

IN THE SUPREME COURT OF THE STATE OF NEVADA

HILLSBORO ENTERPRISES INC., A
NEVADA CORPORATION; AND,
MOBILE BILLBOARDS, LLC, A
NEVADA LIMITED LIABILITY
COMPANY; EBVB HOLDINGS, LLC,
A NEVADA LIMITED LIABILITY
COMPANY; VINCE BARTELLO, AN
INDIVIDUAL; ERICA BARTELLO,
AN INDIVIDUAL;

Appellants,

vs.

SEAN FITZGERALD,

Respondent.

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District Court Case No. A-15-716570-G
Elizabeth A. Brown
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RESPONDENT'S APPENDIX

VOLUME I

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RESPONDENT'S APPENDIX**VOLUME I**

Exhibit #	Document	File Stamp Date	Pages
A.	Plaintiff's Exhibit 3		RA 0001-0041
B.	Plaintiff's Exhibit 4		RA 0042
C.	Plaintiff's Exhibit 6		RA 0043-0052
D.	Plaintiff's Exhibit 19		RA 0053-0055
E.	Plaintiff's Exhibit 20		RA 0056-0058
F.	Plaintiff's Exhibit 24		RA 0059-0060
G.	Plaintiff's Exhibit 32		RA 0061
H.	Plaintiff's Exhibit 33		RA 0062-0063
I.	Plaintiff's Exhibit 35		RA 0064-0066
J.	Plaintiff's Exhibit 36		RA 0067-0072
K.	Special Verdict Form		RA 0073-0076

EXHIBIT A

9708 winter palace drive

+17022362323, +17022362323, Apr 9, 2014, 4:08 PM

Vince Bartello

+17022362323, +17022362323, Apr 9, 2014, 4:08 PM

10 min

+17024780075, Apr 9, 2014, 4:30 PM

Ok:)

+17022362323, +17022362323, Apr 9, 2014, 4:30 PM

Howe- 6195617764 (steering system)

+17022362323, +17022362323, Apr 9, 2014, 6:38 PM

Hey I have my buddy who off tomrrow wanted to see if he is ok to help me tomrrow get the shop together faster so I can get to working on the ruck faster he will help me for free

+17024780075, Apr 9, 2014, 10:01 PM

Just on cleaning

+17024780075, Apr 9, 2014, 10:02 PM

PLAINTIFF'S
EXHIBIT

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P10000

RA 0001

I'll text you tomorrow after 10.

+17022362323, +17022362323, Apr 9, 2014, 10:34 PM

Ok cool thanks

+17024780075, Apr 9, 2014, 10:35 PM

Sean

+17024780075, Apr 11, 2014, 8:09 PM

Hey it Sean u said you wanted to sell the snap on tool box

+17024780075, Apr 12, 2014, 3:05 PM

The orange one!

+17022362323, +17022362323, Apr 12, 2014, 3:26 PM

Yes

+17024780075, Apr 12, 2014, 4:06 PM

Do you have someone who wants to buy it?

+17022362323, +17022362323, Apr 12, 2014, 4:13 PM

Me

+17024780075, Apr 12, 2014, 4:14 PM

Ok

+17022362323, +17022362323, Apr 12, 2014, 4:14 PM

I like it

+17024780075, Apr 12, 2014, 4:15 PM

Of course. What's not to like

+17022362323, +17022362323, Apr 12, 2014, 4:15 PM

Ya I had the 3 bay like it

+17024780075, Apr 12, 2014, 4:17 PM

What u looking to get for I

+17024780075, Apr 12, 2014, 4:18 PM

It

+17024780075, Apr 12, 2014, 4:18 PM

You're paying cash up front right?

+17022362323, +17022362323, Apr 12, 2014, 4:19 PM

Ya just want to see what I need to pull together to he it

+17024780075, Apr 12, 2014, 4:20 PM

2800 dollars

+17022362323, +17022362323, Apr 12, 2014, 4:21 PM

Ok let me see

+17024780075, Apr 12, 2014, 4:21 PM

Are you still at the shop?

+17022362323, +17022362323, Apr 12, 2014, 4:49 PM

No

+17024780075, Apr 12, 2014, 4:49 PM

Are you done with the truck?

+17022362323, +17022362323, Apr 12, 2014, 4:50 PM

Yep

+17024780075, Apr 12, 2014, 4:50 PM

Did you let me no when you were done?

+17022362323, +17022362323, Apr 12, 2014, 4:50 PM

I called ken to have a driver to come in

+17024780075, Apr 12, 2014, 4:52 PM

Good job calling ken!! But I told you to have him have a driver come in and drive the truck and text me when you're done! The reason I wanted you to text me when you were done is I wanted you to send me a picture of the Viper parts.

+17022362323, +17022362323, Apr 12, 2014, 4:54 PM

That's ok you can send me a pic Monday

+17022362323, +17022362323, Apr 12, 2014, 4:55 PM

I'm right down the street, I'll head back down now and send the pics

+17024780075, Apr 12, 2014, 4:56 PM

+17024780075, Apr 12, 2014, 5:07 PM

Ok:)

+17022362323, +17022362323, Apr 12, 2014, 5:42 PM

Don't forget you have to get the big monster truck working!!

+17022362323, +17022362323, Apr 21, 2014, 12:50 PM

Ok just have to remove it and get it down to house of hose

+17024780075, Apr 21, 2014, 1:04 PM

They can build it and it will not have any problome

+17024780075, Apr 21, 2014, 1:05 PM

Ok. When do you want to come get it?

+17022362323, +17022362323, Apr 21, 2014, 1:06 PM

When best arond two today

+17024780075, Apr 21, 2014, 1:06 PM

That works or sooner.

+17022362323, +17022362323, Apr 21, 2014, 1:07 PM

Ok I'll finsh up at the shop and head that way

+17024780075, Apr 21, 2014, 1:08 PM

K

+17022362323, +17022362323, Apr 21, 2014, 1:08 PM

Text me your spelling of your first and last name so I can leave at the get.

+17022362323, +17022362323, Apr 21, 2014, 1:09 PM

Sean Fitzgerald

+17024780075, Apr 21, 2014, 1:10 PM

Lmk when you get there.

+17022362323, +17022362323, Apr 21, 2014, 2:00 PM

Ok about 10 out

+17024780075, Apr 21, 2014, 2:02 PM

Ok

+17022362323, +17022362323, Apr 21, 2014, 2:04 PM

That's a long 10 min lol

+17022362323, +17022362323, Apr 21, 2014, 2:15 PM

Sorry the traffic was bad coming up Sahara

+17024780075, Apr 21, 2014, 2:18 PM

Ok lol

+17022362323, +17022362323, Apr 21, 2014, 2:17 PM

Right on rampart

+17024780075, Apr 21, 2014, 2:20 PM

At the gate

+17024780075, Apr 21, 2014, 2:21 PM

Out front

+17024780075, Apr 21, 2014, 2:23 PM

Got it

+17024780075, Apr 21, 2014, 3:35 PM

They are closed already her have to give it to them first thing tomorrow

+17024780075, Apr 21, 2014, 4:45 PM

Ok

+17022362323, +17022362323, Apr 21, 2014, 9:07 PM

What are you working on today?

+17022362323, +17022362323, Apr 23, 2014, 8:53 AM

Truck 6 have to get the rad back from the repair shop and make sure the the electric is fin

+17024780075, Apr 23, 2014, 8:54 AM

Fine

+17024780075, Apr 23, 2014, 8:55 AM

What's rad mean?

+17022362323, +17022362323, Apr 23, 2014, 8:55 AM

Radiator

+17024780075, Apr 23, 2014, 8:55 AM

Is truck 6 not working now?

+17022362323, +17022362323, Apr 23, 2014, 8:55 AM

Had a electric problem so I had to change the battery's and some of the wires to the fuse box and the radiator had a small crack in the lower tank I have the and a few bent tube

+17024780075, Apr 23, 2014, 8:58 AM

Your truck a 03 right

+17024780075, Apr 23, 2014, 9:26 AM

I done understand ur text. Call me

+17022362323, +17022362323, Apr 23, 2014, 9:40 AM

Don't forget to charge the batteries for the monster truck.

+17022362323, +17022362323, Apr 23, 2014, 12:01 PM

All ready done with the batteries and also load tested them

+17024780075, Apr 23, 2014, 12:40 PM

Are the good?

+17022362323, +17022362323, Apr 23, 2014, 12:41 PM

Yes they are

+17024780075, Apr 23, 2014, 12:42 PM

On my way

+17024780075, Apr 23, 2014, 5:03 PM

To my house?

+17022362323, +17022362323, Apr 23, 2014, 5:04 PM

Yes

+17024780075, Apr 23, 2014, 5:04 PM

K

+17022362323, +17022362323, Apr 23, 2014, 5:04 PM

Out front

+17024780075, Apr 23, 2014, 5:21 PM

I have found the power steering pump that will work with what you have it's the same company but the only problem is will have to get fittings made on the existing lines and build the bracket so it's easier to do that in the shop but were also able to get the stock power steering pump on it to get it down here or we can try to get it towed down here

+17024780075, Apr 24, 2014, 2:51 PM

I didn't know you were going to send the tow truck to the house before noon. I would've called the gate. When we talked you said you were going to do it after 12 noon. Lmk what's the status now. Thx

+17022362323, +17022362323, Apr 25, 2014, 1:43 PM

I told the to get there between 1 and 2 they did not call me I have a truck coming back now to get it

+17024780075, Apr 25, 2014, 1:46 PM

You will have to meet them there because you have to drive the truck out on the street so they can tow it! You can't just have a tow truck company show up they can't drive the truck!

+17022362323, +17022362323, Apr 25, 2014, 1:48 PM

Lmk if ur going to meet them there. Again somebody needs to drive the truck out to the street so they can tow it. That could be you or Ken. That being said I do not want the tow company there unless one of you to our there to meet them. Lmk. Thx

+17022362323, +17022362323, Apr 25, 2014, 1:53 PM

Ok

+17024780075, Apr 25, 2014, 2:14 PM

What's ok mean? what's the status with the truck?

+17022362323, +17022362323, Apr 25, 2014, 4:17 PM

Just got it to the shop

+17024780075, Apr 25, 2014, 4:18 PM

Ok.

+17022362323, +17022362323, Apr 25, 2014, 4:19 PM

How's the monster truck? Is it inside the shop?

+17022362323, +17022362323, Apr 26, 2014, 2:26 PM

Hello?

