Was it --</p>	<p style="text-align: right;">Page 21</p> <p>1 A. I don't remember. 2 Q. More than an hour? 3 A. I wouldn't think so. 4 Q. And what did she tell you about why she had 5 come into your firm? 6 MS. STOUT: Before you answer, we -- Sean and 7 I have had some discussions regarding attorney-client 8 privilege. And we are asserting attorney-client 9 privilege in general -- generally. However, we are not 10 going to assert it to the extent that it's 11 conversations that relate to the claims at issue in 12 this case. 13 MR. COONEY: Yeah, I know what you are 14 talking about. I am having trouble figuring out what 15 the delineation is. 16 THE WITNESS: Well, we could take a quick 17 break, and I could go get a fresh cup of coffee while 18 you two work it out. 19 MR. COONEY: Actually, that's probably a good 20 idea. Why don't we do that. 21 THE VIDEOGRAPHER: We are going off the 22 record. The time is 10:43. 23 (Whereupon, a recess was taken.) 24 (Whereupon, Mr. Richard Schonfeld joined 25 the deposition.)</p>

<p style="text-align: right;">Page 22</p> <p>1 THE VIDEOGRAPHER: We are back on the record. 2 The time is 11:00. 3 THE WITNESS: Can you hear me? 4 THE VIDEOGRAPHER: Perfect. 5 THE WITNESS: I put my own microphone on. I 6 just wanted to make sure. 7 BY MR. COONEY: 8 Q. Okay. Before we went off the record, I had 9 asked you a question about what you had discussed with 10 Ms. McKenna. Ms. Stout had interposed an objection on 11 attorney-client privilege. I'm going to try to break 12 my question down a little bit. 13 MS. STOUT: What might be useful is I can 14 clarify that I'm not asserting a privilege as to the 15 identification of topics discussed. And perhaps if 16 Ruth identified topics, it would be a little bit 17 simpler to proceed with respect to the privilege issue. 18 BY MR. COONEY: 19 Q. Okay. Without sort of getting into the 20 details of sort of the topic matters, what matters did 21 you discuss with Ms. McKenna at that first meeting that 22 you had with her? 23 A. Are the two of you kidding? Like I remember 24 the matters I discussed. We discussed her case and why 25 it was moving slowly and, you know, if we could help</p>	<p style="text-align: right;">Page 24</p> <p>1 an initial client meeting? 2 A. It's my practice to take notes. I am just 3 one of those people. But I don't always, especially if 4 I don't realize it's going to be a lengthy meeting and 5 I didn't bring a pad and a pen. I don't remember 6 whether I did or I didn't. If I did, they should be in 7 the file. If I didn't, it's not there. 8 Q. Did Ms. McKenna tell you anything at that 9 first meeting about her employment status at the time? 10 A. I am sure she did, but I don't remember. I 11 know she was no longer working at Pure. But I don't 12 recall if she told me that she had another job at the 13 time. Work was not easy for her because her mind 14 didn't work so good anymore. 15 Q. And how did you come to that conclusion? 16 A. Well, apparently she lost her job at Pure 17 because she couldn't add checks anymore. And according 18 to what she said, because of the almost strangulation 19 she suffered, her carotids were screwed up, and there 20 wasn't enough oxygen to go to the brain. 21 Q. This was information you had gotten from 22 Ms. McKenna? 23 A. Yes. 24 Q. When did Ms. McKenna decide to retain 25 Cohen & Padda? Was it at that meeting, some time</p>
<p style="text-align: right;">Page 23</p> <p>1 her. She was basically destitute. 2 Q. Did she tell you whether she had consulted 3 with any other lawyers other than Cohen & Padda? 4 A. No. 5 Q. And did you feel that you could help her out 6 with her case? 7 A. I felt we could try. 8 Q. And ultimately you did, correct? 9 A. Yes. 10 Q. Did she express to you at that meeting 11 whether or not she was upset with my clients in their 12 handling of her case? 13 A. She was extremely upset. 14 Q. Did she tell you why? 15 A. Taking too long. 16 Q. Is there any other reason she expressed to 17 you why she was upset with the handling? 18 A. I am not sure what she expressed. She 19 expressed other things, but I just don't recall them at 20 the time. 21 Q. Did you take notes of that first meeting with 22 Ms. McKenna? 23 A. Oh, boy. I do often take notes, but I don't 24 remember if I took them at that meeting. 25 Q. Is it your typical practice to take notes at</p>	<p style="text-align: right;">Page 25</p> <p>1 after? 2 A. I don't remember. I don't think she ever 3 said those words, at least not to me. 4 Q. But at some point thereafter, Ms. McKenna 5 signed a substitution of attorney, correct? 6 A. Correct. 7 Q. And you said that you called 8 Chesnoff & Schonfeld to get her file from them; is that 9 correct? 10 A. I think we sent over a fax, and I think 11 Richard Schonfeld called me. But I could have called 12 him. But I think he called me. 13 Q. Was that conversation in regard to 14 transferring the file, or did you also discuss the 15 substance of the case with him? 16 A. It was taking a little time to get the file, 17 so I know we discussed it. They were putting it 18 together. And we discussed, you know, why they were 19 losing the file and we were getting it. 20 Q. So basically, reasons why Ms. McKenna had 21 fired them and hired you? 22 A. Correct. 23 Q. Did you discuss the substance of the case 24 against Mr. Jones with Mr. Schonfeld? 25 A. I don't think we discussed that. I mean,</p>

<p style="text-align: right;">Page 26</p> <p>1 that was a given. No reason to discuss it.</p> <p>2 Q. How do you mean it was a given?</p> <p>3 A. He strangled her. I mean, that wasn't an</p> <p>4 issue.</p> <p>5 Q. Okay. Did you discuss any legal strategy</p> <p>6 matters with Mr. Schonfeld?</p> <p>7 A. No. Why would I -- that doesn't make any</p> <p>8 sense. I told him what he didn't do and why we were</p> <p>9 taking the case.</p> <p>10 Q. Okay. What was it that you told him that he</p> <p>11 had not done?</p> <p>12 A. You didn't sue all the right people. You</p> <p>13 weren't doing her case fast. She was upset about it.</p> <p>14 The woman couldn't work. But you didn't sue the right</p> <p>15 people. And we were hoping to get into court quick, so</p> <p>16 we could add these parties.</p> <p>17 Q. Okay. So other than not suing the proper</p> <p>18 parties and the speed at which the case wasn't</p> <p>19 prosecuted, anything else that you had told him that he</p> <p>20 had not done?</p> <p>21 A. I don't think so. I didn't just tell him.</p> <p>22 He asked me, and that's when I told him. I wouldn't</p> <p>23 have volunteered it.</p> <p>24 Q. Okay. But one way or the other, those are</p> <p>25 sort of the two main reasons that you relayed to</p>	<p style="text-align: right;">Page 28</p> <p>1 we did in a lot in those cases; have a medical eye look</p> <p>2 at it and tell us what we should know. Some of those</p> <p>3 records are very hard to read. Well, you know. You do</p> <p>4 defense work.</p> <p>5 Q. Now, after the review was done, did</p> <p>6 Cohen & Padda send out any additional requests for</p> <p>7 medical records, either through subpoenas or just</p> <p>8 having Michelle request them?</p> <p>9 A. I don't remember.</p> <p>10 Q. If those requests were made, would those have</p> <p>11 been documented in the file?</p> <p>12 A. Yes.</p> <p>13 Q. Now, I have not looked through the file in</p> <p>14 detail in quite some time, so I do not recall whether</p> <p>15 any such requests were made. But on the assumption</p> <p>16 that there were no requests made, would it be fair to</p> <p>17 conclude that you felt that the medical file was</p> <p>18 complete?</p> <p>19 A. I don't know if I felt that or not.</p> <p>20 Q. Let me see if I can shorten the question up</p> <p>21 and make it a little clearer. If you guys didn't ask</p> <p>22 for any more medical records, would it have been</p> <p>23 because you felt they were all there?</p> <p>24 A. It could have been that or it could have been</p> <p>25 that Michelle provided a bunch of records. I know one</p>
<p style="text-align: right;">Page 27</p> <p>1 Mr. Schonfeld about --</p> <p>2 A. It wasn't a pleasant conversation.</p> <p>3 Q. I imagine it wasn't. I am just trying to get</p> <p>4 at what it is you told him about why Michelle had fired</p> <p>5 them and hired you.</p> <p>6 A. Okay.</p> <p>7 Q. Did you try to get any type of background</p> <p>8 from Mr. Schonfeld on Ms. McKenna's sort of medical</p> <p>9 state at the time you took over the case?</p> <p>10 A. No. I mean, I think they turned over any</p> <p>11 medical records they had and we had the names of the</p> <p>12 physicians, so we could get all the records if we</p> <p>13 didn't feel that we got them all.</p> <p>14 Q. Did you review the medical records in</p> <p>15 Ms. McKenna's case?</p> <p>16 A. I know for sure I didn't review all the</p> <p>17 medical records. I may have reviewed some medical</p> <p>18 records. I know one of -- well, I didn't -- I didn't</p> <p>19 review all of the medical records.</p> <p>20 Q. Did somebody else at the firm do it for you?</p> <p>21 A. I believe so, yes.</p> <p>22 Q. Was it Mr. Padda or someone else?</p> <p>23 A. Well, he would have reviewed some of the</p> <p>24 records, but I think -- I think we might have sent them</p> <p>25 out to have them reviewed. I think. That is something</p>	<p style="text-align: right;">Page 29</p> <p>1 or more of her physicians did come up with records.</p> <p>2 But I don't know if it was -- if we already got them</p> <p>3 from Chesnoff & Schonfeld or whether we didn't and -- I</p> <p>4 don't know if it was duplicates or not duplicates. But</p> <p>5 I do know that Michelle came in with some records and</p> <p>6 one of her treating physicians. Don't ask me which</p> <p>7 one, but one of them provided some records. Again, it</p> <p>8 could have just been duplicates. I don't know, but I</p> <p>9 knew they came in. We moved pretty quickly to get into</p> <p>10 court, though.</p> <p>11 Q. Do you know -- do you know approximately the</p> <p>12 volume of the records that Michelle brought into you</p> <p>13 guys after you took the case over?</p> <p>14 A. I don't.</p> <p>15 Q. Do you recall what provider they were from?</p> <p>16 A. I don't.</p> <p>17 Q. Now, if Ms. McKenna had brought additional</p> <p>18 records in to your firm and given them, how would that</p> <p>19 be documented in your file? Like, if I wanted to go</p> <p>20 look at your file, how would I know what documents were</p> <p>21 provided by her after your retention?</p> <p>22 A. I'm not sure. I don't know how the computer</p> <p>23 document retention worked. We had been through a</p> <p>24 couple of different programs, so I'm just not sure. I</p> <p>25 don't know if it was -- I have often seen it put into a</p>

<p style="text-align: right;">Page 30</p> <p>1 folder saying "from client," but I don't know in her 2 case how it was -- I don't know who was maintaining the 3 file for us. We had a couple of different caseworkers 4 and a paralegal. I don't know how they put it in the 5 file. Maybe Paul himself put it in the file. I just 6 don't know. 7 Q. Now, I believe you testified that you didn't 8 recall whether the medical review had been done 9 in-house or whether you sent it out to somebody. Am I 10 remembering that right? 11 A. Yes. 12 Q. If it had been done in-house, would there 13 have been a memo generated regarding the medical 14 records? 15 A. I don't know. Oftentimes, yes. Sometimes 16 just a verbal conversation about, you know, look at 17 this. You know, look what's in the record. But I 18 don't know because it wasn't a conversation I had with 19 the paralegal or caseworker. You'd have to ask Paul. 20 Q. If you had sent the medical records out for 21 review, would the third-party reviewing service -- 22 would they have generated some kind of a memo for you 23 guys? 24 A. Oh, of course. They'd want to get paid. 25 Q. So if it was sent out to a third party, I</p>	<p style="text-align: right;">Page 32</p> <p>1 says, you know, plaintiff's records or plaintiff 2 brought in. Even if they were duplicates, we would 3 note what the plaintiff brought in, if they brought 4 something in later on. 5 Q. Do you recall asking Ms. McKenna to bring in 6 any particular records? 7 A. You know, I don't. I could have, but I don't 8 recall that I did. 9 Q. Did you do a review of the experts that had 10 been retained by Chesnoff & Schonfeld? And when I say 11 that, I mean look at the reports, see what topic there 12 is -- 13 A. I am sure I did, but I don't remember. 14 Q. Now, it's my understanding from the file, 15 that Cohen & Padda designated a couple of additional 16 experts to testify on Ms. McKenna's behalf; is that 17 correct? 18 A. I have a vague recollection of that. But if 19 you are going to ask me who, I am not going to 20 remember. If you want to tell me, I will see if it 21 refreshes my memory. 22 Q. Well, the first question I want to ask before 23 I get into that is, were you involved in the decision 24 to hire additional experts? 25 A. No.</p>
<p style="text-align: right;">Page 31</p> <p>1 could figure that out by looking at your file and 2 seeing if there was some kind of a memo from somebody 3 who wasn't Cohen & Padda doing that? 4 A. Correct. 5 Q. Now, in your experience, when you send 6 medical records out to a third party, is part of their 7 job to identify gaps in the records, letting you know 8 what else that you might want to go look for? 9 A. Certainly. 10 Q. And is it your practice when you get a memo 11 from one of these third-party reviewing services, if 12 they identify gaps, is it your practice to seek those 13 records? 14 A. Sure. Unless, like I said, the client said, 15 Oh, wait, I got a box. Because that has happened to us 16 where a client says, Oh, I have another box. 17 Q. And when I say, "seek the records," I don't 18 necessarily mean subpoenaing them or going directly to 19 the provider. I mean to also include asking your 20 client if they have a particular set of records. 21 A. But, yeah, that wouldn't be documented if we 22 asked the client. It would be documented if the client 23 brought in extra records. But like I said, I am not 24 sure how it would be documented on the computer. I 25 just know I have seen folders within our case file that</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. Is that a decision that Mr. Padda was 2 involved with? 3 A. Yes. 4 Q. Do you recall ever having conversations with 5 any new experts that the firm was intending to retain 6 on Ms. McKenna's behalf? 7 A. No. 8 Q. Do you recall being involved with decisions 9 on what documents or other evidence to provide to those 10 experts, so that they could do their expert work? 11 A. I don't remember doing that. 12 Q. Is this something that Mr. Padda handled? 13 A. He would have, or the medical expert would 14 have requested certain records. It would have been 15 provided to that expert. 16 Q. One of the experts that Cohen & Padda 17 disclosed on Ms. McKenna's behalf was Dr. Stan Smith. 18 Do you recall that name? 19 A. Yeah, that's the economist. 20 Q. Yes. 21 A. Yeah. 22 Q. Did you ever talk to Dr. Smith with regards 23 to Ms. McKenna's case? 24 A. I didn't. 25 Q. The other expert was a lifecare planner by</p>

<p style="text-align: right;">Page 34</p> <p>1 the name of Laura Lampton. Do you recall that name?</p> <p>2 A. No. That's not a lifecare planner I have</p> <p>3 used.</p> <p>4 Q. One of the first sort of items in court that</p> <p>5 I recall seeing after your taking over the case was an</p> <p>6 attempt to extend the discovery deadlines.</p> <p>7 Do you remember that?</p> <p>8 A. Yes.</p> <p>9 Q. Were you involved in the discussions with</p> <p>10 Jones' defense lawyer on trying to get that extension?</p> <p>11 A. Whose defense lawyer?</p> <p>12 Q. Mr. Jones. Patrick Jones. Were you</p> <p>13 involved -- and Matt Callister was his lawyer. Did you</p> <p>14 talk to Callister about getting the discovery</p> <p>15 extension?</p> <p>16 A. I believe I did, because I think I went to a</p> <p>17 deposition. I have known Matt Callister for years. So</p> <p>18 I know I was involved in a deposition at his office,</p> <p>19 but I don't know if it was on this case or not. I just</p> <p>20 don't remember.</p> <p>21 Q. Did you do any of the drafting for the --</p> <p>22 what was a joint motion to extend discovery?</p> <p>23 A. No. I stopped being able to use the computer</p> <p>24 for drafting quite a while ago. My hands just don't</p> <p>25 work.</p>	<p style="text-align: right;">Page 36</p> <p>1 Q. Now, after that conversation you had with</p> <p>2 Mr. Schonfeld, did you do any investigation, like, into</p> <p>3 who was responsible for providing the security at the</p> <p>4 Pure Nightclub that night?</p> <p>5 A. I don't remember, because we had to get into</p> <p>6 court to ask for permission to add new parties. We</p> <p>7 could have done that afterwards. The Court didn't</p> <p>8 allow it because we were out of time. So that was a</p> <p>9 real problem.</p> <p>10 Q. So the short answer is, no, you did not do</p> <p>11 any investigation as to who was responsible for the</p> <p>12 security at the Pure Nightclub that night?</p> <p>13 A. I think we had the name of the company.</p> <p>14 Q. Do you recall what the name of that company</p> <p>15 was?</p> <p>16 A. No, but it was either Pure or Caesars Palace</p> <p>17 that cut the security force a couple of weeks before</p> <p>18 this incident. And so failure to provide adequate</p> <p>19 security is a huge cause of action in all kinds of</p> <p>20 cases.</p> <p>21 Q. Did you ever determine who was responsible</p> <p>22 for making the decision to cut the security?</p> <p>23 A. No. We certainly would have if discovery had</p> <p>24 opened and we were allowed to add them as a party. But</p> <p>25 we weren't allowed to, so. I think you're not</p>
<p style="text-align: right;">Page 35</p> <p>1 Q. Did you appear in court for the hearing on</p> <p>2 that motion?</p> <p>3 A. Paul did.</p> <p>4 Q. Did you discuss with Mr. Callister the amount</p> <p>5 of time that you guys wanted in terms of the discovery</p> <p>6 extension?</p> <p>7 A. If I had a discussion with him, I'm sure I</p> <p>8 did. But I don't remember.</p> <p>9 Q. One of the reasons that you had told</p> <p>10 Mr. Schonfeld for the transfer of the file, was that he</p> <p>11 had not sued the right people.</p> <p>12 Do you remember that?</p> <p>13 A. Yes.</p> <p>14 Q. And who were the additional people that you</p> <p>15 felt should have been sued?</p> <p>16 A. If I remember correctly, Caesars Palace, for</p> <p>17 sure. Pure Nightclub, if they weren't already there,</p> <p>18 and the security force. There was a lack of security</p> <p>19 the night that Michelle got strangled.</p> <p>20 Q. The security force, was that a third-party</p> <p>21 company?</p> <p>22 A. I didn't know, but certainly it was something</p> <p>23 to explore. As you well know, in personal injury law</p> <p>24 you try to get as many pockets as you can. Sort it out</p> <p>25 later.</p>	<p style="text-align: right;">Page 37</p> <p>1 understanding the window of time we had. It was very</p> <p>2 short.</p> <p>3 Q. Notwithstanding whether or not Pure or</p> <p>4 Caesars were added as parties, you could have sent them</p> <p>5 a third-party subpoena to try to get information on</p> <p>6 these grounds, correct?</p> <p>7 A. Sure. Or taken depositions, yeah.</p> <p>8 Q. Do you recall ever doing that?</p> <p>9 A. I didn't.</p> <p>10 Q. Was there a person at your firm who sort of</p> <p>11 had final say on what to do on this case?</p> <p>12 A. Well, I guess that would have been Paul. He</p> <p>13 basically took over the litigation.</p> <p>14 Q. Now, if you wanted to do something on the</p> <p>15 case, would you have to run it by him, or was he</p> <p>16 letting you sort of do your own thing?</p> <p>17 A. I wouldn't run it by him, but I would let him</p> <p>18 know. I wouldn't want to conflict something he was</p> <p>19 doing. When we lost the ability to add parties and get</p> <p>20 a lot more discovery, I think there was mediation</p> <p>21 scheduled pretty quickly after that. A matter of a</p> <p>22 couple of months, I believe.</p> <p>23 Q. Does the name of Dr. Mark Haacke ring a bell</p> <p>24 to you?</p> <p>25 A. Not at all.</p>

<p style="text-align: right;">Page 38</p> <p>1 Q. I'll represent to you that Dr. Haacke -- and 2 I'm not actually sure if I am pronouncing it correctly. 3 It's spelled H-A-A-C-K-E -- was a Ph.D. my clients had 4 hired prior to Cohen & Padda taking over the case to 5 provide expert opinions in regards to vascular flow. 6 Does that refresh your memory at all? 7 A. No. 8 Q. Do you recall ever reviewing a report? 9 A. No. 10 Q. Does the name Dr. James Loong ring a bell to 11 you? Last name is spelled L-O-O-N-G. And, again, I 12 may be mispronouncing his name. 13 A. What's his area? 14 Q. Neuropsychology. 15 A. Yeah, I think it was a Chinese guy, if I 16 remember correctly. 17 Q. Do you recall reviewing his evaluation of 18 Ms. McKenna? 19 A. I think, yes, I did. 20 Q. Do you recall having any problems with his 21 evaluation? 22 A. I don't remember. 23 Q. Did you ever consider replacing Dr. Loong 24 with another expert in the same field? 25 A. I didn't.</p>	<p style="text-align: right;">Page 40</p> <p>1 talk to you that other than this issue with adding 2 receipts, that she was perfectly capable of doing all 3 other aspects of her job? 4 A. I don't know she ever said that, and I don't 5 think I asked her. Maybe she was; maybe she wasn't. I 6 don't know. We didn't discuss it. 7 Q. Did you ever consider having Ms. McKenna 8 evaluated by a vocational rehabilitation expert? 9 A. I didn't. 10 Q. Now, in terms of the additional experts that 11 were disclosed on Ms. McKenna's behalf, did you have 12 any involvement in preparing the expert disclosures 13 that were served on Ms. McKenna? 14 A. No. 15 Q. Do you know if Mr. Padda handled that? 16 A. We had another associate working with us, and 17 she might have done that, and he would have reviewed 18 it. I was mostly working employment and other cases. 19 Paul basically did the personal injury. That was his 20 choice. 21 Q. Do you recall that associate's name? 22 A. God, I can see her, and I can't think of her 23 name. I can't think of it right at the moment. It 24 will come to me. Probably at 3:00 a.m. 25 Q. Why don't we do this. We'll put a blank in</p>
<p style="text-align: right;">Page 39</p> <p>1 Q. Do you recall replacing any of the experts 2 that my client had hired? 3 A. I believe so, but I don't remember which one 4 and with whom. 5 Q. Now, I recall that one of the things you 6 discussed with Ms. McKenna at the first meeting you had 7 with her was her sort of inability to work; is that 8 correct? 9 A. Correct. 10 Q. And the reason she said -- or the reason she 11 told you why she had been fired from the Pure Nightclub 12 was inability to add receipts, I think is what you 13 said? 14 A. Checks, yeah. 15 Q. Was there any other reason that she expressed 16 to you as to why she had been fired from Pure? 17 A. No. 18 Q. Did she tell you that she had sued Pure for 19 wrongful termination at the time she came to you? 20 A. No. Sounds like a good idea, though. 21 Q. Are you aware that she has -- 22 A. No. 23 Q. -- that she has since sued this? 24 A. No. 25 Q. Did she tell you at the time that she came to</p>	<p style="text-align: right;">Page 41</p> <p>1 the transcript and -- 2 A. Okay. 3 Q. -- after the deposition is over, you will 4 have a chance to review it. And if you recall the name 5 at that time -- 6 A. That would be fine. 7 Q. -- put it in the blank. Or if it comes to 8 you at any point in the deposition, please feel free to 9 volunteer. 10 A. Okay. 11 (Please supply information on Certificate of Deponent 12 located on the second-to-the-last page hereof.) 13 BY MR. COONEY: 14 Q. In terms of who Cohen & Padda employed, you 15 would have records of that? 16 A. Oh, sure. 17 Q. Or the firm would have records of that, since 18 you are retired? 19 A. Of course. 20 Q. A question going back to your retirement, 21 even though you're retired, do you still have any 22 ownership interest in the firm of Cohen & Padda? 23 A. No. 24 Q. Does that firm still exist now? 25 A. No. It's Paul Padda.</p>

<p style="text-align: right;">Page 42</p> <p>1 Q. When you got the file from Chesnoff & 2 Schonfeld -- and when I say "the file," I mean their 3 file on Ms. McKenna's case against Mr. Patrick Jones. 4 A. Right. 5 Q. Did you review it for sort of like income and 6 work history documentation? 7 A. I don't know what that is. Income and work 8 history document? 9 Q. Basically, information about the amount of 10 money that Ms. McKenna had made before and after the 11 attack, her work history, such as who she had worked 12 for and how long. 13 A. Oh, I've never seen that. 14 Q. So you didn't look through the file for those 15 particular documents? 16 A. No. 17 Q. Is there a reason why you didn't do that? 18 A. Well, first of all, I wasn't tasked with 19 going through the file. Second of all, it was our 20 desire to get moving quickly and to get into court as 21 quickly as we can. We weren't looking at her income at 22 that time. It would have been something that would 23 have been done much later. We were trying, as I said, 24 to get to court to let us add parties. And we were 25 very late in the day for that. But we were hoping the</p>	<p style="text-align: right;">Page 44</p> <p>1 from Dr. Smith? 2 A. Well, that's possible. 3 Q. Do you recall ever seeing any requests by 4 Dr. Smith for additional information that he might need 5 to complete his work? 6 A. No. 7 Q. Now, Dr. Smith has his own company. Do you 8 recall seeing any e-mails from anybody else associated 9 with Dr. Smith's company? 10 A. I don't recall. I did get cc'd on a lot of 11 stuff, though. I mean, I'm talking about in general on 12 cases. Not necessarily Michelle's case, but cases. 13 Q. Notwithstanding the issue of what parties 14 were in the case, did you ever form an opinion on what 15 her case against Patrick Jones was worth? 16 A. I am sure that I did, and I am sure it was an 17 initial demand we made at the mediation with Gene 18 Porter. But I can't recall now. I would think it 19 would have been substantial. 20 Q. Do you recall if it was more than a million 21 dollars? 22 A. It could have been. 23 Q. More than 2 million? 24 A. Possible too. 25 Q. More than 5 million?</p>
<p style="text-align: right;">Page 43</p> <p>1 court might understand, and we didn't get to. 2 Q. Okay. And your answer sort of brings to mind 3 a follow-up, which is, did you ever direct anybody else 4 at your firm or a third-party, for that matter, to 5 review Ms. McKenna's file for the work history 6 documentation? 7 A. Not that I know of. This associate that we 8 hired was tasked, along with our paralegal, to put that 9 file together. And the associate was -- well, she came 10 with me to the mediation, but I don't know what 11 instruction Paul gave her with regard to summarizing 12 things in the file. But I know she was tasked with 13 that. 14 Q. Did you ever ask Ms. McKenna to provide your 15 firm with income documentation, tax returns, paystubs, 16 et cetera? 17 A. I didn't ask her. Somebody else could have. 18 I didn't do it. 19 Q. And I believe you previously testified that 20 you never spoke to Dr. Stan Smith? 21 A. No. I wouldn't know him if I fell over. 22 Q. Did you ever exchange emails with him? 23 A. No. 24 Q. Do you ever recall seeing an email maybe 25 where you were cc'd, but it wasn't directed to you,</p>	<p style="text-align: right;">Page 45</p> <p>1 A. Probably not. I know there was some surgical 2 procedure that Michelle wanted that was very expensive, 3 so that would have figured in there. 4 Q. Do you recall what that procedure was? 5 A. Something about opening up her carotids. 6 Q. Does the term "stent" ring a bell to you? 7 A. Well, it rings a bell to me because I know 8 that people with heart problems get it all the time. 9 So I don't know where stent -- where I have heard it. 10 So anyway, it was for her carotid arteries, though. 11 Q. Now, prior to the mediation, Cohen & Padda 12 served an offer of judgment on Matt Callister; is that 13 correct? 14 A. I don't remember. 15 Q. Let me see if I can find that. 16 A. How much was it for? 17 Q. Let me find it. I'm going to show you what 18 we will go ahead and mark as an exhibit to the 19 deposition. I'll represent to you that this is what I 20 understand to be the offer of judgment that was served. 21 (Exhibit 1 marked.) 22 THE WITNESS: It has the name of the 23 associate on the document. 24 BY MR. COONEY: 25 Q. Oh, it's on the document. Even better. Is</p>

<p style="text-align: right;">Page 46</p> <p>1 that Rachel Solo?</p> <p>2 A. That's correct.</p> <p>3 Okay. I have looked at it. It doesn't</p> <p>4 refresh my recollection, but it is my signature.</p> <p>5 Q. Okay. Well, I believe the --</p> <p>6 A. Do you want me to leave it here?</p> <p>7 Q. Yeah, that's fine. Leave it there. I</p> <p>8 believe the OJ was for \$500,000, correct?</p> <p>9 A. Correct.</p> <p>10 Q. Do you know why that number was chosen?</p> <p>11 A. Probably it had something to do with Jan</p> <p>12 Jones' homeowners insurance.</p> <p>13 Q. Okay. Well, I'll represent to you in my</p> <p>14 review of the file that Jan Jones' homeowners insurance</p> <p>15 policy limit was \$500,000. So is there a reason why</p> <p>16 the OJ would match the homeowner's insurance limit?</p> <p>17 A. That is all there was. You know, I don't</p> <p>18 know. I could tell you this: I signed it; I saw it.</p> <p>19 I did not prepare it, and I don't recall coming up with</p> <p>20 that number.</p> <p>21 Q. So you weren't involved in the decision to do</p> <p>22 the OJ for 500,000?</p> <p>23 A. I didn't say that. I don't remember whether</p> <p>24 I was or I wasn't.</p> <p>25 Q. During your career, have you ever done any</p>	<p style="text-align: right;">Page 48</p> <p>1 A. Yes.</p> <p>2 Q. Do you recall what changes you made?</p> <p>3 A. I don't. I often changed things that Rachel</p> <p>4 wrote.</p> <p>5 Q. Do you recall asking Rachel to add more</p> <p>6 detail to the mediation statement?</p> <p>7 A. I don't recall.</p> <p>8 Q. Now, there is a mediation statement, or a</p> <p>9 previous mediation statement, such as the one we have</p> <p>10 attached as Exhibit 2. Is that sort of your typical</p> <p>11 practice in providing information to a mediator?</p> <p>12 A. No.</p> <p>13 Q. What is your typical practice, or was, I</p> <p>14 should say, since you retired?</p> <p>15 A. It would have been more substantial. I'm not</p> <p>16 sure why there was no medical information attached to</p> <p>17 it. I don't recall. It might have been we had a short</p> <p>18 window of time, but -- oh, I see it was. James Loong's</p> <p>19 report was attached and Laura Lampton. Okay. I didn't</p> <p>20 think we did because it wasn't attached to this. Okay.</p> <p>21 No, that would be standard. I just have done</p> <p>22 mediations statements that were a lot longer.</p> <p>23 Q. Okay. In terms of -- and when you say</p> <p>24 "mediation statements," are you referring to just the</p> <p>25 statement itself, or are you referring to that as well</p>
<p style="text-align: right;">Page 47</p> <p>1 insurance had faith litigation?</p> <p>2 A. No.</p> <p>3 Q. Now, you accompanied Ms. McKenna to the</p> <p>4 mediation; is that correct?</p> <p>5 A. That's correct.</p> <p>6 Q. I want to show you a document that we will</p> <p>7 mark as, I guess, Exhibit 2. It is entitled</p> <p>8 Confidential Mediation Statement. Take a second to</p> <p>9 look at that. It's only a couple of pages long. Let</p> <p>10 me know when you have had a chance to --</p> <p>11 A. You want me to read the whole --</p> <p>12 Q. You don't have to read it word for word.</p> <p>13 Just familiarize yourself with it.</p> <p>14 A. All right. I have skimmed this.</p> <p>15 Q. Now, on page 3 of the document, I see what</p> <p>16 refers to your electronic signature.</p> <p>17 A. Yes.</p> <p>18 Q. Did you prepare this document?</p> <p>19 A. No.</p> <p>20 Q. Do you know who prepared it?</p> <p>21 A. Rachel Solo.</p> <p>22 Q. Did you review the document prior to being</p> <p>23 submitted to the mediator?</p> <p>24 A. Yes.</p> <p>25 Q. Do you recall making any changes to it?</p>	<p style="text-align: right;">Page 49</p> <p>1 as the exhibits, such as the ones that are attached</p> <p>2 here?</p> <p>3 A. No. I was talking about the size of the</p> <p>4 actual statement. It just seems a little sparse right</p> <p>5 now, as I look at it. But it does lay out the facts,</p> <p>6 just not in tremendous detail. It gives enough for</p> <p>7 somebody to understand what's going on. But that was</p> <p>8 not necessarily my practice.</p> <p>9 Q. Did Mr. Padda come to the mediation?</p> <p>10 A. No.</p> <p>11 Q. Do you know why he didn't go?</p> <p>12 A. No.</p> <p>13 Q. Do you know why this particular mediation</p> <p>14 statement wasn't as substantial as what you normally</p> <p>15 would do?</p> <p>16 A. I didn't prepare it.</p> <p>17 Q. Did you ask Ms. Solo to go back there and</p> <p>18 revise it and add more to it to make it conform more to</p> <p>19 your typical practice?</p> <p>20 A. No.</p> <p>21 Q. Do you know why you didn't do that?</p> <p>22 A. No. Like I just said, it appears upon my</p> <p>23 review this time later, that it was adequate enough.</p> <p>24 It just wasn't as wordy as I tend to be.</p> <p>25 Q. Now, the case settled at that mediation on</p>

<p style="text-align: right;">Page 50</p> <p>1 March the 25th, 2014, right?</p> <p>2 A. Yes, it did.</p> <p>3 Q. What was the amount of the settlement?</p> <p>4 A. I think it was 300,000.</p> <p>5 Q. And it was several years ago. I'll represent</p> <p>6 to you the agreed settlement was \$225,000.</p> <p>7 A. Oh, okay.</p> <p>8 Q. Now, when you went in to the mediation, you</p> <p>9 note here on page 3 of this mediation statement, the</p> <p>10 offer of judgment for \$500,000 had been served on</p> <p>11 National Surety.</p> <p>12 A. Uh-huh.</p> <p>13 Q. Did you go into that mediation demanding more</p> <p>14 than that \$500,000?</p> <p>15 A. I don't remember. I would think probably.</p> <p>16 Q. Can you give an estimate as to what the</p> <p>17 opening demand was at the mediation?</p> <p>18 A. No.</p> <p>19 Q. Do you recall if it was more than \$1 million?</p> <p>20 A. I don't recall.</p> <p>21 Q. How confident are you that you would have</p> <p>22 asked for more than the \$500,000 in the Q?</p> <p>23 A. I don't know how to answer that. What do you</p> <p>24 want it on a scale of one to ten? I don't know how to</p> <p>25 answer that.</p>	<p style="text-align: right;">Page 52</p> <p>1 you know, being strangled by all of these bills.</p> <p>2 Q. Okay. You sort of anticipated where I was</p> <p>3 going, but I'm not sure that you answered my question.</p> <p>4 Did you advise her to take the \$225,000?</p> <p>5 A. I think that we -- after we crunched the</p> <p>6 numbers, we did. I know that Judge Porter told her</p> <p>7 that it was the best he was going to be able to do.</p> <p>8 And so he left us alone. We went through the bills and</p> <p>9 showed her, if you take this offer, this is what will</p> <p>10 happen. And I know her sister was there. I think they</p> <p>11 had a family discussion.</p> <p>12 Because like I said, it wasn't leaving much</p> <p>13 for her. So we didn't say, This is a great deal, take</p> <p>14 it. We said, If Gene Porter said this is the best he</p> <p>15 is going to do, it's the best he is going to do. And</p> <p>16 this is what it will look like. You don't have to take</p> <p>17 it, but if you do, this is what it's going to look</p> <p>18 like. And we advised her that it was her call. We</p> <p>19 would keep going, if we had to. And it was her</p> <p>20 decision. Like I said, based on all of the bills that</p> <p>21 would get settled as a result, she seemed to be happy</p> <p>22 with it.</p> <p>23 Q. Do you recall what Judge Porter said about</p> <p>24 why it was the best he could do?</p> <p>25 A. I have had quite a number of mediations with</p>
<p style="text-align: right;">Page 51</p> <p>1 Q. Sure. A one to ten scale is fine.</p> <p>2 A. A five.</p> <p>3 Q. So 50/50.</p> <p>4 A. (Nods head.)</p> <p>5 Q. Now, as far as this \$225,000 final settlement</p> <p>6 number, do you recall if that was the number that the</p> <p>7 defense offered or a number that Ms. McKenna demanded?</p> <p>8 A. I think it was offered and Gene Porter</p> <p>9 twisted their arm for, if you know Gene Porter.</p> <p>10 Q. I do know him, Judge Porter.</p> <p>11 A. We older people get to call him Gene.</p> <p>12 Q. When that number was offered, did you advise</p> <p>13 Ms. McKenna to accept it?</p> <p>14 A. You know, I don't remember. I know we</p> <p>15 crunched numbers, because there were certain bills of</p> <p>16 hers that had to be paid. And we had to give some</p> <p>17 money to Chesnoff & Schonfeld. And it wasn't a whole</p> <p>18 lot for her. But we were trying to figure out what we</p> <p>19 could get the bills that had to be paid reduced to.</p> <p>20 And we were successful. We got all of her</p> <p>21 bills reduced. And everybody took something and they</p> <p>22 were all happy. It didn't leave much for her. I know</p> <p>23 we reduced our fees dramatically. So it wasn't a lot</p> <p>24 of money in terms of what she owed to who. But at</p> <p>25 least it was -- it got her out of debt, so she wasn't,</p>	<p style="text-align: right;">Page 53</p> <p>1 him. And I think he said the same thing. I can't,</p> <p>2 like, squeeze any more out. This is the best you are</p> <p>3 going to do today at this mediation.</p> <p>4 Q. Did he communicate any reasons to you -- and</p> <p>5 when I say "you," Judge Porter -- as to why he couldn't</p> <p>6 get anymore? Is there a specific reason for it, or did</p> <p>7 he simply say, This is it?</p> <p>8 A. I don't think he gave a reason, but I think</p> <p>9 it's because -- I think he was thinking we were lucky</p> <p>10 to get money out of a homeowner's policy in this</p> <p>11 situation anyway. So, you know, Patrick Jones is a</p> <p>12 grown man.</p> <p>13 Q. Do you recall Judge Porter ever saying</p> <p>14 anything about the fact that certain medical records</p> <p>15 have not been disclosed that were critical to</p> <p>16 Ms. McKenna's case?</p> <p>17 A. I don't recall that. Disclosed to him?</p> <p>18 Q. No, disclosed in the litigation.</p> <p>19 A. Oh, I don't remember that at all.</p> <p>20 Q. Now, ultimately, Ms. McKenna accepted the</p> <p>21 \$225,000 at that mediation, correct?</p> <p>22 A. Correct.</p> <p>23 Q. And you have given testimony in regards to</p> <p>24 medical bills that she had that needed to be paid,</p> <p>25 et cetera.</p>

