

IN THE SUPREME COURT OF THE STATE OF NEVADA

YEONHEE LEE,

Petitioner,

v.

**EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, THE HONORABLE DAVID
M. JONES, DISTRICT JUDGE,**

Respondent,

and

ALBERTO EDUARDO CARIO,

Real Party in Interest.

Electronically Filed
Apr 30 2021 11:20 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Supreme Court Case No.: _____

District Court Case No.: A-19-803446-C

**PETITIONER YEONHEE LEE'S APPENDIX TO PETITION FOR
WRIT OF MANDAMUS AND/OR PROHIBITION – VOLUME II of III**

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DATED: April 30, 2021

DUANE MORRIS LLP

By: /s/ Tyson E. Hafen
DOMINICA C. ANDERSON
Nevada Bar No.: 2988
TYSON E. HAFEN
Nevada Bar No.: 13139

Attorneys for Petitioner
Yeonhee Lee

CERTIFICATE OF SERVICE

I hereby certify that on April 30, 2021, a true and correct copy of **PETITIONER ALANA ALLEN’S APPENDIX TO PETITION FOR WRIT OF MANDAMUS AND/OR PROHIBITION – VOLUME II of III** was submitted for filing via the Court’s eFlex electronic filing system, and electronic notification will be sent to the following:

Jason R. Maier
Julia M. Chumbler
MAIER GUTIERRE & ASSOCIATES
8816 Spanish Ridge Avenue
Las Vegas, Nevada 89148
Attorneys for Real Party in Interest Alberto Eduardo Cario

With a copy delivered by U.S. Mail to:

Honorable David M. Jones
Eighth Judicial District Court, Dept. 29
Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155

Office of the Attorney General
100 N. Carson Street
Carson City, NV 89701

/s/ Jana Dailey
Jana Dailey, an employee of
Duane Morris LLP



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10 YEONHEE LEE

7 **DISTRICT COURT**
8
9 **CLARK COUNTY, NEVADA**

10 ALBERTO EDUARDO CARIO, an individual,
11 Plaintiff,
12 vs.

13 YEONHEE LEE, an individual; DOES I
14 through X and ROE CORPORATIONS I
15 through X, inclusive,
16 Defendants.

Case No.: A-19-803446-C

Dept. No.: 29

**REPLY IN SUPPORT OF
DEFENDANT'S MOTION TO
COMPEL RULE 35 EXAM**

**DATE: 9/17/2020
TIME: 9:00 a.m.**

18 COME NOW Defendant YEONHEE LEE, by and through her attorney of record,
19 Rhonda Long, Esq., of the LAW OFFICE OF LEE J. GRANT, II, and hereby submits
20 Defendant's Reply in Support of Motion to Compel a Rule 35 Exam of Plaintiff Alberto Carlo.
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1 Defendant's Reply is made and based upon the papers and pleadings on file herein, the
2 exhibits attached hereto, and the following points and authorities submitted in support hereof.

3 DATED this 16th day of September 2020.

4 **LAW OFFICES OF LEE J. GRANT, II**

5 By: /s/ Rhonda Long
6 Rhonda Long, Esq.
7 Nevada Bar No. 10921
8 8345 West Sunset Road, Suite 250
9 Las Vegas, Nevada 89113
Attorney for Defendant
YEONHEE LEE

10
11 **MEMORANDUM OF POINTS AND AUTHORITIES**

12 **I**

13 **INTRODUCTION**

14
15 Defendant Yeonhee Lee ("Defendant LEE") has requested an order compelling Plaintiff
16 Alberto Cario ("Plaintiff CARIO") to submit to a Nevada Rule of Civil Procedure Rule 35
17 medical examination. While Plaintiff consents to an independent medical exam, a dispute arose
18 as to the parameters of such exam. Plaintiff seeks parameters outside of the scope of Rule 35.
19 Specifically, Plaintiff requests that his nursing expert and/or consultant be permitted to observe
20 and record the exam. In addition, Plaintiff has asked that the independent medical exam doctor
21 keep all drafts of his expert report so that they may be subpoenaed by Plaintiff's counsel.
22

