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7 Attorneys for Defendant,
8 **SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION**

9
10
11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**
13
14

15 **SIMONE RUSSO,**
16 Plaintiff,

17 v.

18 **COX COMMUNICATIONS LAS VEGAS,**
19 **INC. D/B/A COX COMMUNICATIONS; IES**
20 **RESIDENTIAL, INC.; SUNRISE VILLAS IX**
21 **HOMEOWNERS ASSOCIATION; J&G**
22 **LAWN MAINTENANCE; KEVIN**
23 **BUSHBAKER; PW JAMES MANAGEMENT**
24 **& CONSULTING, LLC; J. CHRIS**
25 **SCARCELLI, DOE LANDSCAPER,**
26 **RICHARD DUSLAK, JUSTIN SESMAN, AND**
27 **DOES I-V, AND ROE CORPORATIONS I-V,**
28 inclusive,

Defendants.

CASE NO.: A-17-753606-C
DEPT. No. 16

NOTICE OF APPEAL

26 Notice is hereby given that Defendant SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION hereby
27 appeals to the Nevada Supreme Court from the Order on Defendant's Motion to Set Aside and/or
28 Amend Judgment, and Order on Plaintiff's Motion to Enforce Settlement, entered on May 26, 2021

1 (attached as Exhibit A), and from all other orders and judgments made final and appealable by the
2 foregoing.

3 DATED this 23rd day of June, 2021.

4 **LINCOLN, GUSTAFSON & CERCOS, LLP**

5 */s/ Shannon G. Splaine*

6 **SHANNON G. SPLAINE, ESQ.**

7 Nevada Bar No. 8241

8 3960 Howard Hughes Parkway, Suite 200

9 Las Vegas, Nevada 89169

10 Attorneys for Defendant, SUNRISE VILLAS IX
11 HOMEOWNERS ASSOCIATION

12 v:\p-t\qbe_sunrise\atty notes\drafts\pldgs\20210623_noas.docx

1 **Simone Russo v. Cox Communications Las Vegas, Inc., et al.**
2 **Clark County Case No. A-17-753606-C**

3 **CERTIFICATE OF SERVICE**

4 I HEREBY CERTIFY that on the 23rd day of June, 2021, I served a copy of the attached
5 **NOTICE OF APPEAL** via electronic service to all parties on the Odyssey E-Service Master List,
6 and via US Mail, postage prepaid to the following addresses:

7
8 Justin Sesman
9 4775 Topaz Street, Apt. 235
10 Las Vegas, NV 89121

11 Richard Duslak
12 4012 Abrams Avenue
13 Las Vegas, NV 89110

14 */s/ Ginger K. Bellamy*

15 _____
16 Ginger K. Bellamy, an employee
17 of the law offices of
18 Lincoln, Gustafson & Cercos, LLP

19 V:\P-T\QBE_Sunrise\POS\20210623_NOAS_gkb.doc
20
21
22
23
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25
26
27
28

Exhibit A

1 **ORD**

2 DAVID F. SAMPSON, ESQ.

3 Nevada Bar No. 6811

4 LAW OFFICE OF DAVID SAMPSON, LLC.

5 630 S. 3rd Street

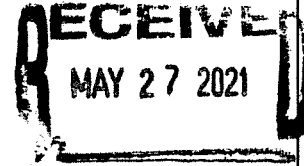
6 Las Vegas, NV 89101

7 Tel: 702-605-1099

8 Fax: 888-209-4199

9 Email: david@davidsampsonlaw.com

10 *Attorney for Plaintiff*



11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 SIMONE RUSSO,)

14 Plaintiff,)

15 vs.)

CASE NO: A-17-753606-C

DEPT. NO: XVI

16 COX COMMUNICATIONS LAS VEGAS,)

17 INC., D/B/A COX COMMUNICATIONS,)

18 IES RESIDENTIAL, INC., SUNRISE)

19 VILLAS IX HOMEOWNERS)

20 ASSOCIATION, J & G LAWN)

21 MAINTENANCE, KEVIN BUSHBAKER,)

22 PWJAMES MANAGEMENT &)

23 CONSULTING, LLC., J. CHRIS)

24 SCARCELLI, DOE LANDSCAPER,)

25 RICHARD DUSLAK, JUSTIN SESMAN,)

26 AND DOES I-V, and ROE)

27 CORPORATIONS I-V, inclusive,)

28)

Defendants.)

**ORDER ON DEFENDANT'S MOTION
TO SET ASIDE AND/OR AMEND
JUDGMENT, AND ORDER ON
PLAINTIFF'S MOTION TO ENFORCE
SETTLEMENT**

29 **ORDER ON DEFENDANT'S MOTION TO SET ASIDE AND/OR AMEND JUDGMENT**
30 **AND ORDER ON PLAINTIFF'S MOTION TO ENFORCE SETTLEMENT**

31 Defendant SUNRISE's motion to set aside and/or amend judgment and Plaintiff's motion
32 to enforce settlement, having come on for hearing the 3rd day of March, 2021, the parties
33 appearing by and through their counsel of record, the Court having reviewed the papers
34 submitted, having heard oral argument, and good cause appearing, the Court rules as follows:

1 The Court notes that the pleadings and records in this matter confirm the following

2 **FINDINGS OF FACT:**

3 RUSSO filed the Complaint in this matter on April 6, 2017.

4
5 The Court GRANTED RUSSO's Motion to Amended the Complaint in this matter to add
6 claims against Defendants RICHARD DUSLAK ("DUSLAK") and JUSTIN SESMAN
7 ("SESMAN") on February 7, 2018.

8 RUSSO served the Amended Complaint on Defendant SESMAN on February 13, 2018.

9 RUSSO served the Amended Complaint on Defendant DUSLAK on February 14, 2018.

10 Neither DUSLAK nor SESMAN made any appearance in the instant litigation.

11 The Court Clerk entered a Default against Defendant DUSLAK on September 4, 2019.

12 The Court Clerk entered a Default against Defendant SESMAN on September 13, 2019.

13
14 Trial commenced in this matter on September 9, 2019, which trial resulted in a mistrial
15 due to the conduct of one of the venire members. Trial again commenced on October 10, 2019.
16 The October 10, 2019 trial concluded on October 18, 2019 when the active parties advised the
17 Court that a settlement had been reached in this action as to certain parties. The transcript from
18 October 18, 2019 confirms that the active parties in this matter advised the Court on that date
19 that a settlement had been reached as to the active parties in this matter.
20
21

22 The October 18, 2019 transcript further confirms the settling parties agreed that "there are
23 two other parties in this case who have been defaulted [DUSLAK and SESMAN]" and that "this
24 settlement does not affect them." See, October 18, 2019 transcript at P. 6 L. 16-21. The
25 October 18, 2019 transcript further confirms that the settling parties agreed the settlement only
26 involved the parties that had "actively litigated and PW JAMES". See October 18, 2019
27 transcript at P. 8 L. 2-3. The October 18, 2019 transcript also confirms the settling parties
28

1 agreed that “nothing in any of these releases or settlement . . . affects any rights Dr. Russo may
2 have against any person or entity related to the claims of the two individuals who have been
3 defaulted [DUSLAK and SESMAN]”. *See*, October 18, 2019 transcript at P. 11 L. 3-9.

4
5 Counsel for the settling parties then discussed reducing the settlement to writing,
6 whereupon counsel for the Plaintiff confirmed that in drafting any release or the like related to
7 the settlement:

8 the terms of whatever documents we sign or that my client has asked to sign
9 comport with what was discussed Wednesday, and what's being discussed today,
10 and no new terms, and those types of things. And, I guess, most of all that nothing
11 in any of these releases or any of the settlement affects any rights Dr. Russo may
12 have against any person or entity related to the claims of the two individuals who
13 have been defaulted, and any claims that they may have against anybody would
14 not be affected by this settlement. So as long as we're clear on all of that.

15 *Id* at P. 10 L. 24 – P. 11 L. 12.

16 The settling parties agreed that nothing in any of the settlement documents would affect
17 any rights Plaintiff may have against DUSLAK and/or SESMAN.

18 At a subsequent hearing on November 7, 2019 counsel for SUNRISE asked that
19 DUSLAK and SESMAN be included as releasees if it was determined they were employees of
20 Defendants. Counsel for RUSSO stated that there was no agreement to release DUSLAK and/or
21 SESMAN when the settlement was placed on the record on October 18, 2019. Counsel for
22 RUSSO stated, “this idea that if they're employees, then Sesman and Duslak are out. That was
23 not agreed to.” *See*, November 7, 2019 transcript at P. 23 L. 12-15. Counsel for RUSSO
24 continued by noting that on October 18, 2019 “we put on the record -- we're not waiving,
25 releasing, or otherwise affecting anything against Sesman or Duslak. I don't think anyone would
26 dispute that . . . it was a pretty significant point that day.” *Id* at P. 25 L. 6-16.
27
28

1 The Court then asked SUNRISE's counsel, "Mr. Fink, are we disputing that?" *Id* at P. 25
2 L. 21-22. Counsel for SUNRISE answered, "My best recollection is that when Mr. Sampson
3 said he was specifically retaining his rights to go against Mr. Sesman and Mr. Duslak, we all
4 agreed to that." *Id* at P. 26 L. 2-5.

6 The Court then gave the settling parties an opportunity to reduce the terms of the
7 settlement placed on the record on October 18, 2019 to writing. Counsel for RUSSO
8 commented that, in reducing the settlement to writing, "along the lines of Sesman and Duslak,
9 all rights against them, anybody who insures them, you know, all of those are preserved.
10 They're not affected. I would like to make sure that is crystal clear in whatever iteration we end
11 up with." *Id* at P. 40 L. 16-22.

13 In reducing the terms of the settlement placed on the record on October 18, 2019 to
14 writing, the agreement the settling parties signed stated that RUSSO was preserving all rights to
15 proceed against DUSLAK and SESMAN, and that neither DUSLAK and/or SESMAN were
16 being released even in the event they were subsequently deemed SUNRISE employees. The
17 agreement stated that "PLAINTIFF", "Dr. SIMONE RUSSO" was releasing SUNRISE
18 "EXCLUDING RICHARD DUSLAK AND/OR JUSTIN SESMAN". *See*, Settlement
19 Agreement at P. 1 (emphasis in original). Each of the Defendants included in the agreement
20 were identified as including the Defendants' respective employees, with the clear exception of
21
22

23 ///

24 ///

25 ///

1 SUNRISE. On page one of the agreement the parties are identified. Defendant IES
2 RESIDENTIAL, INC., is identified as:

3 IES RESIDENTIAL, INC. (hereinafter "IES") and its affiliated companies, and
4 each of their respective past, present and future officers, directors, members,
5 managers, agents, representatives, shareholders, partners, associates, employees,
6 attorneys, subsidiaries, predecessors, beneficiaries, grantors, grantees, vendees,
7 transferees, successors, assigns, heirs, divisions, contractors, joint ventures,
8 special purpose entities, legal and equitable owners and insurers;

9 *Id.*

10 Defendant COX is identified as:

11 COX COMMUNICATIONS LAS VEGAS, INC. D/B/A COX
12 COMMUNICATIONS (hereinafter "COX") and its affiliated companies, and
13 each of their respective past, present and future officers, directors, members,
14 managers, agents, representatives, shareholders, partners, associates, employees,
15 attorneys, subsidiaries, predecessors, beneficiaries, grantors, grantees, vendees,
16 transferees, successors, assigns, heirs, divisions, contractors, joint ventures,
17 special purpose entities, legal and equitable owners and insurers;

18 *Id.*

19 Defendant SUNRISE however is identified as:

20 SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION (hereinafter
21 "SUNRISE") and its affiliated companies, and each of their respective past,
22 present and future officers, directors, members, managers, agents, representatives,
23 shareholders, partners, associates, insurers (Community Association
24 Underwriters, Inc., QBE Insurance Corporation, Alliant Insurance Services, Inc.,
25 DSCM, Inc. and Armour Risk Management, Inc. - but only as it relates to
26 SUNRISE), **EXCLUDING RICHARD DUSLAK AND/OR JUSTIN SESMAN
27 OR ANYONE ASSOCIATED OR AFFILIATED WITH THEM,
28 INCLUDING ANY ACTUAL OR POTENTIAL INSURER (per the
stipulation attached in exhibit "A")**, attorneys, subsidiaries, predecessors,
beneficiaries, grantors, grantees, vendees transferees, successors, assigns, heirs,
divisions, contractors, joint ventures, special purpose entities, legal and equitable
owners;

Id (emphasis in original).