+17022362323, +17022362323, Apr 26, 2014, 3:54 PM

Working on my truck not looking at my phone yes it in the shop

+17024780075, Apr 26, 2014, 4:04 PM

K

+17022362323, +17022362323, Apr 26, 2014, 4:06 PM

How's the truck coming along? I haven't heard anything from you. Call me.

+17022362323, +17022362323, Apr 29, 2014, 7:14 PM

Sorry just woke up I have the new pump for the truck and I have the front of the truck apart to and am starting first thing to build the templets for the pump ken said you wanted the head light blacked out

+17024780075, Apr 30, 2014, 12:11 AM

Don't paint the head lights.

+17022362323, +17022362323, Apr 30, 2014, 12:13 PM

Ok ken said something a bout Geting them black out that why I was asking

+17024780075, Apr 30, 2014, 12:16 PM

Just wanted to ask becuse I have them out

+17024780075, Apr 30, 2014, 12:16 PM

Always do that! I will call you shortly

+17022362323, +17022362323, Apr 30, 2014, 12:35 PM

Yep that why I ask! Ok

+17024780075, Apr 30, 2014, 12:38 PM

:)

+17022362323, +17022362323, Apr 30, 2014, 12:41 PM

Sean,

I asked you to call me yesterday. I heard from another employee that you hurt your thumb on the job. For you just to take off and not talk to your employer about it is unacceptable! I understand that you were getting your thumb looked at but I still haven't heard from you! Now a day later I still haven't heard from you! I need to talk to you before you return to work.

Regards,

Vince

+17022362323, +17022362323, May 1, 2014, 8:24 PM

When you came the office yesterday, what time did you get there and did you come in the back gate and the back door? Next question is when you did get there was Kimmi at the office yesterday when you got there?
What time did you get to the office today and what time did you leave?

+17022362323, +17022362323, May 2, 2014, 6:31 PM

At dinner with my family right now will text you back in 20 to 30 min

+17024780075, May 2, 2014, 6:37 PM

Ok:)

+17022362323, +17022362323, May 2, 2014, 6:40 PM

I got there at 8 am yesterday yes I can in the back door and gate and kimmy was not there yet ! And today I got there around 1130 I think and was out around 3

+17024780075, May 2, 2014, 6:56 PM

When you left yesterday, how did you exit the building. What time did you leave yesterday? Was Kimmi there when you left yesterday?

+17022362323, +17022362323, May 2, 2014, 7:31 PM

I left out the front around 130 and she still was there

+17024780075, May 2, 2014, 7:35 PM

One of the reasons for the questions is because the gate was left unlocked and the back door was left propped open. That being said as you well know we have a lot of money in tools and we can not leave the back door propped open or the gate open ever! Everything needs to be locked!

+17022362323, +17022362323, May 2, 2014, 7:40 PM

Ok I only left it open becues she still was there

+17024780075, May 2, 2014, 7:42 PM

But I will lock it every time I leave thee no mater who there

+17024780075, May 2, 2014, 7:42 PM

Just got your second text yes always lock it. No matter who's there! That's you're responsible no one else's. In fact if you don't want certain people in the warehouse you can choose who you want there or who you don't want back there. That's ur shop and responsibility!

+17022362323, +17022362323, May 2, 2014, 7:46 PM

Ok will do

+17024780075, May 2, 2014, 7:47 PM

The GPS does not work in truck 1 we need to fix that ASAP

+17022362323, +17022362323, May 5, 2014, 12:58 PM

Ok working on truck 1 now

+17024780075, May 5, 2014, 1:25 PM

Can u check it now to see if it back online

+17024780075, May 5, 2014, 1:46 PM

I'll check now

+17022362323, +17022362323, May 5, 2014, 1:47 PM

Any word on the workmen com

+17024780075, May 5, 2014, 1:53 PM

Comp doctor need to get my dressing change today

+17024780075, May 5, 2014, 1:54 PM

Hold in I'm checking

+17022362323, +17022362323, May 5, 2014, 1:54 PM

On

+17022362323, +17022362323, May 5, 2014, 1:54 PM

GPS is good

+17024780075, May 5, 2014, 1:54 PM

Are you telling me its good or are you asking me?

+17022362323, +17022362323, May 5, 2014, 1:54 PM

Is it

+17024780075, May 5, 2014, 1:55 PM

I'm asking

+17024780075, May 5, 2014, 1:55 PM

Sorry read your last text wrong

+17024780075, May 5, 2014, 1:56 PM

Please hold on! Cannot log into it when I find out I will let you know please stop texting until then

+17022362323, +17022362323, May 5, 2014, 1:56 PM

I'm on my way out of town right now to California so I'm losing service

+17024780075, May 5, 2014, 7:18 PM

To California? How are you going there then returning to work tomorrow?

+17022362323, +17022362323, May 5, 2014, 7:20 PM

I'm only driving I had to pick up the vehicle and heading back tonight

+17024780075, May 5, 2014, 7:20 PM

Ok. Drive careful

+17022362323, +17022362323, May 5, 2014, 7:20 PM

Thank when I get better Service that I can hear you over the phone I'll give you a call back

+17024780075, May 5, 2014, 7:21 PM

Hey Sean I called but your phone didn't go through. I'm still waiting for an answer I have not gotten one yet. Give me a call after you go to your doctors appointment to let me know how it all went. thanks

+17022362323, +17022362323, May 7, 2014, 2:34 PM

What's your DOB and SOS ? Workers comp needs to know.

+17022362323, +17022362323, May 7, 2014, 4:00 PM

06 02 93 last 4 SOS is 2428

+17024780075, May 7, 2014, 4:01 PM

The whole SOS

+17022362323, +17022362323, May 7, 2014, 4:03 PM

I don't like to text it i will call

+17024780075, May 7, 2014, 4:04 PM

We talked to Jessica at Worker's Comp. today here's your
workers comp claim number: 1238170 - 1

+17022362323, +17022362323, May 7, 2014, 4:16 PM

Are you still at the hospital are you done?

+17022362323, +17022362323, May 7, 2014, 4:17 PM

Yes still at the doctor

+17024780075, May 7, 2014, 4:18 PM

When your done text me.

+17022362323, +17022362323, May 7, 2014, 4:25 PM

Did you do these charges?

+17022362323, +17022362323, May 7, 2014, 6:07 PM

Home Depot and PayPal.

+17022362323, +17022362323, May 7, 2014, 6:08 PM

No ken did I don't have a card

+17024780075, May 7, 2014, 6:09 PM

It was not 4k

+17024780075, May 7, 2014, 6:09 PM

Some thing wrong there

+17024780075, May 7, 2014, 6:09 PM

We rented the welder

+17024780075, May 7, 2014, 6:10 PM

Okay I understand that you don't have a company card. Ken said he let you use the card. That being said did you make a charge at Home Depot and all the PayPal charges yes or no

+17022362323, +17022362323, May 7, 2014, 6:10 PM

No pay pal

+17024780075, May 7, 2014, 6:10 PM

Call me

+17022362323, +17022362323, May 7, 2014, 6:10 PM

Hey not feeling to well I think it from the meds the doctors gave me is it all right if I take off a little early

+17024780075, May 8, 2014, 12:39 PM

Yes.

+17022362323, +17022362323, May 8, 2014, 2:31 PM

How's the truck looking?

+17022362323, +17022362323, May 8, 2014, 2:31 PM

When I send you a text please respond, especially during work hours. Don't forget the billboard trucks need to be cleaned every week. Tomorrow let me know the status on the monster truck, where we're at with the monster truck and getting the billboard trucks cleaned.
Thank you.

17022362323, +17022362323, May 8, 2014, 9:20 PM

Just woke up I will get the truck all together

+17024780075, May 8, 2014, 9:23 PM

And clean

+17024780075, May 8, 2014, 9:23 PM

Ok

+17022362323, +17022362323, May 8, 2014, 10:48 PM

Sean,

Just wanted to let you know Kimberly is no longer with the company. As you know she was laid off last Friday until we had a meeting and I decided today I wasn't going to meet with her. The crazy thing is she's claiming that she quit but true. She was laid off but she's to incompetent realize it!

Give me a call to let me know how your day went.

+17022362323, +17022362323, May 9, 2014, 5:35 PM

Sean,

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P10023

RA 0024

My instructions to you yesterday were to get the billboard trucks clean and work on the monster truck.

I just spoke with ken and he informed me that you left at 430pm and you didn't clean the billboard trucks. He also informed me that you are coming in Saturday to wash the billboard trucks. That doesn't work. You need to spend the hours in your normal work week getting the trucks clean. I don't want to pay extra hours for you to come in on the weekend to wash the trucks. That being said do not come in tomorrow to wash the trucks.. It's important that the trucks get cleaned Thursday like you agreed too. So they are clean for Friday Saturday and Sunday.

I also heard from Ken that you are coming in for Ryan to work on the supra. That is between you and him and has nothing to do with company time. I sent you a text earlier about calling me about your day. Since you've already left for the day. Before returning to work Monday I need to know in detail what time you started and what did you work on all day. Ken mention you had to leave at 4:30 because you had a doctors appointment. When you have a doctors appt or cleaning appt. scheduled you need to let me know about them in advance. That means if you have one for this Monday a least let me know Friday..

Regards,

Vince

+17022362323, +17022362323, May 9, 2014, 7:08 PM

Vince

I will be coming in tomorrow to clean the off the clock I need someone to help get them claen becuse of my hand it can not get wet I would have ask ken but you have him running around to full detail those trucks it not a one man job in the time you have it set for! By doctor order I and A supposed to be on light duty work I'm have bin trying to do it at the same speed I was be for it would be a different

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P10024

RA 0025

store if it was my left and not my dominant hand and the stats on your ford I was trying to get the bolt for the pump bracket today but you had told ken to go get get you so I was not able to follow through with my progress on your truck today I try to call you at 7:13pm today and had no pick up regarding the doctor I was called my my mother who told me I need to get there today and have it clean and checked out and bandaged I have a doctor appointment Monday at 2:30pm for a cat scan. regarding Workmen's Comp. can I get the number to call so I can check the status

Sean

+17024780075, May 9, 2014, 7:27 PM

I try to stay off using my phone calls becuse it charges me for them

+17024780075, May 9, 2014, 7:29 PM

Sean,

We definitely need a way of communicating. iPhone messaging between iPhones is free so text messaging should be free from you to me because we have iOS. Here's proof of it. Down below is the link showing you don't get charged.

If you get charges from a text I sent you or you sent me show me proof and I will reimburse you for those texts . Another way of communicating is through email like I originally mentioned to you when you first started. Email is

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P10025

RA 0026

free through Wi-Fi. Another way of communicating with me is picking up the office phone and call me. There's no charge for that! If I don't answer leave me a detailed voicemail. But to end your day and not call anybody because you don't have help is unacceptable. It would be different if you could pick up the phone and call me and say I'm stuck on my task because I need help.