23 Plaintiff relies upon NRS 52.380 which provides, in part, that observers may attend and
24 that audio recordings may take place subject to certain conditions. However, this language is
25 inconsistent with the older rule NRCP 35, promulgated by the Nevada Supreme Court, which
26 contains different criteria for the presence of observers and a good cause requirement for audio
27 recording. As will be detailed in Defendant's pleadings and in any arguments at hearing,
28

1 NRCP 35 should govern the parties' dispute as an independent medical exam relates to the
2 court's procedures rather than any substantive right of Plaintiff. With respect to the issue of
3 draft expert reports, NRCP 26(b)(4)(B) specifically prohibits any disclosure of the same. In
4 light of the parties' dispute, Defendant requests that the Discovery Commissioner issue an
5 order: (1) compelling Plaintiff Albert Lee Cario to submit to a Rule 35 Exam; (2) precluding
6 audio recording; (3) precluding the presence of any observer who is an attorney, attorney
7 representative, or paid for expert/consultant; and (4) finding that expert drafts and notes are
8 protected from disclosure.
9

10 II.

11 LEGAL ARGUMENT

12 A.

13 LEGAL STANDARD

14 Nevada Rule of Civil Procedure 35 provides in pertinent part as follows:
15

16 "Rule 35. Physical and Mental Examinations
17

18 (a) Order for Examination.

19 (1) In General. The court where the action is pending may order a party
20 whose mental or physical condition — including blood group — is in
21 controversy to submit to a physical or mental examination by a suitably
22 licensed or certified examiner. The court has the same authority to order a
23 party to produce for examination a person who is in the party's custody or
24 under the party's legal control.

25 (2) Motion and Notice; Contents of the Order.

26 (A) The order may be made only on motion for good cause and on
27 notice to all parties and the person to be examined.

28 (B) The order must specify the time, place, manner, conditions, and
scope of the examination, as well as the person or persons who
will perform it. The examination must take place in an
appropriate professional setting in the judicial district in which

1 the action is pending, unless otherwise agreed by the parties or
2 ordered by the court.

3 (3) Recording the Examination. On request of a party or the examiner, the court
4 may, for good cause shown, require as a condition of the examination that the
5 examination be audio recorded. The party or examiner who requests the audio
6 recording must arrange and pay for the recording and provide a copy of the
7 recording on written request. The examiner and all persons present must be
8 notified before the examination begins that it is being recorded.

9 (4) Observers at the Examination. The party against whom an examination is
10 sought may request as a condition of the examination to have an observer present
11 at the examination. When making the request, the party must identify the observer
12 and state his or her relationship to the party being examined. The observer may
13 not be the party's attorney or anyone employed by the party or the party's
14 attorney.

15 (A) The party may have one observer present for the examination,
16 unless:

17 (i) the examination is a neuropsychological, psychological, or
18 psychiatric examination; or

19 (ii) the court orders otherwise for good cause shown.

20 (B) The party may not have any observer present for a
21 neuropsychological, psychological, or psychiatric examination,
22 unless the court orders otherwise for good cause shown.

23 (C) An observer must not in any way interfere, obstruct, or
24 participate in the examination.

25 **B.**

26 **NRCP 35 CONTROLS PARAMETERS OF INDEPENDENT MEDICAL EXAMS IN**
27 **NEVADA COURTS NOT NRS 52.380 BECAUSE NRS 52.380 VIOLATES THE**
28 **SEPARATION OF POWERS CLAUSE OF THE NEVADA CONSTITUTION**

In Defendant's Motion to Compel, Defendant cited Berkson v. LePome, 126 Nev. 492,
498, 245 P.3d 560, 564 (2010) for its essential premise that "[t]he separation of powers doctrine
is the most important foundation for preserving and protecting liberty by preventing the
accumulation of power in any one branch of government." Berkson v. LePome, 126 Nev. 492,