The word "employees" is not used in the description of SURNISE as a Defendant.
Additionally, on page 4 of the release, the description of the released parties includes all of

1 Defendants' "employees ***EXCLUDING RICHARD DUSLAK AND/OR JUSTIN SESMAN*** ..
2 .". *Id* at P. 4 (emphasis in original). When referencing the employees of any of the settling
3 Defendants it was made more than clear that the term "employees" who were being released did
4 not include DUSLAK or SESMAN as releasees.
5

6 The settlement agreement further stated, "PLAINTIFF [RUSSO] shall retain all rights to
7 pursue any claims against RICHARD DUSLAK and/or JUSTIN SESMAN". *Id* at P. 4. The
8 settlement agreement further confirmed, "ANY LANGUAGE IN THIS RELEASE THAT IS
9 CONTRARY TO THE LANGUAGE OF THIS SPECIFIC PARAGRAPH, AND/OR ANY
10 LANGUAGE THAT WOULD BE READ TO IN ANY WAY IMPACT PLAINTIFF'S
11 RIGHTS AGAINST RICHARD DUSLAK and/or JUSTIN SESMAN . . . SHALL BE
12 DEEMED NULL AND VOID." *Id* (emphasis in original).
13

14 RUSSO filed an Application for Judgment by Default on October 31, 2019 which
15 Application noted that defaults had previously been entered against Defendants DUSLAK and
16 SESMAN, and which Application sought Judgment against DUSLAK and SESMAN in the
17 amount of \$25,000,000.00. The Application for Judgment by Default was served on all parties
18 in this matter on October 31, 2019.
19

20 On October 31, 2019 Joshua Raak, the Deputy Clerk of the Court, sent Notice of Hearing
21 to all active parties to this matter, including SUNRISE, which notified the said parties that
22 RUSSO's Application for Judgment by Default would be heard by the Court on December 17,
23 2019.
24

25 There is no record of any of the parties filing any opposition(s) to RUSSO's Application
26 for Judgement by Default. None of the Defendants in this matter appeared at the December 17,
27 2019 hearing on RUSSO's Application for Judgment by Default, nor did any of the Defendants,
28

1 or any other parties or non-parties, contest RUSSO's Application for Judgment by Default.
2 Following the hearing on RUSSO's Application for Judgment by Default, the Court entered
3 final Judgment in favor of RUSSO and against DUSLAK and SESMAN in the amount of
4 \$25,000,000.00 with interest accruing from the date of entry until paid in full. Notice of Entry
5 of the said final Judgment was served on all parties to this matter on December 17, 2019.
6

7 There is no record of any motion being filed under NRCP 59 to alter or amend the
8 Judgment within 28 days after service of written notice of entry of the said Judgment. Indeed,
9 there is no record of any such motion being filed at any time in 2019 or in 2020. There is no
10 record of any motion being filed under NRCP 60 for relief from the final Judgment in this
11 matter within six months after the date of the proceeding or after the date of service of the
12 written notice of entry of the duly entered December 17, 2019 Judgment. Indeed, there is no
13 record of any such motion being filed at any time in 2019 or in 2020.
14

15 With a final Judgment having been duly entered in this matter on December 17, 2019 and
16 notice of entry of the same being served on the same day, and no request to set aside the same
17 under NRCP 59, nor any request for relief under NRCP 60 being filed, the Court statistically
18 closed this case on May 14, 2020.
19

20 SUNRISE filed the instant motion to set aside and/or amend judgment on January 21,
21 2021. Non-Party QBE filed a joinder to the said motion then subsequently withdrew its joinder
22 to the same.
23

24 The Court makes the following **CONCLUSIONS OF LAW**:

25 Regarding SUNRISE's motion to set aside and/or amend the Judgment entered in this
26 matter, NRCP 59(e) states "a motion to alter or amend a judgment must be filed no later than 28
27 days after service of written notice of entry of judgment." SUNRISE's motion to set aside
28

1 and/or alter or amend the final Judgment in this matter was filed on January 21, 2021, which
2 was over a year after Notice of Entry of Judgment was served on the parties in this matter.
3 SUNRISE's motion to set aside or alter the Judgment was not filed within 28 days after Notice
4 of Entry of Judgment was served as required under NRCP 59(e) and is therefore denied.
5

6 Additionally, the Court finds that, in light of the procedural history of the case, there are
7 no grounds to amend or set aside the Judgment pursuant to NRCP 60(a). The Court finds that
8 there are no clerical mistakes, oversights or omissions in the duly entered Judgment. The Court
9 further finds that the final Judgment in his matter was entered exactly as sought in Plaintiff's
10 Application for Default judgment, which was provided to the active parties in this matter and
11 which none of the active parties contested. The Court therefore denies SUNRISE's request for
12 relief under NRCP 60(a).
13

14 The Court further finds that SUNRISE failed to establish grounds pursuant to NRCP 60(b)
15 (1)-(6) to amend or set aside the Default Judgment in this matter. The Court finds that relief is
16 not warranted under NRCP 60(b)(1) as SUNRISE has not presented the Court with evidence of
17 mistake, surprise, or excusable neglect that the Court in its discretion would find warranted any
18 such relief. The Court further finds that relief is not warranted under NRCP 60(b)(2) as
19 SUNRISE has not presented the Court with evidence of newly discovered evidence that, with
20 reasonable diligence, could not have been discovered in time to move for a new trial under
21 NRCP 59(b) that would cause the Court to exercise its discretion to grant such relief. The Court
22 also finds that relief is not warranted under NRCP 60(b)(3) as SUNRISE has not presented the
23 Court with evidence of fraud, misrepresentation, or misconduct by any opposing party that
24 would cause the Court to exercise its discretion to grant such relief.
25
26
27

28 ///

1 Additionally, under NRCP 60(c)(1),

2 A motion under Rule 60(b) must be made within a reasonable time-and for
3 reasons (1), (2), and (3) no more than 6 months after the date of the proceeding or
4 the date of service of written notice of entry of judgment or order, whichever date
5 is later. The time for filing the motion cannot be extended under Rule 6(b).

6 SUNRISE's motion to set aside and/or alter or amend the Judgment in this matter was
7 filed on January 21, 2021, which was over one year after Notice of Entry of Judgment was
8 served on the parties in this matter on December 17, 2019. SUNRISE did not file a request for
9 relief under NRCP 60(b) (1), (2), or (3) within 6 months after Notice of Entry of Judgment was
10 served as required under NRCP 60(c)(1). SUNRISE's requests for relief under NRCP 60(b) (1),
11 (2), and/or (3) are therefore also denied as untimely.

12 The Court also finds SUNRISE is not entitled to relief under NRCP 60(b)(4). The
13 provisions of NRCP 60(b)(4) concerning void judgments "is normally invoked in a case where
14 the court entering the challenged judgment did not have jurisdiction over the parties." *Misty*
15 *Management v. District Court*, 83 Nev. 180, 182, 426 P.2d 728, 729 (1967) (citing *LaPotin v.*
16 *LaPotin* 75 Nev. 264, 339, P.2d 123 (1959); *Foster v. Lewis*, 78 Nev. 330, 372, P.2d 679
17 (1962)). Judgments are typically deemed "void" in cases where the court entering the
18 challenged judgment was itself disqualified from acting, e.g., *Osman v. Cobb*, 77 Nev. 133, 360
19 P.2d 258 (1961), or did not have jurisdiction over the parties, e.g., *LaPotin v. LaPotin*, 75 Nev.
20 264, 339 P.2d 123 (1959); *Foster v. Lewis*, 78 Nev. 330, 372 P.2d 679 (1962), or did not have
21 jurisdiction over the subject matter of the litigation. *Misty Management v. District Court*, 83
22 Nev. 180, 426 P.2d 728 (1967).

23 DUSLAK and SESMAN were residents of Clark County Nevada when the underlying
24 incident occurred. DUSLAK and SESMAN were both served with this suit in Clark County
25 Nevada. The Court has jurisdiction over DUSLAK and SESMAN as well as the subject matter
26 incident occurred. DUSLAK and SESMAN were both served with this suit in Clark County
27 Nevada. The Court has jurisdiction over DUSLAK and SESMAN as well as the subject matter
28 incident occurred.

1 of this negligence action. SUNRISE's motion does not assert that there were any jurisdictional
2 issues over the parties or the subject matter. SUNRISE did not present any evidence of any
3 jurisdictional issues. Relief is therefore not warranted under NRCP 60(b)(4).
4

5 NRCP 60(b)(5) allows a court to grant relief from a judgment if the judgment has been
6 satisfied, released, or discharged. As noted above, SUNRISE did not present evidence that the
7 duly entered Default Judgment against DUSLAK and SESMAN was satisfied, released, or
8 discharged. The record is replete with examples of RUSSO confirming, and SUNRISE and the
9 other active Defendants agreeing, that the settlement did not affect RUSSO's rights against
10 DUSLAK or SESMAN in any way, that the settlement did not include SUNRISE employees,
11 that the settlement did not include DUSLAK or SESMAN as employees of any of the
12 Defendants, and that the settlement agreement specifically and completely excluded DUSLAK
13 and SESMAN as releasees in all respects. The record further confirms that SUNRISE agreed
14 RUSSO "shall retain all rights to pursue any claims against RICHARD DUSLAK and/or
15 JUSTIN SESMAN". As the Judgment against DUSLAK and SESMAN was not satisfied,
16 released, or discharged, relief is not warranted under NRCP 60(b)(5).
17
18

19 NRCP 60(b)(6) permits relief from a judgment for "any other reason that justifies
20 relief". During the hearing on this matter counsel for RUSSO argued that a request for relief
21 under NRCP 60(b)(6) must present grounds "other" than those enumerated elsewhere in NRCP
22 60(b). In response counsel for SUNRISE stated, "Mr. Sampson says that, well, that's going to
23 mean something different than the grounds that might be discussed in (1), (2), (3), (4), or (b) (1)
24 (2) (3) (4), but I don't know if there's any law that says that." See Transcript of March 3, 2021
25 hearing at P. 68 L. 25 – P. 69 L. 4. The Court finds that the plain language of NRCP 60(b)(6)
26 which permits relief for "any other reason that justifies relief" requires that any relief sought
27
28

1 under NRCP 60(b)(6) be for grounds "other" than the grounds set forth elsewhere in NRCP
2 60(b)(1-5). SUNRISE has not presented any authority indicating a party may seek relief under
3 NRCP 60(b)(6) for reasons enumerated elsewhere in NRCP 60(b)(1-5). Indeed such a reading
4 would be contrary to the purposes of NRCP 60(b)(1-5) as well as NRCP 60(c)(1). As
5 SUNRISE has not provided the Court with "any other reason" that would justify relief from the
6 Judgment, SUNRISE's request for relief under NRCP 60(b)(6) motion is denied.
7

8 SUNRISE's motion requests relief under NRCP 60(d)(3). NRCP 60(d)(3) permits a
9 court to set aside a judgment "for fraud upon the court." As the Nevada Supreme Court held in
10 *NC-DSH Inc. v. Garner*, 218 P.3d 853, 858, 125 Nev. 647, 654 (2009):
11

12 The problem lies in defining what constitutes "fraud upon the court." Obviously, it
13 cannot mean any conduct of a party or lawyer of which the court disapproves;
14 among other evils, such a formulation "would render meaningless the [time]
15 limitation on motions under [Rule] 60(b)(3)." *Kupferman v. Consolidated*
16 *Research Mfg. Corp.*, 459 F.2d 1072, 1078 (2d Cir. 1972) (Friendly, J.), cited with
approval in *Occhiuto*, 97 Nev. at 146 n. 2, 625 P.2d at 570 n. 2, and *Murphy*, 103
Nev. at 186, 734 P.2d at 739.

17 *Id.* at 858, 654.

18 The Court went on to state:

19 The most widely accepted definition, which we adopt, holds that the concept
20 embrace[s] only that species of fraud which does, or attempts to, subvert the
21 integrity of the court itself, or is a fraud perpetrated by officers of the court so that
22 the judicial machinery cannot perform in the usual manner its impartial task of
adjudging cases . . . and relief should be denied in the absence of such conduct.

23 *Id.*

24 For a judgment to be set aside for fraud on the court, "the moving party must show clear
25 and convincing evidence establishing fraud. *U.S. v. Estate of Stonehill*, 660 F.3d 415, 443 (9th
26 Cir. 2011) (as cited in *Hsu v. Ubs Fin. Servs.* 2014 U.S. Dist. LEXIS 29792 (2014)).
27

28 ///

1 The *Stonehill* Court went on to note:

2 Fraud on the court should, we believe, embrace only that species of fraud which
3 does, or attempts to, defile the court itself. . . . [Movant] must demonstrate, by
4 clear and convincing evidence, an effort . . . to prevent the judicial process from
5 functioning in the usual manner. They must show more than perjury or
6 nondisclosure of evidence, unless that perjury or nondisclosure was so
7 fundamental that it undermined the workings of the adversary process itself.

8 *Id* at 444-445.

9 SUNRISE's motion does not set forth any proof of wrongdoing by RUSSO, his counsel,
10 or the Court, and certainly does not provide clear and convincing evidence of any fraud that
11 would subvert the integrity of the Court itself. In its Reply filed February 25, 2021 SUNRISE
12 expressly withdrew any intimation or accusation of RUSSO's counsel committing any fraud or
13 misconduct in securing the Default Judgment in this matter. *See* Reply at P. 5 footnote 5. For
14 these reasons, any request for relief under NRCP 60(d)(2) is denied.

15 Based on the foregoing IT IS HEREBY ORDERED ADJUDGED AND DECREED that
16 Defendant Sunrise Villa IX Homeowners Association's Motion to Set Aside and/or Amend the
17 Judgment in this matter be, and hereby is, DENIED.

18 Regarding RUSSO's motion to enforce the settlement, under EDCR 7.50 an agreement
19 between parties is effective if the same is entered in the minutes and/or is in writing subscribed
20 by the party against whom the same shall be alleged or the party's attorney. The agreement that
21 was placed on the record on October 18, 2021, in which the active parties to this suit agreed: 1)
22 that RUSSO's rights against DUSLAK and/or SESMAN are not affected by the settlement; 2)
23 that the settlement did not include DUSLAK and/or SESMAN; and 3) that nothing in any
24 subsequent writing confirming the settlement agreement would affect any rights RUSSO may
25 have against DUSLAK and/or SESMAN, is enforceable. RUSSO's motion to enforce "requests
26
27
28

1 this Court enforce the settlement agreement confirmed on the record on October 18, 2019 and
2 hold that the settlement did not affect SIMONE's rights against DUSLAK and/or SESMAN."
3 See Motion at P. 8 L. 2-5. It is hereby ORDERED ADJUDGED AND DECREED that
4 RUSSO's motion to enforce settlement is GRANTED. It is further ORDERED ADJUDGED
5 AND DECREED that the settlement entered into in this matter between the active parties and
6 PW JAMES did not affect any of RUSSO's rights against DUSLAK and/or SESMAN to any
7 degree.
8

9
10 SUNRISE directs the Court to verbiage in the stipulation attached to the settlement
11 agreement in which RUSSO and SUNRISE stipulated that for purposes of this litigation, in
12 August 2016 DUSLAK and SESMAN were natural persons who were in the service of
13 SUNRISE as independent contractors whom SUNRISE compensated and whom SUNRISE had
14 the non-exclusive right to direct and control. See, SUNRISE's Consolidated Opposition to
15 Plaintiff's Motions to Enforce Settlement and Reply to QBE's Motion to Enforce at P. 2 L. 12-
16 27.
17

18 SUNRISE argues that the language "as independent contractors" found in the stipulation
19 attached to the Agreement impacts RUSSO's rights against DUSLAK and/or SESMAN and
20 releases DUSLAK and SESMAN if they are found to be employees of SUNRISE. SUNRISE's
21 position is without merit as the plain language on page 4 of the settlement agreement states
22 "PLAINTIFF [RUSSO] shall retain all rights to pursue any claims against RICHARD
23 DUSLAK and/or JUSTIN SESMAN".
24

25 The settlement agreement also states on page 4, "ANY LANGUAGE IN THIS
26 RELEASE THAT IS CONTRARY TO THE LANGUAGE OF THIS SPECIFIC
27 PARAGRAPH, AND/OR ANY LANGUAGE THAT WOULD BE READ TO IN ANY WAY
28

1 IMPACT PLAINTIFF'S RIGHTS AGAINST RICHARD DUSLAK and/or JUSTIN
2 SESMAN . . . SHALL BE DEEMED NULL AND VOID." The stipulation attached to the
3 settlement Agreement is referenced multiple times in the settlement Agreement itself and is
4 incorporated into the Agreement. See, Bryan A. Garner, ed. (2001), *Black's Law*
5 *Dictionary* (2nd pocket ed.). St. Paul, MN: West Group. p. 341. ISBN 0-314-25791-8.
6 Incorporation by reference is the act of including a second document within another document
7 by only mentioning the second document. When a document is mentioned in a main document,
8 the entire second document is made a part of the main document. *Id.* When a document is
9 referenced in a contract, the referenced document becomes a part of the contract for all
10 purposes. *Lincoln Welding Works, Inc. v. Ramirez*, 98 Nev. 342, 647 P.2d 381 (1982).