<p style="text-align: right;">Page 54</p> <p>1 Other than paying these medical bills, did 2 Ms. McKenna ever express anything to you as to why she 3 was taking that number? 4 A. No. 5 Q. If you had taken the case to trial, do you 6 think you could have gotten more than 225,000 from a 7 jury? 8 A. Yes, but it would be uncollectible because 9 the guy's a bum. Patrick Jones is a bum and an 10 alcoholic and probably a drug addict. Yeah, we'd get a 11 nice verdict, but couldn't collect it. 12 Q. Why do you say that he's a bum? 13 A. Well, aside from the fact that he strangled 14 Michelle because she wouldn't sit on his lap, you know, 15 he came in, drank himself silly. He's got -- if I 16 remember, there's a background, DUIs, doesn't have a 17 decent job, lives off Mommy. So yeah, he's a bum, and 18 he's a low life. That is what happens when you are 19 raised by a famous, wealthy woman. 20 Q. What investigation did you conduct prior to 21 the mediation to confirm what you just told me about 22 his being a bum? 23 A. I seem to recall seeing a background on him. 24 I know he had DUI more than once. And where would I 25 get that from, I don't remember. But I know I knew it.</p>	<p style="text-align: right;">Page 56</p> <p>1 MR. COONEY: Can we take a short break? I 2 want to just go over my notes and confer with my 3 client. And then I think that we will probably come 4 back. 5 THE WITNESS: I think your client left. 6 MR. COONEY: I know. He took a phone call, I 7 suppose. I think I can probably finish up without 8 having to break for lunch, and then we can have lunch 9 after. Fair? 10 THE WITNESS: Yeah, I got errands to do. I 11 don't know about you. 12 MR. COONEY: No errands but plenty of work. 13 Why don't we go off the record and take a quick break 14 and come back in five minutes. 15 THE VIDEOGRAPHER: We are going off the 16 record. The time is 12:01. 17 (Whereupon, a recess was taken.) 18 THE VIDEOGRAPHER: We are back on the record. 19 The time is 12:43. 20 THE WITNESS: That was quite a lunch break we 21 took. 22 BY MR. COONEY: 23 Q. Well, we got to eat. Hopefully we can get 24 this finished up here not too long. 25 A. And I won't have to call John Thorndal and</p>
<p style="text-align: right;">Page 55</p> <p>1 And I knew he was a bum. I mean, Mommy got him a 2 limousine and got him, you know, a free pass at Pure. 3 You don't get in there so cheap. He had a VIP table. 4 They usually go for ten grand. Well, I'm very familiar 5 with Pure since David Chesnoff had his 50th birthday 6 there and I went. So what can I say? 7 Q. Okay. So you recall seeing investigative 8 material showing that Jones had one or more DUIs? 9 A. I'm thinking it's the only way I would know 10 unless somebody told me, but I believe so. 11 Q. Now, in terms of you had made a claim that he 12 didn't have a real job or didn't have a job. Did you 13 do any investigation into his employment status at the 14 time? 15 A. Boy, I don't remember, but somehow I knew. 16 Q. Do you have any recollection as to what the 17 source of that information was? 18 A. No. 19 Q. Did you consider someone's employment status 20 to be sort of important in terms of collecting on a 21 judgment? 22 A. Well, yes. 23 MR. COONEY: Why don't we do this; it's noon 24 now. 25 THE WITNESS: Oh, good Lord.</p>	<p style="text-align: right;">Page 57</p> <p>1 tell him how mean you were to me? 2 Q. Oh, I hope not. 3 Now, after the settlement, my client sent a 4 letter to you and Paul Padda, which I will show you and 5 mark as the next exhibit. 6 Now, this is a letter and included with the 7 letter is a series of time entries on the back. It's 8 only one page. And I am just kind of curious. Take a 9 second to look at the letter. 10 A. The one I have in front of you? 11 Q. Yeah. Do you recall seeing that when we sent 12 it to you? 13 A. Yeah, I do. 14 Q. And did you review the attachment, which is 15 the rest of the exhibit -- 16 A. That listed the time they put in the case. 17 Q. Yeah -- 18 A. Yeah, I read it. 19 Q. Total fee. 20 A. Uh-huh. 21 Q. Did you ever object to the assertions in -- 22 A. I think we did. I don't know if it was 23 formal. I know that we thought what they billed was 24 absurd, but I know we paid them. I just don't know how 25 much.</p>

<p style="text-align: right;">Page 58</p> <p>1 Q. So you don't recall if you responded to this 2 letter in writing?</p> <p>3 A. I don't recall.</p> <p>4 Q. Did you ever call Mr. Schonfeld up to try to 5 talk to him about his lien amount?</p> <p>6 A. I don't remember.</p> <p>7 Q. To your knowledge --</p> <p>8 A. I thought I only had one conversation with 9 him.</p> <p>10 Q. To your knowledge, did you ever ask him to 11 compromise the lien amount to the --</p> <p>12 A. Oh, yeah. Well, you know, when you have 13 things like subpoenas and notice of taking deposition 14 of Keith Leavitt for a half hour, you could have done 15 14 of them in a half hour. Some of these things are 16 just crazy. Plus it's paralegal work. It's not 17 attorney work. It wasn't billed as a paralegal. It 18 was billed as attorney. Anyway, I could go on and on 19 through all this stuff. But anyway, I know we were 20 very unhappy with it.</p> <p>21 Q. Other than being critical of various time 22 entries -- and I'm not going to ask you to look through 23 every entry.</p> <p>24 A. Yeah, go ahead.</p> <p>25 Q. I think it's justified. Did you have any</p>	<p style="text-align: right;">Page 60</p> <p>1 MS. STOUT: It's my understanding they were 2 paid in full on the lien.</p> <p>3 BY MR. COONEY:</p> <p>4 Q. Do you know if your firm ever filed any 5 opposition to the lien?</p> <p>6 A. I don't know. I would think we did.</p> <p>7 Q. Now, based upon your review of the file that 8 you got from my client and the subsequent handling of 9 the case, is there anything else that you can think of 10 where you are critical of my clients? We talked about 11 not naming Caesars and Pure. We talked about the speed 12 at which --</p> <p>13 A. I'm sorry. I didn't hear you. Not naming 14 what?</p> <p>15 Q. Caesars and Pure.</p> <p>16 A. And the security, of course.</p> <p>17 Q. Assuming they were separate from Caesars and 18 Pure.</p> <p>19 A. Who cares? Name them anyway.</p> <p>20 Q. And I believe you testified about the speed 21 at which the case had been progressing. Other than 22 those two things, anything else you can think of where 23 you are critical of my clients' handling the case?</p> <p>24 A. Yeah. Seemed to be an extreme conflict of 25 interest.</p>
<p style="text-align: right;">Page 59</p> <p>1 other criticisms of the fact that they were asserting a 2 lien in the case?</p> <p>3 A. I don't know what Paul said to them. I know 4 that we discussed the fact that they had a lot of nerve 5 putting a lien on a case that they totally screwed up. 6 Usually attorneys that do that don't have the balls to 7 send in a bill.</p> <p>8 Q. And after sending this letter, it's my 9 recollection that my clients filed a motion to enforce 10 their lien, right?</p> <p>11 A. Oh, yeah.</p> <p>12 Q. Did you handle any of the -- sort of the work 13 related to that motion?</p> <p>14 A. No, I didn't.</p> <p>15 Counsel, I don't know if you want these 16 marked or not, but I'm just putting them here. So I 17 don't know if you told the reporter to mark it. So I'm 18 just sticking it there.</p> <p>19 Q. Yeah, we will mark them. We're making a 20 reference to the ones we marked. I think we have three 21 so far.</p> <p>22 A. Okay. So did they get the full amount of 23 their lien?</p> <p>24 Q. I believe they did.</p> <p>25 A. Geez. Ridiculous.</p>	<p style="text-align: right;">Page 61</p> <p>1 Q. And what was your understanding of that 2 conflict of interest?</p> <p>3 A. I have known David Chesnoff a long time. 4 He's a good criminal defense attorney. He should have 5 stayed at his civil practice. He and Jan Jones are 6 real tight. And I think he has been on the board at 7 Caesars. But anyway, Jan Jones on the board of Caesars 8 Palace and David Chesnoff, who is tight with her, 9 didn't sue them. It doesn't look good.</p> <p>10 Q. Do you know who Terrance Wattanaba is?</p> <p>11 A. I'm sorry, what?</p> <p>12 Q. Do you know who Terrance Wattanaba is?</p> <p>13 A. No. Sounds like an Indian name. Wattanaba.</p> <p>14 Q. I may be pronouncing it incorrectly. But I 15 believe -- actually, I may be getting the name wrong. 16 But are you aware that Mr. Chesnoff has represented 17 clients adverse to Caesars many times throughout his 18 career?</p> <p>19 A. Who cares?</p> <p>20 Q. What is your basis for saying that 21 Mr. Chesnoff and Jan Jones are real tight?</p> <p>22 A. I think that is well-known in the community.</p> <p>23 Q. So other than just being, in your mind, 24 common knowledge, any specific things that you can 25 think of?</p>

<p style="text-align: right;">Page 62</p> <p>1 A. I may have had something specific, but I 2 don't recall.</p> <p>3 Q. You said you thought Mr. Chesnoff might have 4 been on the board at Caesars?</p> <p>5 A. Had some role in Caesars Palace. I know Jan 6 Jones is.</p> <p>7 Q. Anything that you can think of as to how you 8 came to think that he might have had some role in 9 Caesars Palace?</p> <p>10 A. No. You know, you hear a lot of things. 11 It's called gossip. Funny, I haven't heard any on you, 12 though.</p> <p>13 Q. I haven't been around long enough.</p> <p>14 A. Or maybe you've just been a very good boy.</p> <p>15 Q. Other than what we just talked about, 16 vis-à-vis Caesars, any other conflicts of interest 17 that jump out at you?</p> <p>18 A. Isn't that enough? You've got to be kidding. 19 Caesars doesn't get sued. There is a close connection. 20 Please. Oh, Chesnoff said that he told Michelle and 21 she waived the conflict, and she said that never 22 happened. Never happened. I tend to believe her.</p> <p>23 Q. Okay. So we have gone through the failure to 24 name additional parties, speed at which the case is 25 progressing, conflict of interest. Anything else?</p>	<p style="text-align: right;">Page 64</p> <p>1 A. I don't know. Dennis has a reputation for 2 being an excellent litigator, very tenacious, very 3 aggressive and he sues lawyers.</p> <p>4 Q. Do you -- have you ever spoken with anybody 5 at Bailey Kennedy?</p> <p>6 A. About this case or in general?</p> <p>7 Q. About this case.</p> <p>8 A. Oh, no. No, but I have been up against 9 Dennis a couple of times. It wasn't pleasant. I like 10 him. He's a fine man, but it wasn't pleasant.</p> <p>11 Q. Do you know when Bailey Kennedy first got 12 involved in this matter?</p> <p>13 A. I have no idea.</p> <p>14 Q. Do you or your former firm Cohen & Padda 15 have any indemnification agreement regarding this 16 malpractice suit?</p> <p>17 A. I'm not aware. I wouldn't think so.</p> <p>18 Q. Do you have an agreement with Ms. McKenna 19 that she would not sue you for your role in handling 20 the case?</p> <p>21 A. Of course she won't. We didn't do anything 22 wrong.</p> <p>23 Q. Fair enough. But that's not the question I 24 asked. Do you have a specific agreement with her that 25 she would not sue you?</p>
<p style="text-align: right;">Page 63</p> <p>1 A. Well, their failure to move the case along 2 caused it to fall outside the statute for us to step in 3 and name parties. We didn't do that. They did it. 4 You sit on a case long enough, you lose all the time 5 dates.</p> <p>6 Q. Did you ever advise Ms. McKenna that she 7 might have a malpractice against my clients?</p> <p>8 MS. STOUT: Objection. Attorney-client 9 privilege. You are asking about a communication on an 10 area which we have not waived privilege.</p> <p>11 MR. COONEY: Are you going to answer the 12 question, or no, Ms. Cohen?</p> <p>13 MS. STOUT: The privilege belongs to my 14 client. She doesn't have permission to waive privilege 15 to answer the question.</p> <p>16 BY MR. COONEY:</p> <p>17 Q. Did you refer Ms. McKenna to her present 18 lawyers?</p> <p>19 A. Which present lawyers?</p> <p>20 Q. Bailey Kennedy.</p> <p>21 A. Oh, no.</p> <p>22 Q. Do you know if anybody else at your firm did?</p> <p>23 A. I don't know. You will have to ask them.</p> <p>24 Q. Do you have any knowledge as to how 25 Ms. McKenna found Bailey Kennedy?</p>	<p style="text-align: right;">Page 65</p> <p>1 A. No. There's no reason to sue us. We fought 2 as hard as we could for her, and she knows it.</p> <p>3 MR. COONEY: Okay. I believe that is all the 4 questions that I have. I don't know if --</p> <p>5 THE WITNESS: Well, I have a few for you.</p> <p>6 MR. COONEY: A few for me? You can ask me 7 after the depo.</p> <p>8 MS. STOUT: I have no questions.</p> <p>9 THE VIDEOGRAPHER: We are going off the 10 record. The time is 12:57. (Exhibits 2 and 3 marked.) (Thereupon, the deposition concluded at 12:57 p.m.)</p>

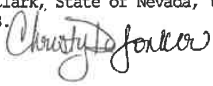
1	CERTIFICATE OF REPORTER	Page 66
2	STATE OF NEVADA)	
) ss:	
3	COUNTY OF CLARK)	
4	I, Christy L. DeJonker, a duly commissioned	
	Notary Public, Clark County, State of Nevada, do hereby	
5	certify: That I reported the deposition of Ruth Cohen,	
	Esq., commencing on Thursday, January 4, 2018, at	
6	10:15 a.m.	
7	That prior to being deposed, the witness was	
	duly sworn by me to testify to the truth. That I	
8	thereafter transcribed my said shorthand notes into	
	typewriting and that the typewritten transcript is a	
9	complete, true and accurate transcription of my said	
	shorthand notes. That review of the transcript was not	
10	requested.	
11	I further certify that I am not a relative,	
	employee or independent contractor of counsel of any of	
12	the parties; nor a relative, employee or independent	
	contractor of the parties involved in said action; nor	
13	a person financially interested in the action; nor do I	
	have any other relationship with any of the parties or	
14	with counsel of any of the parties involved in the	
	action that may reasonably cause my impartiality to be	
15	questioned.	
16	IN WITNESS WHEREOF, I have set my hand in my	
	office in the County of Clark, State of Nevada, this	
17	10th day of January, 2018.	
18		
19		
20	CHRISTY LYN DeJONKER, CCR NO. 691	
21		
22		
23		
24		
25		

EXHIBIT 2

PETERSON BAKER, PLLC
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*Attorneys for Defendants Paul S. Padda and
Paul Padda Law, PLLC*

DISTRICT COURT

CLARK COUNTY, NEVADA

RUTH L. COHEN, an individual,

Plaintiff,

vs.

PAUL S. PADDA, an individual; PAUL
PADDA LAW, PLLC, a Nevada
professional limited liability company;
DOE Individuals I - X; and ROE entities I-
X,

Defendants.

Case No.: A-19-792599-B
Dept. No.: XI

OFFER OF JUDGMENT

TO: RUTH L. COHEN

FROM: PAUL S. PADDA and PAUL PADDA LAW, PLLC

Defendants Paul S. Padda and Paul Padda Law, PLLC (collectively, "Defendants"),
pursuant to NRCP 68, by and through their counsel of record, the law firms of Holland & Hart
LLP and Peterson Baker, PLLC, hereby offer to allow judgment to be taken by Plaintiff Ruth L.

Cohen ("Plaintiff") as against Defendants, in the amount of **ONE HUNDRED FIFTY THOUSAND DOLLARS and NO CENTS (\$150,000.00)** in order to resolve all claims between the parties. This Offer of Judgment is inclusive of attorneys' fees, expenses, prejudgment interest, and costs.

This Offer of Judgment is not to be construed as an admission of liability for any party hereto, but instead, as an offer to settle the above-referenced action without incurring additional expenses. This Offer of Judgment shall not be introduced into evidence at the time of trial of this action.

Pursuant to NRCP 68, this Offer shall be open for a period of fourteen (14) days from the date of service of this Offer. Should this Offer be accepted, Defendants elect dismissal pursuant to NRCP 68(d)(2).

Dated this 18th day of December, 2019.

By: /s/ Tamara Beatty Peterson

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nbaker@petersonbaker.com

*Attorneys for Defendants Paul S. Padda and
Paul Padda Law, PLLC*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Peterson Baker, PLLC, and pursuant to NRCP 5(b), EDCR 8.05, Administrative Order 14-2, and NEFCR 9, I caused a true and correct copy of the foregoing **OFFER OF JUDGMENT** to be submitted electronically for service with the Eighth Judicial District Court via the Court's Electronic Filing System on the 18th day of December, 2019, to the following:

Liane K. Wakayama, Esq.
lwakayama@maclaw.com
Jared M. Moser, Esq.
jmoser@maclaw.com
MARQUIS AURBACH COFFING
10001 Park Run Drive
Las Vegas, NV 89145

Attorneys for Plaintiff Ruth L. Cohen

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CAMPBELL & WILLIAMS
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Las Vegas, NV 89101

Attorneys for Plaintiff Ruth L. Cohen

/s/ Erin Parcels
An employee of Peterson Baker, PLLC

EXHIBIT 3

NEVADA BOARD OF CONTINUING LEGAL EDUCATION

BY AND BEFORE THE CLE BOARD

No. 72827

FILED

APR 17 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Elizabeth A. Brown*
CHIEF DEPUTY CLERK

IN THE MATTER OF THE ADMINISTRATIVE
SUSPENSION OF NON-COMPLIANT MEMBERS
OF THE STATE BAR OF NEVADA

ORDER OF SUSPENSION FOR NON-COMPLIANT MEMBERS

On April 6, 2017, the Executive Director of the Nevada Board of Continuing Legal Education presented to the Nevada Board of Continuing Legal Education via e-mail those members who as of that date were non-compliant with mandatory continuing legal education requirements and/or fees and late fees. The Nevada Board of Continuing Legal Education has given the members proper notice and good cause appearing therefore, the members of the Nevada Board of Continuing Legal Education unanimously agreed to suspend and fine such members.

IT IS HEREBY ORDERED BY THE MEMBERS OF THE NEVADA BOARD OF CONTINUING LEGAL EDUCATION. Nevada Supreme Court Rule 210, minimum continuing legal education requirements. To meet the annual minimum continuing legal education requirements imposed by these rules, each attorney subject to these rules must timely: submit an annual fee and complete the requisite number of credit hours. In accordance with Nevada Supreme Court Rule 212, the following members are suspended from the practice of law

RECEIVED

APR 11 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

in Nevada for failing to provide proof of attendance for their continuing legal education programs.

<u>Member</u>	<u>Bar No.</u>
Neil A Ackerman	9950
Thomas K. Agawa	12931
Christopher W. Arledge	9956
Carl E. G. Arnold	8358
Ellston B. Arntz	3853
Gary T. Ashman	7981
Lynn Avants	6208
Andras F. Babero	1658
Roger C. Bailey	12552
Joanna L. Blake	6909
Robert L. Bolick	1106
Stefan Bonfiglio	7608
Justin P. Cannon	12941
Scott M. Cantor	1713
Victor M. Cardoza, Jr.	5599
Ronald F. Cauley	59
Eduardo P. Chacon	8020
Curtiss Steven Chamberlain	11535
Richard Allaye Chan, Jr.	6251
Hanwei Cheng	11080
C. Conrad Claus	6601
Ruth L. Cohen	1782
Travis L. Colbrunn	13323
Nathan M. Costello	1552
William E. Crockett	182
Robert W. Curtis	9317
Demetrios A. Dalacas	7317
Rilus M. Dana	12726
Scott R. Daniel	12356
Loren C. Datlof	10331
Lee E. Davis	3932
Alejandro J. DeCastroverde	6950
Randal A. DeShazer	2337
Valerie L. Del Grosso	11103
Kimberly A. DelMonico	12358
J. Stephen Dolembo	9795
Deryk S. Doty	5625
Matthew S. Dunkley	6627
Travis H. Dunsmoor	13111

	<u>Member</u>	<u>Bar No.</u>
1		
2	David K. Eldan	6285
3	Crystal L. Eller	4978
	Brent T. Ellison	12200
4	Merielle R. Enriquez	11116
	Randall M. Faccinto	208
5	Craig A. Fahey	7694
6	Jack A. Ferguson	1851
	Walter B. Fey	3317
7	David Bryce Finley	9310
8	Sean P. Flanagan	5304
	Gus W. Flangas	4989
9	JohnPaul Fortin	6977
	Lisa M. Fraas	4990
10	Karla M. Gabour	13123
11	Steven G. Ganim	12745
	Douglas J. Gardner	4609
12	Richard K. Gardner	5317
	Michael J. Gianelloni	12748
13	David L. Goldfarb	10356
14	Jason A. Gordon	10598
	Michael I. Gowdey	6994
15	David M. Grant	9397
	Aubree L. Green	9527
16	Karen R Griffith	9565
17	Aaron D Grigsby	9043
	Josue C. Guerrero	13137
18	Jeffrey R. Hall	9572
	Mark L. Hardy	5981
19	Michael J. Harker	5353
20	Sarah B Hartig	10070
	Trevor D. Hartzell	12766
21	George B. Hibbeler	7746
	Cyrus D. Homayouni	8120
22	William C Horne	9064
23	Jeannie N. Hua	5672
	Manny Ibay	6351
24	Stephen M. Immerman	3447
	Hannah C. Irsfeld	5376
25	Martina L. Jaccarino	5676
26	Rodney M. Jean	1395
	Dean Y. Kajioka	5030
27	Fred W. Kennedy	2269
28	Margaret T. Kinnally	6379

	<u>Member</u>	<u>Bar No.</u>
1		
2	Samira C. Knight	13167
3	William H. Knudson	5690
4	Madeline LaForgia	13628
5	Michael T. Lafferty	5397
6	Eran Lagstein	7413
7	Elizabeth A. Lawrence	5698
8	Alexander G. LeVeque	11183
9	Michael Y. Lee	11181
10	Ira S. Levine	2130
11	Robert K. Lewis	12024
12	Stephen K. Lewis	7064
13	Robert B. Lindsay	2237
14	Andrew A. List	6725
15	Steven T. Long	8163
16	Talen P. Mack	13179
17	Jolene J. Manke	7436
18	David L. Mann	11194
19	Alexander J. Marks	13792
20	Jon L. Martin	9858
21	Rebecca S. Maurice	7791
22	Mary M. Maynard	10675
23	Steven J. McHugh	4690
24	Joseph S. Mello	12256
25	Ryan A. Mendenhall	9435
26	Charles T. Meyer	11842
27	Nadine M. Morton	8583
28	Doris E. Nehme	6431
	Joshua A. Nelson	11849
	Suneel J. Nelson	12052
	Ross R. Nott	13383
	Eurik D. O'Bryant	13554
	Catherine M. O'Mara	12462
	Miguel A. Olano	8597
	Jose C. Pallares	4020
	Mark E. Peplowski	7133
	Nausheen Kazalbasch Peters	12984
	Thomas H. Peterson, III	4025
	Brandon L. Phillips	12264
	Shannon M. Phillips	12261
	Jaime David Pollack	9479
	Logan M. Pratt	13563
	Puonyarat K. Premsrirut	7141
	Deanna R. Rader	9279

	<u>Member</u>	<u>Bar No.</u>
1		
2	Rebecca L Raftery	10192
3	Charles C Rainey	10723
4	Julie Raye	10967
5	Zachary E. Redman	10426
6	Preston P. Rezaee	10729
7	Kim A Rieck	13294
8	David A. Riggi	4727
9	Darren T. Rodriguez	12857
10	Peter J. Romleski	7887
11	Anthony F. Sanchez, III	5478
12	John P Sande, IV	9175
13	Jonathan A. Saul	7897
14	Joseph A. Scalia, II	5123
15	Brett Schoel	8888
16	Mark K. Smallhouse	7520
17	Kurt A. Smith	10764
18	Ulrich W. Smith	2274
19	Joshua A. Sommers	13589
20	Stephanie Sparks	6301
21	Matthew J. Stafford	12101
22	John J Stander	9198
23	Richard A Stellabotte	10239
24	Clay W. Stucki	4766
25	Teresa A. Suter Horvath	2493
26	Andrew D. Taylor	8688
27	Jennifer N. Taylor	6141
28	Alan P. Trafton	8292
	Scott W. Ulm	12652
	Kevin A. Van Ry	6856
	Philip T. Varricchio	1087
	Aruhn V. Venkat	13606
	David J. Wedemeyer	11318
	Gregory L. Wilde	4417
	Jason M. Wiley	9274
	Michael H. Wilfong	10468
	Anne J. Williams	4795
	Jeffrey L. Willis	4797
	Cole B. Wilson	5827
	Justin L. Wilson	7560
	Cameron S. Wu	13287

1 **IT IS HEREBY ORDERED BY THE MEMBERS OF THE NEVADA BOARD OF**
2 **CONTINUING LEGAL EDUCATION.** In accordance with Nevada Supreme Court Rule 212,
3 the following members are suspended from the practice of law in Nevada for failing to pay the
4 annual, extension and/or late fee.
5

<u>Member</u>	<u>Bar No.</u>
Neil A. Ackerman	9950
Alyssa Marie Aklestad	13060
Christopher W. Arledge	9956
Carl E. G. Arnold	8358
Ellston B. Arntz	3853
Gary T. Ashman	7981
Lynn Avants	6208
Nancy R. Ayala	7146
Andras F. Babero	1658
Roger C. Bailey	12552
Melissa A. Beutler	10948
Lisa T Blackburn	9762
Joanna L. Blake	6909
Brian L. Blount	13455
Sean L. Brohawn	7618
Nannette S. Brown	748
Daniel M. Bunin	5239
Alan J. Buttell	3031
Erik D. Buzzard	6921
Justin P. Cannon	12941
Victor M. Cardoza, Jr.	5599
Ronald F. Cauley	59
Colin P. Cavanaugh	13842
Eduardo P. Chacon	8020
Curtiss Steven Chamberlain	11535
Richard Allaye Chan, Jr.	6251
Hanwei Cheng	11080
Shawn Christopher	6252
Miles N. Clark	13848
C. Conrad Claus	6601
Ruth L. Cohen	1782
Thomas C. Cook	5266
Nathan M. Costello	1552
Jerrold E. Creed	11094
Randy M. Creighton	11095

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1		
2	William E. Crockett	182
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15	Sarah M. Dickey	13103
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	Margaret G. Foley	7703
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	Rex D. Garner	9401
	Michael J. Gianelloni	12748
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	Dean R. Heidrich	1544
12	George B. Hibbler	7746
	Michael D. Hoggan	6344
13	Cyrus D. Homayouni	8120
14	William C Horne	9064
	Stephen I. Hsu	13352
15	Jeannie N. Hua	5672
	Kelly K. Huang	10372
16	Carl F. Hylin	2726
17	Manny Ibay	6351
	Stephen M. Immerman	3447
18	Hannah C. Irsfeld	5376
	Martina L. Jaccarino	5676
19	Rodney M. Jean	1395
20	Isaiah Alexander Jerez	11615
	Dean Y. Kajioka	5030
21	Michael Kind	13903
	Margaret T. Kinnally	6379
22	Samira C. Knight	13167
23	William H. Knudson	5690
	Madeline LaForgia	13628
24	Michael T. Lafferty	5397
	Eran Lagstein	7413
25	Jeffrey J. Lavigne	13906
26	Elizabeth A. Lawrence	5698
	Alexander G. LeVeque	11183
27	Michael Y. Lee	11181
28	Robert K Lewis	12024

	<u>Member</u>	<u>Bar No.</u>
1		
2	Robert B. Lindsay	2237
3	Andrew A. List	6725
4	Steven T. Long	8163
5	Talen P. Mack	13179
6	Jolene J. Manke	7436
7	David L. Mann	11194
8	Michael K. Mansfield	44
9	John B. Marcin	7078
10	Alexander J. Marks	13792
11	Cheryl L. Marks	13184
12	David J Martin	9117
13	Jon L Martin	9858
14	Jess Y. Matsuda	10929
15	Rebecca S. Maurice	7791
16	Jennifer R. McDonald	8546
17	Steven J. McHugh	4690
18	Ayesha Mehdi	13917
19	Joseph S. Meloro	12256
20	Ryan A. Mendenhal	9435
21	Charles T. Meyer	11842
22	Thomas C. Michaelides	5425
23	Christin Mills	10684
24	Frank W. Mitchell	12044
25	Gemma L. Mondala	10407
26	Aseal P. Morghem	6424
27	Robert R. Morishita	6752
28	Nadine M. Morton	8583
	Aaron S. Mouritsen	13380
	Doris E. Nehme	6431
	Joshua A. Nelson	11849
	Roy L. Nelson, III	7842
	Suneel J. Nelson	12052
	Vernon A. Nelson, Jr.	6434
	Ross R. Nott	13383
	Peter J Novak	9882
	Stephen A. Nwogbe	13735
	Catherine M. O'Mara	12462
	Miguel A. Olano	8597
	Seth D. Oxborrow	12844
	Jose C. Pallares	4020
	Lisa J. Parrella	7126
	Cary C. Payne	4357
	James W. Pengilly	6085

	<u>Member</u>	<u>Bar No.</u>
1		
2	Mark E. Peplowski	7133
3	Nausheen Kazalbasch Peters	12984
4	Jessica K. Peterson	10670
5	Thomas H. Peterson, III	4025
6	Brandon L. Phillips	12264
7	Shannon M. Phillips	12261
8	Erin L. Plunkett	11442
9	Steven A. Polasky	13741
10	Jaime David Pollack	9479
11	Michael L. Potter	9449
12	Richard A. Prato	3325
13	Logan M. Pratt	13563
14	Thorsten J. Pray	5743
15	Brittany K. Puzey	13745
16	Nathan D. Quist	13940
17	Deanna R. Rader	9279
18	Rebecca L. Raftery	10192
19	Charles C. Rainey	10723
20	Jesse Allen Random	13565
21	Julie Raye	10967
22	Preston P. Rezaee	10729
23	Kim A. Rieck	13294
24	David A. Riggi	4727
25	Dena I. Rinetti	9897
26	Wilbur M. Roadhouse	4728
27	Shalom Rubanowitz	6803
28	Anthony F. Sanchez, III	5478
	John P. Sande, IV	9175
	Jonathan A. Saul	7897
	John J. Savage	11455
	Joseph A. Scalia, II	5123
	Brett Schoel	8888
	James K. Schultz	10219
	Robert J. Scott	8658
	Thomas S. Shaddix	7905
	Myra A. Sheehan	4477
	Steven M. Shinn	6822
	Mark K. Smallhouse	7520
	Kurt A. Smith	10764
	Mark A. Smith	7918
	Samantha S. Smith	13765
	Ulrich W. Smith	2274

<u>Member</u>	<u>Bar No.</u>
Jerry M. Snyder	6830
Stephanie Sparks	6301
Matthew J. Stafford	12101
John J Stander	9198
Richard A Stellabotte	10239
Jaimie Stilz	13772
Roger Strassburg	8682
Clay W. Stucki	4766
Teresa A. Suter Horvath	2493
Audren L. Tawaji	13408
Andrew D. Taylor	8688
Jennifer N. Taylor	6141
Belinda Theam	13972
Melanie L. Thomas	12576
Alan P. Trafton	8292
Michaela E. Tramel	9466
Barbara E. Tyler	939
Scott W. Ulm	12652
Kevin A. Van Ry	6856
Philip T. Varricchio	1087
David J. Wedemeyer	11318
Holly D. Welborn	13986
Brody Ray Wight	13615
Terry L. Wike	7211
Jason M. Wiley	9274
Michael H. Wilfong	10468
Anne J. Williams	4795
Jeffrey L. Willis	4797
Cole B. Wilson	5827
Helena Marie S. Wise	4800
Donna M. Wittig	11015

ISSUED this 6th day of April, 2017.

By:



Jenny Diane Hubach
Chair, Board of Continuing Legal Education
457 Court St., 2nd Fl.
Reno, NV 89501

EXHIBIT 4

MARQUIS AURBACH COFFING
Liane K. Wakayama, Esq. (11313)
lwakayama@maclaw.com
Jared M. Moser, Esq. (13003)
jmoser@maclaw.com
10001 Park Run Drive
Las Vegas, Nevada 89145
Tel: (702) 382-0711
Fax: (702) 382-5816

CAMPBELL & WILLIAMS
Donald J. Campbell, Esq. (1216)
djc@cwlawlv.com
Samuel R. Mirkovich, Esq. (11662)
srm@cwlawlv.com
700 South Seventh Street
Las Vegas, Nevada 89101
Tel: (702) 382-5222
Fax: (702) 382-0540

Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

RUTH L. COHEN, an individual,

Plaintiff,

vs.

PAUL S. PADDA, an individual; PAUL
PADDALAW, PLLC, a Nevada professional
limited liability company; DOE individuals I-X;
and, ROE entities I-X,

Defendants.

Case No.: A-19-792599-B

Dept. No.: XI

PLAINTIFF'S SECOND OFFER OF JUDGMENT TO DEFENDANTS

TO: Defendants Paul S. Padda ("Padda") and Paul Padda Law, PLLC ("Padda Law," and
together with Padda, "Defendants"); AND

TO: J. Stephen Peek, Esq. of the law firm of Holland & Hart LLP, and Tamara Beatty Peterson,
Esq. of the law firm of Peterson Baker, PLLC, Defendants' counsel of record.

Pursuant to Rule 68 of the Nevada Rules of Civil Procedure, Plaintiff Ruth L. Cohen, (“Plaintiff”), hereby offers to allow judgment to be taken in favor of Plaintiff, and against Defendants Padda and Padda Law, jointly, IN THE TOTAL AMOUNT OF TWO MILLION NINE HUNDRED AND SEVENTY-FOUR THOUSAND NINE HUNDRED AND NINETY-NINE DOLLARS AND 00/100 CENTS (\$2,974,999.00), inclusive of costs, expenses, interest, and attorney fees (precluding a separate award of costs, expenses, interest, and attorney fees) in full and complete satisfaction of all claims, counterclaims, damages, causes of action, lawsuits, or losses between Plaintiff and Defendants, and which arise out of or are related to the facts set forth in the case filed in the Eighth Judicial District Court Case No. A-19-792599-B (the “Action”).