1 498, 245 P.3d 560, 564 (2010). To this end and pursuant to Article 3, Section 1(1) of the
2 Nevada Constitution, governmental power of the State of Nevada is divided into three separate,
3 coequal departments: legislative, executive, and judicial. The powers specific to each
4 department, or branch, are set forth within Articles 4, 5, and 6. Each branch has “inherent
5 power to administer its own affairs and perform its duties, so as not to become a subordinate
6 branch of government.” *Id.* The judicial branch is entrusted with “rule-making and other
7 incidental powers reasonable and necessary to carry out the duties required for the
8 administration of justice and to economically and fairly manage litigation.” *Id.* at
9 499 (internal quotations omitted).
10

11 On December 31, 2018, the Nevada Supreme Court adopted revisions to NRCP 35
12 which specifically addressed audio recording and the presence of observers during Rule 35
13 exams. The changes were made effective on March 1, 2019. The current Rule 35 permits, for
14 “good cause” shown, audio recording of an independent examination under the Rule. See,
15 NRCP 35(a)(3). Further, any observer to such examination may not be the party’s attorney or
16 anyone employed by the party or the party’s attorney. See, NRCP 35(a)(4).
17
18

19 The 2019 Advisory Committee Notes Subsection (a) provides the rationale for the
20 changes to the observer and recording language as follows:
21

22 “ADVISORY COMMITTEE NOTES 2019 Amendment

23 Subsection (a). Rule 35(a) expressly addresses audio recording and
24 attendance by an observer at court-ordered physical and mental
25 examinations. A court may for good cause shown direct that an
26 examination be audio recorded. **A generalized fear that the examiner
27 might distort or inaccurately report what occurs at the examination is
28 not sufficient to establish good cause to audio record the
examination.** In addition, a party whose examination is ordered may have
an observer present, **typically a family member or trusted companion,**
provided the party identifies the observer and his or her relationship to the
party in time for that information to be included in the order for the
examination. Psychological and neuropsychological examinations raise

1 subtler questions of influence and confidential and proprietary testing
2 materials that make it appropriate to condition the attendance of an
3 observer on court permission, to be granted for good cause shown. **In**
4 **either event, the observer should not be the attorney or employed by**
5 **the attorney for the party against whom the request for examination**
6 **is made**, and the observer may not disrupt or participate in the
7 examination. A party requesting an audio recording or an observer should
8 request such a condition when making or opposing a motion for an
9 examination or at a hearing on the motion.”

10 On or about May 29, 2019, after the recent Nevada Supreme Court Rule changes to
11 NRCP 35, the Nevada legislature passed NRS 52.380. This statutory language allows attorney
12 and attorney employee observers at a Rule 35 exam. In addition, the language does not
13 expressly contain any good cause requirements for recording.

14 The Nevada Supreme Court, which has promulgated the Nevada Rules of Civil
15 Procedure, and the Nevada Legislature, which issues the Nevada Revised Statutes, serve
16 separate and distinct purposes. Obviously, both NRCP 35 and NRS 52.380 cannot both govern
17 this issue as they conflict. The issues of audio recording and the presence of observers during
18 an independent medical examinations are procedural in nature, and therefore, the Nevada Rules
19 of Civil Procedure Rule 35 governs.