13 The Nevada Supreme Court has held that "where two instruments were executed
14 together as one transaction they constituted but one instrument or contract, although written on
15 different pieces of paper." *Haspray v. Pasarelli*, 79 Nev. 203, 207-208, 380 P.2d 919, (1963).

17 The *Haspray* Court went on to say:

18 They would have to be taken and construed together as if written on the same
19 paper and signed by both parties. The law in such case deals with the matter as it
20 really was – as one transaction – and therefore all the papers drawn up
21 simultaneously bearing the same subject are held to be but one contract, although
22 written on several papers.

22 *Id.*

23 As SUNRISE argues that the language in the stipulation identifying DUSLAK and
24 SESMAN "as independent contractors" impacts RUSSO's rights against DUSLAK and
25 SESMAN, and as the Agreement states that "ANY LANGUAGE THAT WOULD BE READ
26 TO IN ANY WAY IMPACT PLAINTIFF'S RIGHTS AGAINST RICHARD DUSLAK
27 and/or JUSTIN SESMAN . . . SHALL BE DEMED NULL AND VOID", IT IS HEREBY
28

1 ORDERED ADJUDGED AND DECREED that the language "as independent contractors" as
2 found in the stipulation is deemed null and void pursuant to the plain language found on page 4
3 of the settlement agreement.
4

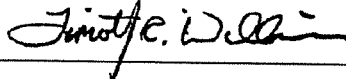
5 Paragraph 15 of the agreement, which is found on page 7 states:

6 If any provision of this Agreement is determined by a court of competent
7 jurisdiction to be illegal, invalid, or unenforceable, such provision will be deemed
8 to be severed and deleted from the Agreement as a whole, and neither such
9 provision nor its severance and deletion shall in any way affect the validity of the
10 remaining provisions of the Agreement.

11 As the language "as independent contractors" is deemed null and void, IT IS HEREBY
12 ORDERED ADJUDGED AND DECREED that the words "as independent contractors" are
13 severed and deleted from the Agreement as set forth in paragraph 15, and the remainder of the
14 Agreement and stipulation, with the words "as independent contractors" deleted shall remain in
15 full force and effect.

16 SO ORDERED.

17 Dated this 26th day of May, 2021

18 
19

ZJ

20 028 C04 6CB9 C18D
21 Timothy C. Williams
22 District Court Judge

23 Submitted by:
24 LAW OFFICE OF DAVID SAMPSON, LLC.

25 BY: /s/ David Sampson

26 DAVID SAMPSON, ESQ.
27 Nevada Bar No.6811
28 LAW OFFICE OF DAVID SAMPSON, LLC.
630 S. 3rd St.
Las Vegas NV 89101
Attorney for Plaintiff



Amanda Nalder <phoeny27@gmail.com>

Fwd: Russo

2 messages

David Sampson <davidsampsonlaw@gmail.com>

Fri, May 14, 2021 at 11:21 AM

To: Shannon Splaine <:ssplaine@lgclawoffice.com>, Leonard Fink <lfink@springelfink.com>, Amanda Nalder <amanda@davidsampsonlaw.com>, Julie Funai <JFunai@lipsonneilson.com>, Jennifer Arledge <jarledge@sgroandroger.com>

On Tuesday I sent the proposed Order to all of you. On Wednesday I sent the proposed Order to you again after correcting two typographical errors. My Tuesday email asked you to please let me know if you have any proposed changes regarding the same.

Having heard nothing from any of you, I will be submitting the same to the Court.

Attached is yet another copy of the proposed Order.

Thank you,

----- Forwarded message -----

From: **David Sampson** <davidsampsonlaw@gmail.com>

Date: Tue, May 11, 2021 at 11:35 AM

Subject: Russo

To: Shannon Splaine <:ssplaine@lgclawoffice.com>, Leonard Fink <lfink@springelfink.com>, Julie Funai <JFunai@lipsonneilson.com>, Jennifer Arledge <jarledge@sgroandroger.com>

Based on the May 3, 2021 Minute Order the Court and the comments from the Court at the hearing today, I have prepared the attached proposed Order on the matter. Please let me know if you have any proposed changes regarding the same.

Thank you,

--
David Sampson, Esq.

Certified Personal Injury Specialist (Nevada Justice Association, State Bar of Nevada)

Trial Lawyer of the Year (Nevada Reptile Trial Lawyers 2017)

The Law Office of David Sampson, LLC.

630 S. 3rd St.

Las Vegas NV 89101

Phone: (702) 605-1099

Fax: (888) 209-4199

The sender of this confidential communication intends it to be privileged pursuant to applicable law. This email message, including any attachments, may contain material that is confidential, privileged, attorney work product and/or otherwise exempt from disclosure under applicable law, and is intended for the sole use of the intended recipient, regardless of whom it is addressed to. Any receipt, review, reliance, distribution, forwarding, copying, dissemination or other use of this communication by any party other than the intended recipient or its employees, officers and/or agents, without the express permission of the sender is strictly prohibited. If you are not the intended recipient and have received this message, please immediately contact the sender and destroy any and all contents.

This communication in no way constitutes an attorney/client agreement, and no such attorney/client relationship arises unless and until an attorney/client contract is signed by the attorney and client.

Thank you.

--
David Sampson, Esq.

Certified Personal Injury Specialist (Nevada Justice Association, State Bar of Nevada)

Trial Lawyer of the Year (Nevada Reptile Trial Lawyers 2017)

The Law Office of David Sampson, LLC.

630 S. 3rd St.
Las Vegas NV 89101
Phone: (702) 605-1099
Fax: (888) 209-4199

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Thank you.

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2 attachments

 **656. Order on Motion to Set Aside.pdf**
230K

 **656. Order on Motion to Set Aside.pdf**
202K

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 Simone Russo, Plaintiff(s)

CASE NO: A-17-753606-C

7 vs.

DEPT. NO. Department 16

8 Cox Communications Las Vegas,
9 Inc., Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order was served via the court's electronic eFile system to all
14 recipients registered for e-Service on the above entitled case as listed below:

Service Date: 5/26/2021

15 Michael Merritt

michael.merritt@mccormickbarstow.com

16 Tricia Dorner

tricia.dorner@mccormickbarstow.com

17 "David Sampson, Esq. " .

davidsampsonlaw@gmail.com

18 Amanda Nalder .

amanda@davidsampsonlaw.com

19 Chris Turtzo .

turtzo@morrisullivanlaw.com

20 Kristin Thomas .

kristin.thomas@mccormickbarstow.com

21 Michael R Merritt .

Michael.Merritt@mccormickbarstow.com

22 Shannon Splaine

ssplaine@lgclawoffice.com

23 Barbara Pederson

bpederson@lgclawoffice.com

24 David Clark

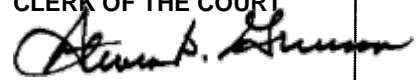
dclark@lipsonneilson.com

25 Debra Marquez

dmarquez@lipsonneilson.com

26
27
28

1	Jonathan Pattillo	JPattillo@springelfink.com
2		
3	Ramiro Morales	rmorales@mfrlegal.com
4	Susana Nutt	snutt@lipsonneilson.com
5	Philip John	philip.john@mccormickbarstow.com
6	Laura Lybarger	laura.lybarger@mccormickbarstow.com
7	MSL Mandatory Back-up Email	nvmorrissullivanlemkul@gmail.com
8	William Reeves	wreeves@mfrlegal.com
9	Mail Room	espringel@springelfink.com
10	Thomas Levine	tlevine@springelfink.com
11	Jennifer Arledge	jarledge@sgroandroger.com
12		
13	E File	efile@sgroandroger.com
14	Amanda Nalder	phoeny27@gmail.com
15	David Sampson	davidsampsonlaw@gmail.com
16	Ginger Bellamy	gbellamy@lgclawoffice.com
17		
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28		



1 **ASTA**
2 **SHANNON G. SPLAINE, ESQ.**
3 Nevada Bar No. 8241
4 **LINCOLN, GUSTAFSON & CERCOS, LLP**
5 **ATTORNEYS AT LAW**
6 3960 Howard Hughes Parkway, Suite 200
7 Las Vegas, Nevada 89169
8 Telephone: (702) 257-1997
9 Facsimile: (702) 257-2203
10 ssplaine@lgclawoffice.com

11 Attorneys for Defendant,
12 **SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION**

13
14
15 **DISTRICT COURT**
16 **CLARK COUNTY, NEVADA**
17

18 **SIMONE RUSSO,**
19
20 Plaintiff,

CASE NO.: A-17-753606-C
DEPT. No. 16

21 v.

CASE APPEAL STATEMENT

22 **COX COMMUNICATIONS LAS VEGAS,**
23 **INC. D/B/A COX COMMUNICATIONS; IES**
24 **RESIDENTIAL, INC.; SUNRISE VILLAS IX**
25 **HOMEOWNERS ASSOCIATION; J&G**
26 **LAWN MAINTENANCE; KEVIN**
27 **BUSHBAKER; PW JAMES MANAGEMENT**
28 **& CONSULTING, LLC; J. CHRIS**
SCARCELLI, DOE LANDSCAPER,
RICHARD DUSLAK, JUSTIN SESMAN, AND
DOES I-V, AND ROE CORPORATIONS I-V,
inclusive,

Defendants.

Pursuant to NRAP 3(f), Defendant SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION hereby submits the following case appeal statement:

A. District court case number and caption, showing names of all parties to the proceedings (without using *et al.*): The full case numbers and captions, showing names of all parties, are as follows:

///

///

1 SIMONE RUSSO,

2 Plaintiff,

3 v.

4 COX COMMUNICATIONS LAS VEGAS,
5 INC. D/B/A COX COMMUNICATIONS; IES
6 RESIDENTIAL, INC.; SUNRISE VILLAS IX
7 HOMEOWNERS ASSOCIATION; J&G
8 LAWN MAINTENANCE; KEVIN
9 BUSHBAKER; PW JAMES MANAGEMENT
& CONSULTING, LLC; J. CHRIS
SCARCELLI, DOE LANDSCAPER,
RICHARD DUSLAK, JUSTIN SESMAN, AND
DOES I-V, AND ROE CORPORATIONS I-V,
inclusive,

10 Defendants.

CASE NO.: A-17-753606-C
DEPT. No. 16

11
12 B. Name of judge who entered order or judgment being appealed: The Honorable
13 Timothy C. Williams.

14 C. Name of each appellant, and name and address of counsel for each appellant:

15 SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION

16 Robert L. Eisenberg, Esq.
17 Lemons, Grundy & Eisenberg
18 6005 Plumas Street, Third Floor
Reno, Nevada 89519

19 Shannon Splaine, Esq.
20 Lincoln, Gustafson & Cercos, LLP
21 3960 Howard Hughes Parkway, Suite 200
Las Vegas, Nevada 89169

22 D. Name of each respondent, and name and address of each respondent's appellate
23 counsel, if known:

24 SIMONE RUSSO

25 David Sampson, Esq.
26 Law Offices of David F. Sampson
27 630 S. Third Street
28 Las Vegas, Nevada 89101

1 E. Whether attorneys identified in subparagraph D are not licensed to practice law in
2 Nevada; and if so, whether the district court granted permission to appear under SCR 42 (include copy
3 of district court order granting permission): All attorneys are licensed in Nevada.

4 F. Whether appellant was represented by appointed counsel in the district court or on
5 appeal: No appointed counsel; retained counsel only.

6 G. Whether any appellant was granted leave to proceed in forma pauperis: No.

7 H. Date proceedings were commenced in district court: April 6, 2017

8 I. Brief description of nature of the action and result in district court, including type of
9 judgment or order being appealed and relief granted by district court: Personal injury action; default
10 judgment entered on December 17, 2019, in the amount of \$25,000,000; appeal is from order denying
11 relief under NRCP 60 entered on May 26, 2021.

12 J. Whether case was previously subject of appeal or writ proceeding in Nevada Supreme
13 Court or Court of Appeals, and if so, caption and docket number of prior proceeding: Not applicable.