This Offer shall not to be construed as an admission of any kind and any evidence of this offer is not admissible except in a proceeding to determine attorney fees and costs.

This Offer is being made to fully and completely resolve and compromise the Action pursuant the terms and conditions herein and without further litigation.

As a term and condition, pursuant to NRCP 68, this Offer shall be considered rejected and deemed withdrawn if not accepted within fourteen (14) days from the date of service and, pursuant to NRCP 68, Plaintiff would thereafter seek to enforce against the Defendants all rights afforded against a party who rejects an offer of judgment and fails to obtain a more favorable judgment.

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Said rights would include allowing Plaintiff to recover from Defendants her attorney fees and costs, including expert fees and costs, and interest on the same from the date of service of this Offer and a prohibition of Defendants from recovering their attorney fees, costs, or an award of interest on any judgment less than the amount offered herein.

Dated this 20th day of November, 2019.

CAMPBELL & WILLIAMS

By /s/ Donald J. Campbell

Donald J. Campbell, Esq. (1216)
Samuel R. Mirkovich, Esq. (11662)
700 South Seventh Street
Las Vegas, Nevada 89101

MARQUIS AURBACH COFFING

Liane K. Wakayama, Esq. (11313)
Jared M. Moser, Esq. (13003)
10001 Park Run Drive
Las Vegas, Nevada 89145

Attorneys for Plaintiff Ruth L. Cohen

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Campbell & Williams, and that on this 20th day of November, 2019 I caused the foregoing document entitled **Plaintiff's Second Offer of Judgment to Defendants** to be served upon those persons designated by the parties in the E-Service Master List for the above-referenced matter in the Eighth Judicial District Court eFiling System in accordance with the mandatory electronic service requirements of Administrative Order 14-2 and the Nevada Electronic Filing and Conversion Rules.

/s/ John Y. Chong
An Employee of Campbell & Williams

EXHIBIT 5

MARQUIS AURBACH COFFING

10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

Marquis Aurbach Coffing

Liane K. Wakayama, Esq.
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Jared M. Moser, Esq.
Nevada Bar No. 13003
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Facsimile: (702) 382-5816
lwakayama@maclaw.com
jmoser@maclaw.com

Campbell & Williams

Donald J. Campbell, Esq.
Nevada Bar No. 1216
Samuel R. Mirkovich, Esq.
Nevada Bar No. 11662
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Telephone: (702) 382-5222
Facsimile: (702) 382-0540
djc@cwlawlv.com
srm@cwlawlv.com

Attorneys for Plaintiff Ruth L. Cohen

DISTRICT COURT

CLARK COUNTY, NEVADA

RUTH L. COHEN, an individual,

Plaintiff,

vs.

PAUL S. PADDA, an individual; PAUL
PADDA LAW, PLLC, a Nevada professional
limited liability company; DOE individuals I-X;
and, ROE entities I-X,

Defendants.

Case No.: A-19-792599-B

Dept. No.: XI

**PLAINTIFF'S ELEVENTH SUPPLEMENT TO INITIAL DISCLOSURE OF
WITNESSES AND DOCUMENTS PURSUANT TO NRCP 16.1**

In compliance with NRCP 16.1, Plaintiff Ruth L. Cohen (hereinafter "Plaintiff" or "Ms. Cohen"), by and through her attorneys of record, the law firms of Marquis Aurbach Coffing and Campbell & Williams, hereby produces the attached supplemental list of witnesses and documents related to this matter. *Supplemental documents are indicated in bold.*

WITNESSES

1. Ruth L. Cohen
c/o Liane K. Wakayama, Esq.
Marquis Aurbach Coffing
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711

Ms. Cohen is expected to testify regarding the facts and circumstances of this case including, but not limited to, her engagement with Paul S. Padda under the Partnership Agreement to perform legal services for Cohen & Padda, LLP ("C&P"), her engagement with Paul S. Padda to perform legal services for Paul Padda Law, PLLC ("Padda Law"), the matter of *Cochran, et al. v. Nevada Property 1, LLC, et al.*, Clark County, District Court, Case No. A-13-687601-C (the "Cochran Case"), the matter of *Moradi v. Nevada Property 1, LLC, et al.*, Clark County, District Court, Case No. A-14-698824-C (the "Moradi Case"), and the matter of *Garland v. SPB Partners, LLC, et al.*, Clark County, District Court, Case No. A-15-724139-C (the "Garland Case"), among others for which C&P was retained on a contingency fee basis prior to December 31, 2014, and other cases.

2. Paul S. Padda
c/o J. Stephen Peek, Esq.
Holland & Hart LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
(702) 669-4600

Mr. Padda is expected to testify regarding the facts and circumstances of this case including, but not limited to, his engagement with Ms. Cohen under the Partnership Agreement to perform legal services for C&P, engaging Ms. Cohen to perform legal services for Padda Law, the Cochran Case, the Moradi Case, and the Garland Case, among others for which C&P was retained on a contingency fee basis prior to December 31, 2014, and other cases.

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1 3. NRCP 30(b)(6) Designee of
2 Paul Padda Law, PLLC
3 c/o J. Stephen Peek, Esq.
4 Holland & Hart LLP
5 9555 Hillwood Drive, 2nd Floor
6 Las Vegas, NV 89134
7 (702) 669-4600

8 On behalf of Padda Law, this witness is expected to testify regarding the facts and
9 circumstances of this case including, but not limited to, the employment of Ruth L. Cohen for
10 legal services for Padda Law, the Cochran Case, the Moradi Case, and the Garland Case, among
11 others for which C&P was retained on a contingency fee basis prior to December 31, 2014, and
12 other cases.

13 4. Custodian of Records of
14 Paul Padda Law, PLLC
15 c/o J. Stephen Peek, Esq.
16 Holland & Hart LLP
17 9555 Hillwood Drive, 2nd Floor
18 Las Vegas, NV 89134
19 (702) 669-4600

20 On behalf of Padda Law, this witness is expected to testify regarding the facts and
21 circumstances of this case including, but not limited to, any and all records, documents and
22 correspondence involving Ms. Cohen, the Cochran Case, the Moradi Case, and the Garland Case,
23 as well as electronically stored information maintained by Padda Law.

24 5. Patricia J. Davidson
25 Chief Operating Officer
26 Paul Padda Law, PLLC
27 c/o Tamara Beatty Peterson, Esq.
28 Peterson Baker, PLLC
701 S 7th St.
Las Vegas, Nevada 89101
(702) 786-1001

Ms. Davidson is expected to testify regarding the facts and circumstances of this case
including, but not limited to, the employment of Ms. Cohen for legal services for Padda Law, the
Cochran Case, the Moradi Case, and the Garland Case, as well as the circumstances surrounding
Ms. Cohen's separation from Padda Law.

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1 6. NRCP 30(b)(6) Designee of
2 Panish Shea & Boyle, LLP
3 c/o **Ian Samson**, Esq.
4 11111 Santa Monica Blvd., Suite 700
5 Los Angeles, California 90025
6 (310) 477-1700

7 On behalf of Panish Shea & Boyle, LLP ("PSB"), this witness is expected to testify
8 regarding the facts and circumstances of this case including, but not limited, to the Moradi Case.

9 7. Custodian of Records of
10 Panish Shea & Boyle, LLP
11 c/o Rahul Ravipudi, Esq.
12 11111 Santa Monica Blvd., Suite 700
13 Los Angeles, California 90025
14 (310) 477-1700

15 On behalf of PSB, this witness is expected to testify regarding the facts and
16 circumstances of this case including, but not limited to, any and all records, documents and
17 correspondence involving Ms. Cohen, C&P, Padma Law, and the Moradi Case.

18 8. Wayne Price
19 **8923 Monteloma Way**
20 **Henderson, NV 89074-6908**
21 **(702) 659-4799**

22 Mr. Price is expected to testify regarding the facts and circumstances of this case
23 including, but not limited to, knowledge from his employment as an attorney with C&P, the
24 Cochran Case, the Moradi Case, and the Garland Case.

25 9. Ashley Pourghahreman
26 9612 Scrub Jay Ct
27 Las Vegas, Nevada 89148
28 (702) 677-0955

Ms. Coon is expected to testify regarding the facts and circumstances of this case
including, but not limited to, knowledge from her employment as a paralegal with C&P, the
Cochran Case, the Moradi Case, and the Garland Case.

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1 10. Karla Koutz
2 47-266 Kamehameha Highway
3 Kaneohe, Hawaii 96744
4 (808) 670-4401

5 Ms. Koutz is expected to testify regarding the facts and circumstances of this case
6 including, but not limited to, knowledge from her employment as a case worker with C&P, the
7 Cochran Case, the Moradi Case, and the Garland Case.

8 11. Mark Kane
9 2700 E. Patrick Lane, Suite 1
10 Las Vegas, Nevada 89120
11 (702) 260-4559

12 Mr. Kane is expected to testify regarding the facts and circumstances of this case
13 including, but not limited to, knowledge from his employment as an information technology
14 specialist with C&P.

15 12. Tammy Borowski
16 *Address Information Currently Unknown*
17 (702) 630-2637

18 Ms. Borowski is expected to testify regarding the facts and circumstances of this case
19 including, but not limited to, **her work with Profit Boosters and** her knowledge from her
20 employment and termination as a bookkeeper with C&P and Padda Law.

21 13. Gregory W. Addington
22 100 West Liberty Street, Suite 600
23 Reno, Nevada 89501
24 (702) 775-784-5438

25 Mr. Addington is expected to testify regarding the facts and circumstances of this case
26 including, but not limited to, Ms. Cohen's involvement with the Department of Justice's decision
27 to hire Mr. Padda, his observations and impressions of the interactions between Ms. Cohen and
28 Mr. Padda in and out of the office, and his personal observations and memory of the relationship
between Ms. Cohen and Mr. Padda, generally.

14. Steven J. Parsons
10091 Park Run Drive, Suite 200
Las Vegas, Nevada 89145
(702) 384-9900

Mr. Parsons is expected to testify regarding the facts and circumstances of this case
including, but not limited to, his communications, if any, with Ms. Cohen at all relevant times.

1 15. Kulwant K. Padda
2 259 Little Minah Ct.
3 Henderson, Nevada 89052
4 *Phone Number Currently Unknown*

5 Mrs. Padda is expected to testify regarding the facts and circumstances of this case
6 including, but not limited to, **her relationship with Ms. Cohen, and** the loans Mrs. Padda and
7 her husband allegedly provided to Defendants.

8 16. Sherry Prine
9 169 Adomeit Drive
10 Henderson, Nevada 89074
11 (702) 569-7103

12 Ms. Prine is expected to testify regarding, among other things, her relationships with
13 Patty Davidson and Mr. Padda, **and her observations and Ms. Davidson's statements to Ms.**
14 **Prine regarding Ms. Davidson's romantic relationship with Mr. Padda.**

15 17. Carey Reno
16 7600 Painted Dunes Drive
17 Las Vegas, Nevada 89149
18 (702) 498-4445

19 Ms. Reno is expected to testify regarding, among other things, her relationship with Patty
20 Davidson.

21 18. Jeff Appel
22 10675 Fairfield Avenue
23 Las Vegas, Nevada 89183
24 (213) 505-7525

25 Mr. Appel is expected to testify regarding, among other things, his work as controller and
26 bookkeeper at Paul Padda Law, PLLC.

27 19. Rachel Solow
28 1850 E. Sahara Ave., Suite 107
Las Vegas, NV 89104
(702) 460-1735

Ms. Solow is expected to testify regarding, among other things, her relationships
with the parties and others working at C&P and/or Paul Padda Law and her knowledge
gained and observations made during her employ with the parties.

///

1 20. **David Oancea a/k/a Vegas Dave**
2 *Address Information Currently Unknown*
3 **(702) 353-1003**

4 **Mr. Oancea is expected to testify regarding the facts and circumstances of this case**
5 **including, but not limited to, his experience in retaining Defendants, the payments to**
6 **Defendants for services rendered or not rendered and Defendants' lack of diligence, and**
7 **how Defendants took advantage of him before he was forced to hire separate counsel.**

8 21. **Mary Johnson**
9 *Address Information Currently Unknown*
10 *Phone Number Currently Unknown*

11 **Ms. Johnson is expected to testify regarding the facts and circumstances of this case**
12 **including, but not limited to, her relationships with the parties and others working at C&P**
13 **and/or Paul Padda Law and her knowledge gained and observations made during her**
14 **employ with the parties.**

15 22. **Mindy Pallares**
16 **1820 E. Sahara Avenue, Suite 110**
17 **Las Vegas, Nevada 89104**
18 **(702) 477-7030**

19 **Ms. Pallares is expected to testify regarding the facts and circumstances of this case**
20 **including, but not limited to, her relationships with the parties and others working at C&P**
21 **and/or Paul Padda Law and her knowledge gained and observations made during her**
22 **employ with the parties.**

23 23. **John Shannon**
24 **6130 Elton Avenue, 2nd Floor**
25 **Las Vegas, Nevada 89107**
26 **(702) 675-4919**

27 **Mr. Shannon is expected to testify regarding, among other things, his work,**
28 **retention, compensation, knowledge, and observations as co-counsel on the parties' cases**
29 **prior to and after Ms. Cohen's separation.**

30 ///

31 ///

1 24. **Tarquin Black**
2 **1820 E. Sahara Avenue, Suite 110**
3 **Las Vegas, Nevada 89104**
4 **(702) 477-7030**

5 **Mr. Black is expected to testify regarding, among other things, his relationships**
6 **with the parties and others working at C&P and/or Paul Padda Law and his knowledge**
7 **gained and observations made during his employ with the parties**

8 25. **Louis Garfinkel**
9 **1671 W. Horizon Ridge Pkwy, Suite #230**
10 **Henderson, Nevada 89012**
11 **(702) 673-1612**

12 **Mr. Garfinkel is expected to testify regarding, among other things, his work,**
13 **retention, compensation, knowledge, and observations as co-counsel on the parties' cases**
14 **prior to and after Ms. Cohen's separation.**

15 26. **NRCP 30(b)(6) Designee of**
16 **Eglet Law Group, LLP**
17 **c/o Robert Eglet, Esq.**
18 **400 S. Seventh Street, Suite 400**
19 **Las Vegas, Nevada**
20 **(702) 450-5400**

21 **On behalf of Eglet Law, this witness is expected to testify regarding the facts and**
22 **circumstances of this case including, but not limited, Eglet Law's work, retention,**
23 **compensation, knowledge, and observations as co-counsel on the parties' cases prior to and**
24 **after Ms. Cohen's separation.**

25 27. **Custodian of Records of**
26 **Eglet Law Group, LLP**
27 **c/o Robert Eglet, Esq.**
28 **400 S. Seventh Street, Suite 400**
29 **Las Vegas, Nevada**
30 **(702) 450-5400**

31 **On behalf of Eglet Law, this witness is expected to testify regarding the facts and**
32 **circumstances of this case including, but not limited to, any and all records, documents and**
33 **correspondence involving Ms. Cohen, C&P, Padda Law, and Eglet Law's work, retention,**
34 **compensation, knowledge, and observations as co-counsel on the parties' cases prior to and**
35 **after Ms. Cohen's separation.**

1 28. **Robert Adams**
2 **400 S. Seventh Street, Suite 400**
3 **Las Vegas, Nevada**
 (702) 450-5400

4 **Mr. Adams is expected to testify regarding, among other things, his work, retention,**
5 **compensation, knowledge, and observations as co-counsel on the parties' cases prior to and**
6 **after Ms. Cohen's separation.**

7 29. **Hui Lim Ang**
8 *Address Information Currently Unknown*
 Phone Number Currently Unknown

9 **Ms. Ang is expected to testify regarding the facts and circumstances of this case**
10 **including, but not limited to, her relationships with the parties and others working at C&P**
11 **and/or Paul Padda Law and her knowledge gained and observations made during her**
12 **employ with the parties.**

13 30. **Benson Lee**
14 **1820 E. Sahara Avenue, Suite 110**
 Las Vegas, Nevada 89104
 (702) 477-7030

15 **Mr. Lee is expected to testify regarding, among other things, his relationship and**
16 **interactions with, and observations of, Joshua Ang.**

17 31. **Rahul Ravipudi**
18 **11111 Santa Monica Blvd., Suite 700**
 Los Angeles, California 90025
 (310) 477-1700

19 **Mr. Ravipudi is expected to testify regarding the facts and circumstances of this**
20 **case including, but not limited, his and/or his firm's work, retention, compensation,**
21 **knowledge, and observations as co-counsel on the parties' cases prior to and after Ms.**
22 **Cohen's separation.**

23 32. **Matthew Stumpf**
24 **11111 Santa Monica Blvd., Suite 700**
 Los Angeles, California 90025
 (310) 477-1700

25 *Phone Number Currently Unknown*

26 **Mr. Stumpf is expected to testify regarding the facts and circumstances of this case**
27 **including, but not limited, his and/or his firm's work, retention, compensation, knowledge,**
28

1 and observations as co-counsel on the parties' cases prior to and after Ms. Cohen's
2 separation.

3 33. Katie [Last Name Unknown]
4 *Address Information Currently Unknown*
5 *Phone Number Currently Unknown*

6 This witness is expected to testify regarding the facts and circumstances of this case
7 including, but not limited, her relationships with the parties and others working at C&P
8 and/or Paul Padda Law and her knowledge gained and observations made during her
9 employ with the parties.

10 34. Claudia [Last Name Unknown]
11 *Address Information Currently Unknown*
12 *Phone Number Currently Unknown*

13 This witness is expected to testify regarding the facts and circumstances of this case
14 including, but not limited, her relationships with the parties and others working at C&P
15 and/or Paul Padda Law and her knowledge gained and observations made during her
16 employ with the parties.

17 35. Chantay [Last Name Unknown]
18 *Address Information Currently Unknown*
19 *Phone Number Currently Unknown*

20 This witness is expected to testify regarding the facts and circumstances of this case
21 including, but not limited, her relationships with the parties and others working at C&P
22 and/or Paul Padda Law and her knowledge gained and observations made during her
23 employ with the parties.

24 Plaintiff reserves the right to amend/supplement this disclosure of witnesses as the same
25 become known to Plaintiff throughout the discovery process, including expert witnesses.
26 Plaintiff further reserves the right to call any witness identified by any other party in this action.

27 DOCUMENTS

No.	Document Description	Bates Nos.
1.	Partnership Agreement, between Ruth Lynn Cohen, LLC and The Padda Law Firm, P.C., dated January 1, 2011	COHEN 000001-000007
2.	Partnership Dissolution Agreement, between Ruth L. Cohen and Paul S. Padda regarding Cohen & Padda,	COHEN 000008-000010

1		LLP, dated November 1, 2014	
2	3.	Partnership Dissolution Agreement, between Ruth L. Cohen and Paul S. Padda regarding Cohen & Padda, LLP, dated December 23, 2014	COHEN 000011-000013
3			
4	4.	Business Expectancy Interest Resolution Agreement, between Ruth Cohen and Paul Padda regarding Cohen & Padda, LLP, dated September 12, 2016	COHEN 000014-000015
5			
6	5.	Expert Report of Stanley Smith, Ph.D., Smith Economics Group regarding Steven Cochran, dated October 13, 2014 (<i>part of the public record as of December 17, 2014</i>)	COHEN 000016-000106
7			
8	6.	Plaintiff David Moradi's Responses to Defendants' First Set of Interrogatories, dated May 4, 2015 (<i>part of the public record as of November 1, 2016</i>)	COHEN 000107-000123
9			
10	7.	Letter from Tyler J. Watson, Esq. to Paul Padda, dated May 20, 2015 (<i>part of the public record as of November 30, 2016</i>)	COHEN 000124-000126
11			
12	8.	Plaintiff's Offer of Judgment, dated December 10, 2015 (<i>provided to MAC for inspection by Padda on April 2, 2019</i>)	COHEN 000127-000128
13			
14	9.	Plaintiff's Initial Expert Witness Disclosures, dated August 18, 2016 (<i>part of the public record as of December 27, 2016</i>)	COHEN 000129-000133
15			
16	10.	Expert Report of Stanley Smith, Ph.D, Smith Economics Group regarding David Moradi, dated August 18, 2016 (<i>part of the public record as of November 30, 2016</i>)	COHEN 000134-000185
17			
18	11.	Defendants' Offer of Judgment to Plaintiff David Moradi, dated January 18, 2017 (<i>provided to MAC for inspection by Padda on April 2, 2019</i>)	COHEN 000186-000189
19			
20	12.	Discovery Commissioner's Report and Recommendations and Court Minutes (<i>part of the public record as of June 7, 2016</i>)	COHEN 000190-000197
21			
22	13.	Excerpts of Plaintiff's Opposition to Defendants' Motion for Partial Summary Judgment Re: Past Wage/Income Loss and Future Earnings Capacity Loss (<i>part of the public record as of November 30, 2016</i>)	COHEN 000198-000204
23			
24	14.	Condensed Deposition Transcript of Ruth Cohen, Esq., dated December 30, 2016 (<i>provided to MAC for inspection by Padda on April 2, 2019</i>)	COHEN 000205-000231
25			
26	15.	Affidavit of Ruth L. Cohen, dated April 14, 2017 (<i>provided to MAC for inspection by Padda on April 2, 2019</i>)	COHEN 000232-000235
27			
28	16.	Check No. 8028 from Paul Padda Law PLLC to Ruth L. Cohen for \$50,000.00 for Discretionary Bonus, dated July 20, 2017 (<i>account number redacted</i>)	COHEN 000236
	17.	Text Messages between Ruth Cohen and Paul Padda, dated September 22, 2017	COHEN 000237-000240

18.	Text Messages between Ruth Cohen and Patty Davidson dated September 29, 2017	COHEN 000241-000246
19.	Text Messages between Ruth Cohen and Paul Padda, dated December 30, 2017	COHEN 000247-000250
20.	Text Messages between Ruth Cohen and Patty Davidson dated February 4-5, 2019	COHEN 000251-000253
21.	Civil Case Docket for the matter of Johnson v. Whirlpool Corporation, United States District Court Case No. 2:15-cv-02425-JCM-CWH.	COHEN 000254-000264
22.	Photo of “entire Moradi file” provided to MAC by Paul Padda on April 2, 2019	COHEN 000265
23.	Paul Padda Law Website Archive showing Ruth L. Cohen in or about July 2017	COHEN 000266-000270
24.	Email exchange regarding April 2, 2019 meeting	COHEN 000271-000272
25.	Facebook printouts from Paul Padda Law, PLLC page regarding Ruth L. Cohen	COHEN 000273-000283
26.	Documents produced from Lewis Brisbois Bisgaard & Smith in response to Subpoena	GARLAND 000001-000060
27.	Documents produced by Eglet Law Group, LLP, dba Eglet Adams in response to Subpoena	COCHRAN 000001-003190
28.	RipoffReport.com entries concerning Paul Padda	COHEN 000284-000309
29.	Email dated June 6, 2019 from Steven Parsons to Josh Reisman Regarding Ruth Cohen and Paul Padda	COHEN 000310-000311
30.	The Intercept article “Love and Loathing in Las Vegas” dated August 12, 2018	COHEN 000312-000346
31.	Seth Cogan July 17, 2019 Facebook Post and Comments	COHEN 000347-000355
32.	Seth Cogan May 2, 2019 Facebook Post with Ruth Cohen Comments	COHEN 000356-000358
33.	Seth Cogan Facebook Posts regarding Paul Padda	COHEN 000359-000370
34.	First Amended Complaint dated December 5, 2015 in the matter of Cohen & Padda, LLP, et al. v. Emile Bouari, et al., District Court, Clark County, Nevada Case No. A-15-714690-B	COHEN 000371-000397
35.	Plaintiffs’ Joint Application for Default Judgment Against Defendants Emile Bouari and Kim Milko dated February 6, 2016 in the matter of Cohen & Padda, LLP, et al. v. Emile Bouari, et al., District Court, Clark County, Nevada Case No. A-15-714690-B	COHEN 000398-000414
36.	Declaration of Joshua Y. Ang dated May 23, 2019 in the matter of Cohen & Padda, LLP, et al. v. Emile Bouari, et al., District Court, Clark County, Nevada Case No. A-15-714690-B	COHEN 000415-000416
37.	Odyssey File & Serve Electronic Service Contacts List for the Moradi Case	COHEN 000417-000418
38.	Email dated September 26, 2019 from Steven Parsons to Liane Wakayama Regarding Cohen v. Padda – Steve Parsons Deposition	COHEN 000419-000420

39.	Civil Case Docket for the matter of Johnson v. Whirlpool Corporation, United States District Court Case No. 2:15-cv-02425-JCM-CWH	COHEN 000421-000436
40.	Complaint with Jury Demand dated December 18, 2015 in the matter of Johnson v. Whirlpool Corporation, United States District Court Case No. 2:15-cv-02425-JCM-CWH	COHEN 000437-000446
41.	Plaintiff's Motion to Withdraw Ruth Cohen as Counsel of Record dated July 17, 2019 in the matter of Johnson v. Whirlpool Corporation, United States District Court Case No. 2:15-cv-02425-JCM-CWH	COHEN 000447-000449
42.	Order Granting Plaintiff's Motion to Withdraw Ruth Cohen as Counsel of Record dated July 19, 2019 in the matter of Johnson v. Whirlpool Corporation, United States District Court Case No. 2:15-cv-02425-JCM-CWH	COHEN 000450-000452
43.	Notice of Settlement and Stipulation and Order to Continue Trial dated August 9, 2019 in the matter of Johnson v. Whirlpool Corporation, United States District Court Case No. 2:15-cv-02425-JCM-CWH	COHEN 000453-000454
44.	Order Granting Notice of Settlement and Stipulation to Continue Trial dated August 12, 2019 in the matter of Johnson v. Whirlpool Corporation, United States District Court Case No. 2:15-cv-02425-JCM-CWH	COHEN 000455-000456
45.	BlueCross BlueShield Explanation of Benefits for Summerlin Hospital Medical Center for Dates of Service 10/19/2017 – 10/20/2017	COHEN 000457-000460
46.	2017 1099 Misc. Tax Form for Ruth Cohen	COHEN 000461-000462
47.	2019-08-14 to 2019-10-23 emails to Tammy Peterson regarding deposition	COHEN 000463-000494
48.	Text Messages between Ruth Cohen and Sherry Prine	COHEN 000495-000502
49.	Documents produced from Littler Mendelson, P.C. in response to Subpoena	LITTLER0001-0086
50.	Response and Objections to Subpoena Issued to Non-Party Littler Mendelson, P.C.	LITTLER0087-0089
51.	CFO article "SEC Charges Former CFO, Five others at HBOC," dated September 28, 2001	COHEN 000503-000511
52.	Paul Padda Law, PLLC Invoice dated January 3, 2017 regarding Jorge Esquivel-Robles	COHEN 000512-000514
53.	Affidavit of Paul S. Padda dated April 14, 2017 regarding the Moradi Case	COHEN 000515-000518
54.	Declaration of Paul S. Padda dated October 22, 2019 regarding <i>Jorge Esquivel-Robles, et al. v. Align Med, PLLC, et al.</i>	COHEN 000519-000520
55.	Complaint dated March 3, 2015 in the matter of <i>Cohen & Padda, LLP, et al. v. Emile Bouari, et al.</i>	COHEN 000521-000546
56.	Affidavit of Service for First Amended Complaint filed August 5, 2019 in the matter of <i>Cohen & Padda, LLP, et al. v. Emile Bouari, et al.</i>	COHEN 000547-000548

57.	Certificate of Death regarding David Joseph Tully	COHEN 000549-000550
58.	Affidavit of Mark Kane	COHEN 000551-000552
59.	Police Report dated February 7, 2002 (CONFIDENTIAL)	COHEN 000553-000554
60.	Henderson Chambers seminar "Embezzlement: It's Easy, It's About Money and It's Common in Small Business!" presented by Patty Davidson	COHEN 000555
61.	Webinar "5 Ways your Bookkeeper Steals from you and What you can do to Lower your Risk"	COHEN 000556-000558

Plaintiff reserves the right to amend/supplement this disclosure of documents as the same become known to Plaintiff throughout the discovery process, including expert witness reports/opinions. Plaintiff further reserves the right to utilize any document disclosed by any other party or non-party herein.

COMPUTATION OF DAMAGES

Ms. Cohen estimates her total unpaid compensation as follows:

As to Garland

40% contingency on \$215,000 recovered = \$86,000

Ms. Cohen's 1/3 (33.333%) share = \$28,667

As to Moradi

Attorney fees awarded to Padda = \$10,000,000

Ms. Cohen's 1/3 (33.333%) share = \$3,333,333

As to Cochran

40% of Cochran settlement (\$1.4 million) = \$560,000

Padda's 1/2 share = \$280,000

Ms. Cohen's 1/3 (33.333%) share of Padda's share = \$93,333

TOTAL COMPENSATORY DAMAGES

\$28,667 + \$93,333 + \$3,333,333 = \$3,455,333

In addition, were this case to proceed to and through litigation, she would be entitled to recover double damages for elder abuse (bringing the total to \$6,910,666), being over 60 years of age, as well as her reasonable attorney fees and costs. Moreover, because her claims arise from

1 acts of fraud, oppression, and malice, she would be entitled to recover treble, punitive damages,
2 bringing the potential recovery in litigation to \$20,731,998.

3 These calculations do not include the employment discrimination cases that Ms. Cohen
4 was handling prior to Padda locking her out of the office in late September 2017. Some of these
5 cases are valued at over a million dollars and litigation is still ongoing.

6 **INSURANCE**

7 N/A.

8 Dated this 18th day of November, 2019.

9 MARQUIS AURBACH COFFING

10 By /s/ Jared M. Moser, Esq.

11 Liane K. Wakayama, Esq.

12 Nevada Bar No. 11313

13 Jared M. Moser, Esq.

14 Nevada Bar No. 13003

15 10001 Park Run Drive

16 Las Vegas, Nevada 89145

17 CAMPBELL & WILLIAMS

18 Donald J. Campbell, Esq.

19 Nevada Bar No. 1216

20 Samuel R. Mirkovich, Esq.

21 Nevada Bar No. 11662

22 700 South Seventh Street

23 Las Vegas, Nevada 89101

24 *Attorneys for Plaintiff Ruth L. Cohen*

EXHIBIT 6

MARQUIS AURBACH COFFING

10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

Marquis Aurbach Coffing

Liane K. Wakayama, Esq.
Nevada Bar No. 11313
Jared M. Moser, Esq.
Nevada Bar No. 13003
10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
lwakayama@maclaw.com
jmoser@maclaw.com

Campbell & Williams

Donald J. Campbell, Esq.
Nevada Bar No. 1216
Samuel R. Mirkovich, Esq.
Nevada Bar No. 11662
700 South Seventh Street
Las Vegas, Nevada 89101
Telephone: (702) 382-5222
Facsimile: (702) 382-0540
djc@cwlawlv.com
srm@cwlawlv.com

Attorneys for Plaintiff Ruth L. Cohen

DISTRICT COURT

CLARK COUNTY, NEVADA

RUTH L. COHEN, an individual,

Plaintiff,

vs.

PAUL S. PADDA, an individual; PAUL
PADDA LAW, PLLC, a Nevada professional
limited liability company; DOE individuals I-X;
and, ROE entities I-X,

Defendants.

Case No.: A-19-792599-B

Dept. No.: XI

**PLAINTIFF'S TWELFTH SUPPLEMENT TO INITIAL DISCLOSURE OF WITNESSES
AND DOCUMENTS PURSUANT TO NRCP 16.1**

In compliance with NRCP 16.1, Plaintiff Ruth L. Cohen (hereinafter "Plaintiff" or "Ms. Cohen"), by and through her attorneys of record, the law firms of Marquis Aurbach Coffing and Campbell & Williams, hereby produces the attached supplemental list of witnesses and documents related to this matter. *Supplemental documents are indicated in bold.*

WITNESSES

1. Ruth L. Cohen
c/o Liane K. Wakayama, Esq.
Marquis Aurbach Coffing
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711

Ms. Cohen is expected to testify regarding the facts and circumstances of this case including, but not limited to, her engagement with Paul S. Padda under the Partnership Agreement to perform legal services for Cohen & Padda, LLP ("C&P"), her engagement with Paul S. Padda to perform legal services for Paul Padda Law, PLLC ("Padda Law"), the matter of *Cochran, et al. v. Nevada Property 1, LLC, et al.*, Clark County, District Court, Case No. A-13-687601-C (the "Cochran Case"), the matter of *Moradi v. Nevada Property 1, LLC, et al.*, Clark County, District Court, Case No. A-14-698824-C (the "Moradi Case"), and the matter of *Garland v. SPB Partners, LLC, et al.*, Clark County, District Court, Case No. A-15-724139-C (the "Garland Case"), among others for which C&P was retained on a contingency fee basis prior to December 31, 2014, and other cases.

2. Paul S. Padda
c/o J. Stephen Peek, Esq.
Holland & Hart LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
(702) 669-4600

Mr. Padda is expected to testify regarding the facts and circumstances of this case including, but not limited to, his engagement with Ms. Cohen under the Partnership Agreement to perform legal services for C&P, engaging Ms. Cohen to perform legal services for Padda Law, the Cochran Case, the Moradi Case, and the Garland Case, among others for which C&P was retained on a contingency fee basis prior to December 31, 2014, and other cases.

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- 1 3. NRCP 30(b)(6) Designee of
2 Paul Padda Law, PLLC
3 c/o J. Stephen Peek, Esq.
4 Holland & Hart LLP
5 9555 Hillwood Drive, 2nd Floor
6 Las Vegas, NV 89134
7 (702) 669-4600

8 On behalf of Padda Law, this witness is expected to testify regarding the facts and
9 circumstances of this case including, but not limited to, the employment of Ruth L. Cohen for
10 legal services for Padda Law, the Cochran Case, the Moradi Case, and the Garland Case, among
11 others for which C&P was retained on a contingency fee basis prior to December 31, 2014, and
12 other cases.

- 13 4. Custodian of Records of
14 Paul Padda Law, PLLC
15 c/o J. Stephen Peek, Esq.
16 Holland & Hart LLP
17 9555 Hillwood Drive, 2nd Floor
18 Las Vegas, NV 89134
19 (702) 669-4600

20 On behalf of Padda Law, this witness is expected to testify regarding the facts and
21 circumstances of this case including, but not limited to, any and all records, documents and
22 correspondence involving Ms. Cohen, the Cochran Case, the Moradi Case, and the Garland Case,
23 as well as electronically stored information maintained by Padda Law.

- 24 5. Patricia J. Davidson
25 Chief Operating Officer
26 Paul Padda Law, PLLC
27 c/o Tamara Beatty Peterson, Esq.
28 Peterson Baker, PLLC
701 S 7th St.
Las Vegas, Nevada 89101
(702) 786-1001

Ms. Davidson is expected to testify regarding the facts and circumstances of this case
including, but not limited to, the employment of Ms. Cohen for legal services for Padda Law, the
Cochran Case, the Moradi Case, and the Garland Case, as well as the circumstances surrounding
Ms. Cohen's separation from Padda Law.

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- 1 6. NRCP 30(b)(6) Designee of
2 Panish Shea & Boyle, LLP
3 c/o Ian Samson, Esq.
4 11111 Santa Monica Blvd., Suite 700
5 Los Angeles, California 90025
6 (310) 477-1700

7 On behalf of Panish Shea & Boyle, LLP ("PSB"), this witness is expected to testify
8 regarding the facts and circumstances of this case including, but not limited, to the Moradi Case.

- 9 7. Custodian of Records of
10 Panish Shea & Boyle, LLP
11 c/o Rahul Ravipudi, Esq.
12 11111 Santa Monica Blvd., Suite 700
13 Los Angeles, California 90025
14 (310) 477-1700

15 On behalf of PSB, this witness is expected to testify regarding the facts and
16 circumstances of this case including, but not limited to, any and all records, documents and
17 correspondence involving Ms. Cohen, C&P, Padda Law, and the Moradi Case.

- 18 8. Wayne Price
19 8923 Monteloma Way
20 Henderson, NV 89074-6908
21 (702) 659-4799

22 Mr. Price is expected to testify regarding the facts and circumstances of this case
23 including, but not limited to, knowledge from his employment as an attorney with C&P, the
24 Cochran Case, the Moradi Case, and the Garland Case.

- 25 9. Ashley Pourghahreman
26 9612 Scrub Jay Ct
27 Las Vegas, Nevada 89148
28 (702) 677-0955

Ms. Pourghahreman is expected to testify regarding the facts and circumstances of this
case including, but not limited to, knowledge from her employment as a paralegal with C&P, the
Cochran Case, the Moradi Case, and the Garland Case.

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10. Karla Koutz
47-266 Kamehameha Highway
Kaneohe, Hawaii 96744
(808) 670-4401

Ms. Koutz is expected to testify regarding the facts and circumstances of this case including, but not limited to, knowledge from her employment as a case worker with C&P, the Cochran Case, the Moradi Case, and the Garland Case.