Please communicate!

You originally said your doctor told you to be off for 2 days but you never told me about having light work duty until this text! I will need a note from your doctor explaining in detail what you can and can't do at work before you come back to work. Do not come in until I have a note from your doctor and I have a chance to review it. If your dr says you can't wash trucks than you can't return to work until you can wash the trucks because that is part of your job description. I do not want you cleaning the trucks on the weekends.

Your job is a one man job. Cleaning the trucks is a one man job. You have Monday thru Friday to complete the job. You're the one who picked Thursdays to get the trucks done. It wasn't my choice, it was your choice. Ken is not there to assist you in any way. He doesn't work for you. When I hired you I didn't tell you that you were going to have a helper. When you were hired you were told you would be in charge of repairing the billboard trucks as well as my personal cars and the building. If you are going to work on Ryan's car or anybody car for that matter it will need to be on shops time and be approved through me in writing. If approved you will be paid through the company and we will bill Ryan.

That being said you can't return to work until we have a doctors note saying that you can perform your job duties including washing the trucks and doing maintenance on the trucks.

Regards,

Vince

7022362323, +17022362323, May 10, 2014, 2:18 AM

I was not taking about the I messaging I know that is between but data and phone calls I understand if they are during my work hours but when they are at night on my time off is different I understand we need to stay communicated when the accident happened I was given papers saying stating about the light duty work and the restrictions of work they were both turned in but they were already at the company so any changes from the time then to the time now I do not know where the miscommunication is between you and Kimmy was and why wasn't relayed to you through her because she had the paperwork stating it in the office but like any kind of abrasion or cuts to the extent of mine or anything after surgery you're never supposed to have any of your bandages get wet this was dictated by Southwest medical Association which I turn the papers in that they gave me to the office regarding Ryan vehicle if it is going to be in at my normal hourly wages is not worth it for me to stay after my normal times of the working I also will have the doctor I've been having my finger clean by you dictate the same paperwork that I had dropped off to The office stating all of the work restrictions and everything due to the accident

+17024780075, May 10, 2014, 6:44 AM

I took me working on Ryan's car as you have already approved it by you giving my phone number to Ryan's father

+17024780075, May 10, 2014, 6:51 AM

So im taking this as a lay off

+17024780075, May 10, 2014, 12:08 PM

Or disability

+17024780075, May 10, 2014, 12:17 PM

Sean,

Seems like you're confused so let's go over the facts so we're not talking past each other.

According to you, you had an accident 4/30/14 at the office where you hurt your thumb. April 30 I tried calling you to find out what happened and I didn't get a response

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RA 0029

from you.

That same day another employee Ken sent me a pic and a text message saying:

Sean can't call you know
He is at the E R now.
He has a bad cut.
I will call you when am done here sir.

I waited that same day to hear from you and I never got a response! Needless to say Ken did call me and told me what happened.

The next day 5/1 I waited all day to see if you were going to call. Since I didn't receive a call from you I decided to send you a text later that evening, May 1st 8:25 Pm.

That text message said:

Sean,

I asked you to call me yesterday. I heard from another employee that you hurt your thumb on the job. For you just to take off and not talk to your employer about it is unacceptable! I understand that you were getting your thumb looked at but I still haven't heard from you! Now a day later I still haven't heard from you! I need to talk to you before you return to work.

Shortly after you receive that text you called.

I informed you about what Ken told me about your accident. I mention to you how important it is for you to report this to your employer which is me and I'll need a statement from you in regards to what exactly happened!

In addition to the statement there needs to be a workers comp claim filed immediately. That's something the office manager is supposed to do.

I begin to tell you there was a breakdown in the relationship with Kimmi and she was having a hard time

with her day to day tasks let alone even report this accident to me! I learned about this incident through Ken! Not kimmi! You began to tell me what happened and you told me the doctor gave you a doctors note to take off a two days.

I then asked you, if you took off today and you said: you said, you came in and look around & cleaned up a little bit. I responded clean up a little bit what does that mean. You said you wanted to take a look at everything cleanup straighten out the shop get your thoughts together and you were looking for the piece of metal that you were cutting and it wasn't there and you couldn't find it.

That said, I then said to you, you will be taking off Thursday 5/1 and Friday 5/2 returning to work Monday 5/5 and you said yes!

Friday 5/2 Laura call me at 4:00 pm and said someone left the gate unlocked and the back door open on Thursday 5/1

5/2 I text you and it said:

When you came to the office yesterday, what time did you get there and did you come in the back gate and the back door? Next question is when you did get there was Kimmi at the office yesterday when you got there? What time did you get to the office today and what time did you leave?

Your response:

I got there at 8 am yesterday yes I can in the back door and gate and kimmy was not there yet ! And today I got there around 1130 I think and was out around 3

My response:

When you left yesterday, how did you exit the building. What time did you leave yesterday? Was Kimmi there when you left yesterday?

Your response:

I left out the front around 130 and she still was there

My response:

One of the reasons for the questions is because the gate was left unlocked and the back door was left propped open. That being said as you well know we have a lot of money in tools and we can not leave the back door propped open or the gate open ever! Everything needs to be locked!

Monday 5/5 comes and I talk to you about your day. I learned that there was a truck down over the weekend and asked you why?! You said the truck broke down Saturday. I stress to you how important it was to keep the trucks up and up running at all times. I then proceeded to ask you why did you not come in Saturday to fix it?! Your response was, I'm only going by what you and the doctor said take off for two days. My response: Thursday & Friday would be two days off so when the truck broke down Saturday why wouldn't you come in and fix it?!

Your response: I was only going by what you said Vince, take off two days and return to work Monday.

My response: the reason I said Thursday Friday and I'll see you Monday was: 1. I wanted you to follow your doctors orders. 2. I'm trying to figure out when you're returning to work so I can schedule business as usual.

I started to proceed tell you, let's get past this & move forward as long as you know anytime there's an emergency where the trucks are down you need to be there to get it fixed.

I mentioned to you I'm still waiting for Kimmy to answer some questions I had regarding if there was a claim filed with workers comp. I told you she still hasn't responded to my emails and I'll let you know tomorrow 5/6

Tuesday 5/6 comes around and Kimmy still hasn't responded to my emails regarding the workers comp claim. That being said I told you I will call workers comp tomorrow 5/7 and handle it myself if I don't hear from her!

Wednesday 5/7 comes and I still don't get an answer from Kimmi. I decided to call workers comp my self and as you know I get you on the phone and a new claim was filed.

To answer your question. You aren't laid off. You were told to take off because there were discrepancies in your story. First you told me on the phone 5/1 you were told to take 2 days off. Then on 5/9 you said you were told light work duty.

That's the discrepancy!

Please inform your doctor what your job duties consist of so when your doctor says return to work they know what work consist of.

If your doctor tells you that you can't perform your job duties that consist of: washing trucks/cars, maintenance and repair on the truck/cars, any maintenance and cleaning in the shop and the building, auto electrical, welding/fabricating as well than you won't be able to return until the dr says you can perform these duties.

That's why it is mandatory for you to get a note from your dr stating what you can and cannot do.

Regarding Ryan, just because a phone number is given out doesn't mean anything other then somebody has your phone number.

If you need to know something pick up the phone and call me and communicate with me or text me like you're doing now.

Don't ever assume anything!

I look forward to hearing from you after you talk to your doctor!

Have a great weekend.

Best,

Vince

+17022362323, +17022362323, May 10, 2014, 7:54 PM

Truck 3 down

+17024780075, May 10, 2014, 11:49 PM

Can you send me the workmen comp doctors list on who I have to see I do not want the bone to get infected do to it being exposed and then lose more of my thumb and umc will not re see me until one of the workmen comp doctor see me

+17024780075, May 12, 2014, 3:31 PM

Please and thank you

+17024780075, May 12, 2014, 3:31 PM

Try to contact you yesterday going to hand surgeon tomorrow

+17024780075, May 13, 2014, 1:32 PM

Michelle with Worker's Comp. should be calling you shortly.

+17022362323, +17022362323, May 13, 2014, 3:11 PM

Sean,

When ken asked you for your time card for the week of April 27– May 3rd to process payroll for that period you also gave him your hours for May 6 and 7th. The week of May 4th – May 10th wouldn't have been processed last week. It is processed this week.

That being said, I do not have a time card with your hours for last Wednesday May 7, Thursday May 8 and Friday May 9th and we have not found one at the office. Did you not clock in or out on those days? If you didn't, please explain why and give me your hours for those 3 days.

Regards

Vince

7022362323, +17022362323, May 14, 2014, 7:54 PM

I have it lock up And put away I don't leave it floting around I have the doctor not stating the severe Ness of the injury I will drop it off tomrrow and give ken my time card was not able to fill it out becues u have it

+17024780075, May 14, 2014, 8:31 PM

What does this mean I'm confused? You say you have it put away and you don't want it floating around. Then you said, your not able to fill it out because I have it.

+17022362323, +17022362323, May 14, 2014, 9:05 PM

I have made a new one and put away my toolbox because you had the week of

+17024780075, May 14, 2014, 9:42 PM
Page 33 of 41

P10034

RA 0035

I will be bringing the doctors note in tomorrow and I will give ken the time card out of my toolbox

+17024780075, May 14, 2014, 9:43 PM

Sean,

I had a shift manager check all the tool boxes and none of them were locked as you suggested. She found old time cards but none of them were for last week May 4-10th. Come in tomorrow at 1230pm to meet with Erica the office manager. She will talk to you about your time for last week and you can show her this time card that's supposed to be in your tool box that we can't find.

Best,

Vince

+17022362323, +17022362323, May 14, 2014, 11:20 PM

She went in my tool box

+17024780075, May 14, 2014, 11:21 PM

She did this now

+17024780075, May 14, 2014, 11:21 PM

Yes that's what the text message says!

+17022362323, +17022362323, May 14, 2014, 11:21 PM

Did she ask me to go through my tool ??

+17024780075, May 14, 2014, 11:23 PM

Box

+17024780075, May 14, 2014, 11:25 PM

This is why I said I will be in tomrrow

+17024780075, May 14, 2014, 11:32 PM

Sean,

No she didn't ask you to go through your tool box nor do I need to ask you to go through your tool boX!

I'm the owner of the building and your employer! If I ask a manager to look for a document or time card I'm trying to find, i'm entitled to do that.

Your second text message says this is why I said I would come in tomorrow.