14 K. Whether appeal involves child custody or visitation: Not applicable.

15 L. Whether appeal involves possibility of settlement: Possible, but highly unlikely.

16 DATED this 23rd day of June, 2021.

17
18 **LINCOLN, GUSTAFSON & CERCOS, LLP**

19 */s/ Shannon G. Splaine*

20 **SHANNON G. SPLAINE, ESQ.**

21 Nevada Bar No. 8241

22 3960 Howard Hughes Parkway, Suite 200

23 Las Vegas, Nevada 89169

24 Attorneys for Defendant, SUNRISE VILLAS IX

25 HOMEOWNERS ASSOCIATION

26 v:\p-t\qbe_sunrise\atty notes\drafts\pldgs\20210623_asta.docx

1 Simone Russo v. Cox Communications Las Vegas, Inc., et al.
2 Clark County Case No. A-17-753606-C

3 **CERTIFICATE OF SERVICE**

4 I HEREBY CERTIFY that on the 23rd day of June, 2021, I served a copy of the attached
5 **CASE APPEAL STATEMENT** via electronic service to all parties on the Odyssey E-Service
6 Master List and via US Mail, postage prepaid to the following addresses:

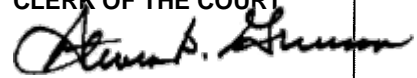
7
8 Justin Sesman
9 4775 Topaz Street, Apt. 235
10 Las Vegas, NV 89121

11 Richard Duslak
12 4012 Abrams Avenue
13 Las Vegas, NV 89110

14
15
16
17 */s/ Ginger K. Bellamy*

18 _____
19 Ginger K. Bellamy, an employee
20 of the law offices of
21 Lincoln, Gustafson & Cercos, LLP

22 V:\P-T\QBE_Sunrise\POS\20210623_ASTA_gkb.doc



NOCB
SHANNON G. SPLAINE, ESQ.
Nevada Bar No. 8241
LINCOLN, GUSTAFSON & CERCOS, LLP
ATTORNEYS AT LAW
3960 Howard Hughes Parkway, Suite 200
Las Vegas, Nevada 89169
Telephone: (702) 257-1997
Facsimile: (702) 257-2203
ssplaine@lgclawoffice.com

Attorneys for Defendant,
SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION

DISTRICT COURT
CLARK COUNTY, NEVADA

SIMONE RUSSO,
Plaintiff,

v.

COX COMMUNICATIONS LAS VEGAS,
INC. D/B/A COX COMMUNICATIONS; IES
RESIDENTIAL, INC.; SUNRISE VILLAS IX
HOMEOWNERS ASSOCIATION; J&G
LAWN MAINTENANCE; KEVIN
BUSHBAKER; PW JAMES MANAGEMENT
& CONSULTING, LLC; J. CHRIS
SCARCELLI, DOE LANDSCAPER,
RICHARD DUSLAK, JUSTIN SESMAN, AND
DOES I-V, AND ROE CORPORATIONS I-V,
inclusive,

Defendants.

CASE NO.: A-17-753606-C
DEPT. No. 16

NOTICE OF FILING COST BOND

Please take notice that Defendant SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION has posted cash in the amount of \$500 for the costs on appeal, pursuant to NRAP 7.

DATED this 23rd day of June, 2021.

LINCOLN, GUSTAFSON & CERCOS, LLP

/s/ Shannon G. Splaine

SHANNON G. SPLAINE, ESQ., (SBN 8241)
3960 Howard Hughes Parkway, Suite 200
Las Vegas, Nevada 89169
Attorneys for Defendant, SUNRISE VILLAS IX
HOMEOWNERS ASSOCIATION

1 Simone Russo v. Cox Communications Las Vegas, Inc., et al.
2 Clark County Case No. A-17-753606-C

3 **CERTIFICATE OF SERVICE**

4 I HEREBY CERTIFY that on the 23rd day of June, 2021, I served a copy of the attached
5 **NOTICE OF FILING COST BOND** via electronic service to all parties on the Odyssey E-Service
6 Master List and via US Mail, postage prepaid to the following addresses:

7
8 Justin Sesman
9 4775 Topaz Street, Apt. 235
10 Las Vegas, NV 89121

11 Richard Duslak
12 4012 Abrams Avenue
13 Las Vegas, NV 89110
14
15
16

17 */s/ Ginger K. Bellamy*

18 _____
19 Ginger K. Bellamy, an employee
20 of the law offices of
21 Lincoln, Gustafson & Cercos, LLP
22
23
24
25
26
27
28

V:\P-T\QBE_Sunrise\POS\20210623_NOCB_gkb.doc

CASE SUMMARY**CASE NO. A-17-753606-C****Simone Russo, Plaintiff(s)****vs.****Cox Communications Las Vegas, Inc., Defendant(s)**§
§
§
§
§Location: **Department 16**Judicial Officer: **Williams, Timothy C.**Filed on: **04/06/2017**Cross-Reference Case **A753606**

Number:

CASE INFORMATION**Statistical Closures**

05/14/2020 Stipulated Judgment

Case Type: **Negligence - Premises Liability**Case
Status: **05/14/2020 Closed****DATE****CASE ASSIGNMENT****Current Case Assignment**









Case Number	A-17-753606-C
Court	Department 16
Date Assigned	04/06/2017
Judicial Officer	Williams, Timothy C.

PARTY INFORMATION

		<i>Lead Attorneys</i>
Plaintiff	Russo, Simone	Sampson, David F. <i>Retained</i> 702-605-1099(W)
Defendant	Bushbaker, Kevin	Sgro, Anthony P. <i>Retained</i> 702-384-9800(W)
	Cox Communications Las Vegas, Inc.	Lemkul, William A. <i>Retained</i> 702-405-8100(W)
	Duslak, Richard	
	IES Residential Inc	Lemkul, William A. <i>Retained</i> 702-405-8100(W)
	J& G Lawn Maintenance Removed: 01/25/2018 Dismissed	
	PWJames Management & Consulting LLC	
	Scarcelli, J Chris	Clark, David A. <i>Retained</i> 7023822200(W)
	Sesman, Justin	
	Sunrise Villas IX Homeowners Association	Fink, Leonard T. <i>Retained</i> 7028040706(W)
Counter Claimant	Bushbaker, Kevin Removed: 02/22/2019 Data Entry Error	Sgro, Anthony P. <i>Retained</i> 702-384-9800(W)
Cross Claimant	Bushbaker, Kevin	Sgro, Anthony P.

CASE SUMMARY**CASE NO. A-17-753606-C**

		<i>Retained</i> 702-384-9800(W)
Cross Defendant	Cox Communications Las Vegas, Inc.	Lemkul, William A. <i>Retained</i> 702-405-8100(W)
	IES Residential Inc	Lemkul, William A. <i>Retained</i> 702-405-8100(W)
	Scarcelli, J Chris	Clark, David A. <i>Retained</i> 7023822200(W)
	Sunrise Villas IX Homeowners Association	Fink, Leonard T. <i>Retained</i> 7028040706(W)
Intervenor	QBE Insurance Corporation	Reeves, William C. <i>Retained</i> 7026997822(W)

DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<u>EVENTS</u>	
04/06/2017	 Complaint Filed By: Plaintiff Russo, Simone <i>Complaint</i>	
04/24/2017	 Errata Filed By: Plaintiff Russo, Simone <i>Errata to Complaint</i>	
04/26/2017	 Summons Filed by: Plaintiff Russo, Simone <i>Summons - Cox Communications Las Vegas Inc</i>	
04/26/2017	 Summons Filed by: Plaintiff Russo, Simone <i>Summons - Sunrise Villas IX Homeowners Association</i>	
04/26/2017	 Summons Filed by: Plaintiff Russo, Simone <i>Summons - IES Residential Inc</i>	
04/26/2017	 Summons Filed by: Plaintiff Russo, Simone <i>Summons - J&G Lawn Maintenance</i>	
05/01/2017	 Initial Appearance Fee Disclosure Filed By: Defendant J& G Lawn Maintenance <i>Initial Appearance Fee Disclosure</i>	
05/01/2017	 Answer to Complaint Filed by: Defendant J& G Lawn Maintenance <i>Defendant's Answer to Plaintiff's Complaint</i>	
05/02/2017		

CASE SUMMARY

CASE NO. A-17-753606-C

	 Answer to Complaint Filed by: Cross Defendant Cox Communications Las Vegas, Inc. <i>Answer to Complaint</i>
05/02/2017	 Initial Appearance Fee Disclosure Filed By: Cross Defendant Cox Communications Las Vegas, Inc. <i>Initial Appearance Fee Disclosure</i>
05/02/2017	 Demand for Jury Trial Filed By: Cross Defendant Cox Communications Las Vegas, Inc. <i>Demand for Jury Trial</i>
05/04/2017	 Answer to Complaint Filed by: Cross Defendant IES Residential Inc <i>Answer to Complaint</i>
05/04/2017	 Initial Appearance Fee Disclosure <i>Initial Appearance Fee Disclosure</i>
05/04/2017	 Demand for Jury Trial Filed By: Cross Defendant IES Residential Inc <i>Demand for Jury Trial</i>
05/17/2017	 Answer and Crossclaim Filed By: Cross Claimant Bushbaker, Kevin <i>Defendant Bushbaker's Answer, and Cross-Claim Against Cox Communications</i>
05/18/2017	 Initial Appearance Fee Disclosure Filed By: Cross Claimant Bushbaker, Kevin <i>Initial Appearance Fee Disclosure</i>
05/18/2017	 Motion Filed By: Plaintiff Russo, Simone <i>Plaintiff's Motion for Immediate Trial Setting</i>
05/24/2017	 Commissioners Decision on Request for Exemption - Granted <i>Commissioner's Decision on Request for Exemption - Granted</i>
06/05/2017	 Opposition Filed By: Cross Defendant IES Residential Inc <i>Defendant IES Residential, Inc's Opposition to Plaintiff's Motion for Immediate Trial Setting</i>
06/05/2017	 Reply to Opposition Filed by: Plaintiff Russo, Simone <i>Plaintiff's Reply to Defendant's Opposition to Motion for Immedaite Trial Setting</i>
06/05/2017	 Opposition Filed By: Defendant J& G Lawn Maintenance <i>Defendant's Opposition to Motion for Preferential Trial Setting</i>
06/06/2017	 Answer to Crossclaim Filed By: Cross Defendant Cox Communications Las Vegas, Inc. <i>Defendant Cox Communications Las Vegas, Inc. d/b/a Cox Communications; Answer to Kevin Bushbaker's Cross-Claim</i>

CASE SUMMARY

CASE NO. A-17-753606-C

06/06/2017	 Reply to Opposition Filed by: Plaintiff Russo, Simone <i>Plaintiff's Reply to Defendant J&G Lawn Maintenance's Opposition to Motion for Immediate Trial Setting</i>
06/06/2017	 Summons Filed by: Plaintiff Russo, Simone <i>Summons</i>
06/06/2017	 Default Filed By: Plaintiff Russo, Simone Default Prty: Cross Defendant Sunrise Villas IX Homeowners Association <i>(10/9/17) Default - Sunrise Villas</i>
06/07/2017	 Demand for Jury Trial Filed By: Defendant J& G Lawn Maintenance <i>Demand for Jury Trial</i>
06/09/2017	 Substitution of Attorney Filed by: Cross Defendant IES Residential Inc <i>Substitution of Counsel</i>
06/09/2017	 Joinder Filed By: Cross Defendant Cox Communications Las Vegas, Inc. <i>Joinder to Defendant, IES Residential, Inc.'s Opposition to Plaintiff's Motion for Immediate Trial Setting</i>
06/12/2017	 Joinder Filed By: Cross Claimant Bushbaker, Kevin <i>Joiner to Defendant, IES Residential, Inc.'s Opposition to Plaintiff's Motion for Immediate Trial Setting</i>
06/13/2017	 Default Filed By: Plaintiff Russo, Simone <i>Default</i>
06/20/2017	 Joint Case Conference Report Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Plaintiff Russo, Simone; Cross Defendant IES Residential Inc; Defendant J& G Lawn Maintenance; Cross Claimant Bushbaker, Kevin <i>Joint Case Conference Report</i>
06/20/2017	 Joint Case Conference Report Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Plaintiff Russo, Simone; Cross Defendant IES Residential Inc; Defendant J& G Lawn Maintenance; Cross Claimant Bushbaker, Kevin <i>Joint Case Conference Report</i>
06/23/2017	 Notice to Appear for Discovery Conference <i>Notice to Appear for Discovery Conference</i>
07/17/2017	 Order Filed By: Plaintiff Russo, Simone <i>Order on Plaintiff's Motion for immediate Trial Setting</i>

CASE SUMMARY

CASE NO. A-17-753606-C

07/24/2017	 Notice of Entry Filed By: Plaintiff Russo, Simone <i>Notice of Entry</i>
08/01/2017	 Scheduling Order <i>Scheduling Order</i>
08/02/2017	 Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call <i>Order Setting Civil Jury Trial, Pre-Trial Conference and Calendar Call</i>
08/25/2017	 Disclosure Statement <i>Defendant Sunrise Villas IX Homeowners Association s NRCP 7.1 Disclosure Statement</i>
08/25/2017	 Answer to Complaint Filed by: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant Sunrise Villas Ix Homeowners Association s Answer To Plaintiff s Complaint</i>
08/25/2017	 Initial Appearance Fee Disclosure Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant Sunrise Villas IX Homeowners Association s Initial Appearance Fee Disclosure (N.R.S. Chapter 19)</i>
08/25/2017	 Demand for Jury Trial <i>Defendant Sunrise Villas Ix Homeowners Association s Demand For Jury Trial</i>
09/05/2017	 Joinder Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant Sunrise Villas IX Homeowners Association's Joinder to Joint Case Conference Report</i>
09/11/2017	 Stipulated Protective Order Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Stipulated Protective Order</i>
09/12/2017	 Proof of Service Filed by: Defendant J& G Lawn Maintenance <i>Proof of Service of SDT</i>
09/12/2017	 Notice of Entry Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Notice of Entry of Stipulated Protective Order</i>
10/09/2017	 Stipulation and Order Filed by: Cross Defendant Sunrise Villas IX Homeowners Association <i>Stipulation and Order to Set Aside Default Against Defendant Sunrise Villas IX Homeowners Association</i>
10/30/2017	 Notice of Entry of Order Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Notice of Entry Re Stipulation And Order To Set Aside Default Against Defendant Sunrise Villas IX Homeowners Association</i>