11. Mark Kane
2700 E. Patrick Lane, Suite 1
Las Vegas, Nevada 89120
(702) 260-4559

Mr. Kane is expected to testify regarding the facts and circumstances of this case including, but not limited to, knowledge from his employment as an information technology specialist with C&P.

12. Tammy Borowski
Address Information Currently Unknown
(702) 630-2637

Ms. Borowski is expected to testify regarding the facts and circumstances of this case including, but not limited to, her work with Profit Boosters and her knowledge from her employment and termination as a bookkeeper with C&P and Padda Law.

13. Gregory W. Addington
100 West Liberty Street, Suite 600
Reno, Nevada 89501
(702) 775-784-5438

Mr. Addington is expected to testify regarding the facts and circumstances of this case including, but not limited to, Ms. Cohen's involvement with the Department of Justice's decision to hire Mr. Padda, his observations and impressions of the interactions between Ms. Cohen and Mr. Padda in and out of the office, and his personal observations and memory of the relationship between Ms. Cohen and Mr. Padda, generally.

14. Steven J. Parsons
10091 Park Run Drive, Suite 200
Las Vegas, Nevada 89145
(702) 384-9900

Mr. Parsons is expected to testify regarding the facts and circumstances of this case including, but not limited to, his communications, if any, with Ms. Cohen at all relevant times.

1 15. Kulwant K. Padda
2 259 Little Minah Ct.
3 Henderson, Nevada 89052
4 *Phone Number Currently Unknown*

5 Mrs. Padda is expected to testify regarding the facts and circumstances of this case
6 including, but not limited to, her relationship with Ms. Cohen, and the loans Mrs. Padda and her
7 husband allegedly provided to Defendants.

8 16. Sherry Prine
9 169 Adomeit Drive
10 Henderson, Nevada 89074
11 (702) 569-7103

12 Ms. Prine is expected to testify regarding, among other things, her relationships with
13 Patty Davidson and Mr. Padda, and her observations and Ms. Davidson's statements to Ms. Prine
14 regarding Ms. Davidson's romantic relationship with Mr. Padda.

15 17. Carey Reno
16 7600 Painted Dunes Drive
17 Las Vegas, Nevada 89149
18 (702) 498-4445

19 Ms. Reno is expected to testify regarding, among other things, her relationship with Patty
20 Davidson.

21 18. Jeffrey Appel
22 10675 Fairfield Avenue
23 Las Vegas, Nevada 89183
24 (213) 505-7525

25 Mr. Appel is expected to testify regarding, among other things, his work as controller and
26 bookkeeper at Paul Padda Law, PLLC.

27 19. Rachel Solow
28 1850 E. Sahara Ave., Suite 107
Las Vegas, NV 89104
(702) 460-1735

Ms. Solow is expected to testify regarding, among other things, her relationships with the
parties and others working at C&P and/or Paul Padda Law and her knowledge gained and
observations made during her employ with the parties.

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1 20. David Oancea a/k/a Vegas Dave
2 *Address Information Currently Unknown*
(702) 353-1003

3 Mr. Oancea is expected to testify regarding the facts and circumstances of this case
4 including, but not limited to, his experience in retaining Defendants, the payments to Defendants
5 for services rendered or not rendered and Defendants' lack of diligence, and how Defendants
6 took advantage of him before he was forced to hire separate counsel.

7 21. Mary Johnson
8 *Address Information Currently Unknown*
Phone Number Currently Unknown

9 Ms. Johnson is expected to testify regarding the facts and circumstances of this case
10 including, but not limited to, her relationships with the parties and others working at C&P and/or
11 Paul Padda Law and her knowledge gained and observations made during her employ with the
12 parties.

13 22. Mindy Pallares
14 1820 E. Sahara Avenue, Suite 110
15 Las Vegas, Nevada 89104
(702) 477-7030

16 Ms. Pallares is expected to testify regarding the facts and circumstances of this case
17 including, but not limited to, her relationships with the parties and others working at C&P and/or
18 Paul Padda Law and her knowledge gained and observations made during her employ with the
19 parties.

20 23. John Shannon
21 6130 Elton Avenue, 2nd Floor
Las Vegas, Nevada 89107
(702) 675-4919

22 Mr. Shannon is expected to testify regarding, among other things, his work, retention,
23 compensation, knowledge, and observations as co-counsel on the parties' cases prior to and after
24 Ms. Cohen's separation.

25
26 ///

27
28 ///

1 24. Tarquin Black
2 1820 E. Sahara Avenue, Suite 110
3 Las Vegas, Nevada 89104
4 (702) 477-7030

5 Mr. Black is expected to testify regarding, among other things, his relationships with the
6 parties and others working at C&P and/or Paul Padda Law and his knowledge gained and
7 observations made during his employ with the parties

8 25. Louis Garfinkel
9 1671 W. Horizon Ridge Pkwy, Suite #230
10 Henderson, Nevada 89012
11 (702) 673-1612

12 Mr. Garfinkel is expected to testify regarding, among other things, his work, retention,
13 compensation, knowledge, and observations as co-counsel on the parties' cases prior to and after
14 Ms. Cohen's separation.

15 26. NRCP 30(b)(6) Designee of
16 Eglet Law Group, LLP
17 c/o Robert Eglet, Esq.
18 400 S. Seventh Street, Suite 400
19 Las Vegas, Nevada
20 (702) 450-5400

21 On behalf of Eglet Law, this witness is expected to testify regarding the facts and
22 circumstances of this case including, but not limited, Eglet Law's work, retention, compensation,
23 knowledge, and observations as co-counsel on the parties' cases prior to and after Ms. Cohen's
24 separation.

25 27. Custodian of Records of
26 Eglet Law Group, LLP
27 c/o Robert Eglet, Esq.
28 400 S. Seventh Street, Suite 400
Las Vegas, Nevada
(702) 450-5400

On behalf of Eglet Law, this witness is expected to testify regarding the facts and
circumstances of this case including, but not limited to, any and all records, documents and
correspondence involving Ms. Cohen, C&P, Padda Law, and Eglet Law's work, retention,
compensation, knowledge, and observations as co-counsel on the parties' cases prior to and after
Ms. Cohen's separation.

1 28. Robert Adams
2 400 S. Seventh Street, Suite 400
3 Las Vegas, Nevada
4 (702) 450-5400

5 Mr. Adams is expected to testify regarding, among other things, his work, retention,
6 compensation, knowledge, and observations as co-counsel on the parties' cases prior to and after
7 Ms. Cohen's separation.

8 29. Hui Lim Ang
9 *Address Information Currently Unknown*
10 *Phone Number Currently Unknown*

11 Ms. Ang is expected to testify regarding the facts and circumstances of this case
12 including, but not limited to, her relationships with the parties and others working at C&P and/or
13 Paul Padda Law and her knowledge gained and observations made during her employ with the
14 parties.

15 30. Benson Lee
16 1820 E. Sahara Avenue, Suite 110
17 Las Vegas, Nevada 89104
18 (702) 477-7030

19 Mr. Lee is expected to testify regarding, among other things, his relationship and
20 interactions with, and observations of, Joshua Ang.

21 31. Rahul Ravipudi
22 11111 Santa Monica Blvd., Suite 700
23 Los Angeles, California 90025
24 (310) 477-1700

25 Mr. Ravipudi is expected to testify regarding the facts and circumstances of this case
26 including, but not limited to, his and/or his firm's work, retention, compensation, knowledge,
27 and observations as co-counsel on the parties' cases prior to and after Ms. Cohen's separation.

28 32. Matthew Stumpf
11111 Santa Monica Blvd., Suite 700
Los Angeles, California 90025
(310) 477-1700

Mr. Stumpf is expected to testify regarding the facts and circumstances of this case
including, but not limited to, his and/or his firm's work, retention, compensation, knowledge,
and observations as co-counsel on the parties' cases prior to and after Ms. Cohen's separation.

1 33. Katie [Last Name Unknown]
2 *Address Information Currently Unknown*
3 *Phone Number Currently Unknown*

4 This witness is expected to testify regarding the facts and circumstances of this case
5 including, but not limited to, her relationships with the parties and others working at C&P and/or
6 Paul Padda Law and her knowledge gained and observations made during her employ with the
7 parties.

8 34. Claudia [Last Name Unknown]
9 *Address Information Currently Unknown*
10 *Phone Number Currently Unknown*

11 This witness is expected to testify regarding the facts and circumstances of this case
12 including, but not limited to, her relationships with the parties and others working at C&P and/or
13 Paul Padda Law and her knowledge gained and observations made during her employ with the
14 parties.

15 35. Chantay [Last Name Unknown]
16 *Address Information Currently Unknown*
17 *Phone Number Currently Unknown*

18 This witness is expected to testify regarding the facts and circumstances of this case
19 including, but not limited to, her relationships with the parties and others working at C&P and/or
20 Paul Padda Law and her knowledge gained and observations made during her employ with the
21 parties.

22 36. Kathleen Annunziata Nicolaidis, B.A., D-ABFDE
23 Associated Forensic Laboratory LLC
24 24 W. Camelback Rd., #A420
25 Phoenix, Arizona 85013
26 (602) 241-1890
27 kan.fde@aflqd.com

28 This witness is expected to testify regarding her education, credentials, experience, and
expertise in the area of forensic document examination, as well as her evaluation, analysis and
opinions that are set forth in her Laboratory Report concerning the document titled "Receipt of
Final Payment," produced in this matter by the Defendants as PPL 000091.

37. Mike Holpuch
Holo Discovery
3016 West Charleston Blvd #170
Las Vegas, NV 89102
(702) 333-4321

This witness is expected to testify regarding his examination, evaluation, and analysis of the computer(s) owned and/or operated by Plaintiff Ruth Cohen during her employment as an attorney with C&P and Padda Law.

38. Patricia Chavez
Address Information Currently Unknown
Phone Number Currently Unknown

This witness is expected to testify regarding the facts and circumstances of this case including, but not limited to, her relationships with the parties and others working at C&P and/or Paul Padda Law and her knowledge gained and observations made during her employ with the parties.

39. Kathy Campagna
Campagna & Company, CPA's, a Professional Corporation
10091 Park Run Drive, Suite 200
Las Vegas, Nevada 89145
(702) 233-1700

Ms. Campagna is expected to testify as a summary witness to provide testimony regarding her review of financial documents produced by Defendants pursuant to Court order, and to present, connect, and correlate the information therein at the time of trial.

Plaintiff reserves the right to amend/supplement this disclosure of witnesses as the same become known to Plaintiff throughout the discovery process, including expert witnesses. Plaintiff further reserves the right to call any witness identified by any other party in this action.

DOCUMENTS

No.	Document Description	Bates Nos.
1.	Partnership Agreement, between Ruth Lynn Cohen, LLC and The Padda Law Firm, P.C., dated January 1, 2011	COHEN 000001-000007
2.	Partnership Dissolution Agreement, between Ruth L. Cohen and Paul S. Padda regarding Cohen & Padda, LLP, dated November 1, 2014	COHEN 000008-000010
3.	Partnership Dissolution Agreement, between Ruth L. Cohen and Paul S. Padda regarding Cohen & Padda, LLP, dated December 23, 2014	COHEN 000011-000013

MARQUIS AURBACH COFFING

10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

4.	Business Expectancy Interest Resolution Agreement, between Ruth Cohen and Paul Padda regarding Cohen & Padda, LLP, dated September 12, 2016	COHEN 000014-000015
5.	Expert Report of Stanley Smith, Ph.D., Smith Economics Group regarding Steven Cochran, dated October 13, 2014 <i>(part of the public record as of December 17, 2014)</i>	COHEN 000016-000106
6.	Plaintiff David Moradi's Responses to Defendants' First Set of Interrogatories, dated May 4, 2015 <i>(part of the public record as of November 1, 2016)</i>	COHEN 000107-000123
7.	Letter from Tyler J. Watson, Esq. to Paul Padda, dated May 20, 2015 <i>(part of the public record as of November 30, 2016)</i>	COHEN 000124-000126
8.	Plaintiff's Offer of Judgment, dated December 10, 2015 <i>(provided to MAC for inspection by Padda on April 2, 2019)</i>	COHEN 000127-000128
9.	Plaintiff's Initial Expert Witness Disclosures, dated August 18, 2016 <i>(part of the public record as of December 27, 2016)</i>	COHEN 000129-000133
10.	Expert Report of Stanley Smith, Ph.D, Smith Economics Group regarding David Moradi, dated August 18, 2016 <i>(part of the public record as of November 30, 2016)</i>	COHEN 000134-000185
11.	Defendants' Offer of Judgment to Plaintiff David Moradi, dated January 18, 2017 <i>(provided to MAC for inspection by Padda on April 2, 2019)</i>	COHEN 000186-000189
12.	Discovery Commissioner's Report and Recommendations and Court Minutes <i>(part of the public record as of June 7, 2016)</i>	COHEN 000190-000197
13.	Excerpts of Plaintiff's Opposition to Defendants' Motion for Partial Summary Judgment Re: Past Wage/Income Loss and Future Earnings Capacity Loss <i>(part of the public record as of November 30, 2016)</i>	COHEN 000198-000204
14.	Condensed Deposition Transcript of Ruth Cohen, Esq., dated December 30, 2016 <i>(provided to MAC for inspection by Padda on April 2, 2019)</i>	COHEN 000205-000231
15.	Affidavit of Ruth L. Cohen, dated April 14, 2017 <i>(provided to MAC for inspection by Padda on April 2, 2019)</i>	COHEN 000232-000235
16.	Check No. 8028 from Paul Padda Law PLLC to Ruth L. Cohen for \$50,000.00 for Discretionary Bonus, dated July 20, 2017 <i>(account number redacted)</i>	COHEN 000236
17.	Text Messages between Ruth Cohen and Paul Padda, dated September 22, 2017	COHEN 000237-000240
18.	Text Messages between Ruth Cohen and Patty Davidson dated September 29, 2017	COHEN 000241-000246
19.	Text Messages between Ruth Cohen and Paul Padda, dated December 30, 2017	COHEN 000247-000250

1	20.	Text Messages between Ruth Cohen and Patty Davidson dated February 4-5, 2019	COHEN 000251-000253
2	21.	Civil Case Docket for the matter of Johnson v. Whirlpool Corporation, United States District Court Case No. 2:15-cv-02425-JCM-CWH.	COHEN 000254-000264
3	22.	Photo of "entire Moradi file" provided to MAC by Paul Padda on April 2, 2019	COHEN 000265
4	23.	Paul Padda Law Website Archive showing Ruth L. Cohen in or about July 2017	COHEN 000266-000270
5	24.	Email exchange regarding April 2, 2019 meeting	COHEN 000271-000272
6	25.	Facebook printouts from Paul Padda Law, PLLC page regarding Ruth L. Cohen	COHEN 000273-000283
7	26.	Documents produced from Lewis Brisbois Bisgaard & Smith in response to Subpoena	GARLAND 000001-000060
8	27.	Documents produced by Eglet Law Group, LLP, dba Eglet Adams in response to Subpoena	COCHRAN 000001-003190
9	28.	RipoffReport.com entries concerning Paul Padda	COHEN 000284-000309
10	29.	Email dated June 6, 2019 from Steven Parsons to Josh Reisman Regarding Ruth Cohen and Paul Padda	COHEN 000310-000311
11	30.	The Intercept article "Love and Loathing in Las Vegas" dated August 12, 2018	COHEN 000312-000346
12	31.	Seth Cogan July 17, 2019 Facebook Post and Comments	COHEN 000347-000355
13	32.	Seth Cogan May 2, 2019 Facebook Post with Ruth Cohen Comments	COHEN 000356-000358
14	33.	Seth Cogan Facebook Posts regarding Paul Padda	COHEN 000359-000370
15	34.	First Amended Complaint dated December 5, 2015 in the matter of Cohen & Padda, LLP, et al. v. Emile Bouari, et al., District Court, Clark County, Nevada Case No. A-15-714690-B	COHEN 000371-000397
16	35.	Plaintiffs' Joint Application for Default Judgment Against Defendants Emile Bouari and Kim Milko dated February 6, 2016 in the matter of Cohen & Padda, LLP, et al. v. Emile Bouari, et al., District Court, Clark County, Nevada Case No. A-15-714690-B	COHEN 000398-000414
17	36.	Declaration of Joshua Y. Ang dated May 23, 2019 in the matter of Cohen & Padda, LLP, et al. v. Emile Bouari, et al., District Court, Clark County, Nevada Case No. A-15-714690-B	COHEN 000415-000416
18	37.	Odyssey File & Serve Electronic Service Contacts List for the Moradi Case	COHEN 000417-000418
19	38.	Email dated September 26, 2019 from Steven Parsons to Liane Wakayama Regarding Cohen v. Padda – Steve Parsons Deposition	COHEN 000419-000420
20	39.	Civil Case Docket for the matter of Johnson v. Whirlpool Corporation, United States District Court Case No. 2:15-cv-02425-JCM-CWH	COHEN 000421-000436
21	40.	Complaint with Jury Demand dated December 18,	COHEN 000437-000446

1		2015 in the matter of Johnson v. Whirlpool Corporation, United States District Court Case No. 2:15-cv-02425-JCM-CWH	
2			
3	41.	Plaintiff's Motion to Withdraw Ruth Cohen as Counsel of Record dated July 17, 2019 in the matter of Johnson v. Whirlpool Corporation, United States District Court Case No. 2:15-cv-02425-JCM-CWH	COHEN 000447-000449
4			
5	42.	Order Granting Plaintiff's Motion to Withdraw Ruth Cohen as Counsel of Record dated July 19, 2019 in the matter of Johnson v. Whirlpool Corporation, United States District Court Case No. 2:15-cv-02425-JCM-CWH	COHEN 000450-000452
6			
7			
8	43.	Notice of Settlement and Stipulation and Order to Continue Trial dated August 9, 2019 in the matter of Johnson v. Whirlpool Corporation, United States District Court Case No. 2:15-cv-02425-JCM-CWH	COHEN 000453-000454
9			
10	44.	Order Granting Notice of Settlement and Stipulation to Continue Trial dated August 12, 2019 in the matter of Johnson v. Whirlpool Corporation, United States District Court Case No. 2:15-cv-02425-JCM-CWH	COHEN 000455-000456
11			
12	45.	BlueCross BlueShield Explanation of Benefits for Summerlin Hospital Medical Center for Dates of Service 10/19/2017 – 10/20/2017	COHEN 000457-000460
13			
14	46.	2017 1099 Misc. Tax Form for Ruth Cohen	COHEN 000461-000462
15	47.	2019-08-14 to 2019-10-23 emails to Tammy Peterson regarding deposition	COHEN 000463-000494
16	48.	Text Messages between Ruth Cohen and Sherry Prine	COHEN 000495-000502
17	49.	Documents produced from Littler Mendelson, P.C. in response to Subpoena	LITTLER0001-0086
18	50.	Response and Objections to Subpoena Issued to Non-Party Littler Mendelson, P.C.	LITTLER0087-0089
19	51.	CFO article "SEC Charges Former CFO, Five others at HBOC," dated September 28, 2001	COHEN 000503-000511
20	52.	Paul Padda Law, PLLC Invoice dated January 3, 2017 regarding Jorge Esquivel-Robles	COHEN 000512-000514
21	53.	Affidavit of Paul S. Padda dated April 14, 2017 regarding the Moradi Case	COHEN 000515-000518
22	54.	Declaration of Paul S. Padda dated October 22, 2019 regarding <i>Jorge Esquivel-Robles, et al. v. Align Med, PLLC, et al.</i>	COHEN 000519-000520
23			
24	55.	Complaint dated March 3, 2015 in the matter of <i>Cohen & Padda, LLP, et al. v. Emile Bouari, et al.</i>	COHEN 000521-000546
25	56.	Affidavit of Service for First Amended Complaint filed August 5, 2019 in the matter of <i>Cohen & Padda, LLP, et al. v. Emile Bouari, et al.</i>	COHEN 000547-000548
26	57.	Certificate of Death regarding David Joseph Tully	COHEN 000549-000550
27	58.	Affidavit of Mark Kane	COHEN 000551-000552
28	59.	Police Report dated February 7, 2002 (CONFIDENTIAL)	COHEN 000553-000554

60.	Henderson Chambers seminar "Embezzlement: It's Easy, It's About Money and It's Common in Small Business!" presented by Patty Davidson	COHEN 000555
61.	Webinar "5 Ways your Bookkeeper Steals from you and What you can do to Lower your Risk"	COHEN 000556-000558
62.	November 22, 2019 Laboratory Report by Kathleen Nicolaides concerning Receipt of Final Payment	COHEN 000559-000591
63.	Fee Schedule & Retainer Policy of Kathleen Nicolaides	COHEN 000592
64.	Moradi Case Docket	COHEN 000593-000628
65.	Moradi Case Court Minutes dated July 19, 2017	COHEN 000629
66.	Moradi Case Court Minutes dated August 23, 2017	COHEN 000630
67.	Plaintiff's Notice of Termination of Attorney-Client Relationship with Panish Shea & Boyle Law firm, filed July 13, 2017 in the Moradi Case	COHEN 000631-000632
68.	David Moradi's Response to Panish Shea & Boyle's Motion to Withdraw as Attorneys for Plaintiff, filed August 22, 2017 in the Moradi Case	COHEN 000633-000635
69.	Case Docket regarding <i>David Moradi v. Panish Shea & Boyle LLP</i>, Case No. A-17-756171-C	COHEN 000636
70.	Complaint filed May 30, 2017, <i>David Moradi v. Panish Shea & Boyle LLP</i>	COHEN 000637-000641
71.	April 16, 2019 State Bar of Nevada Letter of Reprimand to Suneel Nelson, Esq.	COHEN 000642-000643

Plaintiff reserves the right to amend/supplement this disclosure of documents as the same become known to Plaintiff throughout the discovery process, including expert witness reports/opinions. Plaintiff further reserves the right to utilize any document disclosed by any other party or non-party herein.

COMPUTATION OF DAMAGES

Ms. Cohen estimates her total unpaid compensation as follows:¹

- As to Garland:

Attorney fees recovered by Defendants = \$51,590

Ms. Cohen's 1/3 (33.333%) share = \$17,196.67

- As to Moradi:

Attorney fees recovered by Defendants = \$9,186,667

¹ These figures listed in the Computation of Damages are estimates based solely on financial records provided by the Defendants through the course of discovery in this matter. As it has not been independently verified whether the financial records provided by the Defendants are complete and accurate, these figures may not reflect the exact total amount of unpaid compensation due to Ms. Cohen.

Ms. Cohen's 1/3 (33.333%) share = \$3,062,222.33

• As to Cochran:

40% of Cochran settlement (\$1.4 million) = \$560,000

Padda's 1/2 share = \$252,858.92

Ms. Cohen's 1/3 (33.333%) share of Padda's share = \$84,286.31

• As to Other Contingency Matters for Clients Who Retained C & P Prior to
12/31/2014:

Attorney fees collected by Defendants = \$564,140.70

Unpaid fees owed to Ms. Cohen = \$150,522.18

TOTAL COMPENSATORY DAMAGES

\$17,196.67 + \$84,286.31 + \$3,062,222.33 + \$150,522.18 = \$3,314,227.49

DOUBLE DAMAGES FOR ELDER ABUSE = \$6,628,454.97

TREBLE, PUNITIVE DAMAGES = \$19,885,364.91

GRAND TOTAL = \$26,513,819.88

INSURANCE

N/A.

Dated this 2nd day of December, 2019.

MARQUIS AURBACH COFFING

By /s/ Jared M. Moser, Esq.

Liane K. Wakayama, Esq.

Nevada Bar No. 11313

Jared M. Moser, Esq.

Nevada Bar No. 13003

10001 Park Run Drive

Las Vegas, Nevada 89145

CAMPBELL & WILLIAMS

Donald J. Campbell, Esq.

Nevada Bar No. 1216

Samuel R. Mirkovich, Esq.

Nevada Bar No. 11662

700 South Seventh Street

Las Vegas, Nevada 89101

Attorneys for Plaintiff Ruth L. Cohen

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **PLAINTIFF'S TWELFTH SUPPLEMENT TO INITIAL DISCLOSURE OF WITNESSES AND DOCUMENTS PURSUANT TO NRCP**

16.1 was submitted electronically for service with the Eighth Judicial District Court on the 2nd day of December, 2019. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:²

HOLLAND & HART LLP
J. Stephen Peek, Esq.
Ryan Alexander Semerad, Esq.
9555 Hillwood Drive, 2nd Floor
Las Vegas, Nevada 89134
Telephone: (702) 669-4600
Facsimile: (702) 669-4650
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rasemerad@hollandhart.com
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tpeterson@petersonbaker.com
nbaker@petersonbaker.com
eparcells@petersonbaker.com

*Attorneys for Paul S. Padda and
Paul Padda Law, PLLC*

CAMPBELL & WILLIAMS
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Attorneys for Plaintiff, Ruth L. Cohen

an employee of Marquis Aurbach Coffing

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

EXHIBIT 7

DECL

J. Stephen Peek, Esq.
Nevada Bar No. 1758
Ryan A. Semerad, Esq.
Nevada Bar No. 14615
HOLLAND & HART LLP
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*Attorneys for Defendants PAUL S. PADDA
and PAUL PADDA LAW, PLLC*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

RUTH L. COHEN, an Individual,

Plaintiff,

v.

Case No. A-19-792599-B
Dept. No. XI

**DECLARATION OF J. STEPHEN PEEK,
ESQ. IN SUPPORT OF DEFENDANTS'
MOTION FOR ATTORNEY'S FEES**

PAUL S. PADDA, an individual; PAUL
PADDA LAW, PLLC, a Nevada professional
limited liability company; DOE individuals I-
X; and ROE entities I-X,

Defendants.

I, J. Stephen Peek, being first duly sworn, deposes and states as follows:

1. I am a partner at the law firm of Holland & Hart, LLP, counsel for Defendant Paul
S. Padda, Esq. ("Mr. Padda") and Defendant Paul Padda Law, PLLC ("Padda Law") (collectively,
"Defendants") in the above-captioned matter. I make this declaration in support of Defendants'

1 Motion for Attorney's Fees (the "Motion"). I have personal knowledge of all matters stated herein
2 and would be competent to testify to them if called upon to do so.

3 2. On December 18, 2019, Defendants served on Plaintiff Ruth L. Cohen ("Plaintiff")
4 an Offer of Judgment pursuant to NRCP 68.

5 3. Plaintiff did not respond to Defendants' Offer of Judgment.

6 4. Holland & Hart LLP ("Holland & Hart") is a regional, AV-rated law firm with
7 extensive experience in commercial litigation.

8 5. The attorneys' fees that were incurred by Defendants because of Plaintiff's
9 decision to reject Defendants' Offer of Judgment and Plaintiff's ensuing conduct and litigation
10 tactics are reasonable, economical, and are customarily charged to clients of Holland & Hart.

11 6. The ability, training, education, experience, professional standing, and skill of the
12 professionals representing Defendants were demonstrated in the pleadings, motions, and other
13 documents filed with the Court as well as the oral presentations made to the Court during hearings
14 in this case.

15 7. Holland & Hart believes that every professional employed on behalf of its clients
16 has a responsibility to control fees and expenses by providing services in an efficient and effective
17 manner.

18 8. To this end, Holland & Hart diligently works to coordinate and facilitate the
19 efficient prosecution of the matters for which it is employed.

20 9. Staffing of matters within the case is done with the objective of providing the level
21 of representation appropriate to the significance, complexity, and difficulty of the particular
22 matter.

23 10. Holland & Hart reviews all client billings for reasonableness and makes
24 adjustments so that the charges are consistent with the value of the services provided.

25 11. Holland & Hart charges hourly rates that are similar to those rates charged by
26 comparable law firms for similar legal services.

27 12. Holland & Hart believes that the fees and expenses sought in this application are
28 appropriate, and that the fees are reasonable and necessary in light of the circumstances of this

1 case and the scope and difficulty of the business and legal issues involved.

2 13. I had primary responsibility over this matter, and I am experienced in complex
3 litigation. I have been practicing in the area of commercial litigation for nearly forty-eight (48)
4 years. I have been recognized by my peers and received the following recognitions: *Chambers*
5 *USA: America's Leading Lawyers for Business*, Litigation: General Commercial, Band 1; *The*
6 *Best Lawyers in America*® Commercial Litigation (2006-2020); *Mountain States Super*
7 *Lawyers*®, Business Litigation (2009-2019); Martindale-Hubbell®, AV Preeminent® Rating;
8 and *Nevada Business Magazine*, Nevada Legal Elite (2009-2015).

9 14. Consistent with its commitment to control fees and expenses through appropriate
10 staffing, Holland & Hart also staffed various associate attorneys and professional personnel on
11 this case. Ryan A. Semerad, Esq., and Brian D. Downing, Esq., are both associates who have
12 been practicing in the area of commercial litigation for about three (3) years and clerked for state
13 court judges in Nevada, and Shayna N. Noyce is a paralegal staffed on this case.

14 15. The nature of this litigation justifies the requested fees, which were actually and
15 necessarily incurred.

16 16. In addition to requesting attorneys' fees with the Motion, Holland & Hart
17 performed, among other things, the following tasks *after* Defendants served their December 18,
18 2019 offer of judgment on Plaintiff, which Plaintiff rejected:

- 19 a. Legal research on numerous topics, including (but not limited to):
- 20 i. Fee sharing with nonlawyers;
- 21 ii. The effects of an administrative suspension from the practice of law on
- 22 a person's ability to collect attorney's fees;
- 23 iii. Partnership duties and the effects of dissolution of a partnership on those
- 24 duties; and
- 25 iv. Fraudulent concealment and the duty of disclosure element required to
- 26 plead and prove a claim of fraudulent concealment under Nevada state
- 27 law;
- 28 b. Drafting pleadings and motions, including (but not limited to):

- i. Defendants' fourteen (14) Motions *in Limine* and replies in support thereof;
 - ii. Defendants' Oppositions to Plaintiff's eight (8) Motions *in Limine*;
 - iii. Defendants' Opposition to Plaintiff's Motion to Extend Deadline and Establish Briefing Schedule;
 - iv. Defendants' Opposition to Plaintiff's Motion to Adopt Plaintiff's Version of the Proposed Jury Questionnaire;
 - v. Defendants' Motion to Compel Plaintiff to Produce Certain Documents that are Relevant and Material to this Case and the reply in support thereof;
 - vi. Defendants' Motion for Sanctions and the reply in support thereof;
 - vii. Defendants' Opposition to Plaintiff's Motion for Reconsideration;
 - viii. Defendants' Opposition to Plaintiff's Motion to Retax Costs;
 - c. Identifying, retaining, corresponding with, and disclosing an expert witness identified, retained, and disclosed after the close of discovery;
 - d. Preparing, serving, and filing Defendants' pretrial disclosures pursuant to NRCP 16.1(a)(3);
 - e. Reviewing Plaintiff's pretrial disclosures pursuant to NRCP 16.1(a)(3);
 - f. Preparing, serving, and filing a joint pretrial memorandum in compliance with EDCR 2.67;
 - g. Preparing Defendants' proposed jury questionnaire;
 - h. Reviewing Plaintiff's proposed jury questionnaire;
 - i. Preparing all necessary documents, exhibits, and other demonstrative items in preparation for a jury trial; and
 - j. Attending about five (5) hearings before the Court and making oral presentations at these hearings where appropriate.
17. A detailed itemization of the time spent, each professional's billing rate, the matters involved, and costs incurred is described in the accounting attached to this Declaration as

1 **Exhibit 7-A.**

2 18. Because of Plaintiff's failure to accept Defendants' Offer of Judgment, and due to
3 Plaintiff's litigation tactics and bad faith in bringing and prosecuting her claims, including her
4 failure to adhere to the Nevada Rules of Civil Procedure during discovery, Defendants incurred
5 attorney's fees in connection with their defense against Plaintiff's claims.

6 19. Counsel spent considerable time performing the work required to defend
7 Defendants against Plaintiff's claims *after* Plaintiff failed to accept Defendants' Offer of
8 Judgment. *See Exhibit 7-A.*

9 20. The total amount of attorney's fees incurred by Defendants from Holland & Hart
10 was \$151,059.00.¹

11 21. I declare under penalty of perjury of the laws of the State of Nevada that the
12 foregoing is true and correct.

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14 
J. STEPHEN PEEK, ESQ.

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27
28 ¹ Defendants anticipate that they will continue to incur fees through the hearing on this Motion
and reserves the right to supplement this amount at the time of the hearing.

EXHIBIT 7-A

January 23, 2020

Paul S. Padda 4560 S. Decatur Blvd #300 Las Vegas, NV 89103	Invoice No. 1785980 H&H Ref. No. 3251818 Client No. 105516 Attorney: JSpeek
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Regarding: Matter No. 0001 - adv. Ruth Cohen

Invoice Summary

Current fees	\$69,822.00
Less discount on current fees for invoice #1776444 due to incorrect billing rate.	\$-771.00
Current fees less discount	\$69,051.00
Current disbursements	\$13,650.74
Current charges this invoice	\$82,701.74
<hr/>	
Total outstanding invoices	\$86,177.39
Total current charges plus outstanding balance	\$168,879.13
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IRS EMPLOYER NO. [REDACTED]

Holland & Hart LLP

105516 Padda, Paul S.	Invoice No. H&H Ref. No.	1785980 3251818
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For professional services rendered through December 31, 2019

Itemized Fees

Description of Work	Date	Tkpr	Hours
[REDACTED]	12/02/19	RAS	2.60
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]	12/02/19	SAN	1.60
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]	12/03/19	JSP	0.30
[REDACTED]			
[REDACTED]			
[REDACTED]	12/03/19	BDD	0.80
[REDACTED]			
[REDACTED]	12/03/19	RAS	3.50
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]	12/03/19	SAN	1.90
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]	12/04/19	JSP	0.20
[REDACTED]			

Holland & Hart LLP

105516 Padda, Paul S.	Invoice No. H&H Ref. No.	1785980 3251818
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[REDACTED]	12/04/19	BDD	1.80
[REDACTED]			
[REDACTED]			

[REDACTED]	12/04/19	RAS	7.70
[REDACTED]			
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[REDACTED]	12/04/19	SAN	3.80
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[REDACTED]	12/05/19	BDD	1.70
[REDACTED]			

[REDACTED]	12/05/19	BDD	1.80
[REDACTED]			
[REDACTED]			

[REDACTED]	12/05/19	BDD	0.40
[REDACTED]			

Holland & Hart LLP

105516 Padda, Paul S.	Invoice No.	1785980
	H&H Ref. No.	3251818

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Holland & Hart LLP

105516 Padda, Paul S.	Invoice No. H&H Ref. No.	1785980 3251818
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[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]	12/08/19	JSP	0.70
[REDACTED]			
[REDACTED]	12/09/19	JSP	2.90
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]	12/09/19	BDD	1.20
[REDACTED]			
[REDACTED]	12/09/19	RAS	2.90
[REDACTED]			
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[REDACTED]	12/09/19	SAN	2.90
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[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]	12/10/19	JSP	1.10
[REDACTED]			
[REDACTED]			
[REDACTED]	12/10/19	BDD	0.40
[REDACTED]			
[REDACTED]	12/10/19	BDD	1.10
[REDACTED]			

Holland & Hart LLP

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[REDACTED]	12/10/19	RAS	7.70
[REDACTED]			
[REDACTED]			
[REDACTED]	12/10/19	SAN	3.70
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]	12/11/19	JSP	1.20
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]	12/11/19	BDD	0.80
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]	12/11/19	BDD	0.90
[REDACTED]			
[REDACTED]	12/11/19	BDD	0.70
[REDACTED]			
[REDACTED]	12/11/19	RAS	7.70
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]	12/11/19	SAN	4.10
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			

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[REDACTED]

[REDACTED]	12/12/19	JSP	1.40
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			

[REDACTED]	12/12/19	RAS	5.70
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			

[REDACTED]	12/12/19	SAN	3.60
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			

[REDACTED]	12/13/19	JSP	0.30
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[REDACTED]	12/13/19	BDD	1.50
[REDACTED]			
[REDACTED]			

[REDACTED]	12/13/19	RAS	6.90
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			

[REDACTED]	12/13/19	SAN	0.80
[REDACTED]			
[REDACTED]			
[REDACTED]			

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[REDACTED]			
[REDACTED]			
[REDACTED]	12/15/19	RAS	8.10
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]	12/16/19	JSP	3.20
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]	12/16/19	BDD	2.30
[REDACTED]			
[REDACTED]			
[REDACTED]	12/16/19	BDD	1.30
[REDACTED]			
[REDACTED]	12/16/19	RAS	7.90
[REDACTED]			
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[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]	12/16/19	SAN	2.80
[REDACTED]			
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[REDACTED]			
[REDACTED]			
[REDACTED]			
[REDACTED]			

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summary judgment (0.80); review subpoenaed documents from Wells Fargo (0.50); telephone conference with Mr. Padda [REDACTED] (0.20);

Research Nevada and federal law regarding admissibility [REDACTED] 12/18/19 BDD 4.10

[REDACTED]; research Nevada law regarding admissibility of evidence of bias and motivation for testimony and discretion of Court in limiting the same;

Draft and revise Motion in Limine to Exclude Prior Specific Instances of Conduct of Joshua Ang; 12/18/19 BDD 1.80

Draft and revise Motion to Seal related to exhibits to Motion for Summary Judgment; review and revise the same in advance of filing; 12/18/19 BDD 1.10

Review updated motion for summary judgment draft and declaration of RASemerad; cross-check all citations in pleadings, revise exhibit lists and markings of cited testimony in exhibits; redact confidential information from motion to be submitted with motion to seal; communications with the team regarding the same; assist with finalization of appendix of exhibits and motion for submittal to the Court; communications with Ms. Baker [REDACTED]; review documents produced by Wells Fargo pursuant to subpoena, redact confidential information and prepare the same for production; communications with Ms. Peterson and RASemerad [REDACTED] 12/18/19 SAN 3.70

Review e-mail correspondence. 12/19/19 JSP 0.40

Review and revise Motions in Limine in advance of filing; revise the same in accordance with proposed stipulation; 12/19/19 BDD 3.50

Draft and revise Stipulation and Order to exclude documents; telephone conference with Tammy Peterson [REDACTED]; review and revise proposed stipulations regarding exclusion of evidence; 12/19/19 BDD 1.30

Communications with Ms. Parcells, JLinton and VLLarsen [REDACTED] 12/19/19 SAN 3.30

[REDACTED]; update master deposition exhibit matrix and binders; follow-up with team [REDACTED]; begin preparation of master matrix

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identifying all cases at-issue in this matter, including information regarding recovery details, retainer agreements, billings/ledgers, offers of judgment and other pertinent documents produced;

Review, analyze, and respond to e-mail correspondence and attachments regarding MILs, extension of time to respond to MSJ and MILs, and juror questionnaires and survey.