You don't indicate in your original text message that you'd be in tomorrow to find out what happened to your time card!

Page 37 of 41

P10036

RA 0037

You said that you have your time card locked up and put away.

That tells me you know exactly where it is. If you would've said I don't know where it is I'll come in tomorrow and look for it, I'm okay with that answer.

That said, I'm trying to finish payroll because I would like to submit it tonight. So I'm thinking out of the box and assuming you meant toolbox because there's nothing else that would be locked up at the warehouse other than doors and the gate.

So if you're referring to the toolbox when you say locked up, there is no time card with last weeks dates on it in there.

I'm not going to belabor the issue anymore other than to say, Your time card is supposed to be kept at the office and we can't find it. We can't process your payroll for the dates of May 7-9th because we can't find your time card. As I told you earlier, come in at 1230pm 5/15 to see Erica. I do not want you in the shop without another manager being present. That manager would be Erica or I.

On another note: I found out from the security guard that you came in on Saturday 5/10 after I told you not to, and that you left with a bag. That being said, bring in your key to the shop tomorrow because I can't have you coming and going out of the shop all hours, whenever you want.

Regards,

Vince

+17022362323, +17022362323, May 15, 2014, 12:20 AM

For one my tool box is not yours it is mine it is private property if ask it may have bin ok if I was there I will remove my box tomorrow till I return to work u can check the camera and double check that they was no such bag I was take ur security guard did not step out of the vehicle once he stayed on his cell phone the entire time my time card is put away I know exactly where it is I said I was bringing it in tomorrow as a text message thank you earlier stating that I will be in tomorrow with my doctors note and I will give my time card to can on another note in my toolbox it is 100% private property yes if you want to ask to go through it I need to be there

+17024780075, May 15, 2014, 1:33 AM

Sean,

My shop is private property. You can not just come whenever you choose and take whatever you may think is yours!

I have him informed Metro of the situation. I'm giving you notice now that you are not allowed on my property, at 4558 W. Hacienda without Erica or myself present!

If you do go there that will be trespassing.
If you take something from my property, that is robbery and I will have you arrested!

If you do however have a toolbox there you will schedule an appt. with me to pick it up!

Regarding your time card that I have asked for over 7 hours ago. Your respond has been vague by not telling me exactly where it is. I'm not going to hold up payroll while you play these games. You will not give your time card to

Page 39 of 41

P10038

RA 0039

you play these games. You will not give your time card to Ken. You can not just give it to any employee of your choice. You need to give it to the office manager. You can give it to her at 1230pm 5/15 if you want to get paid on time. I'm appalled at your behavior and won't be responding to anymore of your text messages tonight.

Vince

+17022362323, +17022362323, May 15, 2014, 2:29 AM

Ok I will be there tomrrow to remove my my property tomorrow at 12:30

+17024780075, May 15, 2014, 2:35 AM

This is me seting up my appointment

+17024780075, May 15, 2014, 2:36 AM

I have a workmen comp doctor appointment tomrrow at 11 am will be there after

+17024780075, May 15, 2014, 2:59 AM

Sean,

I'm sorry you're having a problem understanding the definition of scheduling an appointment with me!

The definition of scheduling an appt. means, a fixed mutual agreement for a meeting!

If you want to set a time to pick up any personal property you may have, you will have to schedule an appt. with me. I do not have time this week. The soonest I have available is

Page 40 of 41

P10039

RA 0040

next Monday 5/19/14 at 1:30.

If that time works for you let me know. If not we will have to reschedule another day and time that works best for both of us.

Today's meeting is to get your timecard and your note from your doctor and your key to the shop!

Please do the right thing and bring your key!

Note:

If you do not bring your key to the shop today as scheduled, I will be forced to change the locks immediately! That said, I will have to sell any personal property you may have there to cover the cost.

Regards,

Vince

+17022362323, +17022362323, May 15, 2014, 8:45 AM

EXHIBIT B

To KOLSON at 7834 Page 1 of 3 on 5/1/2014 5:45:03 AM [Pacific Daylight Time]

EMPLOYEE'S CLAIM FOR COMPENSATION/REPORT OF INITIAL TREATMENT
FORM C-4MRN -
CASE # 287645

PLEASE TYPE OR PRINT

EMPLOYEE'S CLAIM - PROVIDE ALL INFORMATION REQUESTED							
First Name Sean	M.I. Fitzgerald	Last Name Fitzgerald	Birthdate 6-12-1993	Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F	Claim Number (Insurer's Use Only)		
Home Address 3722 Saint Charles Ct.	City N. Las Vegas	State NV	Zip 89031	Age 20	Height 5'9"	Weight 160	Social Security No.
Mailing Address Same				Telephone 702-478-0045			
INSURER				THIRD-PARTY ADMINISTRATOR			
Employee's Name/Company Name Hillbom Sky Mobile Billboards				Employee's Occupation (Job Title) When Injury or Occupational Disease Occurred Mechanic			
Office Mailing Address (Number and Street) 4558 W. Hecaville Ave				Telephone 702-740-5313 2026			
Date of Injury (if applicable) 4-30-14	Hours Injury (if applicable) am 1:55 pm	Date Employer Notified 4-30-14	Last Day of Work After Injury or Occupational Disease 4-30-14	Supervisor to Whom Injury Reported Ker Olsen			
Address or Location of Accident (if applicable) 4558 W. Hecaville Ave							
What were you doing at the time of the accident? (if applicable) Working with a grinder							
How did this injury or occupational disease occur? (Be specific and answer in detail. Use additional sheet if necessary) Working with a grinder							
If you believe that you have an occupational disease, when did you first have knowledge of the disability and its relationship to your employment? N/A						Witnesses to the Accident (if applicable) N/A	
Nature of Injury or Occupational Disease Frazit Part of Thumb				Part(s) of Body Injured or Affected Thumb			
I CERTIFY THAT THE ABOVE IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I HAVE PROVIDED THIS INFORMATION IN ORDER TO OBTAIN THE BENEFITS OF NEVADA'S INDUSTRIAL INSURANCE AND OCCUPATIONAL DISEASES ACTS (NRS 618A TO 618D, INCLUSIVE OR CHAPTER 617 OF NRS). I HEREBY AUTHORIZE ANY PHYSICIAN, CHIROPRACTOR, SURGEON, PRACTITIONER, OR OTHER PERSON, ANY HOSPITAL, INCLUDING VETERANS ADMINISTRATION OR GOVERNMENTAL HOSPITAL, ANY MEDICAL SERVICE ORGANIZATION, ANY INSURANCE COMPANY, OR OTHER INSTITUTION OR ORGANIZATION TO RELEASE TO EACH OTHER ANY MEDICAL OR OTHER INFORMATION, INCLUDING BENEFITS PAID OR PAYABLE PERTINENT TO THIS INJURY OR DISEASE, EXCEPT INFORMATION RELATIVE TO DIAGNOSIS, TREATMENT AND/OR COUNSELING FOR AIDS, PSYCHOLOGICAL CONDITIONS, ALCOHOL OR CONTROLLED SUBSTANCES, FOR WHICH I MUST GIVE SPECIFIC AUTHORIZATION. A PHOTOSTAT OF THIS AUTHORIZATION SHALL BE AS VALID AS THE ORIGINAL.							
Date 4-30-14		Place SMA UC		Employee's Signature [Signature]			
THIS REPORT MUST BE COMPLETED AND MAILED WITHIN 3 WORKING DAYS OF TREATMENT							
Place Urgent Care				Name of Facility Southwest Medical Associates			
Date 5/1/14	Diagnosis and Description of Injury or Occupational Disease Optic Nerve Atrophy			Is there evidence that the injured employee was under the influence of alcohol and/or another controlled substance at the time of the accident? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (If yes, please explain)			
Hour 1445 PM	(338.0)			Have you advised the patient to remain off work five days or more? <input type="checkbox"/> Yes Indicate dates: from _____ to _____ <input checked="" type="checkbox"/> No If no, is the injured employee capable of: <input type="checkbox"/> full duty <input checked="" type="checkbox"/> modified duty			
Treatment: Collyrium with compress daily				If modified duty, specify any limitations/restrictions: Limit use of right hand till better			
X-Ray Findings: No fracture noted							
From information given by the employee, together with medical evidence, can you directly connect this injury or occupational disease to job incurred? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No							
Is additional medical care by a physician indicated? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No							
Do you know of any previous injury or disease contributing to this condition or occupational disease? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Explain if yes)							
Date 5/1/14	Print Doctor's Name Wendy M. / Wanda M.			I certify that the employer's copy of this form was mailed to the employer on:			
Address 888 S. Rancho Dr.				INSURER'S USE ONLY			
City Las Vegas	State NV	Zip 89106	Provider's Tax I.D. Number 880201420	Telephone 702-877-8600			
Doctor's Signature [Signature]				Degree MD			

ORIGINAL - TREATING PHYSICIAN OR CHIROPRACTOR

PAGE 2 - INSURER/TPA

PAGE 3 - EMPLOYER

PAGE 4 - EMPLOYEE

Form C-4 (rev. 10/07)

PLAINTIFF'S
EXHIBIT

4

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RA 0042

EXHIBIT C

WC- EVIDENTIARY DOCUMENT INDEX

HO / AO #1411649-NG

Claimant: Sean Fitzgerald
Claim No.: 1238170-1

Hearing Date: Tuesday June 24, 2014 at 1:30 pm /stacked

Documents

Page(s)

AmTrust North America's AMW determination with AMW calculation
dated May 21, 2014.

pg. 1 -- 4

Claimants Earnings Statements from Hillsboro Enterprises Inc./
Mobile Billboards LLC.

pg. 5 -- 8



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RA 0043

NEVADA DEPARTMENT OF ADMINISTRATION
BEFORE THE HEARING/APPEALS OFFICER

Claimant: *Sean Fitzgerald*

Hearing/Appeal No.: *1411649-N6*

AFFIRMATION
Pursuant to NRS 293B.030

The undersigned does hereby affirm that the following document DOES NOT
Contain the social security number of any person (list document[s] attached below)

1. *evidentiary documents (pages)*
- 2.
- 3.