CASE SUMMARY

CASE NO. A-17-753606-C

11/09/2017	 Subpoena Duces Tecum Filed by: Defendant J& G Lawn Maintenance <i>SDT with Notice of Depo</i>
11/21/2017	 Subpoena Duces Tecum Filed by: Defendant J& G Lawn Maintenance <i>Subpoena w/notice of depo and affidavit of service</i>
11/28/2017	 Affidavit of Attempted Service Filed By: Defendant J& G Lawn Maintenance <i>Affidavit of Attemoted Service of Subpoena and Notice of Depo</i>
11/29/2017	 Motion to Amend Complaint Filed By: Plaintiff Russo, Simone <i>Motion to Amend Complaint</i>
12/01/2017	 Motion to Compel Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Motion to Compel Rule 35 Examination and to Extend Discovery Deadlines on an Order Shortening Time</i>
12/05/2017	 Joinder Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant Sunrise Villas IX Homeowners Association s Joinder To Defendants IES Residential, Inc., and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion To Compel Rule 35 Examination And To Extend Discovery Deadlines On An Order Shortening Time [First Request To Extend Discovery Deadlines]</i>
12/06/2017	 Joinder Filed By: Defendant J& G Lawn Maintenance <i>Joinder</i>
12/19/2017	 Opposition to Motion Filed By: Cross Defendant IES Residential Inc <i>IES Residential's Opposition to Plaintiff's Motion for Leave to Amend Plaintiff's Complaint</i>
12/21/2017	 Joinder Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant Sunrise Villas Ix Homeowners Association s Joinder To Defendant IES Residential, Inc. s Opposition To Plaintiff s Motion For Leave To Amend Plaintiff s Complaint</i>
12/22/2017	 Supplement Filed by: Plaintiff Russo, Simone <i>Supplement to Plaintiff's Motion to Amend Complaint</i>
12/22/2017	 Joinder to Opposition to Motion Filed by: Defendant J& G Lawn Maintenance <i>Joinder to Defendant, IES Opposition to Plaintiff Motion for Leave to Amend Complaint</i>
12/22/2017	 Motion Filed By: Plaintiff Russo, Simone <i>(12/26/2017 Withdrawn) Motion to De-Designate Confidentiality of Documents</i>

CASE SUMMARY

CASE NO. A-17-753606-C

12/26/2017	 Notice of Withdrawal of Motion Filed By: Plaintiff Russo, Simone <i>Notice of Withdrawal of Motion to De-Designate Confidentiality of Documents</i>
01/02/2018	 Response Filed by: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>IES Residential and Cox Communications Response to Plaintiff's Motion to Amend Complaint</i>
01/02/2018	 Joinder Filed By: Cross Claimant Bushbaker, Kevin <i>Kevin Bushbaker's Joinder to Defendant, IES Residential, Inc.'s Opposition to Plaintiff's Motion for Leave to Amend Plaintiff's Complaint</i>
01/16/2018	 Summons Electronically Issued - Service Pending <i>Summons</i>
01/16/2018	 Summons Electronically Issued - Service Pending <i>Summons</i>
01/16/2018	 Summons Electronically Issued - Service Pending <i>Summons</i>
01/16/2018	 Amended Complaint Filed By: Plaintiff Russo, Simone <i>Amended Complaint</i>
01/16/2018	 Motion to Compel Filed By: Plaintiff Russo, Simone <i>Plaintiff's Motion to Compel Discovery Responses</i>
01/17/2018	 Motion Filed By: Plaintiff Russo, Simone <i>Motion to De-Designate Confidentiality of Documents</i>
01/25/2018	 Stipulation and Order for Dismissal With Prejudice Filed By: Defendant J& G Lawn Maintenance <i>Stipulation and Order for Dismissal with Prejudice</i>
02/02/2018	 Answer to Amended Complaint Filed By: Cross Defendant IES Residential Inc <i>Defendant's IES Residential's Answer to Plaintiff's First Amended Complaint</i>
02/02/2018	 Opposition to Motion to Compel Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant Sunrise Villas IX Homeowners Association's Opposition to Plaintiff's Motion to Compel Discovery Responses</i>
02/05/2018	 Opposition Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Defendants Opposition to Plaintiff's Motion to De-Designate Confidentiality Documents</i>
02/06/2018	 Answer to Amended Complaint

CASE SUMMARY

CASE NO. A-17-753606-C

Filed By: Cross Defendant Cox Communications Las Vegas, Inc.
Cox Communications Answer to Plaintiff's First Amended Complaint

02/06/2018



Notice

Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc
Notice of Firm Name Change

02/06/2018



Answer to Amended Complaint

Filed By: Cross Defendant Sunrise Villas IX Homeowners Association
Defendant Sunrise Villas IX Homeowners Association's Answer to Plaintiff's Complaint

02/07/2018



Order Granting Motion

Order on Plaintiff's Motion to Amend Complaint

02/13/2018



Discovery Commissioners Report and Recommendations

Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc
Discovery Commissioners Report and Recommendations

02/14/2018



Notice of Entry

Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc
Notice of Entry of Discovery Commissioners Report and Recommendations

02/15/2018



Summons

Filed by: Plaintiff Russo, Simone
Party served: Cross Defendant Scarcelli, J Chris
Summons - J Chris Scarcelli

02/15/2018



Summons

Filed by: Plaintiff Russo, Simone
Party served: Cross Defendant Scarcelli, J Chris
Summons - Justin Sesman

02/15/2018



Summons

Filed by: Plaintiff Russo, Simone
Party served: Defendant Duslak, Richard
Summons - Richard Duslak

03/16/2018



Amended Order Setting Jury Trial

Amended Order Setting Civil Jury Trial, Pre-Trial/Calendar Call

03/22/2018



Initial Appearance Fee Disclosure

Filed By: Cross Defendant Scarcelli, J Chris
J. Chris Scarcelli's Initial Appearance Fee Disclosure

03/22/2018



Answer to Amended Complaint

Filed By: Cross Defendant Scarcelli, J Chris
J. Chris Scarcelli's Answer to Amended Complaint

04/12/2018



Demand for Prior Discovery

Filed By: Cross Defendant Sunrise Villas IX Homeowners Association
Defendant Sunrise Villas IX Homeowners Association's Response To J. Chris Scarcelli's Demand For Prior Discovery

CASE SUMMARY

CASE NO. A-17-753606-C

04/20/2018	 Discovery Commissioners Report and Recommendations <i>Discovery Commissioner</i>
04/26/2018	 Notice Filed By: Cross Defendant Scarcelli, J Chris <i>Notice of Change of Firm Name</i>
07/10/2018	 Motion for Summary Judgment Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Motion for Summary Judgment</i>
07/12/2018	 Notice of Change of Address Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Notice of Change of Address</i>
07/27/2018	 Opposition to Motion For Summary Judgment Filed By: Plaintiff Russo, Simone <i>Plaintiff's Opposition To Defendant Sunrise Willas Ix Hoa s Motion For Summary Judgment</i>
07/27/2018	 Opposition to Motion For Summary Judgment Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Cox and IES opposition to Sunrise Villas' Motion for Summary Judgment</i>
07/30/2018	 Supplement to Opposition <i>Supplement to Plaintiff's Opposition to Defendant Sunrise Willas IX Hoa's Motion for Summary Judgment</i>
08/10/2018	 Reply Filed by: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Omnibus Reply in Support of Its Motion for Summary Judgment</i>
08/10/2018	 Motion to Continue Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Motion to Continue the Hearing Scheduled on August 15, 2018 on Its Motion for Summary Judgment on Order Shortening Time</i>
08/13/2018	 Objection Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Evidentiary Objections to Declarations of Plaintiff, Simone Russo and Barbara Russo</i>
08/13/2018	 Notice of Non Opposition Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>IES and Cox Notice of Non-Opposition to Sunrise's Motion to Continue hearing Scheduled on 8/15 on it's Motion for Summary Judgment on OSt</i>
09/14/2018	 Mandatory Pretrial Disclosure <i>Plaintiff's N.R.C.P. 16.1(A)(3)(A) Pretrial Disclosures</i>

CASE SUMMARY

CASE NO. A-17-753606-C

09/20/2018	 Motion Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications' Pretrial Motion to Preclude the Application of Joint and Several Liability</i>
09/20/2018	 Motion in Limine Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Defendants IES and Cox Communications Motion in Limine #2 to Preclude Barbara Russo from Testifying Regarding Alleged Statements by Cox Employee "Curtis"</i>
09/20/2018	 Motion in Limine Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications' Motion in Limine No. 6 to Preclude the Unverified Recorded Interview of J&G Lawn Maintenance Employee Tom Bastian</i>
09/20/2018	 Motion in Limine Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Motion in Limine No. 10 to exclude Non-Party Witnesses from the Courtroom</i>
09/20/2018	 Motion in Limine Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>IES and COX Communications Motion in Limine #3 to Preclude Testimony Lacking Personal Knowledge</i>
09/20/2018	 Motion in Limine Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>IES and Cox's Motion in Limine No. 12 to Preclude Testimony Involving Trip and Falls Involving Cox/IES at Any Other Location</i>
09/20/2018	 Motion in Limine Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Motion in Limine No. 11 to Preclude Cumulative Testimony of Plaintiff's Expert and Lay Witnesses</i>
09/20/2018	 Motion in Limine Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>IES Residential and Cox Communication's Motion in Limine #14 to Preclude Medical Expert Testimony from Plaintiff, Simone Russo</i>
09/20/2018	 Motion in Limine Filed By: Plaintiff Russo, Simone <i>Plaintiff's Motion in Limine to Exclude Untimely Disclosed Witnesses</i>
09/20/2018	 Motion in Limine Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Motion in Limine No. 15 to Preclude Demonstrative Evidence Relating to Plaintiff's Quality of Life</i>

CASE SUMMARY

CASE NO. A-17-753606-C

09/20/2018



Motion in Limine

Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc

Defendants IES and Cox's Motion in Limine #4 to Preclude Plaintiff From Introducing Evidence of Future Damages

09/20/2018



Motion in Limine

Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc

IES Residential and Cox Communications Motion in Limine #1 to Preclude any Evidence or Testimony of Subsequent Remedial Measures by IES and/or Cox

09/20/2018



Motion in Limine

Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc

Motion in Limine #8 to Preclude Per Diem Arguments/Dollar Value of Pain and Suffering (General Damages)

09/20/2018



Motion in Limine

Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc

IES Residential and Cox Communications Motion in Limine #5 to Limit the Scope and Nature of Plaintiff's Expert Witnesses' Testimony at the time of Trial

09/20/2018



Motion in Limine

Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc

IES Residential and Cox Communications Motion in Limine #7 to Preclude Plaintiff from Presenting Evidence of Medical Special Damages Beyond the Amount Incurred

09/20/2018



Motion in Limine

Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc

Motion in Limine No. 13 to Preclude Plaintiff from Making Reference to or Introducing Evidence Regarding the Financial Wealth of Defendants

09/20/2018



Motion in Limine

Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc

Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion in Limine No. 16 to Preclude all Counter Opinions Regarding Biomechanics as Plaintiff Did Not Have an Expert

09/20/2018



Motion in Limine

Filed By: Cross Defendant Sunrise Villas IX Homeowners Association

Defendant, Sunrise Villas IX Homeowners Association's Motion in Limine No. 1 to Exclude Hearsay Statements From Gardeners

09/20/2018



Motion in Limine

Filed By: Cross Defendant Sunrise Villas IX Homeowners Association

Defendant, Sunrise Villas IX Homeowners Association's Motion in Limine No. 2 to Exclude Reference to Inadequate Lighting

09/20/2018



Motion in Limine

Filed By: Cross Defendant Sunrise Villas IX Homeowners Association

Defendant, Sunrise Villas IX Homeowners Association's Motion in Limine No. 3 to Exclude

CASE SUMMARY

CASE NO. A-17-753606-C

Allegedly Retaliatory Actions by Sunrise

09/20/2018	 Motion in Limine Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Motion in Limine No. 4 to Exclude Future Medical Costs and Treatment</i>
09/20/2018	 Motion in Limine Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Motion in Limine No. 5 to Exclude "Reptile Theory" Tactics</i>
09/20/2018	 Motion in Limine Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Motion in Limine No. 6 to Exclude Subsequent Remedial Measures</i>
09/20/2018	 Motion in Limine Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., dba Cox Communications' Motion in Limine #9 to Preclude Reference by Plaintiff or Plaintiff's Counsel to IES/Cox' "California Attorneys" or to IES/Cox as Out-of-State, National, or International Companies</i>
09/21/2018	 Pre-Trial Disclosure Party: Cross Claimant Bushbaker, Kevin <i>Defendant's PreTrial Disclosures</i>
09/26/2018	 Order Denying Filed By: Plaintiff Russo, Simone <i>Order Denying Defendant's Motion for Summary Judgment</i>
09/26/2018	 Notice of Entry <i>Notice of Entry</i>
09/26/2018	 Joinder To Motion Filed By: Cross Defendant Scarcelli, J Chris <i>J. Chris Scarcelli's Joinder to Defendants IES Residential, Inc., and Cox Communications' PreTrail Motion to Preclude the Application of Joint and Several Liability</i>
09/27/2018	 Joinder to Motion in Limine Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant Sunrise Villas IX Homeowners Association s Joinder To Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc. d/b/a Cox Communications Motion In Limine No. 16 To Preclude All Counter Opinions Regarding Biomechanics As Plaintiff Did Not Have An Expert</i>
09/27/2018	 Joinder to Motion in Limine Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant Sunrise Villas Ix Homeowners Association s Joinder To Defendants IES Residential, Inc. And Cox Communications Las Vegas, Inc. D/B/A Cox Communications Motion In Limine No. 15 To Preclude Demonstrative Evidence Relating To Plaintiff's Quality Of Life</i>
09/27/2018	 Joinder to Motion in Limine