Telephone calls Tammy [REDACTED]

[REDACTED] Telephone calls Paul

[REDACTED]

[REDACTED]. Conference call with Professor Hillman and Tammy Peterson [REDACTED]

Finalize motions in limine for filing (7.30); telephone conference with Liane Wakayama and Jared Moser to meet-and-confer regarding motion in limine to exclude evidence of plaintiff's quantum meruit damages or work performed on cases (0.30); telephone conference with Ms. Tammy Peterson [REDACTED]

Draft and revise Motion in Limine to Exclude Health Issues of Ruth Cohen; draft and revise Motion to Seal Motion in Limine regarding Josh Ang; review and revise Motion in Limine regarding expert disclosure; draft and revise Motion to Seal Motion in Limine regarding Prior Conduct of Patricia Davidson; prepare and finalize redacted portions of Motion in Limine regarding Prior Conduct of Patricia Davidson; prepare redacted version of Motion in Limine related to prior conduct of Joshua Ang;

Continue preparation of master matrix identifying all cases at-issue in this matter and pertinent details thereto; communications with the team [REDACTED]; update document disclosure, document production, and subpoenaed documents master matrix and binders; updated deposition transcript and exhibit master matrix and binders; communications with the team [REDACTED]; assist with finalization of motions in limine and preparation of all exhibits to each motion;

Draft motion to approve defendants' jury questionnaire on an order shortening time;

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Review e-mail correspondence.	12/23/19	JSP 0.30
Draft opposition to plaintiff's motion to extend time for filing oppositions to motion for summary judgment and motions in limine (3.90); telephone conference with Mr. Padda [REDACTED] (0.70);	12/23/19	RAS 4.60
Research Nevada law regarding permissible contents of jury questionnaire; review Plaintiff's Motion for Jury Questionnaire; draft and revise Defendants' Opposition to Plaintiff's Motion for Jury Questionnaire and Countermotion;	12/23/19	BDD 4.90
Review Plaintiff's Motions in Limine 1 through 8 in advance of conference call [REDACTED]	12/23/19	BDD 1.80
Telephone conference with N. Baker and R. Semerad [REDACTED]	12/24/19	BDD 1.10
Telephone conference with Ms. Nikki Baker and BDD Downing [REDACTED] (1.20); finalize opposition to plaintiff's motion to extend (1.50);	12/24/19	RAS 2.70
Review communications regarding jury questionnaire status, dispositive motion/MIL deadlines and hearing dates, opposition to Plaintiff's motion to extend deadlines and countermotion to advance hearing, and potential witness tampering/motion for sanctions and determine impending deadlines and tasks to be completed; review opposition and errata to Plaintiff's motion to extend deadlines and countermotion to advance hearing; review Court's docket to determine if Plaintiff's motion to extend is set for hearing or Chambers decision;	12/24/19	SAN 0.90
Review/respond to e-mail correspondence regarding Motion for Sanctions.	12/25/19	JSP 0.40
Review Plaintiff's Motion in Limine to Strike Robert Vannah as an Expert and Exclude his Report and Testimony;	12/26/19	BDD 0.60
Review/respond to e-mail correspondence.	12/27/19	JSP 0.30
Draft and revise Defendants' Opposition to Plaintiff's	12/27/19	BDD 1.20

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Motion in Limine to Strike Robert Vannah as an Expert and Exclude his Report and Testimony;

Review/respond to e-mail correspondence regarding Motion to Compel and Motion for Sanctions, [REDACTED] Wayne Price e-mails with Ruth Cohen, and billing; 12/30/19 JSP 1.10

Draft motion to compel production of documents regarding Wayne Price and other witness communications with plaintiff on an order shortening time; 12/30/19 RAS 3.10

Draft and revise Defendants' Opposition to Plaintiff's Motion in Limine to Strike Robert Vannah as an Expert and Exclude his Report and Testimony; review Plaintiff's Motion in Limine and draft Defendants' Opposition to Plaintiff's Motion in Limine No. 6 to Exclude Testimony of Seth Cogan; 12/30/19 BDD 1.10

Review hearing update communications from the team for impending deadlines and tasks to be completed; prepare additional text message documents for production; prepare thirty-fourth supplemental disclosure; communications with team [REDACTED]; review Plaintiff's thirteenth supplemental disclosure and extract produced documents from the same; update disclosure and document production master indices; 12/30/19 SAN 1.30

Review/respond to e-mail correspondence regarding Motion to Compel and OST for Motion to Compel, meet and confer prior to Motion to Compel; 12/31/19 JSP 1.10

Finalize motion to compel; 12/31/19 RAS 2.80

Review and revise Defendants' Motion to Compel in advance of filing; 12/31/19 BDD 2.70

Begin preparation of exhibits to motion to compel production and second deposition of Plaintiff for filing with the Court; communications with RASemerad [REDACTED]; 12/31/19 SAN 0.80

Total Current Fees: \$69,822.00

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Timekeeper Summary

Timekeeper	Tkpr ID	Rate	Hours	Amount
SANoyce	2685	205.00	49.00	10,045.00
JSPeak	5527	650.00	23.80	15,470.00
RASemerad	6056	270.00	106.60	28,782.00
BDDowning	6119	270.00	57.50	15,525.00
			236.90	\$69,822.00

Disbursements

Description of Disbursements	Date	Amount
Outside Fees: VENDOR: Nationwide Legal LLC; INVOICE#: NV193741-01; DATE: 8/7/2019 - Process Service	08/07/19	116.30
Outside Fees: VENDOR: Esquire Deposition Solutions ([REDACTED]); INVOICE#: INV1538585; DATE: 8/15/2019 - Transcript	08/15/19	1,209.85
Outside Fees: VENDOR: Certified Legal Video Services; INVOICE#: 17066; DATE: 9/14/2019 - Video deposition	09/14/19	138.39
Outside Fees: VENDOR: Ralph Rosenberg; INVOICE#: 109426; DATE: 9/24/2019 - Videotaped deposition	09/24/19	1,814.14
Ground Travel: 10/16/2019 - Amex - Parking - Parking for a Hearing	10/16/19	17.00
Electronic Filing Charges: Clark County: Stipulation and Proposed Order Regarding Special Master Review and Production of Certain Documents	10/21/19	3.50
Electronic Filing Charges: Clark County: Stipulation and Proposed Order Regarding Plaintiff's NRCP 30(B)(6) Deposition of Defendant Paul Padda Law, PLLC	10/23/19	3.50
Electronic Filing Charges: Clark County: Defendants' Motion for Protective Order Regarding Plaintiff's Deposition of Defendants on an Order Shortening Time	10/24/19	3.50
Electronic Filing Charges: Clark County: Notice of Withdrawal of Defendants' Motion for Protective Order Regarding Plaintiff's Deposition of Defendants on an Order Shortening Time	10/25/19	3.50
Outside Fees: VENDOR: Rocket Reporters; INVOICE#: 203976; DATE: 10/25/2019 - Transcripts	10/25/19	946.32

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Outside Fees: VENDOR: Holo Discovery; INVOICE#: 8412; DATE: 10/29/2019 - Relativity Data Hosting	10/29/19	630.10
Electronic Filing Charges: Clark County: Defendants' Motion to Disqualify Plaintiff's Counsel, The Law Firm of Campbell & Williams on an Order Shortening Time for Hearing	10/30/19	3.50
Ground Travel: 11/06/2019 - Amex - Parking - Court Hearing - Garage Parking	11/06/19	11.00
Air Travel: 11/11/2019 - Amex - Airfare - Depo in Baltimore [TRIP CANCELLED]}	11/11/19	1,413.96
Auto Rental: 11/11/2019 - Amex - Car Rental - Depo in Baltimore [TRIP CANCELLED]}	11/11/19	30.00
Lodging: 11/12/2019 - Amex - Hotel - Lodging - Hotel Room for Hearing. 10% of the room is going to be refunded for the cancellation.	11/12/19	84.86
Outside Fees: VENDOR: Esquire Deposition Solutions ([REDACTED]); [REDACTED]; INVOICE#: INV1599013; DATE: 11/15/2019 - Deposition Services	11/15/19	1,665.86
Air Travel: 11/18/2019 - Amex - Airfare - Southwest Airline ticket refunded. [TRIP CANCELLED]	11/18/19	-1,413.96
Auto Rental: 11/18/2019 - Amex - Car Rental - Car rental refunded. [TRIP CANCELLED]	11/18/19	-30.00
Lodging: 11/21/2019 - Amex - Hotel - Lodging - 10% of the room fee was refunded [Depo in Baltimore Cancelled]	11/21/19	-8.48
Outside Fees: VENDOR: Rocket Reporters; INVOICE#: 204055; DATE: 11/22/2019 - Transcripts	11/22/19	477.50
Outside Fees: VENDOR: Rocket Reporters; INVOICE#: 204087; DATE: 11/22/2019 - Deposition of Sherry Prine.	11/22/19	505.20
Outside Fees: VENDOR: Holo Discovery; INVOICE#: 8657; DATE: 11/30/2019 - Relativity Data hosting	11/30/19	482.20
Outside Fees: VENDOR: LVLV; INVOICE#: 16927; DATE: 12/4/2019 - Video and transcripts	12/04/19	560.00
Outside Fees: VENDOR: Depo International ([REDACTED]); INVOICE#: 49936; DATE: 12/5/2019 - Transcripts	12/05/19	980.10
Outside Fees: VENDOR: Depo International ([REDACTED]); INVOICE#: 49965; DATE: 12/6/2019 - Deposition	12/06/19	488.75

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United Parcel Service: COM. NEXT DAY AIR, Larry Stewart, Global Forensic Services, L, SAN LUIS OBISPO, CA, 1Z3V3A670195774875	12/10/19	11.02
Process Service Fee/Cost: VENDOR: Legal Process Service; INVOICE#: 1910235; DATE: 12/12/2019 - Process Service	12/12/19	184.75
Outside Fees: VENDOR: Legal Process Service; INVOICE#: 1909602; DATE: 12/13/2019 - Process Service	12/13/19	235.80
Outside Fees: VENDOR: Rocket Reporters; INVOICE#: 204185; DATE: 12/18/2019 - Transcripts	12/18/19	930.05
Outside Fees: VENDOR: Rocket Reporters; INVOICE#: 204183; DATE: 12/19/2019 - Transcripts	12/19/19	820.20
Outside Fees: VENDOR: Rocket Reporters; INVOICE#: 204187; DATE: 12/19/2019 - Transcripts	12/19/19	377.85
Outside Fees: VENDOR: Rocket Reporters; INVOICE#: 204201; DATE: 12/19/2019 - Deposition	12/19/19	915.85
Outside Fees: VENDOR: Wells Fargo; INVOICE#: 332319; DATE: 12/23/2019 - Document production	12/23/19	38.63

Total Current Disbursements: \$13,650.74

Outstanding Invoices as of 01/23/20

Invoice No.	Date	Amount Billed	Payments	Balance Due
1776444	12/09/19	186,177.39	100,000.00	86,177.39
Total Outstanding Balance:				\$86,177.39

January 23, 2020

Paul S. Padda 4560 S. Decatur Blvd #300 Las Vegas, NV 89103	Invoice No. 1785980 H&H Ref. No. 3251818 Client No. 105516 Attorney: JSpeek
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Regarding: Matter No. 0001 - adv. Ruth Cohen

Invoice Summary

Current fees	\$69,822.00
Less discount on current fees for invoice #1776444 due to incorrect billing rate.	\$-771.00
Current fees less discount	\$69,051.00
Current disbursements	\$13,650.74
Current charges this invoice	\$82,701.74
<hr/>	
Total outstanding invoices	\$86,177.39
Total current charges plus outstanding balance	\$168,879.13
<hr/>	

Thank you for your prompt payment. Questions regarding this invoice should be directed to the attorney responsible for your account, or Lisa Anderson, Billing Specialist in our Las Vegas office, at (702) 222-2553 or laanderson@hollandhart.com.

Due On Receipt

Please return this page with your remittance.

February 11, 2020

Paul S. Padda 4560 S. Decatur Blvd #300 Las Vegas, NV 89103	Invoice No. H&H Ref. No. Client No. Attorney:	1789907 3264994 105516 JSpeek
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Regarding: Matter No. 0001 - adv. Ruth Cohen

Invoice Summary

Current fees	\$103,650.00
Current disbursements	\$8,403.63
Current charges this invoice	\$112,053.63
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Total outstanding invoices	\$82,701.74
Total current charges plus outstanding balance	\$194,755.37
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This invoice may reflect changes to our billing rates that took effect on January 1, 2020.

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For professional services rendered through January 31, 2020

Itemized Fees

Description of Work	Date	Tkpr	Hours
Review/analyze/respond to e-mail correspondence regarding Motion to Compel, hospital release, juror questionnaire, proposed order, upcoming focus group.	01/02/20	JSP	1.40
Draft opposition to plaintiff's motion in limine regarding prior cases (1.30); draft opening/closing statement for jury research (2.80);	01/02/20	RAS	4.10
Review/respond to e-mail correspondence regarding Wayne Price deposition and Wayne Price documents, form of Order on Jury Questionnaires and Wayne Price e-mails, Joint Pretrial Memorandum, Motion to Compel,	01/03/20	JSP	1.40
Telephone conference with Mr. Padda [REDACTED] (0.60); draft motion for sanctions (6.80); review and revise plaintiff's proposed order on jury questionnaire and document certification (0.70);	01/03/20	RAS	8.10
Begin preparation of joint pretrial memorandum; communications with RASemerad [REDACTED];	01/03/20	SAN	2.90
Review/analyze/respond to e-mail correspondence and attachments regarding collection of Wayne Price e-mails, preparation for focus groups, draft order, joint pretrial memorandum, Opposition to Motion to Compel, production of documents from Wayne Price and Ruth Cohen. Telephone call Paul [REDACTED]. Review documents produced.	01/06/20	JSP	3.80
Research federal law regarding timing of supplemental disclosure requirements, prejudice resulting from delay, and standard for granting sanctions in connection with a violation;	01/06/20	BDD	2.60
Draft motion for sanctions (8.30); telephone conference with Mr. Padda [REDACTED] (0.30); draft reply in support of motion to compel (2.10);	01/06/20	RAS	10.70
Draft and revise Opposition to Plaintiff's Motion in Limine No. 6;	01/06/20	BDD	0.90

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	H&H Ref. No.	3264994

Communications with team [REDACTED] [REDACTED]; begin preparation of master indexed set of key documents; telephone conference with Ms. Davidson [REDACTED] [REDACTED]; meeting with Mr. Agnew [REDACTED]; prepare hard drive with copies of video files; convert Relativity load files produced by Plaintiff with her fourteenth supplemental disclosure to PDF files and circulate the same to the team;	01/06/20	SAN	3.80
Attend focus groups presentation [REDACTED]. Work on production of Wayne Price e-mails. Prepare for hearing on Motion to Compel.	01/07/20	JSP	10.50
Draft and revise Opposition to Plaintiff's Motion in Limine No. 6; review Plaintiff's Motion in Limine No. 1 and outline Opposition in connection with the same;	01/07/20	BDD	5.90
Review for relevance and privilege documents identified by Net Effect (2.30); create supplemental disclosure and privilege log (1.20); draft declaration clarifying Net Effect service ticket (1.50);	01/07/20	RAS	5.00
Communications with Ms. Peterson [REDACTED] [REDACTED]; telephone conferences with Ms. Davidson and Ms. Peterson [REDACTED] [REDACTED]; meetings with RASemerad [REDACTED]; review banker's box of e-mails provided by NetEffect and work with RASemerad to determine privileged documents, irrelevant documents, and documents to be produced; prepare privilege log and thirty-fifth supplemental disclosure;	01/07/20	SAN	4.40
Prepare for and attend hearing on Motion to Compel. Work on Motion for Sanctions. Review/respond to e-mail correspondence regarding hearing on Motion to Compel, draft order on Motion to Compel, Ruth's e-mail production, jury questionnaire, Joint Pretrial Memorandum, and preparing Motion for Sanctions.	01/08/20	JSP	2.90
Telephone conference with Mr. Padda [REDACTED] [REDACTED] (0.80); draft opposition to plaintiff's motion in limine regarding prior litigation (3.50); prepare joint pretrial memorandum (0.50);	01/08/20	RAS	4.80

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Draft and revise Opposition to Plaintiff's Motion in Limine No. 6; review and analyze Plaintiff's Motion in Limine No. 1 and outline Opposition in connection with the same;	01/08/20	BDD	5.90
Communications with Ms. Parcels and VLLarsen [REDACTED]; prepare updated master deposition exhibit index; communications with RASemerad [REDACTED];	01/08/20	SAN	2.20
Review and respond to e-mail correspondence and attachments regarding Joint Pretrial Memorandum identifying witnesses and exhibits for trial, Wayne Price deposition, hearing transcript and editing draft order on Motion to Compel, supplemental disclosure from Ruth Cohen, jury questionnaire;	01/09/20	JSP	1.40
Draft and revise Opposition to Plaintiff's Motion in Limine No. 1 (1.2); review and revise Opposition to Plaintiff's Motion in Limine No. 8 (1.8); review Defendants Opposition to Plaintiff's Motion in Limine No. 3 (.3); review Defendants Opposition to Plaintiff's Motion in Limine No. 2 (.6);	01/09/20	BDD	3.90
Draft opposition to plaintiff's motion in limine regarding prior litigation (0.70); telephone conference with Mr. Padda [REDACTED] (0.60); draft proposed order granting motion to compel (1.30); edit joint pretrial memorandum (0.60); draft opposition to plaintiff's motion in limine regarding witness disclosures (3.10); draft opposition to plaintiff's motion in limine regarding accountant-client privileged communications (1.10);	01/09/20	RAS	7.40
Communications with Ms. Parcels [REDACTED]; begin review of oppositions to motions in limine and preparation of exhibits to each opposition; communications with RASemerad, VLLarsen and JLinton [REDACTED];	01/09/20	SAN	2.60
Review/analyze/respond to e-mail correspondence and attachments regarding joint pretrial memorandum, scheduling hearing dates, Cohen status report for delivery of devices, Opposition to Motion for Summary Judgment, and Motions in Limine. Work on joint pretrial memorandum and upcoming pretrial conference.	01/10/20	JSP	1.90

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Draft opposition to plaintiff's motion in limine to exclude communications with Daniel Kim (3.10); draft joint pretrial memorandum (2.90); telephone conference with Mr. Don Campbell, Ms. Liane Wakayama, and Ms. Tammy Peterson regarding pretrial disclosures and joint pretrial memorandum (0.50); draft stipulation and order to move deadlines associated with joint pretrial memorandum (1.40); draft opposition to plaintiff's motion in limine to exclude evidence from prior litigation (0.90); review plaintiff's opposition to motion for summary judgment (1.20);	01/10/20	RAS	10.00
Review draft pretrial disclosures and exhibit list; provide responses to the team [REDACTED]; attend meet and confer telephone conference with opposing counsel, Ms. Peterson and RASemerad regarding joint pretrial memorandum and pretrial disclosures; meeting with RASemerad [REDACTED]; communications with RASemerad and Ms. Peterson [REDACTED]; [REDACTED]; continue preparation of exhibits to oppositions to motions in limine; communications with Ms. Parcels [REDACTED]; [REDACTED]; review exhibit list draft and provide comments and suggested changes to Ms. Parcels and Ms. Peterson; revise joint pretrial memorandum with updated witness information from the pretrial disclosures;	01/10/20	SAN	5.30
Review e-mail correspondence regarding Joint Pretrial Memorandum. Work on Motion for Sanctions.	01/12/20	JSP	0.80
Review and work on Motion for Sanctions. Review/respond to e-mail correspondence. Telephone call Paul [REDACTED].	01/13/20	JSP	3.90
Review plaintiff's proposed pretrial memorandum (1.20); telephone conference with Mr. Don Campbell and Ms. Liane Wakayama regarding joint pretrial memorandum (0.50); draft motion for sanctions (0.80);	01/13/20	RAS	2.50
Work on Motion for Sanctions. Telephone call Paul [REDACTED]. Review/respond to e-mail correspondence.	01/14/20	JSP	4.20
Review and analyze Plaintiff's Opposition to Defendants' Motion in Limine No. 5 and outline reply; review and	01/14/20	BDD	0.80

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analyze Plaintiff's Opposition to Defendants' Motion in Limine No. 8 and outline reply; review and analyze Plaintiff's Opposition to Defendants' Motion in Limine No. 11 and outline reply;

Draft motion for sanctions (5.10); prepare joint pretrial memorandum (0.60); prepare notice of submission regarding order granting motion to compel (0.50); draft motion to seal and redact confidential portions of motion for sanctions and exhibits thereto (1.20);

01/14/20 RAS 7.40

Review communications with opposing counsel regarding competing orders on motion to compel; communications regarding court reporter invoices and status of the same; communications with VLLarsen and RASemerad [REDACTED]; begin review of Plaintiff's pretrial memorandum and strategy to combine substantive portions of draft into comprehensive joint pretrial memorandum; begin preparation of joint exhibit list; review draft motion for sanctions;

01/14/20 SAN 1.60

Finalize Motion for Sanctions. Work on Joint Pretrial Memorandum. Review e-mail correspondence.

01/15/20 JSP 1.90

Review and analyze Plaintiff's Oppositions to Defendants' Motions in Limine No. 1-4, 6-7, 9-10, and 12-14 in advance of telephone conference to discuss replies to the same;

01/15/20 BDD 1.20

Review and analyze Plaintiff's Opposition to Defendants' Motion in Limine No. 5 and outline reply; review and analyze Plaintiff's Opposition to Defendants' Motion in Limine No. 8 and outline reply; review and analyze Plaintiff's Opposition to Defendants' Motion in Limine No. 11 and outline reply;

01/15/20 BDD 0.70

Finalize motion for sanctions (1.70); telephone conference with Nikki Baker, Tammy Peterson, and BDDowning [REDACTED] (0.50); telephone conference with Mr. Padda [REDACTED] (0.40);

01/15/20 RAS 2.60

Review motion for sanctions and continue preparation of exhibits for filing with the same; communications with RASemerad, VLLarsen and JLinton [REDACTED]; continue preparation of joint pretrial memorandum, witness lists and exhibit list; communications with the team [REDACTED];

01/15/20 SAN 4.10

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Review and comment [REDACTED]. Review respond to e-mail correspondence and attachments regarding Order Granting Motion to Compel, Joint Pretrial Memorandum, and Motion for Sanctions. Work on Joint Pretrial Memorandum.	01/16/20	JSP	2.10
Draft joint pretrial memorandum (1.70); prepare joint exhibit list (4.90); telephone conference with Mr. Padda [REDACTED] (0.40);	01/16/20	RAS	7.00
Continue preparation of joint exhibit list; determine duplicates between Plaintiff's list, our list and the deposition exhibits and code each exhibit; accordingly, communications with RASemerad, JSpeek and Ms. Peterson [REDACTED]; communications with Ms. Parcels [REDACTED];	01/16/20	SAN	5.40
Review e-mail correspondence and attachments regarding Joint Pretrial Memorandum	01/17/20	JSP	0.20
Prepare joint pretrial memorandum (1.10); prepare joint exhibit list (6.40);	01/17/20	RAS	7.50
Extract client e-mails produced from Relativity and convert all documents to PDF copies for counsel's review; communications with RASemerad [REDACTED]; review personal injury/employment client entries on exhibit list and provide descriptions of documents according to bates range; review bulk entries from ESI productions and prepare individual entries on exhibit list for pertinent e-mails to be included; continue review and revisions of exhibit list for de-duplication, addition and removal of necessary exhibits; communications with RASemerad [REDACTED];	01/17/20	SAN	6.20
Work on [REDACTED] with Paul, Tammy, and Ryan.	01/18/20	JSP	6.00
Prepare joint exhibit list and other demonstrative exhibits (1.60); meeting with Mr. Padda, Ms. Tammy Peterson, and JSpeek [REDACTED] (5.30);	01/18/20	RAS	6.90
Revise and de-duplicate joint exhibit list;	01/19/20	RAS	4.10
Draft and revise Defendants' Reply to Defendants' Motion in Limine No. 5; research Nevada and federal law regarding	01/20/20	BDD	6.70

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personal knowledge and using gossip and rumor as basis for witness testimony; review Plaintiff's Opposition to Defendants' Motion in Limine No. 8; draft Reply in Support of Defendants' Motion in Limine No. 8;

Revise, de-duplicate, put in chronological order joint exhibit list (5.10); telephone conference with Ms. Nikki Baker

[REDACTED] (0.50); telephone conference with Mr. Padda [REDACTED]

[REDACTED] (1.00); review and scrub plaintiff's Facebook account for relevant communications (0.90);

Review documents just produced by Ruth Cohen. Work on Reply in Support of Motion for Sanctions. Prepare for hearing on Motion for Sanctions. Work on Joint Pretrial Memorandum. Review/respond to e-mail correspondence and attachments regarding juror questionnaires. Work on Reply in Support of MSJ.

Draft and revise Defendants' Reply to Defendants' Motion in Limine No. 5; Draft and revise Defendants' Reply to Defendants' Motion in Limine No. 8;

Review plaintiff's opposition to motion for sanctions (1.20); draft reply in support of motion for sanctions (3.10); update joint pretrial exhibit list (0.50); review opposition to defendants' motion in limine regarding evidence of a supposed romantic relationship between Mr. Padda and Patty Davidson (0.90); draft reply in support of defendants' motion in limine regarding evidence of a supposed romantic relationship between Mr. Padda and Patty Davidson (3.50); telephone conference with Mr. Padda [REDACTED] (0.70);

Convert Relativity load files produced by Plaintiff with her sixteenth supplemental disclosure to PDF files and circulate the same to the team; update document disclosure and document production binders and master index; continue review and revisions to joint exhibit list, including de-duplication, breaking out of block ESI exhibit entries for Wayne Price and Daniel Kim e-mails into singular exhibits, and chronological indexing of each exhibit; communications with RASemerad [REDACTED];

Prepare for and attend hearing on Motion for Sanctions.

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Review/analyze/respond to e-mail correspondence with attachments regarding outcome of hearing, Ruth's reinstatement documents, Wayne Price continued deposition, Joint Pretrial Memorandum, jury selection and focus group summary, and MIL Replies and Oppositions

Draft and revise Defendants' Reply to Defendants' Motion in Limine No. 5; draft and revise Reply in Support of Defendants' Motion in Limine No. 8; draft and revise Reply in Support of Defendants' Motion in Limine No. 11;	01/22/20	BDD	4.20
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Draft replies in support of defendants' motions in limine numbers 1, 4, 6, 7, 9, 10, 12, 13, and 14;	01/22/20	RAS	12.20
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Continue review and revisions to joint exhibit list, including addition of additional pertinent exhibits, de-duplication and removal of block entries and re-entry of the same as individual exhibits; communications with RASemerad [REDACTED]; review joint pretrial memorandum draft from Plaintiff's counsel and make necessary revisions to the same; communications with RASemerad and Ms. Peterson [REDACTED];	01/22/20	SAN	2.60
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Work on Joint Pretrial Memorandum exhibit list, objections to exhibits, and witnesses.	01/23/20	JSP	4.10
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Draft and revise Defendants' Reply to Defendants' Motion in Limine No. 5; draft and revise Reply in Support of Defendants' Motion in Limine No. 8; draft and revise Reply in Support of Defendants' Motion in Limine No. 11; draft and revise Motions to Seal for Motions in Limine Nos. 5 and 8;	01/23/20	BDD	5.30
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Communications with Ms. Peterson and JSpeek [REDACTED] [REDACTED]; meeting with JSpeek [REDACTED] [REDACTED]; begin review of additional issues found within exhibit list necessary to resolve prior to finalization; update document disclosure and document production binders and master index;	01/23/20	SAN	4.70
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Continued work on Joint Pretrial Memorandum to finalize for filing. Review MSJ pleadings in preparation for hearing on Motion for Summary Judgment. Review/respond to e-mail correspondence regarding MILs, writ relief, Reply in Support of MSJ. Telephone call Paul [REDACTED]	01/24/20	JSP	5.90
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[REDACTED]

Review and revise Defendants' Replies to Defendants' Motions in Limine; draft and revise Motions to Seal for Motions in Limine Nos. 5 and 8;	01/24/20	BDD	1.60
Continue review of additional issues found within exhibit list necessary to resolve prior to finalization; prepare summary of status and additional tasks completed for team's review; continue revisions to objections to exhibit list and revisions to joint pretrial memorandum; meeting with JSpeak [REDACTED]; communications with opposing counsel and the team regarding joint pretrial memorandum and witness list; finalize documents for filing with the Court;	01/24/20	SAN	4.40
Prepare for hearing on Motion for Summary Judgment.	01/26/20	JSP	3.70
Prepare for and attend hearing on Motion for Summary Judgment. e-mail correspondence regarding MSJ and next steps. Telephone call Paul.	01/27/20	JSP	1.40
Attend hearing on motion for summary judgment (2.10); prepare draft order granting motion for summary judgment (1.90);	01/27/20	RAS	4.00
Communications with RASemerad [REDACTED]; review communications and task list of items to be completed following granting of motion for summary judgment;	01/27/20	SAN	0.40
Review/analyze/respond to e-mail correspondence regarding draft order on Motion for Sanctions, cost bill, attorneys' fees,	01/28/20	JSP	0.90
Prepare order granting motion for summary judgment;	01/28/20	RAS	2.50
Begin preparation of draft verified memorandum of costs; meeting with JSpeak and VLLarsen [REDACTED];	01/28/20	SAN	1.10
Conference with Ryan [REDACTED]. Conference call with Paul and Ryan [REDACTED].	01/29/20	JSP	1.40
Review/analyze/respond to e-mail correspondence and attachment regarding draft Order on Motion for Sanctions.			

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Telephone conference with Mr. Padda [REDACTED] (0.90); draft proposed order granting motion for summary judgment (0.50);	01/29/20	RAS	1.40
Begin review, edit and comment on proposed order on MSJ. Review and respond to e-mail correspondence regarding draft order and costs.	01/30/20	JSP	1.30
Draft order granting motion for summary judgment (2.90); telephone conference with Mr. Padda [REDACTED] (0.70);	01/30/20	RAS	3.60
Continue preparation of verified memorandum of costs; discussions with VLLarsen and LAnderson [REDACTED]; communication with the team [REDACTED];	01/30/20	SAN	3.90
Review edit and comment on proposed draft of order on MSJ. Review and respond to e-mail correspondence regarding draft order.	01/31/20	JSP	1.20
Communications with Ms. Parcels [REDACTED];	01/31/20	SAN	0.10

Total Current Fees: \$103,650.00

Timekeeper Summary

Timekeeper	Tkpr ID	Rate	Hours	Amount
SANoyce	2685	205.00	61.80	12,669.00
JSPeek	5527	650.00	68.40	44,460.00
RASemerad	6056	270.00	129.20	34,884.00
BDDowning	6119	270.00	43.10	11,637.00
			302.50	\$103,650.00

Disbursements

Description of Disbursements	Date	Amount
Outside Fees: VENDOR: Holo Discovery; INVOICE#: 7830; DATE: 8/16/2019 - Relativity Hosting July 2019.	08/16/19	678.22

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105516 Padda, Paul S.	Invoice No. H&H Ref. No.	1789907 3264994
Outside Fees: VENDOR: Holo Discovery; INVOICE#: 7935; DATE: 8/16/2019 - Process PSTs and run search terms.	08/16/19	1,686.40
Outside Fees: VENDOR: Holo Discovery; INVOICE#: 8051; DATE: 8/29/2019 - Relativity Hosting August 2019.	08/29/19	728.18
Other Charges: VENDOR: Holo Discovery; INVOICE#: 8270; DATE: 9/30/2019 - Relativity Hosting September 2019.	09/30/19	680.37
Process Service Fee/Cost: VENDOR: Legal Process Service; INVOICE#: 1908124; DATE: 9/30/2019 - Process Services	09/30/19	443.90
Outside Fees: VENDOR: Rocket Reporters; INVOICE#: 203989; DATE: 10/24/2019 - Transcript	10/24/19	1,532.26
Electronic Filing Charges: Clark County: Defendants' Opposition to Plaintiff's Motion to Compel Defendants' Production of Documents on An Order Shortening Time	11/05/19	3.50
Ground Travel: 11/06/2019 - Amex - Parking - Parking during hearing	11/06/19	17.00
Electronic Filing Charges: Clark County: Status Report on Paul Padda's Desktop Computer	11/12/19	3.50
Electronic Filing Charges: Clark County: Certificate of Compliance Regarding Seth Cogan Communications	11/13/19	3.50
Ground Travel: 11/18/2019 - Amex - Parking - Parking at airport for depo	11/18/19	15.00
Electronic Filing Charges: Clark County: Ann Margaret Cotter's Motion to Retax or Deny Costs	11/19/19	3.50
Outside Fees: VENDOR: Rocket Reporters; INVOICE#: 204047; DATE: 11/22/2019 - Transcripts	11/22/19	1,735.50
Electronic Filing Charges: Clark County: Amended Status Report on Paul Padda's Desktop Computer and Flash Drives	11/22/19	3.50
Electronic Filing Charges: Clark County: Stipulation and Order Regarding Inspection of Ruth Cohen's Computer	11/26/19	3.50
Ground Travel: 12/04/2019 - Amex - Parking - Parking for hearing.	12/04/19	8.00
Ground Travel: 12/09/2019 - Amex - Parking - during hearing	12/09/19	18.00
Ground Travel: 12/16/2019 - Amex - Parking - Court Hearing	12/16/19	17.00
Outside Fees: VENDOR: Holo Discovery; INVOICE#: 8860; DATE: 12/31/2019 - Ruth Cohen v. Paul Padda, et al	12/31/19	332.20

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Outside Fees: VENDOR: Florence M. Hoyt; INVOICE#: 01092020; DATE: 1/9/2020 - Transcript of Motion to Compel	01/09/20	174.75
Ground Travel: 01/16/2020 - Amex - Parking - Hearing	01/16/20	4.00
Outside Fees: VENDOR: Holo Discovery; INVOICE#: 8960; DATE: 1/23/2020 - Printing Services.	01/23/20	230.30
Outside Fees: VENDOR: Florence M. Hoyt; INVOICE#: 2001014; DATE: 1/24/2020 - Transcript Hearing on Defendants' Motion for Sanctions	01/24/20	81.55

Total Current Disbursements: \$8,403.63

Outstanding Invoices as of 02/11/20

Invoice No.	Date	Amount Billed	Payments	Balance Due
1785980	01/23/20	82,701.74	0.00	82,701.74
Total Outstanding Balance:				\$82,701.74

February 11, 2020

Paul S. Padda 4560 S. Decatur Blvd #300 Las Vegas, NV 89103	Invoice No. H&H Ref. No. Client No. Attorney:	1789907 3264994 105516 JSpeek
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Regarding: Matter No. 0001 - adv. Ruth Cohen

Invoice Summary

Current fees	\$103,650.00
Current disbursements	\$8,403.63
Current charges this invoice	\$112,053.63
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Total outstanding invoices	\$82,701.74
Total current charges plus outstanding balance	\$194,755.37
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This invoice may reflect changes to our billing rates that took effect on January 1, 2020.