20 Plaintiff’s counsel argues that NRS 52.380 supersedes any language in NRCP 35.
21 Plaintiff’s position in this regard is without merit as the Nevada Supreme
22 Court’s exclusive authority to regulate the procedural discovery rules regarding Nevada Rules
23 of Civil Procedure and specifically Rule 35 exams. The Nevada Supreme Court is tasked with
24 the authority to administer its own rules governing court procedure. As such, NRS 52.380
25 unconstitutional, unenforceable, and inapplicable to the case at bar.
26
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Moreover, Plaintiff's request for his own nurse consultant to be present at the Rule 35 exam and record is an issue of procedure which is within the Discovery Commissioner's domain. The proposed consultant is Lynn Belcher Legal Nurse Consulting & Life Care Planning Associates. The consultant's website is www.lynnbelcherInc.com. This firm represents itself as a legal consultant that provides "professional, evidence based opinion[s]" regarding medical issues. The website also provides that their representatives "can collaborate with plaintiff or defendant attorneys, healthcare organizations, insurance providers, or any organization needing medical record review, interpretation, analysis or summary." It is obvious that Plaintiff seeks to have a 2nd medical expert in the Rule 35 exam, an expert who is a nurse and not a doctor, not just to observe, but to also render an opinion regarding what was right or wrong about the way the exam was conducted. According to the NRCP 35 2019 Advisory Committee Notes, the drafters of the current NRCP 35 rules did not envision having competing medical professional observers in the room during the exam. Moreover, the rule explicitly states that such observer may not be an attorney or an attorney representative. Instead, the drafters envisioned an observer being a family friend or trusted companion; not a paid legal medical consultant.

In addition, Plaintiff has not provided good cause for having the Rule 35 exam be recorded. As provided in the above 2019 Advisory Committee Notes, a Plaintiff has not established good cause simply because they state a general fear of the integrity of the exam process. Plaintiff has not provided any specific reason necessitating the recording of this exam. Accordingly, Defendant asks that Plaintiff's request for a recording be denied.

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D.

**NRCP 26 PROVIDES THAT THE MEDICAL EXPERT'S DRAFT REPORTS ARE
PROTECTED FROM DISCLOSURE**

NRCP26(b)(3) provides as follows:

“(3) Trial Preparation: Materials.

(A) Documents and Tangible Things. Ordinarily, a party may not discover documents and tangible things that are prepared in anticipation of litigation or for trial by or for another party or its representative (including the other party’s attorney, consultant, surety, indemnitor, insurer, or agent). But, subject to Rule 26(b)(4), those materials may be discovered if:

(i) they are otherwise discoverable under Rule 26(b)(1); and

(ii) the party shows that it has substantial need for the materials to prepare its case and cannot, without undue hardship, obtain their substantial equivalent by other means.

(B) Protection Against Disclosure. If the court orders discovery of those materials, it must protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of a party’s attorney or other representative concerning the litigation.

(C) Previous Statement. Any party or other person may, on request and without the required showing, obtain the person’s own previous statement about the action or its subject matter. If the request is refused, the person may move for a court order, and Rule 37(a)(5) applies to the award of expenses. A previous statement is either:

(i) a written statement that the person has signed or otherwise adopted or approved; or

(ii) a contemporaneous stenographic, mechanical, electrical, or other recording — or a transcription of it — that recites substantially verbatim the person’s oral statement.”

1 NRCP26(b)(4)(B) provides as follows:

2 “Trial Preparation: Experts.

3 ...

4 (B) Trial-Preparation Protection for Draft Reports or Disclosures.

5 **Rule 26(b)(3) protects drafts of any report or disclosure**
6 **required under Rule 16.1(a), 16.2(d) or (e), 16.205(d) or (e)**
7 **26(b)(1), regardless of the form in which the draft is**
8 **recorded.” (emphasis added).**

9 As with the previous rules discussed in these pleadings, NRCP 26 was also revised on
10 March 1, 2019. The revisions specifically included protection of disclosure of draft reports
11 made by experts. Here, Plaintiff wants to include a provision in the Rule 35 examination order
12 which states that the medical expert must maintain all drafts and that Plaintiff has the right to
13 subpoena such drafts.