OR

The undersigned does hereby affirm that the document named below DOES
contain the Social Security number of a person as required by state or federal law or for
the administration of a public program or for an application for a federal or state grant:
(list the document[s] attached containing social security number information below)

- 1.
- 2.
- 3

Signature

B. Valdez

Date

6/18/14

P10049

RA 0044



AmTrust North America
An AmTrust Financial Company

May 21, 2014

Sean Fitzgerald
3732 Saint Charles Court
North Las Vegas, NV 89031-

Re: Claimant: Sean Fitzgerald
Date of Injury: 4/30/2014
Claim No.: 1238170-1
Employer: Mobile Billboards LLC

Dear Mr. Fitzgerald:

Your gross wages have been verified by your date of injury employer, Mobile Billboards LLC, in the amount of \$2,609.24. This was obtained from the 25-day wage history from April 6, 2014 through April 30, 2014. Your average monthly wage pursuant to the state calculations is \$2,609.24, for a daily rate of \$57.14.

A check will be sent to your home under separate cover, for any time exceeding the allotted days of wage continuation by your employer, in which you were unable to attend work as a direct result of this injury, with a physician's written excuse. I have enclosed a copy of the Explanation of Wage Calculation Form for your review with this letter.

In order to receive Temporary Total Disability (TTD) benefits, it is your responsibility to submit certification of disability from your treating physician. Checks are issued on a biweekly basis only.

If you or your employer disagree with this decision, you have the right to file an appeal and mail it directly to the Hearing Officer, Department of Administration, at the Las Vegas location or Carson City, whichever is more convenient for you. If your request does not reach the Hearings Division within seventy (70) days from the date of this letter, you may lose your right to appeal the decision.

P.O. Box 4026, Concord, CA 94124, Phone 702-688-5026

①

P10050

RA 0045



AmTrust North America

An AmTrust Financial Company

Sean Fitzgerald
Claim No.: 1238170-1
Page 2

If you have any questions or if I can be of any further assistance to you, please do not hesitate to contact me at (702) 688-5026. Our fax number is (216) 643-5500.

Sincerely,

Michele Goodes
Senior Claims Adjuster

Enclosure(s)

CC: File
Mobile Billboards LLC

P.O. Box 4026, Concord, CA 94124, Phone 702-688-5026

②

P10051

RA 0046

WAGE CALCULATION FORM FOR CLAIMS AGENT'S USE

RE: Injured Employee: Sean Fitzgerald Date of Injury: 4/30/14
 Social Security No.: _____ Claim No.: 1238170
 Employer: Mobile Billboards Insurer: TAR WV
 Third-Party Administrator: AmTRUST NORTH AMERICA

Average Monthly Wage is defined in NAC 616C.420 through 616C.447.

The priorities for determining wage history are:

1. A 12-week history of earnings (84 days).
2. If a 12-week period of earnings is not representative of the injured employee's average monthly wage, a period of one year or the full period of employment, if it is less than one year, may be used. A period of one year or the full period of employment must be used if the average monthly wage would be increased. Divide by the number of days in the period.
3. If period of employment is more than four weeks, but less than twelve weeks, earnings from the date of hire will be used. Divide by the number of days in the period.

4. If period of employment is less than four weeks, average monthly wage will be calculated by multiplying rate of pay on the date of the accident or disease, by hours in employee's projected working schedule, divide by 7 and multiply by 30.44.

If other circumstances apply, see NAC 616C.435.

25 days employed

AVERAGE MONTHLY WAGE - Calculate AMW in the following manner:

Period of earnings: beginning date _____ through end date _____

Gross earnings _____ + tips _____ ÷ by number of days

in wage history _____ x 30.44 = Average Monthly Wage: \$ _____

HOURLY RATE - Hourly rate of pay \$15.60 x number of hours

projected to work per week 40 ÷ 7 x 30.44 = Average Monthly Wage: \$ 2,609.14

VALUE OF ROOM AND/OR BOARD

Room (Monthly Value) _____ \$ _____

Board (Monthly Value) _____ \$ _____

VALUE OF MEALS - If meals are provided by the employer, see NAC 616C.423(1)(p) and use the following formula:

Amount for meals per day _____ x number of days hired

to work per week _____ = _____ ÷ 7 x 30.44 = Meals per Month: \$ _____

ADD applicable lines to obtain total Average Monthly Wage: \$ _____

DAILY RATE - is to be calculated in the following manner:

Average Monthly Wage 2,609.14 x 8 ÷ 12 ÷ 30.44 Daily Rate: \$ 57.14

Date 5-20-14

Signature Nichole Doores

D-5 (rev. 7/99)

OK N. Doores
5/21/14

(3)

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RA 0047

Company Code Number Page
RQ / CFD 20078607 14787 1 of 1
Hillsboro Enterprises Inc
4558 W Hacienda
Las Vegas, NV 89118

Earnings Statement



Period Starting: 04/06/2014
Period Ending: 04/19/2014
Pay Date: 04/25/2014

Taxable Marital Status: Single
Exemptions/Allowances: Tax Override:
Federal: 0 Federal:
State: 0 State:
Local: 0 Local:
Social Security Number:

Sean Fitzgerald
3722 St Charles Ct
Las Vegas, NV 89031

Earnings	rate	hours/units	this period	year to date
Regular	15.0000	62.00	930.00	930.00
Overtime	22.5000	5.52	124.20	124.20
Gross Pay			\$1,054.20	\$1,054.20

Statutory Deductions	this period	year to date
Federal Income	-127.70	127.70
Social Security	-65.36	65.36
Medicare	-15.29	15.29
Net Pay	\$845.85	

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Your federal taxable wages this period are \$1,054.20

TEAR HERE

P10054

RA 0049

Company Code Number Page
RQ / IZC 20320971 11624 1 of 1
MobileBillboardsLLC
4558 W Hacienda Ave
Las Vegas, NV 89118

Earnings Statement



Period Starting: 04/13/2014
Period Ending: 04/26/2014
Pay Date: 05/02/2014

Taxable Marital Status: Single
Exemptions/Allowances: Tax Override:
Federal: 0 Federal:
State: 0 State:
Local: 0 Local:
Social Security Number:

Sean Fitzgerald
3722 St Charles Ct
Las Vegas, NV 89031

Earnings	rate	hours/units	this period	year to date
Regular	15.0000	40.00	600.00	600.00
Overtime	22.5000	16.90	380.25	380.25
Gross Pay			\$980.25	\$980.25

Statutory Deductions	this period	year to date
Federal Income	-116.61	116.61
Social Security	-60.78	-60.78
Medicare	-14.21	14.21
Net Pay	\$788.65	

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Your federal taxable wages this period are: \$980.25

TEAR HERE

P10055

RA 0050

Company Code
RQ/IZC 20320971
Mobile Billboards LLC
4558 W Hacienda Ave
Las Vegas, NV 89118

Number
11625
Page
1 of 1

Earnings Statement



Period Starting: 04/27/2014
Period Ending: 05/03/2014
Pay Date: 05/09/2014

Taxable Marital Status: Single
Exemptions/Allowances: Tax Override:
Federal: 0 Federal:
State: 0 State:
Local: 0 Local:
Social Security Number:

Sean Fitzgerald
3722 St Charles Ct
Las Vegas, NV 89031

Earnings	rate	hours/units	this period	year to date
Regular	15.0000	35.00	525.00	1125.00
Overtime			0.00	380.25
Gross Pay			\$525.00	\$1,505.25

Statutory Deductions	this period	year to date
Federal Income	-48.32	164.93
Social Security	-32.55	93.33
Medicare	-7.62	21.83
Net Pay		\$436.51

Your federal taxable wages this period are: \$525.00

P10056

RA 0051

Company Code Number Page
RQ / IZC 20320971 11651 1 of 1
Mobile Billboards LLC
4558 W Hacienda Ave
Las Vegas, NV 89118

Earnings Statement



Period Starting: 04/27/2014
Period Ending: 05/10/2014
Pay Date: 05/16/2014

Taxable Marital Status: Single
Exemptions/Allowances: Tax Override:
Federal: 0 Federal:
State: 0 State:
Local: 0 Local:
Social Security Number:

Sean Fitzgerald
3722 St. Charles Ct
Las Vegas, NV 89031

Earnings	rate	hours/units	this period	year to date
Regular	15.0000	40.00	600.00	1725.00
Overtime	22.5000	0.50	11.25	391.50
Gross Pay			\$611.25	\$2,116.50

Statutory Deductions	this period	year to date
Federal Income	-61.26	226.19
Social Security	-37.89	131.22
Medicare	-8.86	30.69
Net Pay		\$503.24

COPY

COPY

Your net pay is \$503.24 and your gross pay is \$611.25

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P10057

RA 0052

EXHIBIT D



AmTrust North America

An AmTrust Financial Company

October 20, 2014

SEAN FITZGERALD
C/O JAMES KEMP, ESQ.
7435 W. AZURE DR., SUITE - 110
LAS VEGAS NV 89130

Re: Claimant: Sean Fitzgerald
D.O. I.: 04-30-14
Claim No.: 1238170
Employer: Southwest Airlines

CALENDARED

Dear Mr. Fitzgerald:

Your treating physician, Michael L. Lee, MD has found that you are at maximum medical improvement for your industrial injury. He has noted however that he feels you have sustained permanent restrictions as a result of your injury and in an effort to establish the extent of those restrictions he has requested that you participate in a Functional Capacity Evaluation.

Your appointment has been scheduled with Matt Smith Physical Therapy, for Thursday, 30 October 14 at 10:30 a.m. Please arrive thirty (30) minutes early for this appointment to assure that all the required paperwork is completed. You will need to assure that you wear loose comfortable clothing and rubber soled athletic shoes.

The office is located at 3233 W. Charleston Blvd, Suite #107, Las Vegas, Nevada, 89102. The telephone number is 702-258-9381.

If you, your attorney or your employer disagrees with this determination, you have the right to file an appeal and mail it along with a copy of this determination letter directly to the Hearing Officer, Department of Administration 2200 South Rancho, Suite 210, Las Vegas, Nevada 89102 for all southern Nevada Claims. For Northern Nevada claims, the request for hearing and a copy of this determination letter should be sent to; 1050

P.O. Box 4026, Concord, CA 94524, Phone 702-588-5023



P10181

RA 0053

East William Street, Suite 400, Carson City, Nevada 89710. If your request does not reach the Hearings Division within seventy days (70) from the date of this letter, you may lose your right to appeal the determination.

If you have any questions regarding this letter please contact your attorney.