Thank you for your prompt payment. Questions regarding this invoice should be directed to the attorney responsible for your account, or Lisa Anderson, Billing Specialist in our Las Vegas office, at (702) 222-2553 or laanderson@hollandhart.com.

Due On Receipt

Please return this page with your remittance.

2118

March 10, 2020

Paul S. Padda 4560 S. Decatur Blvd #300 Las Vegas, NV 89103	Invoice No. 1797318 H&H Ref. No. 3284132 Client No. 105516 Attorney: JSpeek
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Regarding: Matter No. 0001 - adv. Ruth Cohen

Invoice Summary

Current fees	\$26,590.50
Current disbursements	\$4,094.68
Current charges this invoice	\$30,685.18
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Total outstanding invoices	\$103,650.00
Total current charges plus outstanding balance	\$134,335.18
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This invoice may reflect changes to our billing rates that took effect on January 1, 2020.

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For professional services rendered through February 29, 2020

Itemized Fees

Description of Work	Date	Tkpr	Hours
Review/respond to e-mail correspondence regarding Hillman billing, fees on Motion for Sanctions.	02/03/20	JSP	0.30
Draft proposed order granting motion for summary judgment;	02/03/20	RAS	1.90
Begin preparation of draft verified memorandum of costs;	02/03/20	SAN	0.70
Follow-up communications with Mr. Padda [REDACTED] [REDACTED];	02/05/20	SAN	0.10
Draft proposed order granting motion for summary judgment;	02/06/20	RAS	1.10
Begin review of back-up documentation from Peterson Baker and Mr. Padda for inclusion with memorandum of costs; communications with VLLarsen [REDACTED] [REDACTED];	02/06/20	SAN	0.80
Review/analyze/respond to e-mail correspondence with attached drafts regarding Order on Summary Judgment.	02/07/20	JSP	0.90
Review minute order regarding motions to redact or seal from the Court; review status of outstanding invoices to be paid to HOLO Discovery;	02/07/20	SAN	0.30
Work on finalizing changes to the draft FFCL. Review/respond to e-mail correspondence regarding FFCL. Prepare Notice of Submission of drafts of FFCL with edits and comments.	02/10/20	JSP	2.10
Finalize proposed order granting motion for summary judgment and prepare notice of submission regarding same;	02/10/20	RAS	2.20
Continue preparation of memorandum of costs, including review of all invoices and receipts received to-date, follow-up communications to Ms. Ozmon at Reisman Sorokac, Ms. Parcels at Peterson Baker and VLLarsen [REDACTED] [REDACTED] [REDACTED];	02/10/20	SAN	2.70

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Review/respond to e-mail correspondence regarding Memorandum of Costs. Review and edit Memorandum of Costs. Finalize Notice of Submission of FFCL.	02/11/20	JSP	1.60
Prepare motion for attorneys' fees;	02/11/20	RAS	1.30
Continue preparation of memorandum of costs; communications to the team [REDACTED] [REDACTED]; communications with RASemerad [REDACTED] [REDACTED]; communications with Peterson Baker [REDACTED] [REDACTED];	02/11/20	SAN	2.20
Draft motion for attorney's fees;	02/12/20	RAS	2.00
Communications with JSpeek and RASemerad [REDACTED] [REDACTED]; follow-up communications with Ms. Ozmon [REDACTED] [REDACTED];	02/12/20	SAN	0.30
Follow-up communications with Ms. Ozmon [REDACTED] [REDACTED]; communications with JSpeek and RASemerad [REDACTED] [REDACTED];	02/13/20	SAN	1.10
Prepare and submit order granting Defendants' motions to seal and/or redact (2.10); draft motion for attorney's fees (2.50);	02/17/20	RAS	4.60
Review back-up cost documentation from Reisman Sorokac; revise memorandum of costs; communications with RASemerad and JSpeek [REDACTED] [REDACTED];	02/17/20	SAN	1.40
Review/respond to e-mail correspondence regarding Memorandum of Costs.	02/18/20	JSP	0.50
Finalize draft of motion for attorney's fees;	02/18/20	RAS	2.90
Communications with Mr. Reisman and Mr. Machado [REDACTED] [REDACTED]; review documents produced by Special Master Iglody and determine exact page count of documents produced for inclusion in motion for fees; communications with RASemerad [REDACTED]; follow-up with Ms.	02/18/20	SAN	1.70

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Parcells at Peterson Baker [REDACTED]
[REDACTED]; communications with Veritext regarding copies of outstanding invoices; revise memorandum of costs and communications with RASemerad and JSpeek [REDACTED]; communications with VLLarsen [REDACTED]
[REDACTED];

Work on Memorandum of Costs. Review/draft/respond to e-mail correspondence regarding Memorandum of Costs. Review draft of Motion for Attorneys' Fees and meet with Ryan regarding Motion. Telephone call with Tammy [REDACTED]. Telephone call with Paul [REDACTED].	02/19/20	JSP	3.10
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Draft declarations for JSpeek, Tammy Peterson, and Josh Reisman in support of motion for attorney's fees (2.60); telephone conference with JSpeek and Tammy Peterson [REDACTED] (0.50);	02/19/20	RAS	3.10
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Continue preparation and revisions to memorandum of costs; communications with the team [REDACTED]; follow-up with VLLarsen and LAAnderson [REDACTED]; review Odyssey e-filing submissions and procure copies of receipts for e-filings made on behalf of Defendants;	02/19/20	SAN	2.90
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Prepare motion for attorney's fees;	02/20/20	RAS	0.50
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Continue preparation and revisions to memorandum of costs; communications with the team [REDACTED]; begin preparation and compilation of back-up documentation to be submitted with appendix of exhibits to memorandum of costs; follow-up with Veritext regarding status of invoice documentation;	02/20/20	SAN	3.40
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Review e-mail correspondence and attachments regarding Memorandum of Costs.	02/21/20	JSP	0.30
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Continue preparation and revisions to memorandum of costs; review LexisNexis report from Reisman Sorokac; begin preparation of draft declaration for Mr. Reisman's review and signature regarding research charges incurred by each member of his firm; communications with RASemerad and Reisman Sorokac [REDACTED];	02/21/20	SAN	2.80
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Review and update verified memorandum of costs (0.60); continue drafting declaration of Josh Reisman in support of verified memorandum of costs (0.80); review plaintiff's motion for reconsideration (2.50);

02/23/20 RAS 3.90

Review and finalize Memorandum of Costs. Review, analyze, and discuss with Ryan [REDACTED]. Telephone call with Paul [REDACTED].

02/24/20 JSP 1.90

Telephone conference with Mr. Padda [REDACTED] (0.50); review plaintiff's motion for reconsideration (1.20); [REDACTED] draft opposition to plaintiff's motion for reconsideration (1.30);

02/24/20 RAS 7.00

Continue preparation and final revisions to memorandum of costs; follow-up communications with Reisman Sorokac [REDACTED]; revise and finalize declaration for Mr. Reisman's review and signature; revise appendix of exhibits for submittal with memorandum of costs; prepare exhibits for submittal to the Court, including revisions of sensitive information; communications with RASemerad, JSpeek and VLLarsen [REDACTED];

02/24/20 SAN 4.70

Draft opposition to plaintiff's motion for reconsideration (5.20); telephone conference with Mr. Padda [REDACTED] (0.50);

02/25/20 RAS 5.70

Review Plaintiff's motion for reconsideration of order granting motion for summary judgment;

02/25/20 SAN 0.30

Draft opposition to plaintiff's motion for reconsideration;

02/26/20 RAS 8.90

Review and analyze Opposition to Motion for Reconsideration; Telephone calls with Tammy [REDACTED].

02/27/20 JSP 1.60

Telephone conference with Mr. Padda [REDACTED] (0.40); review plaintiff's motion to retax costs (1.50); research caselaw cited in same

02/27/20 RAS 3.50

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(1.00); outline opposition to plaintiff's motion to retax costs
(0.60);

Review Plaintiff's motion to re-tax costs; follow-up 02/27/20 SAN 0.60
communications with VLLarsen and Las Vegas Legal Video
[REDACTED];

Review draft opposition to Plaintiff's motion for 02/28/20 SAN 0.70
reconsideration of order granting motion for summary
judgment;

Total Current Fees: \$26,590.50

Timekeeper Summary

Timekeeper	Tkpr ID	Rate	Hours	Amount
SANoyce	2685	205.00	26.70	5,473.50
JSpeek	5527	650.00	12.30	7,995.00
RASemerad	6056	270.00	48.60	13,122.00
			87.60	\$26,590.50

Disbursements

Description of Disbursements	Date	Amount
Outside Fees: VENDOR: LVLV; INVOICE#: 16869; DATE: 11/12/2019 - Deposition Services	11/12/19	1,052.50
Electronic Filing Charges: Clark County: Defendants' Motion for an Order Shortening Time for Hearing and Opposition to Plaintiff Ruth L. Cohen's Objections to and Motion;	12/03/19	3.50
Electronic Filing Charges: Clark County: Order Denying Motion for Protective Order Regarding Defendants' Subpoena to Wells Fargo, N.A.	12/06/19	3.50
Electronic Filing Charges: Clark County: Order Granting Motion to Seal Exhibit 6 to Defendants' Motion for an Order Shortening Time for Hearing and Opposition to Plain	12/09/19	3.50
Electronic Filing Charges: Clark County: Notice of Entry of Order Denying Motion for Protective Order Regarding Defendants' Subpoena to Wells Fargo, N.A.	12/10/19	3.50

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Electronic Filing Charges: Clark County: Notice of Entry of Order Granting Motion to Seal Exhibit 6 to Defendants' Motion for an Order Shortening Time for Hearing and	12/10/19	3.50
Outside Fees: VENDOR: Veritext, LLC; INVOICE#: CA4088306; DATE: 12/13/2019 - Video Services	12/13/19	651.75
Outside Fees: VENDOR: Veritext, LLC; INVOICE#: CA4085419; DATE: 12/13/2019 - Certified Transcripts	12/13/19	951.55
Ground Travel: 12/16/2019 - Amex - Parking - parking for hearing	12/16/19	7.00
Electronic Filing Charges: Clark County: Motion to Redact Portions of Defendants' Motion for Summary Judgment and Exhibit 39 and to Seal Exhibits 20, 21, 28 and 31	12/18/19	3.50
Electronic Filing Charges: Clark County: Motion in Limine #9 Defendants' Motion in Limine to Exclude the Testimony and Report of Kathleen Annunziata Nicolaides	12/20/19	3.50
Electronic Filing Charges: Clark County: Motion in Limine #6 Defendants' Motion in Limine to Exclude Testimony of Jeffrey Appeal Regarding Certain Financial Documents	12/20/19	3.50
Electronic Filing Charges: Clark County: Motion to Redact Portions of Defendants' Motion in Limine No. 1 and Seal Exhibits 1 - 3	12/20/19	3.50
Electronic Filing Charges: Clark County: Motion to Redact Portions of Defendants' Motion in Limine No. 5 and Seal Exhibits 1 - 2	12/21/19	3.50
Electronic Filing Charges: Clark County: Motion in Limine No 5 Defendants' Motion in Limine to Exclude Evidence and Testimony related to Specific Instances of Conduct	12/21/19	3.50
Electronic Filing Charges: Clark County: Motion in Limine # 14 Defendants' Motion in Limine to Exclude Testimony of Lay Witnesses Regarding Whether Plaintiff Trusted	12/21/19	3.50
Electronic Filing Charges: Clark County: Motion in Limine # 7 Defendants' Motion in Limine to Exclude Evidence or Testimony of Mr. Padda's Job Performance at the Unit	12/21/19	3.50
Electronic Filing Charges: Clark County: Motion to Redact Portions of Defendants' Motion in Limine No. 8 - Motion to Exclude Evidence and Testimony Related to Specific	12/21/19	3.50
Electronic Filing Charges: Clark County: Motion in Limine	12/21/19	3.50

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No. 8 - Motion to Exclude Evidence and Testimony Related to
Specific Instances of Conduct and Testimony of C

Electronic Filing Charges: Clark County: Motion in Limine # 11 Defendants' Motion in Limine to Exclude Evidence, Testimony of Argument Related to Alleged Health Issue	12/21/19	3.50
Electronic Filing Charges: Clark County: Motion in Limine # 12 Defendants' Motion in Limine to Exclude the Testimony and Report of Michael Holpuch	12/21/19	3.50
Electronic Filing Charges: Clark County: Motion in Limine No. 13 Defendants' Motion in Limine to Exclude Testimony of Karla Koutz Regarding her Opinion of Paul Padda'	12/21/19	3.50
Electronic Filing Charges: Clark County: Motion in Limine No. 10 - Defendants' Motion in Limine to Exclude Evidence or Testimony Related to Wayne Price's History with	12/21/19	3.50
Electronic Filing Charges: Clark County: Motion in Limine # 4 Defendants' Motion in Limine to Exclude Testimony of Plaintiff's Proposed Summary Witness Kathy Campagna	12/21/19	3.50
Electronic Filing Charges: Clark County: Defendants' Opposition to Plaintiff's Motion to Adopt Plaintiff's Version of the Proposed Jury Questionnaire and Countermotion	12/26/19	3.50
Electronic Filing Charges: Clark County: Defendants' Motion to Compel Plaintiff to Produce Certain Documents that are Relevant and Material to This Case on An Order S	01/01/20	3.50
Ground Travel: 01/08/2020 - Amex - Parking - parking for hearing	01/08/20	14.00
Ground Travel: 01/22/2020 - Amex - Parking - parking for hearing	01/22/20	10.00
Ground Travel: 01/27/2020 - Amex - Parking - Parking for Hearing on Motion for Summary Judgment	01/27/20	23.00
Ground Travel: 01/27/2020 - Amex - Parking - Motion for Summary Judgment hearing	01/27/20	20.00
Outside Fees: VENDOR: Holo Discovery; INVOICE#: 9013; DATE: 1/31/2020 - Relativity Data Hosting January 2020	01/31/20	332.20
Outside Fees: VENDOR: Holo Discovery; INVOICE#: 9155; DATE: 2/21/2020 - Scanning and printing services	02/21/20	623.48
Outside Fees: VENDOR: Holo Discovery; INVOICE#: 9240;	02/26/20	332.20

IRS EMPLOYER NO. [REDACTED]

Holland & Hart LLP

105516 Padda, Paul S.	Invoice No.	1797318
	H&H Ref. No.	3284132

DATE: 2/26/2020 - Relativity data hosting

Total Current Disbursements: \$4,094.68

Outstanding Invoices as of 03/10/20

Invoice No.	Date	Amount Billed	Payments	Balance Due
1785980	01/23/20	82,701.74	0.00	82,701.74
1789907	02/11/20	112,053.63	0.00	112,053.63
Total Outstanding Balance:				\$194,755.37

March 10, 2020

Paul S. Padda 4560 S. Decatur Blvd #300 Las Vegas, NV 89103	Invoice No. H&H Ref. No. Client No. Attorney:	1797318 3284132 105516 JSpeek
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Regarding: Matter No. 0001 - adv. Ruth Cohen

Invoice Summary

Current fees	\$26,590.50
Current disbursements	\$4,094.68
Current charges this invoice	\$30,685.18
<hr/>	
Total outstanding invoices	\$103,650.00
Total current charges plus outstanding balance	\$134,335.18
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This invoice may reflect changes to our billing rates that took effect on January 1, 2020.

Thank you for your prompt payment. Questions regarding this invoice should be directed to the attorney responsible for your account, or Lisa Anderson, Billing Specialist in our Las Vegas office, at (702) 222-2553 or laanderson@hollandhart.com.

Due On Receipt

Please return this page with your remittance.

EXHIBIT 8

DECL

J. Stephen Peek, Esq.
Nevada Bar No. 1758
Ryan A. Semerad, Esq.
Nevada Bar No. 14615
HOLLAND & HART LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
Phone: 702.669.4600
Fax: 702.669.4650
speek@hollandhart.com
rasemerad@hollandhart.com

Tamara Beatty Peterson, Esq.
Nevada Bar No. 5218
Nikki L. Baker, Esq.
Nevada Bar No. 6562
PETERSON BAKER, PLLC
701 S. 7th Street
Las Vegas, NV 89101
tpeterson@petersonbaker.com
nbaker@petersonbaker.com

*Attorneys for Defendants PAUL S. PADDA
and PAUL PADDA LAW, PLLC*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

RUTH L. COHEN, an Individual,

Plaintiff,

v.

PAUL S. PADDA, an individual; PAUL
PADDA LAW, PLLC, a Nevada professional
limited liability company; DOE individuals I-
X; and ROE entities I-X,

Defendants.

Case No. A-19-792599-B
Dept. No. XI

**DECLARATION OF TAMARA BEATTY
PETERSON, ESQ. IN SUPPORT OF
DEFENDANTS' MOTION FOR
ATTORNEY'S FEES**

I, Tamara Beatty Peterson, Esq., being first duly sworn, deposes and states as follows:

1. I am a partner and co-founder of Peterson Baker, PLLC ("Peterson Baker"),
counsel for Defendant Paul S. Padda, Esq. ("Mr. Padda") and Defendant Paul Padda Law, PLLC
("Padda Law") (collectively, "Defendants") in the above-captioned matter. I make this declaration

1 in support of Defendants' Motion for Attorney's Fees (the "Motion"). I have personal knowledge
2 of all matters stated herein and would be competent to testify to them if called upon to do so.

3 2. I am a graduate of UCLA (B.A. 1991) and the University of Arizona College of
4 Law (J.D. 1994). I am a member of the bar of Nevada and admitted to practice before all courts
5 in the State of Nevada, the United States District Court for the District of Nevada, and the Ninth
6 Circuit Court of Appeals.

7 3. I have more than 25 years of litigation experience in federal and state courts. My
8 practice focuses on complex and multi-party trial and appellate litigation of all types, including
9 in the areas of commercial and business litigation, business torts, and corporate matters. I have
10 litigated extensively in state and federal court, including taking over 30 jury trials to verdict,
11 numerous bench trials, and appeals before the Nevada Supreme Court and the Ninth Circuit Court
12 of Appeals.

13 4. I am a Fellow with the American College of Trial Lawyers, Litigation Counsel of
14 America, and American Bar Foundation. I have also been listed among the *The Best Lawyers in*
15 *America* © *Commercial Litigation* from 2014 to the present, and recognized by *Chambers USA:*
16 *America's Leading Lawyers for Business*, Litigation, General Commercial, Band 3, since 2014.

17 5. As a practicing attorney, co-founder of my current law firm, and former partner at
18 a Nevada law firm as well as an Am Law 200 law firm with offices in Las Vegas, Nevada, I am
19 familiar with current and historical hourly billing rates of Nevada attorneys, including those who
20 practice commercial and complex litigation generally and in specialized areas.

21 6. The attorneys from Peterson Baker who represented Defendants in this matter
22 charge hourly rates that are similar to those rates charged by comparable law firms for similar
23 legal services.

24 7. The ability, training, education, experience, professional standing, and skill of the
25 professionals representing Defendants were demonstrated in the pleadings, motions, and other
26 documents filed with the Court.

27 8. Peterson Baker believes that every professional employed on behalf of its clients
28 has a responsibility to control fees and expenses by providing services in an efficient and effective

1 manner.

2 9. Peterson Baker believes that the fees and expenses sought in this application are
3 appropriate, and that the fees are reasonable and necessary in light of the circumstances of this
4 case and the scope and difficulty of the business and legal issues involved.

5 10. Staffing of matters within the case is done with the objective of providing the level
6 of representation appropriate to the significance, complexity, and difficulty of the particular
7 matter.

8 11. Peterson Baker believes that the fees and expenses sought in this application are
9 appropriate, and that the fees are reasonable and necessary in light of the circumstances of this
10 case and the scope and difficulty of the business and legal issues involved.

11 12. Ms. Nikki L. Baker, Esq. ("Ms. Baker") is a partner and is the other co-founder of
12 Peterson Baker. Ms. Baker is a graduate of The University of Oklahoma (B.A. 1995) and The
13 University of Oklahoma College of Law (J.D. 1998). She is a member of the bar of Nevada and
14 admitted to practice before all courts in the State of Nevada, the United States District Court for
15 the District of Nevada, and the Ninth Circuit Court of Appeals. Ms. Baker has focused her
16 practice on commercial and civil litigation since she began her career in 1998. While Ms. Baker
17 has tried and prosecuted many cases in state and federal court as well as in various alternative
18 dispute resolution settings, Ms. Baker has also kept her clients out of the courtroom entirely
19 through her success in pretrial motions practice as a result of her strong brief writing and extensive
20 research skills. Ms. Baker's abilities, experience, and professional standing and skill have been
21 acknowledged by her peers as she has received the following recognitions: Martindale-Hubbell®,
22 AV Preeminent® Rating; American Bar Foundation; *Chambers USA: America's Leading*
23 *Lawyers for Business*, Litigation: General Commercial, Recognised Practitioner; *The Best*
24 *Lawyers in America*© Commercial Litigation (2020).

25 13. Consistent with its commitment to control fees and expenses through appropriate
26 staffing, Peterson Baker also staffed an associate attorney, Mr. David Astur, Esq., and
27 professional personnel, including Ms. Erin Parcels, Certified Paralegal, on this case.

28 14. The nature of this litigation justifies the requested fees, which were actually and

necessarily incurred.

15. In addition to requesting attorneys' fees with the Motion, Peterson Baker worked on the following tasks *after* December 18, 2019:

- a. Legal research on numerous topics, including (but not limited to):
 - i. Fee sharing with nonlawyers;
 - ii. The effects of an administrative suspension from the practice of law on a person's ability to collect attorney's fees;
 - iii. Partnership duties and the effects of dissolution of a partnership on those duties; and
 - iv. Fraudulent concealment and the duty of disclosure element required to plead and prove a claim of fraudulent concealment under Nevada state law;
- b. Drafting pleadings and motions, including (but not limited to):
 - i. Defendants' fourteen (14) Motions *in Limine* and replies in support thereof;
 - ii. Defendants' Oppositions to Plaintiff's eight (8) Motions *in Limine*;
 - iii. Defendants' Opposition to Plaintiff's Motion to Extend Deadline and Establish Briefing Schedule;
 - iv. Defendants' Opposition to Plaintiff's Motion to Adopt Plaintiff's Version of the Proposed Jury Questionnaire;
 - v. Defendants' Motion to Compel Plaintiff to Produce Certain Documents that are Relevant and Material to this Case and the reply in support thereof;
 - vi. Defendants' Motion for Sanctions and the reply in support thereof;
 - vii. Defendants' Opposition to Plaintiff's Motion for Reconsideration;
- c. Attending and participating in three (3) continued depositions noticed by Plaintiff;

- d. Identifying, retaining, corresponding with, and disclosing an expert witness identified, retained, and disclosed after the close of discovery;
- e. Preparing, serving, and filing Defendants' pretrial disclosures pursuant to NRCP 16.1(a)(3);
- f. Reviewing Plaintiff's pretrial disclosures pursuant to NRCP 16.1(a)(3);
- g. Preparing, serving, and filing a joint pretrial memorandum in compliance with EDCR 2.67;
- h. Preparing Defendants' proposed jury questionnaire;
- i. Reviewing Plaintiff's proposed jury questionnaire;
- j. Preparing all necessary documents, exhibits, and other demonstrative items in preparation for a jury trial; and
- k. Attending about several hearings before the Court and making oral presentations at these hearings where appropriate.

16. A detailed itemization of the time spent, each professional's billing rate, the matters involved, and costs incurred is described in the accounting attached to this Declaration as **Exhibit 5-A.**

17. Because of Plaintiff's failure to accept Defendants' Offer of Judgment, and due to Plaintiff's litigation tactics and bad faith in bringing and prosecuting her claims, including her failure to adhere to the Nevada Rules of Civil Procedure during discovery, Defendants incurred attorney's fees in connection with their defense against Plaintiff's claims.

18. Peterson Baker spent all of its time performing the work required to defend Defendants against Plaintiff's claims *after* December 18, 2019. *See Exhibit 5-A.*

19. The total amount of attorney's fees incurred by Defendants from Peterson Baker was \$128,108.50.¹

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¹ Defendants anticipate that they will continue to incur fees through the hearing on this Motion and reserves the right to supplement this amount at the time of the hearing.

1 20. I declare under penalty of perjury of the laws of the State of Nevada that the
2 foregoing is true and correct.

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5 TAMARA BEATTY PETERSON, ESQ.

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EXHIBIT 8-A

PETERSON BAKER PLLC

701 S. 7th Street
Las Vegas, Nevada 89101
Phone: 702.786.1001

INVOICE

Invoice # 1094
Date: 12/31/2019
Due On: 02/10/2020

Paul S. Padda
Paul Padda Law PLLC
4560 South Decatur Blvd., Ste 300
Las Vegas, NV 89103

Padda, et al. adv. Cohen

Services

Date	Description	Time Keeper	Hours	Rate	Total
12/02/2019	[REDACTED]	T. Peterson	7.00	\$525.00	\$3,675.00
12/02/2019	[REDACTED]	N. Baker	0.20	\$495.00	\$99.00
12/03/2019	[REDACTED]	T. Peterson	1.50	\$525.00	\$787.50
12/03/2019	[REDACTED]	N. Baker	0.40	\$495.00	\$198.00
12/04/2019	[REDACTED]	T. Peterson	1.60	\$525.00	\$840.00

12/04/2019	[REDACTED]	N. Baker	0.20	\$495.00	\$99.00
12/05/2019	[REDACTED]	T. Peterson	3.60	\$525.00	\$1,890.00
12/05/2019	[REDACTED]	N. Baker	3.00	\$495.00	\$1,485.00
12/06/2019	[REDACTED]	T. Peterson	2.50	\$525.00	\$1,312.50
12/06/2019	[REDACTED]	N. Baker	6.90	\$495.00	\$3,415.50
12/07/2019	[REDACTED]	T. Peterson	0.30	\$525.00	\$157.50
12/08/2019	[REDACTED]	T. Peterson	0.30	\$525.00	\$157.50
12/08/2019	[REDACTED]	N. Baker	11.70	\$495.00	\$5,791.50
12/09/2019	[REDACTED]	T. Peterson	5.60	\$525.00	\$2,940.00

12/09/2019		N. Baker	13.20	\$495.00	\$6,534.00
12/10/2019		T. Peterson	1.30	\$525.00	\$682.50
12/10/2019		N. Baker	0.50	\$495.00	\$247.50
12/11/2019		T. Peterson	4.20	\$525.00	\$2,205.00
12/11/2019		N. Baker	8.30	\$495.00	\$4,108.50

12/12/2019		T. Peterson	5.60	\$525.00	\$2,940.00
12/12/2019		N. Baker	6.70	\$495.00	\$3,316.50
12/13/2019		T. Peterson	4.30	\$525.00	\$2,257.50
12/13/2019		N. Baker	3.30	\$495.00	\$1,633.50
12/15/2019		N. Baker	3.70	\$495.00	\$1,831.50
12/16/2019		T. Peterson	6.90	\$525.00	\$3,622.50

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12/16/2019	<div></div>	N. Baker	5.50	\$495.00	\$2,722.50
12/17/2019	<div></div>	T. Peterson	6.30	\$525.00	\$3,307.50
12/17/2019	<div></div>	N. Baker	8.30	\$495.00	\$4,108.50

12/18/2019	<p>Email exchange regarding motion to redact [.2]; review draft juror questionnaire [.3]; telephone conference call (2x) with L. Stewart; telephone conference call with S. Peek [REDACTED] [.7]; review proposed declarations of R. Semerad and P. Padda [.2]; review communication from S. Peek [REDACTED]; prepare offer of judgment; draft communication as to same [.4]; review L. Stewart draft report; draft communication to team [REDACTED] [.5]; review and revise proposed juror questionnaire [.8]; review issues regarding production; draft certificate of compliance [.5]; review draft order from D. Campbell; draft revisions; email exchange with S. Peek and R. Semerad [REDACTED]; draft communication to D. Campbell regarding revisions; email from D. Campbell; he won't agree [.8]; telephone conference call with S. Peek [REDACTED] [.3]; email exchange with P. Padda [REDACTED] [.2]; emails regarding production; emails regarding supplemental 16.1 [.3]; telephone conference call with P. Padda [REDACTED] [.2]; telephone conference call with R. Semerad [REDACTED] [.3]; draft communication regarding certification; emails regarding same [.4]; emails regarding 16.1 modification to witness testimony [.3]; emails regarding MIL as to alleged relationship [.1]; draft communications regarding juror questionnaire [.2]; review Cohen proposed questionnaire [.3]; review and analyze J. Moser proposed stipulations; draft comments to R. Semerad and S. Peek [.4]; email exchange with P. Padda and S. Peek [REDACTED] [.2]</p>	T. Peterson	7.60	\$525.00	\$3,990.00
12/18/2019	<p>Review and revise revised declarations [.5]; review emails regarding comments on draft motion for summary judgment [.2]; make final revisions to motion for summary judgment [1.5]; review emails regarding Offer of Judgment and revise same [.2]; work on Motion in Limine Regarding Unjust Enrichment and conduct legal research [REDACTED] [8.3]</p>	N. Baker	10.70	\$495.00	\$5,296.50
12/19/2019	<p>Email from D. Kutinac regarding signed order [.1]; emails from R. Semerad and B. Downing [REDACTED]; review and analyze proposed stipulation; telephone conference call with B. Downing [.5]; work on issues regarding expert report of L. Stewart; telephone conference call (3x) with L. Stewart; draft communication to L. Stewart; review report and attachments [1.5]; revise proposed stipulation regarding R. Cohen religious issues; draft communication to S.</p>	T. Peterson	5.70	\$525.00	\$2,992.50

Peek, R. Semerad [REDACTED]; review S. Peek comments [.4]; review issues regarding upcoming continued depositions, documents as to same [.3]; telephone conference call with S. Peek [REDACTED] [REDACTED] [.4]; review draft MIL as to unjust enrichment; review [REDACTED]; confer with N. Baker regarding [REDACTED]; draft communication to S. Noyce and R. Semerad [REDACTED] [.5]; email exchange with S. Noyce [REDACTED] [REDACTED] [.2]; prepare for and meet with P. Davidson and P. Padda [REDACTED] [.7]; telephone conference call with B. Downing [REDACTED] [REDACTED] [.2]; telephone conference call with P. Davidson [REDACTED] [REDACTED] [.2]; draft communication to J. Moser regarding stipulation as to religious beliefs [.2]; review Stewart revised report; revise disclosure of expert report; draft communication to team [.5]

12/19/2019	Continue working on motion in limine regarding unjust enrichment damages and conduct research [REDACTED] [REDACTED] [4.2]; call with S. Peek and T. Peterson [REDACTED] [REDACTED] [.5]; begin drafting motion in limine on financial condition and conduct legal research [REDACTED] [2.6]; draft email regarding draft motion in limine on unjust enrichment and questions regarding arguments R. Cohen may raise [.2]; review response [.1]	N. Baker	7.60	\$495.00	\$3,762.00
12/20/2019	Emails regarding meet and confer on MIL as to unjust enrichment [.2]; confer with N. Baker [REDACTED] [REDACTED] [REDACTED] [.3]; multiple emails regarding potential briefing schedule [.5]; review MIL regarding alleged Padda / Davidson relationship; draft comments; review [REDACTED] [REDACTED]; finalize for filing [.6]; work on issues regarding MILs as to unjust enrichment, financial condition; review prior discovery requests; finalize MIL for filing [.5]; telephone conference call with S. Peek [REDACTED] [REDACTED] [4]; emails to P. Padda [REDACTED] [REDACTED] [.2]; work on issues regarding stipulations; draft communication to J. Moser [.2]; review MAC juror questionnaire; draft communication to L. Wakayama; emails regarding juror questionnaire [.7]; work on issues regarding QDE MIL [.5]; finalize Stewart disclosure for service [.2]; work on issues regarding trust MIL [.2]; work on issues regarding prior job performance MIL [.4]; telephone conference call with Prof. Hillman and S. Peek [1.2]; telephone conference call with S. Peek [.2]; telephone conference call with R. Semerad [.2]; email from J. Moser; telephone conference call with J. Moser; emails with team; draft communication to J. Moser [.4]	T. Peterson	6.90	\$525.00	\$3,622.50
12/20/2019	Calls with R. Semerad [REDACTED] [REDACTED] [.2]; continue working on motion in limine regarding financial condition and work with T. Peterson [REDACTED]	N. Baker	3.30	\$495.00	\$1,633.50

	[1.4]; continue working on, review [REDACTED] and finalize unjust enrichment motion in limine [1.0]; review and respond to emails regarding briefing schedule on pre-trial motions [1.5]; draft email to R. Semerad [REDACTED] [REDACTED] [2]				
12/22/2019	Email from D. Campbell; emails with team [REDACTED] [2]; review prior 30(b)(6) deposition; review prior deposition of P. Padda [2.0]	T. Peterson	2.20	\$525.00	\$1,155.00
12/23/2019	Prepare for and attend deposition of P. Padda [3.5]; review motion on OST; multiple emails regarding same; prepare for and attend deposition of P. Davidson [2.0]; emails regarding Davidson deposition and Price receipt of final payment [2]; review motion for extension of time as to oppositions and briefing schedule; review emails regarding same [2]; prepare for and attend deposition of Wayne Price; draft communication to team regarding testimony [2.0]	T. Peterson	7.90	\$525.00	\$4,147.50
12/23/2019	Review emails regarding opposition to motion to extend deadline for oppositions to motions in limine and motion for summary judgment, and review motion [1.5]; draft email to R. Semerad and B. Downing [REDACTED] [REDACTED] [2]; review emails regarding W. Price deposition [2]	N. Baker	0.90	\$495.00	\$445.50
12/24/2019	Multiple emails and email exchanges regarding W. Price [3]; emails regarding opposition to motion for expedited briefing schedule; review and analyze motion; draft comment regarding same [4]	T. Peterson	0.70	\$525.00	\$367.50
12/24/2019	Draft email regarding briefing to have motion for summary judgment decided on January 21st or 22nd [2]; review responses [2]; briefly skim motions in limine filed by R. Cohen and participate in call with R. Semerad and B. Downing [REDACTED] [REDACTED] [1.1]	N. Baker	1.50	\$495.00	\$742.50
12/26/2019	Review communications from P. Padda, S. Peek [REDACTED] [4]; prepare for and attend hearing on order shortening time; draft communication to team regarding outcome [2.0]; multiple emails regarding 16.1 obligations; review issues regarding W. Price; review Ramirez case regarding sanctions for witness tampering; draft timeline [4.0]; email to law clerk regarding statement [2]; email to team regarding hearing [2]; emails regarding timeline and production, and regarding witness issues [3]; draft statement of the case; draft communication to team regarding same [4]; telephone conference call with S. Peek [3]; email exchange with S. Chopra [2]	T. Peterson	8.00	\$525.00	\$4,200.00

12/26/2019	Review emails regarding outcome of hearing on motion to extend [.2]; review emails regarding W. Price deposition and next steps, and other trial strategy issues [.2]	N. Baker	0.40	\$495.00	\$198.00
12/27/2019	Review multiple communications regarding statement of the case; revise statement for submission to judge; draft communication to P. Padda; email exchange regarding upcoming hearing; draft communication to D. Kutinac and law clerk [.5]; email from P. Padda [REDACTED]; email to S. Peek [REDACTED]; review minute order from court regarding juror questionnaire [.2]	T. Peterson	0.70	\$525.00	\$367.50
12/30/2019	Prepare for and attend hearing as to juror questionnaire and email issues; draft communication to team regarding outcome [2.5]; emails regarding production of text messages [.2]; review Cohen production of W. Price emails; email exchange with P. Padda [.2]; review analysis of online focus group [.5]; review and analyze court's version of juror questionnaire; draft comments to same [.8]; telephone conference call with P. Padda [REDACTED] [.2]; review R. Semerad draft motion to compel; draft comments regarding same [.6]; email to L. Wakayama regarding Price [.2]; email exchanges with R. Semerad [.3]	T. Peterson	5.50	\$525.00	\$2,887.50
12/30/2019	Review emails regarding outcome of hearing [.2]	N. Baker	0.20	\$495.00	\$99.00
12/31/2019	Emails regarding motion; emails regarding meet and confer; email exchange with L. Wakayama [.4]; telephone conference call with L. Wakayama and J. Moser [.2]; draft communication to team regarding same [.2]; multiple emails regarding filing [REDACTED]; email exchange regarding declaration [.5]; draft status report regarding juror questionnaire [.5]	T. Peterson	1.80	\$525.00	\$945.00