14 Plaintiff is wrong when he states that this issue was not discussed at the EDCR 2.34
15 conference. Defendant’s counsel and Plaintiff did discuss the same. Plaintiff stated that he was
16 entitled to subpoena any draft reports which were redlined by defense counsel. Defendant’s
17 counsel stated that she had never redlined or edited an expert report. Defendant’s counsel is not
18 a medical expert and does not interfere with the expert’s opinion. Still, NRCP 26 provides that
19 an expert’s drafts are protected under a work product privilege protection. As such, Defendant
20 can not agree to that stipulated provision that the expert must keep all drafts and that Plaintiff
21 may subpoena such drafts.
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CONCLUSION

DATED this 16th day of September 2020.

By: /s/ Rhonda Long
Rhonda Long, Esq.
Nevada Bar No. 10921
8345 West Sunset Road, Suite 250
Las Vegas, Nevada 89113
Attorney for Defendant,
YEONHEE LEE

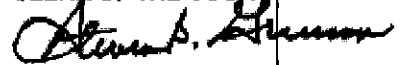
I HEREBY CERTIFY that I am an employee of LAW OFFICE OF LEE J. GRANT, II, and that on this 16th day of September 2020, I caused a true and correct copy of the foregoing document **REPLY IN SUPPORT OF DEFENDANT'S MOTION TO COMPEL RULE 35**

 X VIA ECF: by electronic filing with the Court delivering the document(s) listed above via the Court's e-filing and service system, upon each party in this case who is registered as an electronic case filing user with the Clerk.

_____ VIA ELECTRONIC MAIL: by causing a true and correct copy thereof to be mailed electronically to the email addressee(s) at the attached email addresses set forth in the service list.

/s/ Jackie De La Paz
EMPLOYEE OF LAW OFFICE OF LEE J.
GRANT, II

LEE 0181



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8 E-mail: rhlong@geico.com
9 Attorney for Defendant
10 **YEONHEE LEE**

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 **ALBERTO EDUARDO CARIO, an individual,**

Case No.: A-19-803446-C

14 **Plaintiff,**

15 **vs.**

Dept. No.: 29

16 **YEONHEE LEE, an individual; DOES I through**
17 **X and ROE CORPORATIONS I through X,**
18 **inclusive,**

19 **Defendants.**

20 **DISCOVERY COMMISSIONER'S**
21 **REPORT AND RECOMMENDATIONS**

22 **Date of Hearing: September 17, 2020**

23 **Time of Hearing: 9:30 a.m.**

24 **Attorney for Plaintiff: Jason R. Maier, Esq. of MAIER GUTIERREZ & ASSOCIATES**

25 **Attorney for Defendant: Rhonda Long, Esq. of the LAW OFFICE OF LEE J. GRANT, II**

26 **I.**

27 **FINDINGS**

28 **Defendant's Motion to Compel the Rule 35 Examination of Plaintiff Alberto Eduardo**
Cario came on for hearing before the Honorable Discovery Commissioner Erin Truman on
September 17, 2020 at 9:30 A.M.

1 The Discovery Commissioner finds that the issue of good cause for a Rule 35 examination
2 was not disputed by parties. The Commissioner further finds that the parties only disputes are
3 regarding 5 of the 21 proposed conditions and parameters for the Rule 35 examination, those
4 being the presence of a legal nurse consultant observer Lynn Belcher LNC Associates (no. 9), an
5 audio recording (no. 10), the deadline for the examiner to prepare and disclose a written report
6 (nos. 18-19), and the medical examination doctor retaining his notes (no. 20). The Commissioner
7 also heard constitutionality arguments by Defendant concerning the separation of powers between
8 the state legislative functions and the rule making functions of the Nevada Supreme Court
9 regarding medical examinations, over Plaintiff's objection pursuant to NRS 30.130. The
10 Commissioner also heard arguments about NRCP 26 applicability to the disclosure of draft expert
11 reports.
12

13
14 The Commissioner acknowledged that there is a conflict between NRCP 35 and NRS
15 52.380. The Commissioner finds that NRS 52.380 is applicable to Rule 35 exams and that such
16 statute is controlling in this matter. The Commissioner further finds that a Rule 35 exam is
17 substantive in nature, ~~and involves a substantive right of privacy that is covered by NRS 52.380.~~
18