CASE SUMMARY

CASE NO. A-17-753606-C

	<p>Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. (IES) and Cox Communications Las Vegas, Inc., d/b/a Cox Communications (Cox) Motion In Limine #1 To Preclude Any Evidence Or Testimony Of Subsequent Remedial Measures By IES And/Or Cox</i></p>
09/27/2018	<p> Joinder to Motion in Limine</p> <p>Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #2 To Preclude Barbara Russo From Testifying Regarding Alleged Statements By Cox Employee Curtis</i></p>
09/27/2018	<p> Joinder to Motion in Limine</p> <p>Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #3 To Preclude Testimony Lacking Personal Knowledge</i></p>
09/27/2018	<p> Joinder to Motion in Limine</p> <p>Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #4 To Preclude Plaintiff From Introducing Evidence Of Future Damages</i></p>
09/27/2018	<p> Joinder to Motion in Limine</p> <p>Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #5 To Limit The Scope And Nature Of Plaintiff s Expert Witnesses Testimony At The Time Of Trial</i></p>
09/27/2018	<p> Joinder to Motion in Limine</p> <p>Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #6 To Preclude The Unverified Recorded Interview Of J&G Lawn Maintenance Employee Tom Bastian</i></p>
09/27/2018	<p> Joinder to Motion in Limine</p> <p>Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #7 To Preclude Plaintiff From Presenting Evidence Of Medical Special Damages Beyond The Amount Incurred</i></p>
09/27/2018	<p> Joinder to Motion in Limine</p> <p>Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #8 To Preclude Per Diem Arguments/Dollar Value Of Pain And Suffering (General Damages)</i></p>
09/27/2018	<p> Joinder to Motion in Limine</p> <p>Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #9 To Preclude Reference By Plaintiff Or Plaintiff s Counsel To IES/Cox s California Attorneys Or To IES/Cox As Out-Of-State, National, Or International Companies</i></p>

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CASE NO. A-17-753606-C

09/27/2018	 Joinder to Motion in Limine Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #10 To Exclude Non-Party Witnesses From The Courtroom</i>
09/27/2018	 Joinder to Motion in Limine Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #11 To Preclude Cumulative Testimony Of Plaintiff s Expert And Lay Witnesses</i>
09/27/2018	 Joinder to Motion in Limine Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #12 To Preclude Testimony Involving Trip And Falls Involving Cox/IES At Any Other Locations</i>
09/27/2018	 Joinder to Motion in Limine Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #13 To Preclude Plaintiff From Making Reference To Or Introducing Evidence Regarding The Financial Wealth Of Defendants</i>
09/27/2018	 Joinder to Motion in Limine Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #14 To Preclude Medical Expert Testimony from Plaintiff Simone Russo</i>
10/01/2018	 Joinder to Motion in Limine Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>IES Residential and Cox Communications Joinder to Sunrise Villas IX Homeowners Association's Motion in Limine No. 4 to Exclude Future Medical Costs and Treatment</i>
10/01/2018	 Joinder to Motion in Limine Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>IES Residential and Cox Communications Joinder to Sunrise Villas IX Homeowners Association's Motion in Limine No. 5 to Exclude "Reptile Theory" Tactics</i>
10/02/2018	 Amended Order Setting Jury Trial <i>2nd Amended Order Setting Jury Trial</i>
10/02/2018	 Opposition to Motion in Limine Filed By: Plaintiff Russo, Simone <i>PLAINTIFF'S OPPOSITIONS TO DEFENDANT COX/IES RESIDENTIAL S MOTIONS TO PRECLUDE JOINT AND SEVERAL LIABILITY</i>
10/02/2018	 Opposition to Motion in Limine <i>PLAINTIFF'S OMNIBUS OPPOSITIONS TO DEFENDANT COX/IES RESIDENTIAL S MOTIONS IN LIMINE</i>
10/02/2018	 Opposition to Motion in Limine

CASE SUMMARY

CASE NO. A-17-753606-C

PLAINTIFF'S OMNIBUS OPPOSITIONS TO DEFENDANT SUNRISE VILLAS IX S MOTIONS IN LIMINE

10/08/2018	 Opposition to Motion in Limine Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Opposition to Plaintiff's Motion in Limine to Exclude Untimely Disclosed Witnesses</i>
10/08/2018	 Opposition to Motion in Limine Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Defendants IES Residential, Inc. and Cox Communications Las Vegas Inc., d/b/a Cox Communications' Opposition to Plaintiff Simone Russo's Motion in Limine to Preclude Untimely Disclosed Witnesses</i>
10/10/2018	 Trial Subpoena Filed by: Cross Defendant Sunrise Villas IX Homeowners Association <i>Trial Subpoena- Musa Arja</i>
10/12/2018	 Motion to Strike Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Motion to Strike Order Denying Its Motion for Summary Judgment on Order Shortening Time</i>
10/15/2018	 Motion to Reconsider Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>(11/5/18 Withdrawn) Defendant, Sunrise Villas IX Homeowners Association's Motion for Reconsideration</i>
10/22/2018	 Opposition <i>Plaintiff's Opposition To Defendant Sunrise Villas IX Homeowners Association's Motion To Strike Order Denying Motion For Summary Judgment And Opposition To Sunrise's Motion To Reconsider Duly Entered Order Denying Prior Motion For Summary Judgment</i>
10/22/2018	 Trial Subpoena Filed by: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Trial Subpoena served upon Barbara Russo</i>
10/24/2018	 Reply to Opposition Filed by: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications' Reply to Plaintiff's Opposition to Pretrial Motion to Preclude the Application of Joint and Several Liability</i>
10/30/2018	 Notice of Association of Counsel Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Notice of Association of Counsel for Sunrise Villas IX Homeowners Association</i>
10/30/2018	 Motion Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Motion to Take Trial Deposition on Order Shortening Time</i>
11/05/2018	 Notice of Withdrawal of Motion

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CASE NO. A-17-753606-C

	<p>Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Notice of Withdrawal of Its Motion for Reconsideration</i></p>
11/09/2018	<p> Joinder To Motion Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Defendant, IES Residential, Inc., and Cox Communications Las Vegas, Inc.'s Joinder to Sunrise Villas IX Homeowners Association's Motion to Take Trial Deposition of Musa Arja on Order Shortening Time</i></p>
11/20/2018	<p> Order Denying Motion Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Amended Order Denying Sunrise Villas IX Homeowners Association's Motion for Summary Judgment</i></p>
11/30/2018	<p> Notice of Entry Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Notice of Entry of Amended Order Denying Sunrise Villas IX Homeowners Association's Motion for Summary Judgment</i></p>
12/12/2018	<p> Motion to Reconsider Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Motion for Reconsideration</i></p>
12/19/2018	<p> Opposition Filed By: Plaintiff Russo, Simone <i>Plaintiff's Opposition to Defendant Sunrise Villas IX HOA's Second Motion to Reconsider Duly Entered Order Denying Prior Motion for Summary Judgment</i></p>
12/19/2018	<p> Objection to Discovery Commissioners Report and Recommend Filed By: Plaintiff Russo, Simone <i>Objection to Discovery Commissioner's Report and Recommendations</i></p>
01/04/2019	<p> Reply to Motion Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc. d/b/a Cox Communications' Reply in Support of Motion in Limine #8 to Preclude Per Diam Arguments/Dollar Value of Pain and Suffering (General Damages)</i></p>
01/04/2019	<p> Reply to Motion Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications' Reply in Support of Motion in Limine #9 to Preclude Reference by Plaintiff or Plaintiff's Counsel to IES/Cox "California Attorneys" or to IES/Cox as Out-of-State, National, or International Companies</i></p>
01/04/2019	<p> Reply to Motion Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications' Reply in Support of Motion in Limine #12 to Preclude Testimony Involving Trip and Falls Involving Trip and Falls Involving Cox/IES at Any Other Location</i></p>
01/04/2019	<p> Reply to Motion</p>

CASE SUMMARY

CASE NO. A-17-753606-C

	<p>Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc</p> <p><i>Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications' Reply in Support of Motion in Limine #14 to Preclude Medical Expert Testimony from Plaintiff, Simone Russo</i></p>
01/04/2019	<p> Reply to Motion</p> <p>Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc</p> <p><i>Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications' Reply in Support of Motion in Limine #16 to Preclude all Counter Opinions Regarding Biomechanics as Plaintiff Did Not Have an Expert</i></p>
01/04/2019	<p> Reply to Motion</p> <p>Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc</p> <p><i>Defendants IES Residential and Cox Communications' Reply in Support of Motion in Limine #1 to Preclude any Evidence or Testimony of Subsequent Remedial Measures by IES and/or Cox</i></p>
01/04/2019	<p> Reply to Motion</p> <p>Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc</p> <p><i>Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications' Reply in Support of Motion in Limine #2 to Preclude Barbar Russo From Testifying Regarding Alleged Statements by Cox Employee "Curtis"</i></p>
01/04/2019	<p> Reply to Motion</p> <p>Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc</p> <p><i>Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications' Reply in Support of Motion in Limine #3 to Preclude Testimony Lacking Personal Knowledge</i></p>
01/04/2019	<p> Reply to Motion</p> <p>Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc</p> <p><i>Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications' Reply in Support of Motion in Limine #4 to Preclude Plaintiff from Introducing Evidence of Future Damages</i></p>
01/04/2019	<p> Reply to Motion</p> <p>Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc</p> <p><i>Defendants IES Residential, Inc. and Cox Communications' Reply in Support of Motion in Limine #5 to Limit the Scope and Nature of Plaintiff's Expert Witnesses' Testimony at the Time of Trial</i></p>
01/04/2019	<p> Reply to Motion</p> <p>Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc</p> <p><i>Defendants IES Residential, Inc. and Cox Communications' Reply in Support of Motion in Limine #6 to Preclude the Unverified Recorded Interview of J& G Lawn Maintenance Employee Tom Bastian</i></p>
01/04/2019	<p> Reply</p> <p>Filed by: Cross Defendant Sunrise Villas IX Homeowners Association</p> <p><i>Defendant, Sunrise Villas IX Homeowners Association's Reply in Support of Its Joinder to Defendant, Cox Communications Las Vegas, Inc. d/b/a Cox Communications and Defendant,</i></p>

CASE SUMMARY

CASE NO. A-17-753606-C

IES Residential, Inc.'s Motion in Limine No. 1 to Exclude Subsequent Remedial Measures

01/04/2019



Reply

Filed by: Cross Defendant Sunrise Villas IX Homeowners Association
Defendant, Sunrise Villas IX Homeowners Association's Reply in Support of Its Joinder to Defendant, Cox Communications Las Vegas, Inc. d/b/a Cox Communications and Defendant, IES Residential, Inc.'s Motion in Limine No. 2 to Preclude Babara Russo from Testifying Regarding Alleged Statement by Cox Employee "Curtis"

01/04/2019



Reply

Filed by: Cross Defendant Sunrise Villas IX Homeowners Association
Defendant, Sunrise Villas IX Homeowners Association's Reply in Support of Its Joinder to Defendant, Cox Communications Las Vegas, Inc. d/b/a Cox Communications and Defendant, IES Residential, Inc.'s Motion in Limine No. 4 to Exclude Plaintiff from Introducing Evidence of Future Damage

01/04/2019



Reply

Filed by: Cross Defendant Sunrise Villas IX Homeowners Association
Defendant, Sunrise Villas IX Homeowners Association's Reply in Support of Its Joinder to Defendant, Cox Communications Las Vegas, Inc. d/b/a Cox Communications and Defendant, IES Residential, Inc.'s Motion in Limine No. 6 to Preclude the Unverified Recorded Interview of J&G Lawn Maintenance Employee Tom Bastian

01/04/2019



Reply

Filed by: Cross Defendant Sunrise Villas IX Homeowners Association
Defendant, Sunrise Villas IX Homeowners Association's Reply in Support of Its Joinder to Defendant, Cox Communications Las Vegas, Inc. d/b/a Cox Communications and Defendant, IES Residential, Inc.'s Motion in Limine No. 8 to Preclude Per Diem Arguments/Dollar Value of Pain and Suffering (General Damages)

01/04/2019



Reply

Filed by: Cross Defendant Sunrise Villas IX Homeowners Association
Defendant, Sunrise Villas IX Homeowners Association's Reply in Support of Its Joinder to Defendant, Cox Communications Las Vegas, Inc. d/b/a Cox Communications and Defendant, IES Residential, Inc.'s Motion in Limine No. 12 to Preclude Testimony Involving Trip and Falls Involving Cox/IES at Any Other Location

01/04/2019



Reply

Filed by: Cross Defendant Sunrise Villas IX Homeowners Association
Defendant, Sunrise Villas IX Homeowners Association's Reply in Support of Its Joinder to Defendant, Cox Communications Las Vegas, Inc. d/b/a Cox Communications and Defendant, IES Residential, Inc.'s Motion in Limine No. 14 to Preclude Medical Expert Testimony from Plaintiff, Simone Russo

01/04/2019



Reply

Filed by: Cross Defendant Sunrise Villas IX Homeowners Association
Defendant, Sunrise Villas IX Homeowners Association's Reply in Support of Its Joinder to Defendant, Cox Communications Las Vegas, Inc. d/b/a Cox Communications and Defendant, IES Residential, Inc.'s Motion in Limine No. 15 to Preclude Demonstrative Evidence Relating to Plaintiff's Quality of Life

01/04/2019







Reply

Filed by: Cross Defendant Sunrise Villas IX Homeowners Association
Defendant, Sunrise Villas IX Homeowners Association's Reply in Support of Its Joinder to Defendant, Cox Communications Las Vegas, Inc. d/b/a Cox Communications and Defendant, IES Residential, Inc.'s Motion in Limine No. 16 to Preclude all Counter Opinions Regarding Biomechanics as Plaintiff Did Not Have an Expert

01/04/2019

CASE SUMMARY

CASE NO. A-17-753606-C

	 Reply Filed by: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Reply in Support of Its Motion in Limine No. 1 to Exclude Hearsay Statements from Gardners</i>
01/04/2019	 Reply Filed by: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Reply in Support of Its Motion in Limine No. 2 to Exclude Reference to Inadequate Lighting</i>
01/04/2019	 Reply Filed by: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Reply in Support of Its Motion in Limine No. 3 to Exclude Alleged Retaliatory Actions by Sunrise</i>
01/04/2019	 Reply Filed by: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Reply in Support of Its Motion in Limine No. 4 to Exclude Future Medical Costs and Treatment</i>
01/04/2019	 Reply Filed by: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Reply in Support of Its Motion in Limine No. 5 to Exclude "Reptile Therapy" Tactics</i>
01/04/2019	 Reply Filed by: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Reply in Support of Its Motion in Limine No. 6 to Exclude Subsequent Remedial Measures</i>
01/09/2019	 Discovery Commissioners Report and Recommendations Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Discovery Commissioner's Report and Recommendations</i>
01/10/2019	 Notice of Entry Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Notice of Entry of Discovery Commissioner's Report and Recommendations</i>
01/17/2019	 Recorders Transcript of Hearing <i>Recorders Transcript of Hearing - All Pending Motions - heard on November 14, 2018</i>
01/28/2019	 Commission Issued Filed by: Cross Defendant Sunrise Villas IX Homeowners Association <i>Commission to Take Deposition of Musa Arja Outside the State of Nevada</i>
01/28/2019	 Application for Issuance of Commission to Take Deposition Party: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Application for Issuance of Commission to Take Deposition of Musa Arja Outside the State of Nevada</i>
01/28/2019	 Notice of Deposition Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Notice of Taking Deposition of Musa Arja</i>