Services Subtotal \$99,217.50

Expenses

Type	Date	Description	Time Keeper	Quantity	Rate	Total
Expense	11/13/2019	E106 Online research: WestlawNext Legal Research	T. Peterson	1.00	\$65.38	\$65.38
Expense	11/14/2019	E106 Online research: WestlawNext Legal Research	N. Baker	1.00	\$51.29	\$51.29
Expense	11/15/2019	E106 Online research: WestlawNext Legal Research	N. Baker	1.00	\$6.01	\$6.01
Expense	11/25/2019	E106 Online research: WestlawNext Legal Research	T. Peterson	1.00	\$14.09	\$14.09

Expense	11/25/2019	E106 Online research: WestlawNext Legal Research	N. Baker	1.00	\$138.83	\$138.83
Expense	12/09/2019	E109 Local travel: Parking at Courthouse while attending Status Check	T. Peterson	1.00	\$15.00	\$15.00
Expense	12/13/2019	E112 Court fees: Filing Fee - Opposition to Plaintiff's Motion to Compel Wayne Price, Patty Davidson, and Paul Padda to Appear for Their Continued Depositions and to Produce Documents on Order Shortening Time	T. Peterson	1.00	\$3.50	\$3.50
Expense	12/16/2019	E109 Local travel: Parking at Courthouse while attending Hearing on Plaintiff's Motion to Compel Price, Davidson, and Padda to Appear for Continued Depositions and to Produce Documents on Order Shortening Time	T. Peterson	1.00	\$12.00	\$12.00
Expense	12/16/2019	E107 Delivery services/messengers: Legal Wings Invoice No. R-1917261.01 - Fee to Deliver Courtesy Copy of Opposition to Motion to Compel Price, Davidson and Padda to Continue Depositions and Produce Documents to Department 11	T. Peterson	1.00	\$70.00	\$70.00
Expense	12/20/2019	E112 Court fees: Filing Fee - Defendants' Motion in Limine No. 2 to Preclude Plaintiff From Offering Evidence and/or Argument Regarding Defendants' Financial Condition During the Initial Liability Phase of Trial	T. Peterson	1.00	\$3.50	\$3.50
Expense	12/20/2019	E112 Court fees: Filing Fee - Defendants' Motion in Limine No. 3 to Preclude Plaintiff from Offering Any Evidence of and/or Computation for Unjust Enrichment and Quantum Meruit Damages at Trial	T. Peterson	1.00	\$3.50	\$3.50
Expense	12/24/2019	E107 Delivery services/messengers: Legal Wings Invoice No. R-1917698.01- Fee to Deliver Courtesy Copies of Motions in Limine Nos 2 and 3 to Department 11	T. Peterson	1.00	\$25.00	\$25.00

Expenses Subtotal **\$408.10**

Time Keeper	Hours	Rate	Total
Nikki Baker	96.5	\$495.00	\$47,767.50
Tamara Peterson	98.0	\$525.00	\$51,450.00
		Subtotal	\$99,625.60
		Current Invoice Total	\$99,625.60

Detailed Statement of Account

Other Invoices

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
1080	01/10/2020	\$59,260.95	\$0.00	\$59,260.95

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
1094	02/10/2020	\$99,625.60	\$0.00	\$99,625.60
Outstanding Balance				\$158,886.55
Total Amount Outstanding				\$158,886.55

Please make all amounts payable to: Peterson Baker, PLLC

PETERSON BAKER PLLC

701 S. 7th Street
Las Vegas, Nevada 89101
Phone: 702.786.1001

INVOICE

Invoice # 1115
Date: 01/31/2020
Due On: 03/10/2020

Paul S. Padda
Paul Padda Law PLLC
4560 South Decatur Blvd., Ste 300
Las Vegas, NV 89103

Padda, et al. adv. Cohen

Services

Date	Description	Time Keeper	Hours	Rate	Discount	Total
01/02/2020	Review notice of hearing; review clerk order regarding nonconforming document; review communications regarding order shortening time [.3]; draft communication to S. Peek and R. Semerad [REDACTED]; email from J. Moser regarding plaintiff status report [.3]; review communication from P. Padda [REDACTED] [.2]; review issues [REDACTED] emails regarding same [.2]; review communication from J. Moser regarding motion to compel; draft communication regarding same; emails from R. Semerad and S. Peek [REDACTED] [.4]; confer with N. Baker [REDACTED] [.8]; review proposed order; review R. Semerad revisions; draft communication regarding same [.3]	T. Peterson	2.50	\$525.00	-	\$1,312.50
01/02/2020	Work with T. Peterson [REDACTED] [.8]; draft email to team [REDACTED] [.3]; review emails regarding motion to compel [.2]	N. Baker	1.30	\$495.00	-	\$643.50
01/02/2020	[REDACTED] begin research [REDACTED] [1.0]	D. Astur	1.00	\$250.00	-	\$250.00
01/03/2020	Review communications regarding W.	T. Peterson	2.30	\$525.00	-	\$1,207.50

Price; draft communications as to same; email exchanges regarding Price documents; draft communication regarding certification; email from P. Padda [REDACTED] [6]; emails regarding hearing, proposed order, Price email search; draft multiple communications to R. Semerad [REDACTED] [5]; email exchanges with P. Davidson and D. Rounds [REDACTED] [3]; emails regarding pretrial memorandum [2]; draft communication to S. Peek [REDACTED] [2]; telephone conference call with P. Davidson and D. Rounds [REDACTED] [5]

01/03/2020	Work with N. Baker [REDACTED] [REDACTED] [REDACTED] [2.0]; research [REDACTED]	D. Astur	7.00	\$250.00	50.0%	\$875.00
01/05/2020	Review and analyze R. Cohen's Motion in Limine No. 2 and Motion in Limine No. 5 [1.0]; draft email regarding points to raise on same [.5]; review and capture screenshots from R. Cohen's Facebook page to address in opposition to Motion in Limine No. 5 [.8]	N. Baker	2.30	\$495.00	-	\$1,138.50
01/06/2020	Review multiple emails regarding focus group; review and analyze clopening edits from S. Peek; review and analyze clopenings [REDACTED] [.7]; draft communication to Cohen counsel regarding supplemental production as to Price emails [.2]; review emails regarding December 30 hearing and Cohen version of order; multiple email exchanges with R. Semerad [.5]; draft comments regarding focus group issues [.5]; review D. Rounds issues; email exchange with P. Davidson and P. Padda; review S. Peek emails [REDACTED]; Rounds will supplement; review D. Rounds supplemental search [.7]; review R. Cohen supplemental disclosures; draft comments regarding same [1.0]; review draft reply brief as to motion to compel; email to R. Semerad [REDACTED] [.3]; review issues regarding focus group [.4]	T. Peterson	4.30	\$525.00	-	\$2,257.50
01/06/2020	Begin reviewing first batch of W. Price emails provided by D. Rounds; locate and organize previously produced emails sent/ received or referencing to W. Price [2.3]	E. Parcels	2.30	\$105.00	-	\$241.50

01/06/2020	Work on opposition to Motion in Limine No. 2 [7.0]; research [REDACTED] [REDACTED] conduct research [REDACTED]	N. Baker	8.00	\$495.00	-	\$3,960.00
01/06/2020	Continue research [REDACTED] [REDACTED] review R. Cohen's deposition transcript [1.0]; begin drafting opposition to Motion in Limine No. 5 [2.7]; research [REDACTED] [REDACTED]	D. Astur	6.90	\$250.00	-	\$1,725.00
01/07/2020	Email from J. Moser; email from D. Campbell; review W. Price issues [.2]; confer with N. Baker and D. Astur [REDACTED] [REDACTED] work on exhibit list for pretrial memorandum [3.5]; multiple email exchanges with R. Semerad, S. Peek, P. Davidson [REDACTED]; telephone conference call with R. Semerad, S. Peek, P. Davidson [REDACTED]; review Excel files; draft communication to R. Semerad [.6]; telephone conference call with R. Semerad [REDACTED] [REDACTED] [.2]; review and revise R. Semerad declaration [.2]; draft communication regarding exhibit list issues [.2]	T. Peterson	6.00	\$525.00	-	\$3,150.00
01/07/2020	Review emails regarding R. Cohen's production of documents and reinstatement of license [.2]	N. Baker	0.20	\$495.00	-	\$99.00
01/07/2020	Continue research [REDACTED] [REDACTED] [.2]; review S. Cogan's deposition transcript and K. Koutz's deposition transcript [2.0]	D. Astur	4.20	\$250.00	50.0%	\$525.00
01/08/2020	Prepare for and attend hearing on motion to compel [2.0]; confer with N. Baker [REDACTED] [REDACTED] [.5]; emails from P. Padda and R. Semerad [REDACTED]; email exchange regarding order; email exchange with R. Semerad [REDACTED] [REDACTED]; coordinate with E. Parcels [REDACTED] [.5]; email exchange with P. Padda [REDACTED] [REDACTED] [.2]	T. Peterson	3.20	\$525.00	-	\$1,680.00
01/08/2020	Begin drafting Pretrial Disclosures [1.6]	E. Parcels	1.60	\$105.00	-	\$168.00

01/08/2020	Work with T. Peterson [REDACTED] [REDACTED] [.5]; review and respond to emails regarding pretrial conference between counsel [.2]	N. Baker	0.70	\$495.00	-	\$346.50
01/08/2020	Research [REDACTED] [REDACTED] [1.1]	D. Astur	1.10	\$250.00	-	\$275.00
01/09/2020	Continue drafting Pretrial Disclosures [2.6]; revise exhibit list for Pretrial Disclosures [4.5]	E. Parcels	7.10	\$105.00	-	\$745.50
01/09/2020	Review juror questionnaire; draft communication to P. Padda [REDACTED] [REDACTED]; email from D. Kutinac; email to S. Peek and R. Semerad [.4]; telephone conference call with P. Padda [REDACTED] [.2]; emails from R. Semerad [REDACTED]; emails regarding witness list [.5]; work on pretrial disclosures [1.1]; multiple emails regarding pretrial disclosure deadline, meet and confer as to joint pretrial memo [.5]; review R. Cohen supplemental disclosures regarding S. Cogan [.1]; draft communication regarding pretrial disclosure [.2]; review and analyze oppositions to plaintiffs MIL 1,2, 3 [.5]	T. Peterson	3.50	\$525.00	-	\$1,837.50
01/09/2020	Continue working on opposition to R. Cohen's Motion in Limine No. 2 [4.0]; begin working on opposition to R. Cohen's Motion in Limine No. 5 [3.5]; review and comment on drafts of other oppositions to R. Cohen's Motions in Limine [1.0]	N. Baker	8.50	\$495.00	-	\$4,207.50
01/09/2020	Discussion with N. Baker [REDACTED] [REDACTED] [2.1] research [REDACTED] [REDACTED] draft Reply in Support of Motion in Limine No. 2 [1.1]	D. Astur	4.70	\$250.00	100.0%	\$0.00
01/10/2020	Emails regarding meet and confer as to joint pretrial memorandum; email exchanges regarding exhibit list proposed by Cohen counsel [.4]; review S. Noyce communication [REDACTED] [REDACTED]; work on pretrial disclosures [.2]; emails regarding W. Price and JPTM [.2]; telephone conference call (2x) with R. Semerad [.4]; prepare for and participate in conference call with opposing counsel	T. Peterson	5.50	\$525.00	-	\$2,887.50

	regarding JPTM [.5]; confer with N. Baker [REDACTED] [.4]; work on deposition designations for Cogen and Bogash [1.8]; finalize pretrial disclosures for service [.5]; confer with N. Baker [REDACTED] review and finalize MIL 5 for filing [.7]; multiple emails regarding date of pretrial conference [.2]; review and finalize MIL 2 for filing [.2]					
01/10/2020	Revise Exhibit List to Pretrial Disclosures [3.8]; telephone conference and email exchanges with S. Noyce [REDACTED] [REDACTED] [.1]; revise Pretrial Disclosures [.2]	E. Parcels	4.10	\$105.00	-	\$430.50
01/10/2020	Continue working on opposition to Motion in Limine No. 5 and conduct legal research [REDACTED] [6.9]; review [REDACTED] revisions to oppositions to Motion in Limine Nos. 2 and 5 [1.0]; make final edits to same [2.0]	N. Baker	9.90	\$495.00	-	\$4,900.50
01/10/2020	Work with N. Baker Reply in Support of Motion in Limine No. 3 [.4]	D. Astur	0.40	\$250.00	-	\$100.00
01/11/2020	Review communication from P. Padda and review investigative report regarding B. Jackson [.3]	T. Peterson	0.30	\$525.00	-	\$157.50
01/12/2020	Review communication from P. Padda [REDACTED] email exchange regarding production [.3]; email from P. Padda [REDACTED] [.2]	T. Peterson	0.50	\$525.00	-	\$262.50
01/13/2020	Review emails regarding pretrial conference; court will still hold conference [.2]; email to R. Semerad [REDACTED] [REDACTED] [.2]	T. Peterson	0.40	\$525.00	-	\$210.00
01/13/2020	Review emails regarding moving deadline to file pre-trial memorandum and pre-trial conference [.2]	N. Baker	0.20	\$495.00	-	\$99.00
01/14/2020	Review communications regarding competing orders as to Holo review of Cohen computer [.2]; emails regarding Joint pretrial memorandum, and replies in support of MSJ and MILs [.3]	T. Peterson	0.50	\$525.00	-	\$262.50
01/14/2020	Review and respond to emails regarding call to discuss reply brief [.2]	N. Baker	0.20	\$495.00	-	\$99.00
01/15/2020	Review communications regarding motions for sanctions; review proposed motion for	T. Peterson	3.10	\$525.00	-	\$1,627.50

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	[.2]					
01/17/2020	Review and analyze Plaintiff's Opposition to Motion in Limine No. 3 [.7]; draft emails to D. Astur [REDACTED] [.8]; review and analyze Opposition to Motion for Summary Judgment [1.2]; begin working on reply brief and conduct legal research [REDACTED], including review and analysis of cases cited by R. Cohen [3.4]	N. Baker	6.10	\$495.00	-	\$3,019.50
01/18/2020	Prepare for and meet with P. Padda, R. Semerad, and S. Peek [REDACTED] [6.0]	T. Peterson	6.00	\$525.00	-	\$3,150.00
01/20/2020	Emails from P. Padda, R. Semerad [REDACTED] [.2]; review R. Cohen supplemental disclosures in preparation for hearing on motion for sanctions [.8]; review R. Semerad modifications to joint pretrial order, including redline; verify key documents from pretrial disclosures are on version submitted to plaintiff [.5]	T. Peterson	1.50	\$525.00	-	\$787.50
01/20/2020	Review and analyze emails regarding allegations regarding Cohen and Padda partnership and fee split issues [.3]; review of draft motion to dismiss [.5]; call with R. Semerad [REDACTED] [.2]; continue working on reply in support of Motion for Summary Judgment and conduct legal research [REDACTED]; review emails regarding R. Cohen's Facebook posts [.2]	N. Baker	9.80	\$495.00	-	\$4,851.00
01/21/2020	Review multiple communications from J. Moser, L. Wakayama, R. Semerad, D. Kutinac regarding continued due date for joint pretrial memorandum [.3]; confer with N. Baker [REDACTED]; review multiple communications regarding R. Cohen production and documents not produced regarding CLE; review R. Semerad emails [REDACTED] [.5]; emails regarding juror questionnaires [.2]; review opposition to motion for sanctions; review and analyze reply brief in support of motion for sanctions [1.0]; emails regarding fee split issues; confer with N. Baker [REDACTED] [.3]	T. Peterson	2.30	\$525.00	-	\$1,207.50
01/21/2020	Work with T. Peterson [REDACTED]	N. Baker	7.40	\$495.00	-	\$3,663.00

	[.5]; review R. Cohen's recent disclosures and draft email regarding same [.4]; review responses [.1]; review R. Cohen's opposition to motion for sanctions and reply in support of same [.3]; continue working on reply in support of Motion for Summary Judgment [6.1]					
01/21/2020	Continue research [REDACTED] [REDACTED]	D. Astur	0.80	\$250.00	-	\$200.00
01/22/2020	Prepare for and attend hearing on motion for sanctions; confer with P. Padda and S. Peek [REDACTED] [REDACTED] [2.0]; draft communication to D. Campbell regarding W. Price and R. Cohen deposition [.2]; review and analyze Reply for MIL 1 [REDACTED] [REDACTED]; draft comment [.5]; email from D. Kutinac regarding additional juror information [.1]; review and analyze Reply for MIL 6 [REDACTED]; draft comments regarding same [.3]; draft communication to L. Wakayama regarding reinstatement application [.2]; emails regarding lack of designation for Koutz testimony [.2]; review and analyze reply brief for MIL 7 [.4]; emails regarding Holpuch, potential withdrawal of MIL 12 [.4]; review reply brief for MIL 9 [.2]	T. Peterson	4.50	\$525.00	-	\$2,362.50
01/22/2020	Review and comment on drafts of reply briefs [.9]; continue working on reply brief in support of Motion for Summary Judgment [10.5]; review and respond to email from T. Peterson [REDACTED] [.1]; draft email to group [REDACTED] [REDACTED] [.3]	N. Baker	11.80	\$495.00	-	\$5,841.00
01/22/2020	Confer with N. Baker [REDACTED] [REDACTED] [REDACTED] [.3]	D. Astur	0.30	\$250.00	-	\$75.00
01/23/2020	Email exchange with S. Noyce [REDACTED] [REDACTED] [.2]; email to J. Rodionova regarding exhibit list [.1]; confer with N. Baker [REDACTED] [REDACTED] [.2]; review plaintiff seventeenth supplement as to application for reinstatement [.1]; review S. Peek objections to exhibit list for inclusion in joint pretrial memorandum [.5]	T. Peterson	1.10	\$525.00	-	\$577.50
01/23/2020	Continue working on reply in support of Motion for Summary Judgment; draft email regarding issues to consider for reply;	N. Baker	6.80	\$495.00	-	\$3,366.00

	review email and revisions from Client; conduct legal research [REDACTED] [REDACTED]					
01/24/2020	Review and analyze updated draft of reply brief, and comments from N. Baker and R. Semerad [.5]; review and analyze reply brief in support of MIL 2, [REDACTED] [REDACTED] revisions to same [.4]; review and analyze reply brief in support of MIL 3 [.3]; finalize reply briefs for MIL 2 and 3 for filing [.2]; continue review of exhibit list for JPTM; review S. Noyce comments; draft comments as to exhibit list [1.2]; review and analyze reply brief in support of MIL 11 [.2]; review and finalize reply brief in support of motion for summary judgment [.2]; email exchange with S. Noyce [REDACTED] [.2]; draft proposed order denying motion for sanctions [.4]	T. Peterson	3.60	\$525.00	-	\$1,890.00
01/24/2020	Work on, review comments to and finalize reply briefs to Motions in Limine Nos. 2 and 3 [4.4]; review and respond to emails from Client regarding same and reply in support of Motion for Summary Judgment [.5]; continue working on and conducting legal research [REDACTED] [REDACTED] review and analyze R. Cohen's replies in support of Motion in Limine No. 2 and Motion in Limine No. 5 [.5]; draft email to court regarding courtesy copy of reply brief [.2]	N. Baker	7.60	\$495.00	-	\$3,762.00
01/24/2020	Work on replies in support of Motion in Limine Nos. 2 and 3 [.3]	D. Astur	0.30	\$250.00	-	\$75.00
01/24/2020	Revisit analogy of other types of professional license suspension and how it affects claims in contract [.6]	D. Astur	0.60	\$250.00	100.0%	\$0.00
01/25/2020	Continue review of summary judgment motion, exhibits, deposition testimony, case law, supplemental production, all in preparation for upcoming hearing on summary judgment and deposition of R. Cohen [4.0]	T. Peterson	4.00	\$525.00	-	\$2,100.00
01/27/2020	Prepare for and attend hearing on summary judgment; court grants motion [3.5]; emails regarding next steps, costs, motion for attorney fees, order [.2]	T. Peterson	3.70	\$525.00	-	\$1,942.50
01/27/2020	Discuss with T. Peterson [REDACTED] [REDACTED] [.1]; review and respond to emails regarding same [.2]	N. Baker	0.30	\$495.00	-	\$148.50

Legal Research

Expense	12/06/2019	E106 Online research: WestlawNext Legal Research	N. Baker	1.00	\$19.34	\$19.34
Expense	12/11/2019	E106 Online research: WestlawNext Legal Research	N. Baker	1.00	\$31.72	\$31.72
Expense	12/11/2019	E106 Online research: WestlawNext Legal Research	T. Peterson	1.00	\$24.76	\$24.76
Expense	12/12/2019	E106 Online research: WestlawNext Legal Research	N. Baker	1.00	\$66.27	\$66.27
Expense	12/12/2019	E106 Online research: WestlawNext Legal Research	T. Peterson	1.00	\$96.34	\$96.34
Expense	12/13/2019	E106 Online research: WestlawNext Legal Research	T. Peterson	1.00	\$20.64	\$20.64
Expense	12/16/2019	E106 Online research: WestlawNext Legal Research	N. Baker	1.00	\$8.25	\$8.25
Expense	12/18/2019	E106 Online research: WestlawNext Legal Research	N. Baker	1.00	\$265.33	\$265.33
Expense	12/19/2019	E106 Online research: WestlawNext Legal Research	N. Baker	1.00	\$182.43	\$182.43
Expense	12/20/2019	E106 Online research: WestlawNext Legal Research	N. Baker	1.00	\$30.42	\$30.42
Expense	12/26/2019	E109 Local travel: Parking at Courthouse while attending Hearing on Plaintiff's Motion to Extend Opposition Deadline and Establish Briefing Schedule on Order Shortening Time	T. Peterson	1.00	\$9.00	\$9.00
Expense	12/26/2019	E106 Online research: WestlawNext Legal Research	T. Peterson	1.00	\$4.13	\$4.13
Expense	12/30/2019	E109 Local travel: Parking at Courthouse while attending Hearing on Plaintiff's Motion to Adopt Plaintiff's Version of the Proposed Jury Questionnaire	T. Peterson	1.00	\$9.00	\$9.00
Expense	12/31/2019	E115 Deposition transcripts: Rocket Reporters Invoice No. 204206 - transcript of Wayne Price taken December 2, 2019	T. Peterson	1.00	\$2,181.40	\$2,181.40
Expense	01/02/2020	E112 Court fees: Filing Fee - Defendants' Defendants' Status Report Regarding Jury Questionnaire	T. Peterson	1.00	\$3.50	\$3.50
Expense	01/03/2020	E107 Delivery services/messengers: Legal Wings Invoice No. R-1918451.01 - Fee to Deliver Courtesy Copy of	T. Peterson	1.00	\$25.00	\$25.00

Defendants' Status Report Regarding
Jury Questionnaire to Department 11

Expense	01/06/2020	E106 Online research: WestlawNext Legal Research	D. Astur	1.00	\$79.90	\$79.90
Expense	01/06/2020	E106 Online research: WestlawNext Legal Research	N. Baker	1.00	\$20.14	\$20.14
Expense	01/08/2020	E109 Local travel: Parking at Courthouse while attending Hearing on Defendants' Motion to Compel Plaintiff to Produce Certain Documents that are Relevant and Material to This Case	T. Peterson	1.00	\$10.50	\$10.50
Expense	01/08/2020	E115 Deposition transcripts: Rocket Reporters Invoice No. 204286 - transcript of Wayne Price taken December 23, 2019	T. Peterson	1.00	\$600.50	\$600.50
Expense	01/08/2020	E115 Deposition transcripts: Rocket Reporters Invoice No. 204288 - transcript of Paul Padda, Esq. taken December 23, 2019	T. Peterson	1.00	\$782.50	\$782.50
Expense	01/08/2020	E106 Online research: WestlawNext Legal Research	D. Astur	1.00	\$31.82	\$31.82
Expense	01/09/2020	E115 Deposition transcripts: Rocket Reporters Invoice No. 204290 - transcript of Patricia J. Davidson taken December 23, 2019	T. Peterson	1.00	\$447.50	\$447.50
Expense	01/09/2020	E106 Online research: WestlawNext Legal Research	D. Astur	1.00	\$134.91	\$134.91
Expense	01/09/2020	E106 Online research: WestlawNext Legal Research	N. Baker	1.00	\$9.97	\$9.97
Expense	01/10/2020	E112 Court fees: Filing Fee - Oppositions to Motions in Limine Nos. 2 and 5 and Pretrial Disclosures	T. Peterson	1.00	\$3.50	\$3.50
Expense	01/10/2020	E106 Online research: WestlawNext Legal Research	N. Baker	1.00	\$20.25	\$20.25
Expense	01/13/2020	E107 Delivery services/messengers: Legal Wings Invoice No. 1919349.01 - fee to delivery courtesy copies of (1) Opposition to Plaintiff's Motion in Limine No. 2; (2) Opposition to Plaintiff's motion in Limine No. 5 and (3) Defendant's Pretrial Disclosures	T. Peterson	1.00	\$25.00	\$25.00
Expense	01/15/2020	E106 Online research: WestlawNext Legal Research	D. Astur	1.00	\$92.34	\$92.34
Expense	01/16/2020	E109 Local travel: Parking at Courthouse while attending Pretrial	T. Peterson	1.00	\$6.00	\$6.00

		Conference				
Expense	01/16/2020	E106 Online research: WestlawNext Legal Research	D. Astur	1.00	\$33.00	\$33.00
Expense	01/17/2020	E106 Online research: WestlawNext Legal Research	D. Astur	1.00	\$52.85	\$52.85
Expense	01/17/2020	E106 Online research: WestlawNext Legal Research	N. Baker	1.00	\$78.63	\$78.63
Expense	01/20/2020	E106 Online research: WestlawNext Legal Research	N. Baker	1.00	\$10.34	\$10.34
Expense	01/21/2020	E106 Online research: WestlawNext Legal Research	D. Astur	1.00	\$64.99	\$64.99
Expense	01/21/2020	E106 Online research: WestlawNext Legal Research	N. Baker	1.00	\$24.16	\$24.16
Expense	01/22/2020	E109 Local travel: Parking at Courthouse while attending Hearing on Defendants' Motion for Sanctions Against Plaintiff	T. Peterson	1.00	\$9.00	\$9.00
Expense	01/22/2020	E106 Online research: WestlawNext Legal Research	D. Astur	1.00	\$30.59	\$30.59
Expense	01/22/2020	E106 Online research: WestlawNext Legal Research	N. Baker	1.00	\$276.65	\$276.65
Expense	01/23/2020	E106 Online research: WestlawNext Legal Research	N. Baker	1.00	\$5.72	\$5.72
Expense	01/24/2020	E112 Court fees: Filing Fee - Reply in Support of Motion in Limine #2	T. Peterson	1.00	\$3.50	\$3.50
Expense	01/24/2020	E112 Court fees: Filing Fee - Reply in Support of Motion in Limine #3	T. Peterson	1.00	\$3.50	\$3.50
Expense	01/24/2020	E112 Court fees: Filing Fee - Reply in Support of Motion for Summary Judgment	T. Peterson	1.00	\$3.50	\$3.50
Expense	01/24/2020	E106 Online research: WestlawNext Legal Research	D. Astur	1.00	\$0.55	\$0.55
Expense	01/24/2020	E106 Online research: WestlawNext Legal Research	N. Baker	1.00	\$5.35	\$5.35
Expense	01/27/2020	E109 Local travel: Parking at Courthouse while attending Hearing on Defendants' Motion for Summary Judgment	T. Peterson	1.00	\$18.00	\$18.00
Expense	01/27/2020	E107 Delivery services/messengers: Legal Wings Invoice No. 1920193.01 - fee to delivery courtesy copies of (1) Reply in Support of Motion in Limine No.	T. Peterson	1.00	\$60.00	\$60.00

2; (2) Reply in Support of Motion in
 Limine No. 3; and (3) Reply in Support of
 Motion for Summary Judgment

Expense	01/31/2020	E107 Delivery services/messengers: Legal Wings Invoice No. 1920673.01 - fee to pick up Order Denying Motion for Sanctions and Awarding Attorney's Fees from Marquis Aurbach Coffing	T. Peterson	1.00	\$57.00	\$57.00
					Expenses Subtotal	\$5,987.94

Time Keeper	Hours	Rate	Discount	Total
David Astur	32.3	\$250.00	-\$2,725.00	\$5,350.00
Nikki Baker	86.4	\$495.00	-	\$42,768.00
Tamara Peterson	66.9	\$525.00	-	\$35,122.50
Erin Parcells	15.1	\$105.00	-	\$1,585.50
Subtotal				\$90,813.94
Current Invoice Total				\$90,813.94

Detailed Statement of Account

Other Invoices

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
1080	01/10/2020	\$59,260.95	\$0.00	\$59,260.95
1094	02/10/2020	\$99,625.60	\$0.00	\$99,625.60

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
1115	03/10/2020	\$90,813.94	\$0.00	\$90,813.94
Outstanding Balance				\$249,700.49
Total Amount Outstanding				\$249,700.49

Please make all amounts payable to: Peterson Baker, PLLC

PETERSON BAKER PLLC

701 S. 7th Street
Las Vegas, Nevada 89101
Phone: 702.786.1001

INVOICE

Invoice # 1143
Date: 02/29/2020
Due On: 04/10/2020

Paul S. Padda
Paul Padda Law PLLC
4560 South Decatur Blvd., Ste 300
Las Vegas, NV 89103

Padda, et al. adv. Cohen

Services

Date	Description	Time Keeper	Hours	Rate	Total
02/03/2020	Review signed order as to sanctions motion; review notice of entry of order; review communication from P. Padda [REDACTED] [1]; draft communication to L. Wakayama and J. Moser regarding offer to exchange checks [2]; confer with N. Baker [REDACTED] [2]	T. Peterson	0.50	\$525.00	\$262.50
02/03/2020	Work on order granting motion for summary judgment [4.0]; conduct legal research [REDACTED]; draft email regarding revised draft of order and additional issues to consider [4]	N. Baker	5.40	\$495.00	\$2,673.00
02/04/2020	Review and analyze proposed order granting motion for summary judgment; review [REDACTED]; research [REDACTED]	T. Peterson	0.30	\$525.00	\$157.50
02/05/2020	Review proposed revisions/comments to draft order granting motion for summary judgment and make additional changes [1.0]	N. Baker	1.00	\$495.00	\$495.00
02/07/2020	Review and comment on Plaintiff's proposed revisions to order granting motion for summary judgment [5]	N. Baker	0.50	\$495.00	\$247.50
02/10/2020	Review S. Peek revisions to order, including comments and suggestions to send to P. Erwin; email to S. Peek [2]; multiple emails regarding order and submission to court [1]	T. Peterson	0.30	\$525.00	\$157.50
02/11/2020	Multiple emails and email exchanges regarding costs, fees, backup for same; review draft memorandum of costs [5]	T. Peterson	0.50	\$525.00	\$262.50

02/14/2020	Review prior minute orders, court orders regarding sealing and redaction; draft communication to R. Semerad [.2]	T. Peterson	0.20	\$525.00	\$105.00
02/17/2020	Work on declaration in support of legal research costs, and draft email regarding same [1.0]	N. Baker	1.00	\$495.00	\$495.00
02/18/2020	Multiple emails regarding summary judgment order [.2]; review proposed motion for attorney's fees [.4]	T. Peterson	0.60	\$525.00	\$315.00
02/19/2020	Email exchange with R. Semerad [REDACTED] [.2]; review S. Peek revisions to Memorandum of costs, [REDACTED]; draft email [REDACTED] [.4]; email exchanges with S. Peek [REDACTED] [.2]; review and analyze R. Semerad revisions to motion for attorney fees; review and revise declaration of T. Peterson, declaration of J. Reisman, and declaration of S. Peek [.8]; email exchange with R. Semerad [REDACTED] [.2]; telephone conference call with S. Peek and R. Semerad [REDACTED] [.3]	T. Peterson	2.10	\$525.00	\$1,102.50
02/21/2020	Telephone conference call with R. Semerad [REDACTED] [.1]; telephone conference call with P. Padda [REDACTED] [.2]	T. Peterson	0.30	\$525.00	\$157.50
				Services Subtotal	\$6,430.50

Expenses

Type	Date	Description	Time Keeper	Quantity	Rate	Total
Expense	02/03/2020	E112 Court fees: Filing Fee - Order Denying Motion for Sanctions and Awarding Attorney's Fees	T. Peterson	1.00	\$3.50	\$3.50
Expense	02/03/2020	E112 Court fees: Filing Fee - Notice of Entry of Order Denying Motion for Sanctions and Awarding Attorney's Fees	T. Peterson	1.00	\$3.50	\$3.50
Expense	02/03/2020	E106 Online research: WestlawNext Legal Research	N. Baker	1.00	\$12.89	\$12.89
Expense	02/05/2020	E107 Delivery services/messengers: Legal Wings Invoice No. R-1921159.01 - fee to deliver Order Denying Motion for Sanctions and Awarding Attorney's Fees to Department 11 for signature	T. Peterson	1.00	\$25.00	\$25.00
				Expenses Subtotal		\$44.89

Time Keeper	Hours	Rate	Total
Nikki Baker	7.9	\$495.00	\$3,910.50
Tamara Peterson	4.8	\$525.00	\$2,520.00
		Subtotal	\$6,475.39
		Current Invoice Total	\$6,475.39

Detailed Statement of Account

Other Invoices

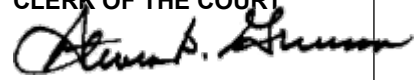
Invoice Number	Due On	Amount Due	Payments Received	Balance Due
1080	01/10/2020	\$59,260.95	\$0.00	\$59,260.95
1094	02/10/2020	\$99,625.60	\$0.00	\$99,625.60
1115	03/10/2020	\$90,813.94	\$0.00	\$90,813.94

Current Invoice

Invoice Number	Due On	Amount Due	Payments Received	Balance Due
1143	04/10/2020	\$6,475.39	\$0.00	\$6,475.39
		Outstanding Balance		\$256,175.88
		Total Amount Outstanding		\$256,175.88

Please make all amounts payable to: Peterson Baker, PLLC

24



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**DISTRICT COURT
CLARK COUNTY, NEVADA**

RUTH L. COHEN, an individual,

Plaintiff,

vs.

PAUL S. PADDA, an individual; PAUL
PADDA LAW, PLLC, a Nevada professional
limited liability company; DOE individuals I-X;
and, ROE entities I-X,

Defendants.

Case No.: A-19-792599-B

Dept. No.: XI

**PLAINTIFF'S REPLY IN SUPPORT OF
MOTION FOR RECONSIDERATION OF
ORDER GRANTING DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT;
JUDGMENT**

Hearing Date: March 23, 2020

Hearing Time: In Chambers

Plaintiff Ruth L. Cohen ("Plaintiff"), by and through her undersigned counsel, hereby
submits her Reply in Support of Motion for Reconsideration of Order Granting Defendants' Motion
for Summary Judgment; Judgment.

POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiff argued in her Motion for Reconsideration that the Order Granting Defendants' Motion for Summary Judgment (the "Order") was clearly erroneous because the general principle upon which it was based—*i.e.*, that suspended lawyers are prohibited from recovering or sharing in attorney's fees under NRPC 5.4(a)—does not apply where, as here, (i) the fees are owed pursuant to an agreement between counsel that existed prior to the suspension, and (ii) the suspended attorney had fully performed all work required of her prior to the suspension. Defendants do not contest the first of these elements as the parties undisputedly entered the subject Dissolution Agreement on December 23, 2014, more than two years prior to Plaintiff's suspension. *See* Order ¶¶ 2:18-20; 4:5-8. As for the second element, Defendants simply ignore it. That is because they cannot overcome the Court's undisputed factual finding that "nothing in the Dissolution Agreement required or anticipated that Ms. Cohen would perform work on the contingency cases that comprised [] her Expectancy Interest." *Id.* at 2:25-27. Stated differently, any work required of Plaintiff on the contingency fee cases that comprised her Expectancy Interest was completed at the time of the Dissolution Agreement, long before she was suspended.

Unable to explain away the undisputed facts that render NRPC 5.4(a) inapplicable, Defendants opt for misdirection. First, Defendants contend reconsideration is rarely granted and nonetheless unwarranted here because Plaintiff relies on cases she could have cited in her original Opposition. *See* Opp'n at 7:14-9:10. This argument ignores the unmistakable reality that courts are always free to reconsider clearly erroneous rulings despite a lack of new evidence. Next, Defendants claim the Order cannot be clearly erroneous because Her Honor simply chose to follow one of two approaches adopted by different courts when determining whether a suspended attorney may recover attorney's fees. *See id.* at 15:3-16:18. That, however, is a false construct as the so-

1 called “vigorous split” of authority Defendants rely upon addresses an altogether different situation
2 than the one presented here. Finally, Defendants’ attempt to distinguish Plaintiff’s persuasive
3 authorities on grounds the contracts at issue in those cases were referral fee or origination
4 agreements, which are different from the Dissolution Agreement signed by the parties in this action.
5 *See id.* at 9:15-13:23. This is silly. The principle articulated in Plaintiff’s case law does not turn
6 on the label affixed to the agreement between counsel. We briefly address each point below.