Sincerely,



Ted R. Rhodes
Senior Claims Adjuster

Cc: Claimant Attorney
Employer
File
Doug Ellis, Matt Smith PT /With medical reporting

P10182

RA 0054

REQUEST FOR HEARING - CONTESTED CLAIM
(Pursuant to NAC 616C.274)

REPLY TO: Department of Administration
Hearings Division
1050 E. William Street, Ste. 400
Carson City, NV 89701
(775) 687-8440

OR Department of Administration
Hearings Division
2200 S. Rancho Drive, Suite 210
Las Vegas, NV 89102
(702) 486-2525

Employee Information	
Employee's Name and Address	
Employee's Telephone Number	Claim No.
	Date of Injury
Insurer Information	
Insurer's Name and Address	
Insurer's Telephone Number	

Employer Information
Employer's Name and Address
Employer's Telephone Number
Third-Party Administrator Information
Third-Party Administrator's Name and Address
Third-Party Administrator's Telephone Number

Do Not Complete or Mail This Form Unless You Disagree With the Insurer's Determination.

YOU MUST INCLUDE A COPY OF THE DETERMINATION LETTER OR A HEARING WILL NOT BE SCHEDULED PURSUANT TO NRS 616C.315.

Briefly explain the basis for this appeal:

The Injured Employee

This request for hearing is filed by, or on behalf of: **The Employer**

and is dated this _____ day of _____, 20_____.

Signature of Injured Employee/Employer

Injured Employee's/Employer's Rep. (Advisor)
D-12a (Rev. 12/07)

P10183

RA 0055

EXHIBIT E



AmTrust North America

An AmTrust Financial Company

October 20, 2014

SEAN FITZGERALD
3732 ST CHARLES COURT
NORTH LAS VEGAS NV 89031

RE: Claim No.: 1238170
Accident: 04-30-14
Employer: Mobile Billboards

Dear Mr. Fitzgerald:

Based on the information provided by your treating physician Michael Lee, MD, your treatment for your industrial injury is nearing maximum medical benefits. He has noted in the last reporting submitted by his office that you may have permanent restrictions as a direct result of this injury.

You have been scheduled for a Functional Capacity Evaluation and that information was sent out to you under separate cover.

As a result of your industrial injury and pending the results of your functional capacity evaluation, you have been assigned to a vocational rehabilitation counselor, Ira Spector. The purpose of this referral is to establish if you will be eligible for vocational rehabilitation services as noted in the Nevada Revised Statutes. The name of the company is Certified Vocational Services. He will be in touch with you to set up an appointment.

If you or your employer disagrees with this decision, you have the right to file an appeal and mail it directly to the Hearing Officer, Department of Administration, nearest your location as noted at the top of the enclosed form. If your request does not reach the Hearings Division within seventy (70) days from the date of this letter, you may lose your right to appeal the decision.

AmTrust North America, Inc.
P. O Box 4026 • Concord, CA, 94524 • 702-688-5021 • Fax: 702-405-8080
www.amtrustgroup.com

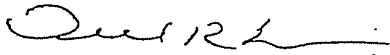


P10184

RA 0056

If you have any questions or if I can be of any further assistance to you,
please do not hesitate to contact me at 702-688-5026.

Sincerely,



Ted Rhodes
Senior Claim Adjuster

Enclosure

Cc: Mobile Billboards
File
J P Kemp Esquire
Ira Spector

P10185

RA 0057

REQUEST FOR HEARING - CONTESTED CLAIM
(Pursuant to NAC 616C.274)

REPLY TO: Department of Administration
Hearings Division
1050 E. William Street, Ste. 400
Carson City, NV 89701
(775) 687-8440

OR Department of Administration
Hearings Division
2200 S. Rancho Drive, Suite 210
Las Vegas, NV 89102
(702) 486-2525

Employee Information	
Employee's Name and Address	
Employee's Telephone Number	Claim No.
	Date of Injury
Insurer Information	
Insurer's Name and Address	
Insurer's Telephone Number	

Employer Information	
Employer's Name and Address	
Employer's Telephone Number	
Third-Party Administrator Information	
Third-Party Administrator's Name and Address	
Third-Party Administrator's Telephone Number	

Do Not Complete or Mail This Form Unless You Disagree With the Insurer's Determination.

YOU MUST INCLUDE A COPY OF THE DETERMINATION LETTER OR A HEARING WILL NOT BE SCHEDULED PURSUANT TO NRS 616C.315.

Briefly explain the basis for this appeal:

The Injured Employee

This request for hearing is filed by, or on behalf of: **The Employer**

and is dated this _____ day of _____, 20_____.

Signature of Injured Employee/Employer

Injured Employee's/Employer's Rep. (Advisor)
D-12a (Rev. 12/07)

P10186

RA 0058

EXHIBIT F



AmTrust North America
An AmTrust Financial Company

December 12, 2014

SEAN FITZGERALD
3732 ST CHARLES COURT
NORTH LAS VEGAS NV 89031

Re: Claimant: Sean Fitzgerald
D.O. I.: 04-30-14
Claim No.: 1238170
Employer: Mobile Billboards

CORRECTED AVERAGE MONTHLY WAGE

Dear Mr. Fitzgerald:

This letter is to advise that the October 18, 2014 letter regarding your average monthly wage is being rescinded. Your average monthly wage has been re-instated at \$2,948.98 for a daily rate of \$64.59.

A check will be sent to your home under separate cover for an underpayment of \$312.90 for the dates of payment from October 6, 2014 through November 18, 2014.

If you or your attorney disagree with this decision, you have the right to file an appeal and mail it directly to the Hearing Officer, Department of Administration, at the Las Vegas location or Carson City, whichever is more convenient for you. If your request does not reach the Hearings Division within seventy (70) days from the date of this letter, you may lose your right to appeal the decision.

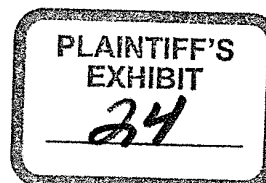
Sincerely,

Kristina L Westbay
Supervisor

Enclosures as stated

cc: JP Kemp Esquire
Mobile Billboards
Claim File

P.O. Box 4026 • Concord, CA 94524
(p) 702.688.5020 • (f) 702.405.8080 • www.amtrustgroup.com



P10201

RA 0059

REQUEST FOR HEARING - CONTESTED CLAIM
(Pursuant to NAC 616C.274)

REPLY TO: Department of Administration
Hearings Division
1050 E. William Street, Ste. 400
Carson City, NV 89701
(775) 687-8440

OR Department of Administration
Hearings Division
2200 S. Rancho Drive, Suite 210
Las Vegas, NV 89102
(702) 486-2525

Employee Information	
Employee's Name and Address	
Employee's Telephone Number	Claim No.
	Date of Injury
Insurer Information	
Insurer's Name and Address	
Insurer's Telephone Number	

Employer Information	
Employer's Name and Address	
Employer's Telephone Number	
Third-Party Administrator Information	
Third-Party Administrator's Name and Address	
Third-Party Administrator's Telephone Number	

Do Not Complete or Mail This Form Unless You Disagree With the Insurer's Determination.

YOU MUST INCLUDE A COPY OF THE DETERMINATION LETTER OR A HEARING WILL NOT BE SCHEDULED PURSUANT TO NRS 616C.315.

Briefly explain the basis for this appeal:

The Injured Employee

This request for hearing is filed by, or on behalf of: **The Employer**

and is dated this _____ day of _____, 20_____

Signature of Injured Employee/Employer

Injured Employee's/Employer's Rep. (Advisor)

D-12a (Rev. 12/01)

P10202

RA 0060

EXHIBIT G

From: **vincent bartello** vincebartello@gmail.com
Subject: Sean Fitzgerald
Date: May 21, 2014 at 9:40 AM
To: Michele Goodes Michele.Goodes@airlinestgroup.com
Cc: ericahillsboro@gmail.com



Hi Michele,

We looked in Sean's toolbox looking for some time cards and we found a bottle with one pill left in it. He was prescribed this medication on 4/04/14 Hydroco/Acetamin .

Sean never informed me of this!

As you know he's not allowed to operate any type of machinery while taking this medication which he never informed us he was taking!

When he came to pick up his tools Monday we had him sign a list of everything he was picking up. On that list was the medication we found in his toolbox. He said he was taking that medication because he broke his back prior to working for us!

5/1/14 8:25 pm

Sean,

I asked you to call me yesterday. I heard from another employee that you hurt your thumb on the job. For you just to take off and not talk to your employer about it is unacceptable! I understand that you were getting your thumb looked at but I still haven't heard from you! Now a day later I still haven't heard from you! I need to talk to you before you return to work.

Regards,

Vince



000001

Defendants Hillsboro et al

RA 0061

EXHIBIT H

FAX

Subject: Missing Property

Date June 17, 2014

To: Rachel

From: Sean Fitzgerald

Phone 702-966-5200

Phone 702-478-0075

number:

number:

Fax 702-966-5206

No. of 3

number:

pages

Comments:

Urgent: Please follow up on this as soon as possible. Thank you



Description	Cost	Sizes missing							
Titan 22-Piece SAE & Metric Combination Wrench Set	\$ 29.99								
Craftsman 14 pc. Metric 12 pc. Combination Wrench Set	\$ 71.00	11 mm	12 mm	16 mm	9/16	5/8	3/4		
Husky Metric Combo Wrench Set	\$ 19.95	18 mm	14 mm	13 mm					
Kobalt Ratcheting Combination Wrench Set 8 pc Box End	\$ 89.99	15 mm	13 mm	11 mm	10 mm	9 mm	8 mm		
		17 mm	16 mm	13 mm	12 mm	11 mm	10 mm		
SNAP-ON Socket Set, 1/2", Impact, Shallow, 6-Point (15 pcs.) (10 to 24 mm)	\$ 252.00	18 mm	15 mm	23 mm	22 mm				
SNAP-ON Socket Set, 1/2", Impact, Deep, 6-Point (15 pcs.) (10 to 24 mm)	\$ 400.00	22 mm	21 mm	20 mm	19 mm	18 mm	17 mm		
SNAP-ON Socket Set, 3/8", Deep, 6-Point (12 pcs.) (8 to 19 mm)	\$ 258.00	19 mm	18 mm	16 mm	15 mm	14 mm	13 mm	12 mm	11 mm
SNAP-ON 1/4" extension - 4"	\$ 18.50								
SNAP-ON 1/4" extension - 12"	\$ 24.00								
SNAP-ON 3/8" Drive Flex Head 12" Long Handle Ratchet	\$ 129.95								
SNAP-ON 1/2" Drive Flex Head 25" Long Handle Ratchet	\$ 199.95								
SNAP-ON Blue-Point Screwdriver Combination 7 pcs	\$ 66.95								
SNAP-ON Drill and Flashlight (serial 110511776)									
Duralast 1/4" Short Socket	\$ 4.98	15 mm							
Duralast 1/4" Deep Socket	\$ 24.95	15 mm	13 mm	10 mm	8 mm	4.5 mm			
Duralast 3/8" Short Socket	\$ 19.96	19 mm	9 mm	8 mm	6 mm				
Duralast 3/8" Deep Socket	\$ 9.98	20 mm	7 mm						
OEM/Serpentine belt tensioner tool	\$ 30.00	15mm	16mm	9" Adapter 1/2" drive					
Streamlight Fast Charger Stinger Holder	\$ 35.00								
Sony VAIO Laptop (red) w/ Charger	\$ 1,200.00								
Prescription Loratab 7.5 (30 pills)									

EXHIBIT I

From: **vincent bartello** vincebartello@gmail.com
Subject: Re: Sean Fitzgerald - 2222333333WOW
Date: May 21, 2014 at 10:49 AM
To: Michele Goodes Michele Goodes@amtrustgroup.com



Yes, call Erica or I at 702-2362323 or Erica at 702-2364466

Sent from my iPhone

On May 21, 2014, at 10:20 AM, Michele Goodes
<Michele.Goodes@amtrustgroup.com> wrote:



WOW

*Was he drug tested on the date of injury 4/30/14?? I ask because if he had hydrocodone in his system, we may be able to deny the claim as it stands right now but if he was under the influence of medication, that medication would have to be the proximate cause of his injury pursuant to NRS616C.230:

NRS 616C.230 Grounds for denial, reduction or suspension of compensation; evidence of and examination for use of alcohol or controlled substance.