CASE SUMMARY

CASE NO. A-17-753606-C

02/07/2019	 Motion to Strike Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion to Strike Untimely Documents on Order Shortening Time</i>
02/14/2019	 Opposition to Motion Filed By: Plaintiff Russo, Simone <i>Plaintiff's Opposition to Defendant's Motion to Strike and Countermotion to Reconsider Order on Plaintiff's Motion to Strike Untimely Disclosed Witnesses</i>
02/15/2019	 Pre-Trial Disclosure Party: Plaintiff Russo, Simone <i>Plaintiff's N.R.C.P. 16.1(A)(3)(A) Pretrial Disclosures</i>
02/15/2019	 Pre-Trial Disclosure Party: Cross Claimant Bushbaker, Kevin <i>Defendant/CrossClaimant Kevin Bushbaker's Pre-trial Disclosures</i>
02/15/2019	 Joinder Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Joinder to Defendant, IES Residential, Inc. and Cox Communications Las Vegas, Inc. d/b/a Cox Communications' Motion to Strike Untimely Documents on Order Shortening Time</i>
02/15/2019	 Pre-Trial Disclosure Party: Cross Defendant Cox Communications Las Vegas, Inc. <i>Defendant, Sunrise Villas IX Homeowners Association's Amended Pre-Trial Disclosure Pursuant to NRCP 16.1(A)(3)</i>
02/19/2019	 Reply Filed by: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications' Reply in Support of Motion to Strike Untimely Documents on Order Shortening Time and Opposition to Plaintiff's Motion to Strike Untimely Disclosed Witnesses</i>
02/22/2019	 Objection Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>IES Residential, Inc., and Cox Communications Las Vegas, Inc., d/b/a Cox Communications' Objections to Plaintiff's First February 15, 2019, NRCP 16.1(a)(3) Pre-Trial Disclosures</i>
02/22/2019	 Amended Answer Filed By: Cross Claimant Bushbaker, Kevin <i>Defendant Kevin Bushbaker's Answer to Amended Complaint and Amended Cross-Claim</i>
02/27/2019	 Objection Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Joinder to Defendants, IES Residential, Inc. and Cox Communications Las Vegas, Inc., D/B/A Cox Communications' Objections to Plaintiff's February 15, 2019, NRCP 16.1 (a)(3) Pre-trial Disclosures</i>
03/07/2019	 Amended Order Setting Jury Trial <i>3rd Amended Order Setting Jury Trial</i>

CASE SUMMARY

CASE NO. A-17-753606-C

03/15/2019	 Answer and Crossclaim Filed By: Cross Defendant Scarcelli, J Chris <i>DEFENDANT/CROSS-DEFENDANT J. CHRIS SCARCELLI S ANSWER TO DEFENDANT/CROSS-CLAIMANT KEVIN BUSHBAKER S AMENDED CROSS-CLAIM and CROSS-CLAIMS AGAINST COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION, J&G LAWN MAINTENANCE AND PWJAMES MANAGEMENT & CONSULTING, LLC</i>
03/25/2019	 Order Denying Motion Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Order on Defendant's Motion to Strike Untimely Documents</i>
03/25/2019	 Notice of Entry of Order Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Notice of Entry of Order Granting in Part and Denying in Part Defendants' Motion to Strike Untimely Documents on Order Shortening Time</i>
03/29/2019	 Order <i>Order on Motions in Limine</i>
04/02/2019	 Objection Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Objection to Plaintiff's Order Motions in Limine</i>
04/05/2019	 Answer to Crossclaim Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Cox and IES Answer to J. Chris Scarcelli's Cross-Claim</i>
04/12/2019	 Motion to Reconsider Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Motion for Reconsideration; and Affidavit of Thomas G. Levine in Support Thereof</i>
04/13/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
04/15/2019	 Opposition Filed By: Plaintiff Russo, Simone <i>Plaintiff's Opposition to Defendants' Motion for Reconsideration</i>
05/07/2019	 Reply in Support Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Reply in Support of Its' Motion for Reconsideration</i>
05/10/2019	 Notice of Hearing <i>Notice of Hearing</i>
06/24/2019	 Motion to Dismiss Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Motion to Dismiss Defendant, Kevin Bushbaker and Defendant, J. Chris Scarcelli Cross-Claims</i>













CASE SUMMARY

CASE NO. A-17-753606-C

06/24/2019	 Supplement to Early Case Conference Disclosures Filed By: Cross Claimant Bushbaker, Kevin <i>Defendant Kevin Bushbaker's First Supplemental 16.1 List of Witnesses and Documents</i>
06/25/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
06/25/2019	 Stipulation and Order Filed by: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Stipulation and Order to Extend Discovery Deadline</i>
06/26/2019	 Joinder Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Joinder to Defendant' Sunrise Villas IX Homeowners Associations Motion to Dismiss Defendant Bushbaker's and Scarcelli's Cross-Claims</i>
06/26/2019	 Notice of Entry of Stipulation and Order Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Notice of Entry of Stipulation and Order to Extend Discovery Deadlines</i>
07/08/2019	 Opposition to Motion to Dismiss Filed By: Cross Claimant Bushbaker, Kevin <i>Defendant Kevin Bushbaker's Opposition to Motion to Dismiss Cross-Claims</i>
07/10/2019	 Joinder Filed By: Cross Defendant Scarcelli, J Chris <i>DEFENDANT/CROSS-DEFENDANT J. CHRIS SCARCELLI S LIMITED JOINDER TO DEFENDANT KEVIN BUSHBAKER S OPPOSITION TO MOTION TO DISMISS CROSS-CLAIMS AND DEFENDANT/CROSS-DEFENDANT J. CHRIS SCARCELLI S OPPOSITION TO MOTION TO DISMISS CROSS-CLAIM</i>
07/11/2019	 Motion for Summary Judgment Filed By: Cross Defendant Scarcelli, J Chris <i>DEFENDANT/CROSS-DEFENDANT J. CHRIS SCARCELLI S MOTION FOR SUMMARY JUDGMENT HEARING REQUESTED</i>
07/11/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
07/12/2019	 Motion in Limine Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>IES Residential and Cox Communications Renewed Motion in Limine #4 to Preclude Plaintiff from Introducing Evidence of Future Damages</i>
07/12/2019	 Motion in Limine Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>IES Residential and Cox Communications Renewed Motion in Limine #5 to Limit the Scope of Nature of Plaintiff's Expert Witnesses' Testimony at the Time of Trial</i>
07/12/2019	

CASE SUMMARY

CASE NO. A-17-753606-C

	 Motion in Limine Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>IES Residential and Cox Communications Motion in Limine #11 to Preclude Plaintiff from Vouching for Other Witnesses</i>
07/15/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
07/15/2019	 Joinder to Motion in Limine Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Joinder to Defendants, IES Residential, Inc. and Cox Communications Las Vegas, Inc. d/b/a Cox Communications' Renewed Motion in Limine #4 to Preclude Plaintiff from Introducing Evidence of Future Damages</i>
07/15/2019	 Joinder to Motion in Limine Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Joinder to Defendants, IES Residential, Inc. and Cox Communications Las Vegas, Inc. d/b/a Cox Communications' Renewed Motion in Limine #5 to Limite the Scope and Nature of Plaintiff's Expert Witnesses' Testimony at the Time of Trial</i>
07/15/2019	 Joinder to Motion in Limine Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Joinder to Defendants, IES Residential, Inc. and Cox Communications Las Vegas, Inc. d/b/a Cox Communications' Renewed Motion in Limine #11 to Preclude Plaintiff from Vouching for Other Witnesses</i>
07/17/2019	 Joinder to Motion in Limine Filed By: Cross Defendant Scarcelli, J Chris <i>DEFENDANT/CROSS-DEFENDANT J. CHRIS SCARCELLI S JOINDER TO IES RESIDENTIAL, INC. and COX COMMUNICATIONS LAS VEGAS, INC., d/b/a COX COMMUNICATIONS MOTIONS IN LIMINE #4, #5, #11</i>
07/18/2019	 Opposition Filed By: Plaintiff Russo, Simone <i>Plaintiff's Oppositions to Defendant Cox and IES Residential's Renewed Motions in Limine</i>
07/23/2019	 Opposition Filed By: Plaintiff Russo, Simone <i>Plaintiff's Opposition to Defendant Chris Scaracelli's Motion for Summary Judgment</i>
07/23/2019	 Joinder to Motion in Limine Filed By: Cross Claimant Bushbaker, Kevin <i>Defendant Kevin Bushbaker's Joinder to IES Residential, Inc.'s and Cox Communications Las Vegas, Inc., D/B/A Cox Communications' Motion in Limine No. 4, 5 and 11</i>
07/24/2019	 Motion for Summary Judgment Filed By: Cross Claimant Bushbaker, Kevin <i>Defendant Kevin Bushbaker's Motion for Summary Judgment</i>
07/25/2019	 Clerk's Notice of Hearing <i>Clerk's Notice of Hearing</i>
07/25/2019	 Opposition to Motion

CASE SUMMARY

CASE NO. A-17-753606-C

Filed By: Plaintiff Russo, Simone
Plaintiff's Opposition to Defendant Bushbaker's Motion for Summary Judgment

07/25/2019



Reply in Support

Filed By: Cross Defendant Scarcelli, J Chris
J Chris Scarcelli's Reply in Support of its Motion for Summary Judgment

07/26/2019



Reply in Support

Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc
IES Residential and Cox Communication's Reply in Support of its Renewed Motion in Limine #4 to Preclude Plaintiff from Introducing Evidence of Future Damages

07/26/2019



Reply in Support

Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc
IES Residential and Cox Communication's Reply in Support of its Renewed Motion in Limine #5 to Limit the Scope and Nature of Plaintiff's Expert Witnesses' Testimony at the Time of Trial

07/26/2019



Reply in Support

Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc
IES Residential and Cox Communication's Reply in Support of its Motion in Limine #11 to Preclude Plaintiff from Vouching for Other Witnesses

07/26/2019



Reply in Support

Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc
Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications' Reply in Support of it's Substantive Joinder to Defendant Sunrise Villas IX Homeowners Association's Motion to Dismiss Defendant Kevin Bushbaker and Defendant Chris Scarcelli's Cross-Claims

07/26/2019



Mandatory Pretrial Disclosure

Party: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc
IES Residential and Cox Communications Mandatory Pretrial Disclosures

07/26/2019



Reply in Support

Filed By: Cross Defendant Sunrise Villas IX Homeowners Association
Defendant, Sunrise Villas IX Homeowners Association's Reply in Support of It's Motion to Dismiss Defendant, Kevin Bushbaker and Defendant, J. Chris Scarcelli's Cross-Claims

08/01/2019



Affidavit of Service

Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc
Affidavit of Service of Trial Subpoena upon Barbara Russo

08/06/2019



Motion for Leave to File

Motion For Leave To Set Defendant/Cross-Defendant J. Chris Scarcelli S Motion For Summary Judgment On An Order Shortening Time

08/06/2019



Clerk's Notice of Hearing

Notice of Hearing

08/07/2019



Opposition to Motion For Summary Judgment

CASE SUMMARY

CASE NO. A-17-753606-C

	<p>Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Opposition to Defendant, Kevin Bushbaker's Motion for Summary Judgment</i></p>
08/07/2019	<p> Ex Parte Motion Filed By: Cross Claimant Bushbaker, Kevin <i>Defendant's Kevin Bushbaker's Ex Parte Motion for Order Shortening Time</i></p>
08/07/2019	<p> Motion for Leave to File <i>Defendant/Cross-Defendant J. Chris Scarcelli S Motion For Leave To Amend Answer To Add CROSS-Claims On Order Shortening Time (Hearing Requested)</i></p>
08/08/2019	<p> Clerk's Notice of Hearing <i>Notice of Hearing</i></p>
08/08/2019	<p> Joinder Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Joinder to Defendants, IES Residential, Inc. and Cox Communications' Mandatory Pre-Trial Disclosures</i></p>
08/09/2019	<p> Objection Filed By: Cross Claimant Bushbaker, Kevin; Cross Defendant Scarcelli, J Chris <i>Defendants Kevin Bushbaker's and J. Chris Scarcelli's Joint Objections to Defendants IES Residential, Inc. and Cox Communications Mandatory Pretrial Disclosures</i></p>
08/09/2019	<p> Pre-Trial Disclosure Party: Cross Claimant Bushbaker, Kevin <i>Defendant/Cross-Claimant Kevin Bushbaker's First Supplemental Pre-Trial Disclosures</i></p>
08/14/2019	<p> Opposition Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Opposition to Defendant, J. Chris Scarcelli Motion for Leave to Amend Answer to Add Cross-Claims on Order Shortening Time (Hearing Requested)</i></p>
08/20/2019	<p> Amended Filed By: Plaintiff Russo, Simone <i>Plaintiff's Amended N.R.C.P. 16.1(a)(3)(A) PreTrial Disclosures</i></p>
08/21/2019	<p> Trial Subpoena Filed by: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Civil Subpoena for Personal Appearance at Trial [N.R.C.P. 30(b)(6) Witnees of Henderson Taxi]</i></p>
08/28/2019	<p> Objection Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Objection to Plaintiff's Amended NRCP 16.1(A)(3)(A) Pretrial Disclosures</i></p>
09/03/2019	<p> Order Shortening Time Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Defendants' Emergency Motion to Compel Production of Native Photographs and Allow for Evidentiary Inspection Prior to Trial on Order Shortening Time</i></p>