19 The Commissioner finds there is no good cause to deviate from the 30-day report
20 requirement within NRCP 35.
21

22 Finally, the Commissioner finds that the examination doctor shall keep and maintain all
23 notes and draft reports in his or her file and the examination doctor may not destroy any
24 documents related to the examination. The Commissioner further finds that the following
25 language is to be added to the end of item no. 20: "Any party has the right to file an objection to
26 the subpoena pursuant to Rule 34, Rule 45 or Rule 26."
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II.

RECOMMENDATIONS

IT IS THEREFORE RECOMMENDED that Defendant's Motion to Compel a Rule 35 Exam is GRANTED in part and DENIED in part, as follows:

- The examination will be subject to the parameters set forth in NRS 52.380.
- Plaintiff will be permitted to select the observer to be present at the examination, an audio recording is allowed, and Plaintiff's proposed item nos. 9 and 10 are approved.
- The Rule 35 examination report requirements concerning disclosure time will apply and Plaintiff's proposed item nos. 18 and 19 are approved.
- The Rule 35 examination doctor is instructed to maintain all notes in his file as Plaintiff may subpoena such information and Plaintiff's proposed item no. 20 is approved with the following addition: "Any party has the right to file an objection to the subpoena *served on the Rule 35 examiner* pursuant to Rule 34, Rule 45 or Rule 26."
- The remaining 16 proposed conditions and parameters that have been agreed to and stipulated by the parties are approved.
- Accordingly, the examination shall be governed by the following conditions and parameters:
 1. The Rule 35 examination shall be conducted pursuant to Nevada Rule of Civil Procedure 35 and Nevada Revised Statute 52.380.
 2. Defendants have selected Mark J. Rosen, M.D. to conduct the Rule 35 examination of Mr. Cario
 3. The scope of the Rule 35 examination is as follows: Dr. Rosen's evaluation of Mr. Cario's injuries and treatment.
 4. The date, time and location of the Rule 35 examination is to be a mutually agreeable date, time and location.

- 1 5. The Rule 35 examination shall be held in a medical office in compliance with
2 HIPAA.
- 3 6. Dr. Rosen will not require Mr. Cario to sign any paperwork at the time of the Rule
4 35 examination other than a "sign-in" sheet limited to his name, date and time of
5 arrival.
- 6 7. The intake forms to be completed by Mr. Cario shall be provided to plaintiff's
7 counsel at least ten business days prior to the Rule 35 examination and will be
8 returned to defense counsel prior to the examination.
- 9 8. Mr. Cario shall not be required to wait in the waiting room for longer than 30
10 minutes before the commencement of the Rule 35 examination.
- 11 9. The Rule 35 examination will be audio recorded by LYNN BELCHER LNC
12 ASSOCIATES, in which Mr. Cario's counsel will arrange and pay for the recording.
13 Mr. Cario's counsel shall disclose a copy of the recording within 30 days of receipt
14 of the same. The doctor and all persons present must be notified that the
15 examination will be recorded before the examination begins.
- 16 10. Mr. Cario will have a nurse observer present at the Rule 35 examination from
17 LYNN BELCHER LNC ASSOCIATES. The nurse observer must not in any way
18 interfere, obstruct, or participate in the examination.
- 19 11. Defense counsel, or any other representatives of defendants, will not attend the
20 Rule 35 examination.
- 21 12. Liability questions may not be asked by Dr. Rosen or any of his agents or
22 representatives during the Rule 35 examination.
- 23 13. No x-rays or radiographs may be obtained during the Rule 35 examination. Dr.
24 Rosen can rely upon the same film studies relied upon by the treating physicians
25 in this case. If additional film studies are necessary for the Rule 35 examination,
26 this must be detailed in writing by Dr. Rosen at least 30 days prior to the
27 examination and this issue may be revisited.
- 28 14. No invasive procedures shall be allowed during the Rule 35 examination.
15. Mr. Cario shall not be required to disrobe during the Rule 35 examination.
16. If Dr. Rosen subjects Mr. Cario to physically painful or invasive procedures, Mr.
Cario reserves the right to immediately terminate the examination in his sole
discretion.
17. Dr. Rosen shall not engage in *ex parte* contact with Mr. Cario's treating health
care providers.