1. Compensation is not payable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS for an injury:

(a) Caused by the employee's willful intention to injure himself or herself.

(b) Caused by the employee's willful intention to injure another.

** (c) Proximately caused by the employee's intoxication. If the employee was intoxicated at the time of his or her injury, intoxication must be presumed to be a proximate cause unless rebutted by evidence to the contrary.

** (d) Proximately caused by the employee's use of a controlled substance. If the employee had any amount of a controlled substance in his or her system at the time of his or her injury for which the employee did not have a current and

lawful prescription issued in the employee's name or that the employee was not using in accordance with the provisions of chapter 453A of NRS, the controlled

000118

Defendants Hillsboro et al

The compensation must be suspended until the injured employee is able to resume treatment, testing or examination for the industrial injury. The insurer may elect to pay for the treatment of the nonindustrial condition or injury.

It comes down to this:

You, as the employer, you reserve the right and you may write him up or terminate him (NV is a right to work state) for bringing a controlled substance into work and possibly (I say possibly because we don't know for sure) taking a controlled substance during working hours.

As far as him ignoring you or ducking you, I will review my incoming faxes/mail to see if I received a current work status note and if it says modified duty, lets get a paper trail going that says you are able to offer a temporary modified duty position to him within restrictions set forth by his authorized treating physician so we are not stuck having to pay this guy benefits to be off of work. As I understand it, anyone being paid temporary total disability benefits (TTD) on a claim raises your premiums. NV regulations do state that if a temporary modified duty position can be offered, employer may do so verbally but must make the offer in writing within 10 working days. The position must be similar with regards to his training and education, the job can't be demeaning, the job must be within 80% of his normal pay and has to be substantially similar in location, pay and job duties.

Additionally, do you recall when we spoke last that I said either someone is coaching him or he's had a claim before? I love it when I'm right! In this case I didn't want to be right though.

I can call you in a bit if you like and we can talk further about it.

Thanks for the heads up and will note his file.

Michele Y. Goodes, Sr. Claims Examiner
AmTrust North America, Inc.

Sean,

I asked you to call me yesterday. I heard from another employee that you hurt your thumb on the job. For you just to take off and not talk to your employer about it is unacceptable! I understand that you were getting your thumb looked at but I still haven't heard from you! Now a day later I still haven't heard from you! I need to talk to you before you return to work.

Regards,

Vince

AOMobile - AmTrust Financial Services, Inc. Download on the App StoreSM <<https://itunes.apple.com/us/app/aomobile/id626262396?mt=8&uo=4>> | Get it on Google PlayTM <<https://play.google.com/store/apps/details?id=com.amtrust.aomobile>>

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EXHIBIT J

INVENTORY LIST – May 19, 2014		
ITEM	SMF	VB
BLACK AND GREY TOOLBOX		
1 black toolbox made by Marco black and grey		
1 black handle knife		
1 black flashlight made by streetlight		
1 Pittsburgh alien wrench 3/8, 5/16, 7/32, 3/16, 5/32, 5/64, 3/32, 1/16, red handle		
1 Pittsburgh Alan wrench 8mm, 6mm, 10mm, 5mm, 1.5mm, 3mm, 4mm, 2.5mm, 2mm grey handle		
1 Stanley racket professional 86-200 Pat 4280379		
1 ratchet chrome 3/8 no name		
1 ratchet chrome 3/8 no name		
1 ratchet chrome 1/4 no name		
1 Dora last ratchet with bendable handle		
1 silver flashlight "max"		
1 screwdriver Phillips yellow handle		
1 craftsman extension 1/2 6 inch long		
1 extension 1/2 10 inch long no name		
1 snap on extension bar FXK 8		
1 black handle screwdriver		
1 snap on screwdriver SDD2 USA	not mine	
1 black handle pick bent		
1 O'reilly screwdriver red handle		
1 red and black screwdriver		
1 snap pliers crescent tool company 940 6 Us		
1 needle nose pliers Pittsburgh, blue handle		
1 pliers Oee Tee co. one black handle		
1 needle nose pliers red handle SF		
1 blue handle screwdriver		
1 roll of black tape		
1 black safety glasses		
1 right hand mechanics glove		
3 pens		
1 snap on hole punch 1/4 FFC208A	not mine	
1 snap on hole punch 3/16 PPC4A		
1 box end wrench power built 13mm		
1 box end wrench Pittsburgh 9/16		
1 box end wrench power built 3mm		
1 tube of thread lock red		
1 screwdriver flathead blue and clear handle		
1 orange pray bar plastic scosche		
1 bottle of TUMS extra strength 750		

SMF



000121

Defendants Hillsboro et al

RA 0067

✓ 3 torque wrenches no name 2-1207014862, 1-0807009078, MKRS		
✓ 4 crest wrench 12" pro teck, 8" sears 30881, 6" taskforce 6" husky red and black handle		
2 wire cutters blue point BDG57CP, red handle rusty		
✓ 2 spring wire pliers no name		
✓ 1 pittsburgh wire cutters		
1 chrome wire cutters		
1 blue point wire cutters BDG88CP		
1 blue handle mity creeper DES366499		
2 needle nose strait snap on 968CP, round it GB		
1 needle nose blue point round BDG9845CP		
2 channel locks 440, 430		
1 tinsnappers red handle WISS-MI		
1 needle purple western		
1 red handle vise grip power built		
1 yellow wire cutter no name		
1 nail puller red and black handle		
1 red and black wire cutters CSP30-7		
✓ 1 chrome tooth puller		
✓ 5 blue and 3 gray flatheads, 2 piles		
✓ 2 star screwdriver Pittsburgh		
✓ 8 chrome star screwdriver red and black handle		
✓ 1 screwdriver orange and blue handle		
2 pittsburgh star screwdriver		
✓ 1 husky flathead 674-524ACHD		
✓ 1 craftsman flathead screwdriver		
✓ 1 handyman flathead screwdriver 63366		
1 ideal screwdriver flathead 35-406		
1 flathead 3/16x3 inch		
1 flathead snap on screwdriver 201171		
1 flathead screwdriver 25X50		
2 picks red and black handle, wood handle		
1 red and black chrome nail puller		
1 red and black handle socket power built		
✓ 8 phillips screwdrivers 2 pittsburgh, 2 red handle no name, 1 blue handle no name, 1 green handle noname, 1 black and yellow Stanley		
4 craftsman flatheads 41581, 41582, 3 41582		
9 craftsman wrench open end 22mm, 19mm, 17mm, 16mm, 12mm, 11mm, 10mm, 8mm, 6 are missing		
1 stanley 85-939 18mm		
1 gearwrench 15mm		

SMF



000122

Defendants Hillsboro et al

RA 0068

5/8, 5/6, 13mm, 15mm, 7/16, 5/16, 1/4, 11/32, 3/8, 9/16, 1/2, 5mm, 5/16, 12mm, 9mm, 5/16, 8mm, 12mm, 5.5mm, 1/4, 8mm, 1/4, 3/16, 3/16, 3/8, 5/16, 4.5, 7/16, 7mm, 10mm, 11/13, 4mm, 5/16, 3/16, 5/16, 5/16, 5/16, 5 sockets unknown		
SECOND SHELF		
1 house slippers black		
1 bandana		
1 can of bearing grease wurth		
1 pair o brown shoes with one dirty sock		
1 right foot house slipper		
1 wire brush with wooden handle		
4 brake pads used		
1 black empty box with a small battery		
1 roll of blue tape		
THIRD SHELF		
1 first alert fire extinguisher NU 389683		
1 yellow and black shop light 370811345		
1 orange jack stand		
6 kobalt sockets 13mm, 8mm, 12mm, 5mm, 5mm, 3/16		
2 duralast sockets 6mm, 9mm,		
12 japan 12mm, 7/16, 9/16, 13mm, 10mm, 3/5mm 5mm, 5mm, 7mm, 11/32, 1/4, 4.5mm		
1 power built 11/32		
5 craftsman 7/16, 12mm, 7/32, 5/16		
2 power built 12mm, 3/8		
2 oem 16mm, 1/2		
2 duralast 11mm, 5mm		
8 ace 18mm, 7mm, 13/16, 7mm, 11/16, 10mm, 11mm, 5.5mm		
1 sk 14mm		
1 husky pro 14mm		
32 no name sockets 3/16, 9/32, 4.5mm, 5/16, 4mm, 6mm, 5/32, 11/32, 8mm, 3/8, 3/8, 7/16, 10mm, 9/16, 6mm, 15mm, 1/2, 10mm, 12mm, 4mm, 11mm, 13mm, 9mm, 9mm, 8mm, 4.5mm, 5/32, 15/16, 9/32, 1/4, 11/32, 7mm		
SEAN'S TOOL INVENTORY IN ORANGE BOX		
1 digital inducker T1F250		
6 spark plug grips	Not mine	
1 red and silver bushing	Not mine	
1 clear bowl with \$4.03 in change		
1 black socket tray with 9 socket power built 1 1/16 CR-V , craftsman 5/8 43324, snap on 15/16		