8 II. ARGUMENT

9 A. The Court is Always Free to Reconsider a Clearly Erroneous Ruling.

10 Defendants correctly acknowledge that “[a] district court may consider a motion for
11 reconsideration concerning a previously decided issue if the decision was clearly erroneous.”
12 Opp’n at 7:27-28 (citing *Masonry & Tile Contractors Ass’n of Southern Nevada v. Jolley, Urga &*
13 *Wirth, Ltd.*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997)). Notwithstanding the foregoing,
14 Defendants argue reconsideration is improper because “[p]oints or contentions not raised in the
15 original hearing cannot be maintained or considered on rehearing.” *Id.* at 8:1-4 (quoting *Achrem v.*
16 *Expressway Plaza Ltd. Partnership*, 112 Nev. 737, 742, 917 P.2d 447, 450 (1996)). Defendants
17 contend the latter principle applies here as Plaintiff “ignored” the legal authorities she now relies
18 upon when “preparing her opposition to summary judgment.” *Id.* at 7:19-20. The argument misses
19 the mark.
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21

22 As a threshold matter, *Achrem* was decided the year before *Masonry* and, thus, did not have
23 the benefit of the relevant language from that case, to wit: “a district court may reconsider a
24 previously decided issue if substantially different evidence is subsequently introduced *or* the
25 decision is clearly erroneous.” 113 Nev. at 741, 941 P.2d at 489 (affirming grant of reconsideration
26 where original decision was “clearly erroneous” and district court was presented with “new
27 clarifying [though not recently-decided] case law”) (emphasis added). The Nevada Supreme
28

1 Court's use of the disjunctive term "or" means that reconsideration is proper in either of the
2 identified situations. *See Anderson v. State*, 109 Nev. 1129, 1134, 865 P.2d 318, 321 (1993)
3 (indicating that the Legislature's use of the disjunctive "or" required "one or the other, but not
4 necessarily both").

5
6 The *Achrem* court found that reconsideration was improper because Achrem submitted pre-
7 existing *evidence* for the first time on its reconsideration motion. 112 Nev. at 742, 917 P.2d at 450
8 ("The district court refused to consider the affidavits because they were not properly submitted as
9 evidence before the district court reached its decision in this case."). Reconsideration, in other
10 words, was not warranted under what would become the first prong of the *Masonry* framework.
11 That is not the situation here. Plaintiff is not asking the Court to consider previously un-cited
12 *evidence*. To the contrary, Plaintiff respectfully submits the Court's prior decision is clearly
13 erroneous under the second prong of the *Masonry* framework based on the undisputed facts already
14 set forth in the Order. Plaintiff readily acknowledged she is asking Her Honor to reconsider the
15 Order based on case law not previously cited, *see* Mot. at 2:5-10, as the Court is unquestionably
16 free to do. *See Masonry, supra; Harvey's Wagon Wheel, Inc. v. MacSween*, 96 Nev. 215, 217-18,
17 606 P.2d 1095, 1096-97 (1980) (even though "facts and law were unchanged," reconsideration was
18 proper where court was more familiar with the case and "persuaded by the rationale of the newly
19 cited authority"). None of Defendants' authorities hold otherwise.

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21
22 **B. The Purported "Split of Authority" Defendants Rely Upon Is Inapplicable.**

23 Defendants contend that the Order is not clearly erroneous because the Court simply chose
24 one of two approaches followed by different jurisdictions when determining whether a suspended
25 attorney may recover or share in fees. *See* Opp'n at 16:14-18. According to Defendants'
26 authorities, the two approaches may be summarized as follows:

27 Two principal lines of authority have emerged in other jurisdictions concerning an
28 attorney's right to compensation after he has been suspended or disbarred *before*

1 ***completion of his services for the client.*** Under one view . . . the fact that an attorney
2 was suspended or disbarred is regarded as the equivalent of unjustified voluntary
3 abandonment of the client and precludes recovery for legal work performed prior to the
disciplinary action.

4 A second line of authority does not bar recovery per se, but rather allows a
5 disbarred or suspended attorney to recover the reasonable value of services rendered
prior to the discipline in certain situations.

6 *Kourouvacilis v. Am. Fed. of State, Cty. and Mun. Employees*, 841 N.E.2d 1273, 1279-80 (Mass.
7 Ct. App. 2006) (emphasis added); *see also Pollock v. Wetterau Food Dist. Group*, 11 S.W.3d 754,
8 772-73 (Mo. Ct. App. 1999) (same). Unfortunately for Defendants, neither approach addresses the
9 situation presented here.

10
11 The key distinction between Defendants' authorities and those cited by Plaintiff in her
12 reconsideration motion is found in the language emphasized above. Defendants' authorities—both
13 in the summary judgment briefing and opposing reconsideration—addressed situations in which
14 the attorney was seeking to recover fees where he or she had been suspended or disbarred prior to
15 the completion of their services for the client. In those cases, the respective courts view the
16 suspension or disbarment as the equivalent of abandoning the client such that they must determine
17 whether the attorney is entitled to no fees at all or whether he or she is limited to recovery in
18 quantum meruit for the reasonable values of the services rendered prior to suspension/disbarment.
19
20 There was, however, no abandonment in the case at bar.

21 The Order makes clear that Plaintiff had a very limited initial role in the Pending Cases that
22 comprised her Expectancy Interest under the Dissolution Agreement, and had no active role therein
23 by 2012 (Moradi) and 2014 (Garland), well before the Dissolution Agreement was signed in
24 December 2014 and even longer before Plaintiff's suspension in April 2017. *See* Order at 3:18-28.
25 Recognizing this limited role, the Court correctly found that “[n]othing in the Dissolution
26 Agreement required or anticipated that Ms. Cohen would perform work on the contingency cases
27 that comprised [] her Expectancy Interest.” Order at 2:25-27. Plaintiff, thus, had completed her
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1 services in the Pending Cases at the time of entering the Dissolution Agreement when she was still
2 an active, licensed attorney. This undisputed factual finding—which Defendants conveniently
3 ignore in their Opposition—takes Plaintiff out of the client-abandonment line of cases, and puts her
4 squarely into the distinct line of cases that allow a suspended attorney to recover fees pursuant to a
5 fee-sharing agreement that existed prior to suspension, and where the subject attorney had
6 performed all work required of her prior to the suspension. *See* Mot. at 4:10-6:19.¹

7
8 **C. Plaintiff's Right to Recovery Does Not Turn on the Label Affixed to the Fee-Sharing Agreement at Issue.**

9
10 Besides their attempt to put Plaintiff's cases into the inapplicable "split of authority"
11 addressed above, Defendants also try to distinguish them based on purported differences between
12 the type of fee-sharing arrangements at issue. Specifically, Defendants contend that Plaintiff's
13 authorities allowed recovery based on completed referral fee or origination agreements between
14 counsel whereas Plaintiff seeks to recover based on the parties' Dissolution Agreement. *See* Opp'n
15 at 9:15-15:2. The difference, according to Defendants, is that "Plaintiff did not receive her
16 Expectancy Interest as a result of her performing any value-creating acts that were definitively
17 completed prior to her suspension such as referring any of the cases subject to her Expectancy
18 Interest." *Id.* at 11:22-24. This argument fails for multiple reasons.

19
20 First, the attorneys' right to recover in Plaintiff's cases did not turn on whether they had
21 performed "value-creating acts" prior to their suspension. Rather, to the extent the attorneys were
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25 ¹ Insofar as the Order states that "NRPC 5.4(a) prohibits suspended lawyers from recovering or
26 sharing in attorney's fees earned on cases that were open and unresolved at the time the lawyers
27 were suspended," *id.* at 7:17-19, this conclusion of law is true only as far as it goes. While it may
28 be a correct statement of the law when the attorney is suspended or disbarred prior to completing
his or her services to the client, Plaintiff submits it is clearly erroneous in the present context where
the fee sharing agreement was entered and the attorney's services were completed long before the
suspension.

1 required to perform any services to the client, those services must have been completed prior to the
2 suspension in order to permit recovery. That requirement was satisfied here.

3 Second, multiple courts have recognized that attorneys within the same firm—which Ms.
4 Cohen and Mr. Padda were at the time of the dissolution Agreement—can agree to split fees without
5 regard to the value of the services rendered or the responsibility assumed. *See* Mot. at 5:24-28
6 (citing *Norton Frickey, P.C. v. James B. Turner, P.C.*, 94 P.3d 1266, 1267-70 (Colo. Ct. App.
7 2004)); *see also* NRPC 1.5(e) (rule requiring client consent to division of fees applies only to
8 lawyers “who are not in the same firm” and, in any event, contains no proportionality requirement).
9 The suggestion, then, that Ms. Cohen was required to perform “value-creating acts” to obtain her
10 Expectancy Interest is directly contradicted by the Dissolution Agreement, the Order, and the law.

11 Third, denying Plaintiff the opportunity to recover fees based on the label affixed to the
12 parties’ fee-sharing arrangement would be the epitome of elevating form over substance, which is
13 something the Nevada Supreme Court has repeatedly eschewed. *Cf. Perry v. Terrible Herbst, Inc.*,
14 132 Nev. 767, 770, 383 P.3d 257, 260 (2016) (“The nature of the claim, not its label, determines
15 what statute of limitations applies.”); *Bally’s Grand Hotel & Casino v. Reeves*, 112 Nev. 1487,
16 1488, 929 P.2d 936, 937 (1996) (“This court has consistently looked past labels in interpreting
17 NRAP 3A(b)(1)[.]”). Regardless of its title, the Dissolution Agreement established a fee sharing
18 arrangement between Plaintiff and Defendants; the parties entered the agreement prior to Plaintiff’s
19 suspension; and Plaintiff had performed all services required of her the day the agreement was
20 signed—more than two years before her suspension for failure to satisfy CLE requirements. Under
21 these undisputed facts, Plaintiff should be permitted to proceed to trial.
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III. CONCLUSION

Based on the foregoing, Plaintiff respectfully submits that her Motion for Reconsideration should be granted.

DATED this 16th day of March, 2020.

CAMPBELL & WILLIAMS

By /s/ Philip R. Erwin

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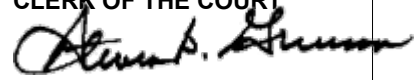
MARQUIS AURBACH COFFING
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JARED M. MOSER, ESQ. (13003)

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of Campbell & Williams, and that on this 16th day of March, 2020 I caused the foregoing document entitled **Reply in Support of Motion for Reconsideration of Order Granting Defendants' Motion for Summary Judgment; Judgment** to be served upon those persons designated by the parties in the E-Service Master List for the above-referenced matter in the Eighth Judicial District Court eFiling System in accordance with the mandatory electronic service requirements of Administrative Order 14-2 and the Nevada Electronic Filing and Conversion Rules.

/s/ Crystal Balaoro
An Employee of Campbell & Williams

25

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RUTH L. COHEN, an individual,

Plaintiff,

vs.

PAUL S. PADDA, an individual; PAUL
PADDA LAW, PLLC, a Nevada professional
limited liability company; DOE individuals I-X;
and, ROE entities I-X,

Defendants.

Case No.: A-19-792599-B

Dept. No.: XI

**PLAINTIFF'S OPPOSITION TO
DEFENDANTS' MOTION FOR
ATTORNEYS' FEES**

Date of Hearing: April 17, 2020

Time of Hearing: IN CHAMBERS

Plaintiff Ruth L. Cohen ("Ms. Cohen"), by and through her attorneys of record, the law firm of Marquis Aurbach Coffing and the law firm of Campbell & Williams, hereby files her Opposition to Defendants' Motion for Attorneys' Fees ("Opposition"). This Opposition is made and based upon the pleadings and papers on file herein, the following points and authorities, and any argument allowed by the Court at the time of hearing.

///

///

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

This case arose as a result of Defendants Paul S. Padda's ("Mr. Padda") and Paul Padda Law, LLC's fraudulent misconduct in order to perpetuate their own greed to the detriment of Ms. Cohen. As his longtime mentor and partner, Ms. Cohen completely trusted that Mr. Padda was being honest when he convinced her that a \$50,000 buyout of her interests was more than fair based on the value of the partnership's assets (i.e., the contingency fee cases). Mr. Padda specifically told Ms. Cohen that the David Moradi case was "in the toilet" since he had returned to work as a hedge-fund manager and that she shouldn't wait around for any recovery. Later on, Mr. Padda's lies surfaced when Ms. Cohen read in the newspaper that the jury had awarded Mr. Moradi \$160.5 million. Little did Ms. Cohen know that, days before Mr. Padda approached her with the proposed buyout, he was aware that Mr. Moradi's economic expert valued the case over \$300 million, that Mr. Moradi had not returned to work and that he had settled the Mark Garland case for \$215,000. All of this, Mr. Padda had withheld from Ms. Cohen even though he still owed her fiduciary obligations¹ and she was an active member of the State Bar of Nevada.

Armed with this evidence, Ms. Cohen filed suit and sought a total of over \$3 million in compensatory damages. It was not until Ms. Cohen engaged in the discovery process that she learned the actual scope of the Defendants' fraud. Even before Ms. Cohen agreed to the buyout, the Defendants had already started to shortchange her by failing to pay her the agreed upon 33.33% of any fees recovered in partnership cases. To her astonishment, Ms. Cohen learned that she had an interest in 65 contingency cases and was owed a total of \$3,335,302.49.² So, while she was paid \$50,000 for her interests in the partnership, the Defendants pocketed over \$10 million.

¹ See Plaintiff's Opposition to Defendants' Motion for Summary Judgment dated January 10, 2020, on file herein, at Section IV Subsection A-2, pages 17-19.

² See Plaintiff's Seventeenth Supplement to Initial Disclosure of Witnesses and Documents Pursuant to NRCF 16.1, dated January 23, 2020, at Computation of Damages, **Exhibit A** hereto.

1 In her over 40 years of practice, Ms. Cohen's bar license had always remained active
2 until April 6, 2017 when she fell behind on her CLEs. When she became aware that her license
3 was suspended, Ms. Cohen immediately called the CLE board, ordered CLE tapes and started to
4 listen to them.³ During this time, Ms. Cohen was suffering from serious health issues and
5 complications. And, after she confronted Mr. Padda about lying to her about the Moradi case
6 and demanding her one-third share, Defendants locked her out of the office and gave away her
7 computer without any prior notice. At almost 70 years of age, Ms. Cohen made the decision to
8 retire from the practice of law and not reinstate her license – a decision that should not allow the
9 Defendants to disregard their pre-existing contractual and fiduciary obligations.⁴

10 Given the clear evidence of Defendants' misconduct, Ms. Cohen rejected their December
11 18, 2019 to settle all claims for \$150,000, and elected to proceed to trial. In doing so and based
12 on the *Beattie* factors,⁵ the Defendants are not now entitled to an award of their attorneys' fees
13 and costs since (1) Ms. Cohen's claims were brought in good faith; (2) the offer of judgment was
14 not reasonable and made in good faith in light of the disputed issues; and (3) Ms. Cohen's
15 decision to reject the offer was not grossly unreasonable or in bad faith. It does not matter, under
16 the eyes of the law, whether the fees requested are reasonable in light of all three good-faith
17 *Beattie* factors weighing in favor of Ms. Cohen. *See Frazier v. Drake*, 131 Nev. 632, 644, 357
18 P.3d 365, 373 (2015) (holding that an award supported only by the reasonableness factor
19 constitutes legal error). Accordingly, the Court should deny any award of attorneys' fees in
20 favor of the Defendants.

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24 ³ See Excerpts of the Deposition of Ruth Cohen, Volume 1, July 22, 2019 ("Cohen Depo"), attached
hereto as **Exhibit B**.

25 ⁴ It is Plaintiff's position that the Defendants cannot, as a matter of law, escape their contractual and
26 fiduciary obligations owed to her based on the fact that her bar license was suspended on April 6, 2017.
27 Since this issue has been fully briefed by the Plaintiff in moving for reconsideration of the Court's
summary judgment award dated February 18, 2020, she incorporates those arguments herein.

28 ⁵ *Beattie v. Thomas*, 99 Nev. 579, 588-89, 668 P.2d 268, 274 (1983).

II. LEGAL ARGUMENT

“An award of attorney fees lies within the district court’s discretion, but a court may not award attorney fees absent authority under a specific rule or statute.” *RTTC Commc’ns, LLC v. Saratoga Flier, Inc.*, 121 Nev. 34, 40, 110 P.3d 24, 28 (2005). The only basis for Defendants to seek recovery of their attorneys’ fees stems from their offer of judgment served on December 18, 2019. Any such relief, however, is not supported by Nevada law because: (A) the offer of judgment was not made pursuant to NRS 17.117; (2) the good-faith *Beattie* factors do not support an award of attorneys’ fees pursuant to NRCP 68; and (C) public policy dictates that awarding fees to a prevailing defendant, without a monetary judgment, would deter plaintiffs with meager financial capabilities from prosecuting claims brought in good faith. All \$279,167.50 in requested attorneys’ fees must be denied.

A. **DEFENDANTS’ OFFER OF JUDGMENT DOES NOT PROVIDE A LEGAL BASIS TO RECOVER FEES PURSUANT TO NRS 17.117.**

Relying on NRS 17.117(10)(b), Defendants seek an award of their attorneys’ fees in the amount of \$279,167.50.⁶ However, both of the offers of judgment served by the Defendants were only made on the basis of NRCP 68.⁷ There was absolutely no reference to NRS 17.117 and, as a result, Defendants cannot rely upon it as a basis to recover attorney fees. *RTTC Commc’ns, LLC*, 121 Nev. at 41, 110 P.3d at 28 (“An offer of judgment must specify the statute or rule that provides for the costs or fees sought by the offeror.”) (citations omitted). Any request by the Defendants to recover fees pursuant to NRS 17.117(1)(b) must therefore be denied.

B. **BASED ON THE *BEATTIE* FACTORS, DEFENDANTS’ REQUEST FOR AN AWARD OF ATTORNEYS’ FEES MUST BE DENIED.**

Although the decision to award attorney fees lies with the district court, the Nevada Supreme Court has emphasized that, “while Nevada’s offer of judgment provisions are designed

⁶ See Defendants’ Motion for Attorneys’ Fees (“Motion”) dated March 11, 2020, on file herein, at pg. 4.

⁷ See Defendants’ NRCP 68 Offer of Judgment to Plaintiff Ruth L. Cohen dated June 18, 2019, attached hereto as **Exhibit C**; see also Defendants’ Offer of Judgment dated December 18, 2019, attached hereto as **Exhibit D**.

1 to encourage settlement, they should not be used as a mechanism to unfairly force plaintiffs to
2 forego legitimate claims.” *Frazier v. Drake*, 131 Nev. 632, 641, 357 P.3d 365, 371-72 (2015)
3 (citing *Beattie v. Thomas*, 99 Nev. 579, 588-89, 668 P.2d 268, 274 (1983)). To that end, when
4 exercising its discretion to award attorneys’ fees based on an offer of judgment, this Court is
5 tasked with considering four factors espoused by the Nevada Supreme Court:

6 (1) whether the plaintiff’s claim was brought in good faith;

7 (2) whether the defendants’ offer of judgment was reasonable and in good faith in
8 both its timing and amount;

9 (3) whether the plaintiff’s decision to reject the offer and proceed to trial was
10 grossly unreasonable or in bad faith; and

11 (4) whether the fees sought by the offeror are reasonable and justified in amount.

12 *Beattie*, 99 Nev. at 588-89, 668 P.2d at 274. When a district court properly evaluates the *Beattie*
13 factors, its decision to grant or deny attorney fees will not be disturbed absent a clear abuse of
14 discretion. *LaForge v. State, Univ. & Cmty. Coll. Sys. of Nev.*, 116 Nev. 415, 423, 997 P.2d 130,
15 136 (2000). An abuse of discretion occurs when the court’s evaluation of the *Beattie* factors is
16 arbitrary or capricious. *Yamaha Motor Co., U.S.A. v. Arnoult*, 114 Nev. 233, 251, 955 P.2d 661,
17 672 (1998). A district court, however, is not required to make explicit findings on every *Beattie*
18 factor to adequately exercise its discretion. *Certified Fire Prot. Inc. v. Precision Constr.*, 128
19 Nev. 371, 383, 283 P.3d 250, 258 (2016) (citations omitted); *see also Wynn*, 117 Nev. at 13, 16
20 P.3d at 428 (“Although explicit findings with respect to these factors are preferred, the district
21 court’s failure to make explicit findings is not a per se abuse of discretion.”). And, claims for
22 attorneys’ fees under NRCP 68 are fact intensive. *Wynn v. Smith*, 117 Nev. 6, 13, 16 P.3d 424,
428 (2001).

23 Notably, the first three factors all relate to the parties’ motives in making or rejecting the
24 offer and continuing the litigation, whereas the fourth factor relates to the amount of fees
25 requested. *See id.* None of these factors are outcome determinative and each should be given
26 appropriate consideration. *Yamaha Motor Co.*, 114 Nev. at 252 n. 16, 955 P.2d at 673 n. 16.
27 However, when the district court determines that the three good-faith *Beattie* factors weigh in
28 favor of the party that rejected the offer of judgment, the reasonableness of the fees requested by

the offeror becomes irrelevant, and cannot, by itself, support a decision to award attorney fees to the offeror. *Frazier*, 131 Nev. at 644, 357 P.3d at 373. Such is the case here. Thus, Defendants' request for an award of attorneys' fees in the amount of \$279,167.50 must be denied.

1. All Good-Faith *Beattie* Factors Weigh in Favor of Plaintiff

The first three *Beattie* factors require an assessment of whether the parties' actions were undertaken in good faith. *Frazier*, 131 Nev. at 642, 357 P.3d at 372. The connection between the emphases that these three factors place on the parties' good-faith participation in the litigation process and the underlying purposes of NRCP 68 is clear. *Id.* As the Nevada Supreme Court has long recognized, "[i]f the good faith of either party in litigating liability and/or damage issues is not taken into account, offers would have the effect of unfairly forcing litigants to forego legitimate claims." *Id.* (quoting *Yamaha Motor Co.*, 114 Nev. at 252, 955 P.2d at 673).

a. Plaintiff brought all of her claims in good faith.⁸

Prior to filing this lawsuit, Plaintiff possessed documented evidence that Mr. Padda intentionally misrepresented material facts about the David Moradi case and purposefully withheld information from her including, but not limited to, Stanley V. Smith's economic expert report valuing Mr. Moradi's lost earnings damages between \$74,523,737 and \$307,281,435 plus upwards of another \$2,369,593 in loss of enjoyment of life damages.⁹ Although Mr. Padda denied ever receiving Dr. Smith's report on or about August 18, 2016,¹⁰ Ashley Pourghahreman (his paralegal at the time) testified that she personally went into Mr. Padda's office to specifically tell him about the report before she left on maternity leave in July 2016.¹¹ Mr. Padda therefore knew that the economic expert he was instrumental in retaining for Mr. Moradi's loss

⁸ For efficiency purposes, Plaintiff incorporates the factual background and all referenced exhibits set forth in Plaintiff's Opposition to Defendants' Motion for Summary Judgment, dated January 10, 2020, on file herein.

⁹ See Complaint dated April 9, 2019, on file herein, at pg. 7, ¶¶ 50, 51.

¹⁰ See Defendant Paul S. Padda's Responses to Plaintiff's First Set of Requests for Admissions dated August 7, 2019 at Response to Request No. 17, attached hereto as **Exhibit E**.

¹¹ See Excerpts of the Deposition Transcript of Ashley Pourghahreman, October 23, 2019 ("Ashley's Depo") at 143:3-25, 144-145, 146:1-14, 150:7-25, 151, and 152:1-20, attached hereto as **Exhibit F**.

1 of income damages had valued his case over \$300 million. But, Mr. Padda never shared this
2 material fact with Plaintiff when he fraudulently convinced her in September 2016 to accept a
3 \$50,000 buyout since, according to him, the Moradi case was “in the toilet.”¹² If Plaintiff had
4 known about this expert report and that Mr. Moradi had not been able to return to work given his
5 brain injuries, Plaintiff would have never accepted the buyout.

6 Through diligent discovery, Plaintiff uncovered further evidence that illustrated the depth
7 and full breadth of Mr. Padda’s fraudulent behavior. In the Moradi case alone, Plaintiff
8 discovered that Mr. Padda knew in December 2015 that the defendants’ insurance carrier had
9 conveyed an admission of liability, another fact Mr. Padda never shared with the Plaintiff.¹³ The
10 timing of the September 2016 buyout allowed Mr. Padda to get the Plaintiff out of the picture in
11 order to increase settlement efforts, demanding \$26 million on November 2, 2016, \$51 million
12 on February 24, 2017 and \$26 million on March 9, 2017.¹⁴ All of this information and much
13 more Mr. Padda withheld from Plaintiff depriving her of the previously agreed upon 1/3 share of
14 any fee recovery, which just for the Moradi case the Defendants collected \$9,186,667.00.

15 Aside from the Moradi case, Plaintiff also learned – prior to filing this lawsuit – that Mr.
16 Padda had settled the Mark Garland case for over \$200,000 days before Mr. Padda proposed the
17 \$50,000 buyout.¹⁵ The evidence obtained through discovery confirmed that Mr. Padda was
18 heavily engaged in settlement negotiations prior to June 2016 and by July 2016, Mr. Padda knew
19 that Mr. Garland’s case would settle around \$215,000, which it eventually did on August 22,
20 2016.¹⁶ Mr. Padda withheld this settlement from Plaintiff and the day after he fraudulently

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22 ¹² See Complaint, on file herein, at pg. 5, ¶ 33.

23 ¹³ See Email from Matthew Stumpf to Paul Padda and Rahul Ravipudi dated December 30, 2015, attached
hereto as **Exhibit G**, submitted under seal.

24 ¹⁴ See Email from Matthew Stumpf attaching Confidential Settlement Communication dated November 2,
25 2016, attached hereto as **Exhibit H**, submitted under seal; see also Email from Rahul Ravipudi attaching
draft letter dated February 24, 2017, attached hereto as **Exhibit I**, submitted under seal; see also Letter
26 from Rahul Ravipudi dated March 9, 2017, attached hereto as **Exhibit J**, submitted under seal.

27 ¹⁵ See Complaint, on file herein, at pg. 6, ¶¶ 36-39.

28 ¹⁶ See Ashley’s Depo, Exhibit F at 166:22-25, 167:1-11, 167:20-25, 168:1-7; see also Email exchange
between Paul Shpirt, Louis Garfinkel, and Paul Padda dated June-July, 2016, attached hereto as **Exhibit**

1 induced Plaintiff to accept a \$50,000 buyout on September 12, 2016, the \$215,000 check was
2 issued on September 13, 2016.¹⁷ Plaintiff's share of the fees would have been around
3 \$28,666.67 for the Garland case.

4 In his initial responses to Plaintiff's interrogatories, Defendants falsely stated, under
5 penalties of perjury, that there were only three cases in which Plaintiff had a one-third interest in:
6 Moradi, Cochran and Garland.¹⁸ Yet, after months of Plaintiff's repeated and ignored requests
7 for Defendants to produce all documents showing every contingency case that existed prior to
8 December 31, 2014, along with the breakdown of all attorneys' fees collected on those cases,
9 Plaintiff discovered that there were a total of 65 cases in which she had an interest in once those
10 records were ordered to be produced by the Court.¹⁹ Defendants' financial ledgers and
11 statements revealed that Plaintiff was not only owed \$3,335,302.49, but the Defendants also
12 shortchanged her by paying her 30% instead of the 33.33% she was entitled to prior to the
13 buyout agreement.²⁰ This directive came from none other than Mr. Padda himself.²¹ So, even
14 while Plaintiff was an active member of the State Bar of Nevada, Defendants failed to pay her
15 the agreed upon 33.33% share of fees recovered and earned prior to her April 6, 2017
16 suspension.²² All of this evidence confirms that the Defendants' fraud started well before
17 Plaintiff became delinquent on her CLEs and, in fact, this Court recognized that the Plaintiff

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19 **K**, submitted under seal; *see also* Email exchange between Paul Shpirt and Paul Padda dated August 22,
20 2016, attached hereto as **Exhibit L**, submitted under seal.

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22 ¹⁷ *See* Garland Settlement Check dated September 13, 2016, attached hereto as **Exhibit M**, submitted
23 under seal.

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25 ¹⁸ *See* Defendant Paul Padda Law, PLLC's Answers to Plaintiff's First Set of Interrogatories dated August
26 7, 2019, attached hereto as **Exhibit N**, at Response to Interrogatory No. 1.

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28 ¹⁹ *See* **Exhibit O 1-65** hereto, submitted under seal, for all 65 cases in which Plaintiff maintained an
interest.

²⁰ *See e.g.* Exhibits O-1, O-40, O-56, O-57, and O-60.

²¹ *See* Email exchange between Paul Padda and Patricia Davidson dated June 9, 2016, attached hereto as
Exhibit P.

²² *See* Plaintiff's Motion for Reconsideration briefing and the arguments contained therein to further
support that her claims were brought in good faith.

1 brought her claims in good faith concluding as a matter of law that “[i]f Ms. Cohen is successful
2 on her claim of fraudulent inducement, she would be able to address all of the claims that she has
3 pled in her complaint at trial.”²³ The first *Beattie* factor thus weighs in favor of Plaintiff.

4 **b. Defendants’ offer of judgment was unreasonable.**

5 In evaluating the second *Beattie* factor, the Defendants are correct that “there is no
6 bright-line rule that qualifies an offer of judgment as per se reasonable in amount; instead, the
7 district court is vested with discretion to consider the adequacy of the offer and the propriety of
8 granting attorney fees.” *O’Connell v. Wynn Las Vegas, LLC*, 134 Nev. 550, 556, 429 P.3d 664,
9 669 (2018) (quoting *Certified Fire Prot. Inc.*, 128 Nev. at 383, 283 P.3d at 258).

10 But for the Defendants’ fraudulent deception, Plaintiff would have received a total of
11 \$3,365,802.20 representing her one-third share of any attorneys’ fees recovered in the
12 partnership’s contingency cases. While Plaintiff was an active member of the bar, however, Mr.
13 Padda intentionally misrepresented the status of the Moradi case, admittedly failed to disclose
14 the settlement reached in the Garland case,²⁴ and duped Plaintiff into accepting a \$50,000 buyout
15 for her partnership interest. Meanwhile, the Defendants collected a whopping \$10,097,406.62 in
16 attorneys’ fees – all derived from partnership assets.

17 When confronted by Plaintiff to pay her one-third share, the Defendants locked her out of
18 the office, gave her computer away without notice and took advantage of her vulnerable state.
19 Plaintiff was left with no choice but to retire from the practice of law all together and focus on
20 rebuilding her health. And, her decision to do so should not allow the Defendants to obtain a
21 financial windfall and disregard their own pre-existing legal obligations. Offering her a mere
22 \$150,000 to resolve this case was thus unreasonable in light of the evidence highlighting the
23 disparity of what Plaintiff was entitled to as a contractual right had Mr. Padda not breached his
24 fiduciary duties owed to her and committed outright fraud. Since discovery had closed,

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26 ²³ See Order Granting Defendants’ Motion for Summary Judgment dated February 18, 2020, on file
herein, at pg. 9, ¶ 16.

27 ²⁴ See Excerpts of the Deposition Transcript of Paul S. Padda, Volume 1, dated November 7, 2019,
28 attached hereto as **Exhibit Q**, at 30:20-34:16.

Defendants knew about the existence of this evidence at the time they made their unreasonable offer. The second *Beattie* factor thus weighs in favor of Plaintiff.

c. Plaintiff's decision to reject the offer of judgment was not grossly unreasonable or in bad faith.

Contrary to Defendants' accusation that Plaintiff "must have known she had little hope of recovering any attorneys' fees" given her temporary license suspension, the law relied upon by Plaintiff in her request for reconsideration mandates otherwise.²⁵ Namely, a number of courts hold that a fee division contract involving a suspended or even disbarred attorney is enforceable when, the attorney performed all required services prior to the suspension.²⁶ Just because Nevada lacks similar controlling precedent on this issue does not render Plaintiff's rejection of the offer of judgment grossly unreasonable or done in bad faith. Especially, given the abundance of evidence that Plaintiff planned to introduce at the time of trial to prove that the Defendants intentionally deceived, defrauded and deprived her of making a well-informed decision in accepting the \$50,000 buyout in order to line their pockets with millions of dollars. There was nothing unreasonable or grossly unreasonable for Plaintiff to want to prosecute her claims, brought in good faith, in front of a jury.

Moreover, Defendants cannot escape the fact that Mr. Padda failed to provide Plaintiff with full transparency about the partnership cases when he approached her to buyout her interests -- a clear violation of Nevada's fiduciary law. *Clark v. Lubritz*, 113 Nev. 1089, 944 P.2d 861 (1997) (holding that the fiduciary duty among partners is generally one of full and frank disclosure of all relevant information for just, equitable and open dealings at full value and consideration; each partner must not deceive another partner by concealment of material facts). Common sense dictates that had Plaintiff known about Stan Smith's expert valuation of the Moradi case and that the Garland case had settled, among other things, she would have not

²⁵ See Plaintiff's Motion for Reconsideration of Order Granting Defendants' Motion for Summary Judgment dated February 21, 2020, on file herein, at Section II Subsection B, pages 3-7.

²⁶ See *Lee v. Cherry*, 812 S.W.2d 361 (Tex. Ct. App. 1991); *A.M. Wright & Assocs., P.C. v. Glover, Anderson, Chandler & Uzick, L.L.P.*, 993 S.W.2d 466, 468-70 (Tex. Ct. App. 1999); *West v. Jayne*, 484 N.W.2d 186 (Iowa 1992); *Simpson v. Rogers*, 406 S.W.2d 26 (Mo. 1966); *Eichen, Levinson & Crutchlow, LLP v. Weiner*, 938 A.2d 947, 948-50 (N.J. App. Div. 2008).

1 agreed to a \$50,000 buyout. Defendants deliberately deprived her of this opportunity and, as a
2 result, profited from their fraud to the tune of over \$10 million. Declining to accept \$150,000
3 was sensible under the circumstances and surely does not rise to the level of grossly
4 unreasonable or bad faith. The third *Beattie* factor thus weighs in favor of Plaintiff.

5 **2. Defendants' Attorney Fees are Not Reasonable or Justified.**

6 The Nevada Supreme Court holds that should the district court find that the
7 reasonableness *Beattie* factor alone supports an award of attorney fees, such an award is a clear
8 abuse of discretion, constitutes legal error and results in a determination that the district court's
9 weighing of the *Beattie* factors is arbitrary and capricious. *Frazier*, 131 Nev. at 644, 357 P.3d at
10 373 (citations omitted); *see also AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 589, 245
11 P.3d 1190, 1197 (2010) ("While review for abuse of discretion is ordinarily deferential,
12 deference is not owed to legal error.").

13 Since the good-faith *Beattie* factors weigh in favor of Plaintiff, the Court need not
14 address the reasonableness of the Defendants' requested attorneys' fees governed by the *Brunzell*
15 factors. *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969) (holding
16 that the factors do not govern the initial inquiry of whether a party is entitled to an attorney fees
17 award) (recognized by *Dane v. Geico Gen. Ins. Co.*, 131 Nev. 1269, 2015 WL 5311101 at *2, n.2
18 (Sept. 10, 2015). Even so, Plaintiff should not be strapped with an excessive fee award because
19 the Defendants decided to engage two separate law firms and pay four different attorneys on an
20 hourly basis resulting in \$269,167.50 in attorneys' fees incurred in less than two months (from
21 December 18, 2019 until the summary judgment hearing on January 27, 2020). An additional
22 point to consider is that a very small fraction of the fees requested involves work performed for
23 the summary judgment aspect of this case. The ultimate result and decision were not the product
24 of any benefit that the Defendants derived from preparing for trial. Therefore, the *Brunzell*
25 factors concerning the character of the work to be done to accomplish summary judgment
26 (second factor), the work actually performed to obtain summary judgment (third factor) and the
27 result (fourth factor) do not weigh in favor of reasonableness – an analysis that the Court is not
28 tasked to do given that the good-faith *Beattie* factors do not entitle Defendants to any award.

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1 **III. CONCLUSION**

2 Based on the foregoing, Plaintiff respectfully requests this Court to DENY all
3 \$269,167.50 in attorneys' fees as requested by the Defendants.

4 Dated this 25th day of March, 2020.

5 MARQUIS AURBACH COFFING

6
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **PLAINTIFF'S OPPOSITION TO DEFENDANTS' MOTION FOR ATTORNEYS' FEES** was submitted electronically for filing and service with the Eighth Judicial District Court on the 25th day of March, 2020. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:²⁷

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²⁷ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).