18. Dr. Rosen must prepare and disclose a written report within 30 days of the Rule 35 examination that accurately sets out in detail his findings, including diagnosis, conclusions, and the results of any tests, as required by Rule 35(b)(2). Dr. Rosen's written report must include a complete statement of all opinions he will express, and the basis and reasons for them, as well as all of the facts or data he considered in forming said opinions, as required by Rule 16.1(a)(2)(B).

19. Defense counsel shall disclose a copy of Dr. Rosen's written report within 30 days of the Rule 35 examination or by the Rule 16.1(a)(2) initial expert disclosure deadline, whichever occurs first.

20. Dr. Rosen shall retain a complete copy of the entire file pertaining to the Rule 35 examination, including but not limited to draft reports, handwritten notes, e-mails or other communications sent and received, and all documents generated or received, including draft reports shared with defense counsel, defendants or an agent of defendants, communications regarding draft reports with defense counsel, defendants or an agent of defendants, redlines of draft reports shared with defense counsel, defendants or an agent of defendants, and test materials and/or raw data related to the Rule 35 examination. Following the disclosure of the Rule 35 examination report, counsel for plaintiff may serve Dr. Rosen with a subpoena and/or serve defendants with a request for production to produce these materials. Any party has the right to file an objection to the subpoena pursuant to Rule 34, Rule 45 or Rule 26.

21. Defense counsel shall be responsible for providing Dr. Rosen with a copy of this stipulation and order prior to the Rule 35 examination.

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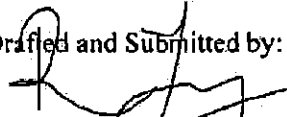
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1 The Discovery Commissioner, met with counsel for the parties, having discussed the
2 issues noted above and having reviewed any materials proposed in support thereof, hereby
3 submits the above recommendations.

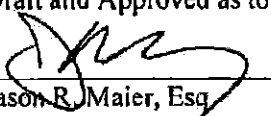
4 DATED this 20th day of September, 2020

5 
6 DISCOVERY COMMISSIONER

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8
9 Drafted and Submitted by:

10 
11 RHONDA LONG, ESQ.
12 Nevada Bar No.: 10921
13 LAW OFFICE OF LEE J. GRANT, II
14 8345 West Sunset Road, Suite 250
15 Las Vegas, Nevada 89113
16 Attorney for Defendant
17 YEONHEE LEE

18 Draft and Approved as to form and content by:

19 
20 Jason R. Maier, Esq.
21 Julia M. Chumley, Esq.
22 MAIER GUTIERREZ & ASSOCIATES
23 8816 Spanish Ridge Avenue
24 Las Vegas, Nevada 89148
25 Attorneys for Plaintiff
26
27
28

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2 **NOTICE**

3 Pursuant to NRCP 16.3(c)(2), you are hereby notified that within fourteen (14) days after
4 being served with a report any party may file and serve written objections to the
5 recommendations. Written authorities may be filed with objections, but are not mandatory. If
6 written authorities are filed, any other party may file and serve responding authorities within seven
7 (7) days after being served with objections.
8

9
10 Objection time will expire on October 22 2020.

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

12 _____ Mailed to Plaintiff/Defendant at the following address on the _____ day of
13 _____ 2020:

14
15 ✓
16 _____ Electronically filed and served counsel on October 8, 2020, Pursuant to
17 N.E.F.C.R. Rule 9.
18

19
20 By: Natili Simonetti
21 COMMISSIONER DESIGNEE
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