SMF

000123

Defendants Hillsboro et al

RA 0069

✓	duralast 4mm 75-700		
✓	1 extension reducer 1/2 to 3/8		
✓	1 extension reducer 1/2 to 3/8		
✓	4 extension reducer 1/4 to 1/8		
✓	2 socket drill holder		
✓	1 magnet screwdriver holder for drill		
✓	1 clear bowl with 15 sockets chrome vanadium 19mm, 17mm, power built 15mm CR-V, 14mm no name, 3/16 no name, 5/16 no name, 11mm no name, 10mm CR-V no name, 11mm CR-V no name, kobalt 8mm CR-V no name, 9mm CR-V no name, 4mm CR-V no name, 5mm Cr-V no name, husky pro 17mm 23517P		
✓	1 white tayy with sockets 11mm no name, powerbuilt 15 CR-V, Pittsburgh 22 10110 CR-V, pittsburgh 21 10119, chrome vanadium 17mm, 19mm, duralast 19mm, 16mm, 14mm, 12mm, 14 75-730, 19, 13 75-113, 13 75-711, 11, craftsman 15/16 44065, 16mm, 44433, 6mm 43577, 7mm 43548, 5mm 43547, 12mm 43544		
✓	1 tape measure-Stanley fat max 25 foot--	not mine	
✓	1 black and grey tool bag Sonoma		
Miscellaneous Items			
✓	1 tekz magnetic part dish		
	1 55gallon drum of roadrunner green heavy-duty antifreeze/coolant 1/2 full with pump on top		
	1 JVC stereo receiver model no. CA-HXD77, Sn 13111848		
	2 speaker system model no. SP-HXD77, Sn 131271 and model no, SISN 131271		
	2 rc jack hook up to stereo		
	Flash drive	not mine	
	1 dreemel bos with rusty tools		
	1 dremal tool moto-tool model no. 395 with a grinder tool in it		
	1 orange hammer		
	1 craftman hammer		
	1 3lp hammer red and black		
	1 velleman light tester DVm850BL		
	1 scoscug light test plug that plugs into cigar light		
	3 puttey knives red devil and one blue point	not mine	
	1 exception mirror square		
	1 oem chrome tool with 1/2, 3/8, 1/2, 3/16, 5/16,		

SMF 

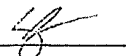
000124

Defendants Hillsboro et al

RA 0070

1 snap on socket 19 SFSM19		
1 snap on socket 17 SFSM17		
1 craftsman socket 5/8 440557		
1 craftsman socket 10mm 45542		
1 snap on socket 11 SFSM11		
1 snap on socket 13 SFSM1319		
1 snap on socket 13 SFSM13		
1 snap on socket 14 SFSM14		
1 snap on socket 19 SFSM19		
1 snap on socket 17 SFSM17		
1 craftsman socket 5/8 440557		
1 plastic bowl with a penny in it		
1 plastic bowl with sockets, bolts, nuts, small screwdriver finger type, chrome 90% screwdriver Phillips and flathead		
1 dualist socket 17 in bowl		
1 craftsman socket 13mm 45869		
1 craftsman socket 13mm 45869		
1 craftsman socket 15mm 43547		
1 magnet pin excitable		
1 homemade socket with thread on side		
1 flex extension with black tape on it		
1 alien wrench t25x150 blue handle		
1 box end wrench steel man 3/4 chrome vanadium		
1 box end wrench chrome vanadium 18		
1 box end wrench kobalt 19mm off 23016		
1 box end wrench snap on OEMX140 pat 3273430		
1 box end wrench kobalt 14mm 23013		
1 box end wrench husky pro 16 37516p		
1 box end wrench power built 15mm		
1 craftsman wrench 15/16 and 1 inch open end		
1 box end wrench kobalt 14mm 23013		
1 box end craftsman wrench 5/8 44387		
1 box end all trade 3/4		
1 box end wrench husky pro 5/8 37012p		
1 box end wrench chrome vanadium 13		
1 box end wrench husky pro 3/8 37012p		
1 box end wrench craftsman 16mm 42924		
9 box end wrench husky pro 9/16 37018p, 7/16 37014p, 5/8 37020p, 12 37512p, 14 37514p, 3/8 37012p, 6 66406p, 12 37512p, 1/2 37016p		
# box end wrench craftsman 11/16 44698, 18mm 42925, 9/16 44696, 5/8 44697, 7/16 44694, 3/8 44693, 9/16 44386, 12mm 42916, 10mm 42914,		

SMF



000125

Defendants Hillsboro et al

RA 0071

✓	1 8 piece combination wrench set		
✓	7 pittsburgh ratchet sets 13,14,15,16,17,19 metric		
✓	2 alltrade 1 1/4 1 1/8 1"		
1	1 greatnecks 1 1/8		
	2 craftsman racket 10" 44809		
	1 craftsman racket 6" CR-V		
	3 duralast extension bars 78-832, 73-834, 71-403		
	1 power built 5" CR-V extension bar		
	1 crescent extension bar 5" CR-V		
	1 extension bar 8"		
	4 snap on extension bars		
	1 black socket holder with ace 1/2, 3/8, 11/32 craftsman, 5/16, 9/32, 3/16, 9/16, 3/8		
	1 black socket tray with 9 sockets 9/16 craftsman, 3/4 ace, 11/16 craftsman, 9/16 craftsman, 5/8 craftsman, 1/2, 7/16, 3/8, 5/8		
AD	1 central pneumatic air cut off toll, itm 47077 3" inch high speed		
Y	5 presser releaf tool plastic 1 red, 1 dark blue, 1 light blue, 1 black, 1 gray		
	1 dewalt DW920 7.2 volts heavy duty cordless screwdriver sn. 070660 with 2 battery packs model no. Dw9057, DW9057, and charger model no. DW9118, all in a black case		

I, Sean Michael Fitzgerald, do hereby claim ownership of the above listed items and do hereby acknowledge receipt of the above listed items on May 19, 2014.

SEAN MICHAEL FITZGERALD

Snap on Pry Bar 3f
12m Die annder
cut off

Bell Pliers

14 Pry Bar

3m 3/8 12 m

Belt Bar

Socket

Reserver/SUD

Snap on Battery

Charger

18V Charge Power Strin

SMF

000126

Defendants Hillsboro et al

RA 0072

EXHIBIT K

ORIGINAL

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

JUL 19 2019 at 1:50pm.

DISTRICT COURT
CLARK COUNTY, NEVADA

SEAN FITZGERALD,

Plaintiff,

vs.

HILLSBORO ENTERPRISES INC., a Nevada
Corporation; and, MOBILE BILLBOARDS,
LLC, a Nevada Limited Liability Company;
EBVB HOLDINGS, LLC, a Nevada Limited
Liability Company; VINCE BARTELLO, an
individual; ERICA BARTELLO, an
individual; and DOES I through X; and ROE
BUSINESS ENTITIES I through X, inclusive,

Defendants.

Case No.: A-15-716570-C

Dept. No. VIII

Trial Date: July 15, 2019

Trial Time: 9:30 a.m.

BY, Carol Donahoo
CAROL DONAHOO, DEPUTY

SPECIAL VERDICT FORM

Please answer the following in accordance with the jury instructions that you have been provided:

Claim for Retaliatory Discharge

As to the Plaintiff's claim that he was discharged in retaliation for filing or pursuing a workers' compensation claim, do you find that the Plaintiff has met his burden in establishing this claim?

☒ Yes

☐ No

If you marked "Yes," you will be asked below what damages you award, if any. Go on to the next Claim.

DISTRICT COURT
CLARK COUNTY, NEVADA

SEAN FITZGERALD,

Plaintiff,

vs.

HILLSBORO ENTERPRISES INC., a Nevada
Corporation; and, MOBILE BILLBOARDS,
LLC, a Nevada Limited Liability Company;
EBVB HOLDINGS, LLC, a Nevada Limited
Liability Company; VINCE BARTELLO, an
individual; ERICA BARTELLO, an
individual; and DOES I through X; and ROE
BUSINESS ENTITIES I through X, inclusive,

Defendants.

) Case No.: A-15-716570-C

) Dept. No. VIII

) Trial Date: July 15, 2019

) Trial Time: 9:30 a.m.

SPECIAL VERDICT FORM

Please answer the following in accordance with the jury instructions that you have been provided:

Claim for Retaliatory Discharge

As to the Plaintiff's claim that he was discharged in retaliation for filing or pursuing a workers' compensation claim, do you find that the Plaintiff has met his burden in establishing this claim?

☒ Yes

☐ No

If you marked "Yes," you will be asked below what damages you award, if any. Go on to the next Claim.

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Claim for Conversion

As to Plaintiff's claim that he suffered damages as a result of Defendants' Conversion of his property (as defined in the jury instructions), do you find that Plaintiff has met his burden in establishing this claim as to the following Defendants?

VINCE BARTELLO	<u>✓</u> Yes	<u> </u> No
ERICA BARTELLO	<u> </u> Yes	<u>✓</u> No
MOBILE BILLBOARDS, LLC	<u>✓</u> Yes	<u> </u> No
HILLSBORO ENTERPRISES, INC.	<u>✓</u> Yes	<u> </u> No
EBVB HOLDINGS, LLC	<u> </u> Yes	<u>✓</u> No

If you marked "Yes," you will be asked below what damages you award, if any. Go on to the next Claim.

Claim for Punitive Damages

If you have found in favor of Plaintiff on one or both of his claims of Retaliatory Discharge or Conversion, do you find that an award of punitive damages would be appropriate in this case? (Mark "Yes" or "No")

 Yes ✓ No

If you marked "Yes," DO NOT ASSESS ANY AMOUNT AT THIS TIME. The Court will instruct you further with regard to this matter.

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ACTUAL DAMAGES

If you marked "Yes" to the question above regarding Plaintiff's Retaliatory Discharge claim, how much do you award for Sean Fitzgerald's actual damages?

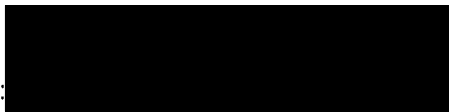
- a. Past economic loss, including loss of wages, salary, or compensation \$ 56,000
b.. Past noneconomic loss including shame, mortification, or hurt feelings \$ 0
c. Future noneconomic loss including shame, mortification, or hurt feelings \$ 0

If you marked "Yes" to the question above regarding Plaintiff's Conversion claim, how much do you award for his actual damages?

Loss due to Conversion of Sean Fitzgerald's property \$ 3,111.¹⁶

TOTAL: \$ 59,111.¹⁶

Signed:



JURY FOREPERSON

Dated: 7/19/2019

**AFTER ALL VERDICT FORMS HAVE BEEN SIGNED, DELIVER THE VERDICT
FORMS TO THE COURT MARSHAL.**