CASE SUMMARY

CASE NO. A-17-753606-C

09/04/2019	 Default <i>Default</i>
09/04/2019	 Proposed Voir Dire Questions Filed By: Plaintiff Russo, Simone <i>Proposed Voir Dire Questions</i>
09/04/2019	 Proposed Voir Dire Questions <i>Proposed Voir Dire Questions (Correct file)</i>
09/04/2019	 Order Shortening Time Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Emergency Motion to Compel Production of native Photographs and Allow for Evidentiary Inspection Prior to Trial on Order Shortening Time</i>
09/05/2019	 Trial Subpoena Filed by: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Trial Subpoena with Affidavit of service for Barbara Russo</i>
09/05/2019	 Summons <i>Summons</i>
09/05/2019	 Affidavit of Service Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Affidavit of Service- Trial Subpoena- Stephen A. Gephardt, M.D.</i>
09/06/2019	 Trial Subpoena Filed by: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Trial Subpoena with Affidavit of Service served upon Barbara Russo Personally</i>
09/06/2019	 Joinder To Motion Filed By: Cross Defendant Scarcelli, J Chris <i>Defendant/Cross-Defendant J. Chris Scarcelli s Joinder To Ies Residential, Inc., And Cox Communications Las Vegas, Inc., D/B/A Cox Communications Emergency Motion To Compel Production Of Native Photographs And Allow For Evidentiary Inspection Prior To Trial On OST</i>
09/06/2019	 Pre-trial Memorandum Filed by: Plaintiff Russo, Simone <i>Plaintiff's Pre-trial Memorandum</i>
09/06/2019	 Motion to Quash Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Motion to Quash Plaintiff's Trial Subpoenas</i>
09/06/2019	 Joinder To Motion Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Associations Joinder to Defendants' Emergency Motion to Compel Production of Native Photographs and Allow for Evidentiary Inspection Prior to Trial on Order Shortening Time</i>

CASE SUMMARY

CASE NO. A-17-753606-C

09/06/2019	 Objection Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>Defendants, IES Residential, Inc. and Cox Communications Las Vegas, Inc. dba Cox Communications' Objections to Plaintiff's Jury Instructions</i>
09/09/2019	 Joinder Filed By: Cross Defendant Scarcelli, J Chris <i>Defendant/Cross-Defendant J. Chris Scarcelli's Joinder to IES Residential Inc and Cox Communications Las Vegas Inc dba Cox Communications Objections to Plaintiff's Jury Instructions</i>
09/13/2019	 Order Filed By: Plaintiff Russo, Simone <i>Order on Motions in Limine</i>
09/13/2019	 Motion Filed By: Cross Defendant Scarcelli, J Chris <i>Renewed Motion for Leave to Set Defendant/Cross-Defendant J Chris Scarcelli's Motion for Summary Judgment on an Order Shortening Time</i>
09/13/2019	 Motion for Summary Judgment Filed By: Cross Defendant Scarcelli, J Chris <i>Defendant/Cross-Defendant J Chris Scarcelli's Renewed Motion for Judgment on Order Shortening Time</i>
09/13/2019	 Default <i>Default</i>
09/16/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
09/16/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
09/17/2019	 Motion for Leave to File Party: Cross Claimant Bushbaker, Kevin <i>Defendant Kevin Bushbaker's Motion for Leave to File Motion for Summary Judgment on Order Shortening Time</i>
09/17/2019	 Motion for Summary Judgment Filed By: Cross Claimant Bushbaker, Kevin <i>Defendant Kevin Bushbaker's Motion for Summary Judgment; Order Shortening Time</i>
09/17/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
09/18/2019	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
09/18/2019	 Opposition to Motion For Summary Judgment Filed By: Plaintiff Russo, Simone <i>Plaintiff's Oppositions to Defendant Bushbaker's and Scarcelli's Motions For Summary Judgment</i>

CASE SUMMARY

CASE NO. A-17-753606-C

09/18/2019	 Motion Filed By: Cross Claimant Bushbaker, Kevin <i>Defendant Kevin Bushbaker's Motion to Advance the Hearing on Motion for Summary Judgment on Order Shortening Time</i>
09/19/2019	 Joinder Filed By: Cross Defendant Scarcelli, J Chris <i>DEFENDANT/CROSS-DEFENDANT J. CHRIS SCARCELLI S JOINDER TO DEFENDANT, KEVIN BUSHBAKER S MOTION FOR SUMMARY JUDGMENT AND ATTORNEY S FEES</i>
09/19/2019	 Joinder Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Joinder to Defendants, IES Residential, Inc. and Cox Communications Las Vegas, Inc.' d/b/a Cox Communications' Objections to Plaintiff's Jury Instructions</i>
09/20/2019	 Reply in Support Filed By: Cross Defendant Scarcelli, J Chris <i>Defendant/Cross-Defendant J. Chris Scarcelli's Reply in Support of Renewed Motion for Summary Judgment on Order Shortening Time</i>
09/20/2019	 Motion Filed By: Cross Defendant Scarcelli, J Chris <i>Defendant/Cross-Defendant J. Chris Scarcelli S Motion To Advance The Hearing On Motion For Summary Judgment On Order Shortening Time</i>
09/20/2019	 Certificate of Service Filed by: Cross Defendant Scarcelli, J Chris <i>Certificate of Service</i>
09/22/2019	 Reply to Opposition Filed by: Cross Claimant Bushbaker, Kevin <i>Defendant Kevin Bushbaker's Reply in Support of Motion for Summary Judgment</i>
09/23/2019	 Opposition Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Omnibus Opposition to Defendant, J. Chris Scarcelli's Renewed Motion for Summary Judgment and Defendant Kevin Bushbaker's Motion for Leave to File Motion for Summary Judgment</i>
09/23/2019	 Opposition to Motion For Summary Judgment Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>IES Residential and Cox Communication's Opposition to Chis Scarcelli's Renewed Motion for Summary Judgment</i>
09/23/2019	 Motion to Seal/Redact Records Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc <i>IES Residential and Cox Communication's Motion for Leave to Seal Portions of its Opposition to Chris Scarcelli's Renewed Motion for Summary Judgment</i>
09/27/2019	 Notice of Hearing <i>Notice of Hearing re Trial Schedule</i>
10/03/2019	 Brief

CASE SUMMARY

CASE NO. A-17-753606-C

Plaintiff's Bench Brief Regarding Defendant Bushbaker's claim that the lease agreement exculpates all Negligence on the property

10/08/2019



Order

Filed By: Plaintiff Russo, Simone

Order Motions To Advance The Hearing On Motion For Summary Judgment On Order Shortening Time

10/08/2019



Notice of Entry

Filed By: Plaintiff Russo, Simone

Notice of Entry

10/09/2019



Objection

Filed By: Cross Defendant Scarcelli, J Chris

DEFENDANT/CROSS-DEFENDANT J. CHRIS SCARCELLI S OBJECTION TO PLAINTIFF S BENCH BRIEF REGARDNG DEFENDANT BUSHBAKER S CLAIM THAT THE LEASE AGREEMENT EXCULPATES ALL NEGLIGENCE ON THE PROPERTY

10/16/2019



Order Shortening Time

Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc

Motion for Determination of Good Faith Settlement and Motion for Summary Judgement

10/17/2019



Joinder To Motion

Filed By: Cross Defendant Sunrise Villas IX Homeowners Association

Defendant, Sunrise Villas Ix Homeowners Association s Joinder To Defendants, Ies Residential, Inc. And Cox Communications Las Vegas, Inc. D/B/A Cox Communications Motion For Determination Of Good Faith Settlement

10/31/2019



Application for Default Judgment

Application for Judgment by Default

10/31/2019



Request

Filed by: Plaintiff Russo, Simone

Request for Hearing

10/31/2019



Clerk's Notice of Hearing

Notice of Hearing

11/01/2019



Motion to Compel

Filed By: Plaintiff Russo, Simone

Plaintiff's Motion to Compel Settlement on Order Shortening Time

11/07/2019



Order Granting Motion

Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc

Order Granting Motion for Determination of Good Faith Settlement

11/08/2019



Notice of Entry of Order

Filed By: Cross Defendant Cox Communications Las Vegas, Inc.; Cross Defendant IES Residential Inc

Notice of Entry of Order Granting Cox and IES Motion for Determination of Good Faith Settlement

12/17/2019



Default Judgment

CASE SUMMARY

CASE NO. A-17-753606-C

	<p>Filed By: Plaintiff Russo, Simone <i>Default Judgment</i></p>
12/17/2019	<p> Notice of Entry Filed By: Plaintiff Russo, Simone <i>Notice of Entry</i></p>
05/14/2020	<p> Order to Statistically Close Case <i>Civil Order to Statistically Close Case</i></p>
11/02/2020	<p> Motion Filed By: Plaintiff Russo, Simone <i>Plaintiff's Motion for Judicial Assignment of Cause of Action</i></p>
11/02/2020	<p> Clerk's Notice of Hearing <i>Notice of Hearing</i></p>
11/16/2020	<p> Motion to Intervene Party: Intervenor QBE Insurance Corporation <i>QBE Ins. Corp.'s Motion to Intervene and Opposition to Motion to Assign Rights Against QBE</i></p>
11/17/2020	<p> Clerk's Notice of Hearing <i>Notice of Hearing</i></p>
11/17/2020	<p> Amended Filed By: Intervenor QBE Insurance Corporation <i>QBE Insurance Corporation's Amended Motion to Intervene and Opposition to Motion to Assign Rights Against QBE</i></p>
11/23/2020	<p> Withdrawal of Motion Filed by: Plaintiff Russo, Simone <i>WITHDRAWAL OF PLAINTIFF'S MOTION FOR JUDICIAL ASSIGNMENT OF CAUSE OF ACTION</i></p>
11/23/2020	<p> Certificate of Service Filed by: Plaintiff Russo, Simone <i>Certificate of Service</i></p>
11/25/2020	<p> Opposition Filed By: Plaintiff Russo, Simone <i>Opposition to Non-Party QBE Insurance Company's Motion to Intervene and Formal Withdrawal of Plaintiff's Motion for Judicial Assignment of Cause of Action</i></p>
12/08/2020	<p> Motion for Withdrawal <i>QBE Insurance Corporation's Withdrawal of It's Amended Motion to Intervene</i></p>
01/04/2021	<p> Motion to Intervene Party: Intervenor QBE Insurance Corporation <i>Motion to Intervene to Enforce Settlement</i></p>
01/07/2021	<p> Joinder Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Joinder to Intervenor QBE Insurance Corporation's Motion to Intervene to Enforce Settlement</i></p>

CASE SUMMARY

CASE NO. A-17-753606-C

01/07/2021	 Clerk's Notice of Nonconforming Document <i>Clerk's Notice of Nonconforming Document</i>
01/07/2021	 Request Filed by: Intervenor QBE Insurance Corporation <i>Request for Hearing</i>
01/08/2021	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
01/15/2021	 Opposition to Motion Filed By: Plaintiff Russo, Simone <i>Opposition to Non-Party QBE Insurance Corporation's Second Motion to Intervene and Motion to "Enforce" Settlement</i>
01/19/2021	 Supplement to Opposition <i>Plaintiff's Supplement to Opposition to Non-Party QBE Insurance Corporation's Second Motion to Intervene and Motion to "Enforce" Settlement</i>
01/19/2021	 Amended Certificate of Service <i>Amended Certificate of Service</i>
01/21/2021	 Motion to Set Aside Default Judgment Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Motion To Set Aside And-Or Amend Judgment- Oral Argument Requested Hearing Requested</i>
01/22/2021	 Joinder To Motion Filed By: Intervenor QBE Insurance Corporation <i>Joinder to Motion to Set Aside and/or Amend Judgment</i>
01/22/2021	 Motion to Enforce Filed By: Plaintiff Russo, Simone <i>Motion to Enforce Settlement</i>
01/25/2021	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
01/25/2021	 Clerk's Notice of Hearing <i>Notice of Hearing</i>
01/26/2021	 Request for Judicial Notice Filed By: Intervenor QBE Insurance Corporation <i>Request for Judicial Notice</i>
02/01/2021	 Supplement Filed by: Plaintiff Russo, Simone <i>PLAINTIFF S SECOND SUPPLEMENT TO OPPOSITION TO NON-PARTY QBE INSURANCE CORPORATION S SECOND MOTION TO INTERVENE AND MOTION TO ENFORCE SETTLEMENT</i>
02/01/2021	 Association of Counsel Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Association of Counsel for Defendant Sunrise Villas IX Homeowners Association</i>

CASE SUMMARY

CASE NO. A-17-753606-C

02/01/2021	 Association of Counsel Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Amended Association of Counsel for Defendant, Sunrise Villas IX Homeowners Association</i>
02/01/2021	 Opposition <i>Opposition to Motion to Set Aside and/or Amend Judgment</i>
02/04/2021	 Brief Filed By: Intervenor QBE Insurance Corporation <i>Consolidated Brief Re: QBE's Motion To Intervene To Enforce Settlement And Plaintiff's Motion To Enforce Settlement</i>
02/04/2021	 Opposition Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise HOA Villas IX Homeowners Association s Consolidated Opposition To Plaintiff s Motions To Enforce Settlement And Reply To QBE s Motion To Enforce</i>
02/04/2021	 Errata Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Errata To Defendant, Sunrise Hoa Villas IX Homeowners Association s Consolidated Opposition To Plaintiff s Motions To Enforce Settlement And Reply To QBE S Motion To Enforce As To Exhibits Cover Sheets Only</i>
02/04/2021	 Suggestion of Death Filed by: Attorney Clark, David A. <i>SUGGESTION OF DEATH UPON THE RECORD OF DEFENDANT, J, CHRIS SCARCELLI PURSUANT TO NRCP 25(A)</i>
02/05/2021	 Joinder To Motion Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Joinder to Intervenor Qbe Insurance Corporation's Consolidate Brief Re: QBE's Motion to Intervene to Enforce Settlement and Plaintiff's Motion to Enforce Settlement</i>
02/09/2021	 Request for Judicial Notice Filed By: Intervenor QBE Insurance Corporation <i>Request for Judicial Notice</i>
02/09/2021	 Joinder Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association s Joinder To Intervenor QBE Insurance Corporation s Request For Judicial Notice In Support Of Consolidated Brief Re: QBE s Motion To Intervene To Enforce Settlement And Plaintiff s Motion To Enforce Settlement</i>
02/10/2021	 Supplement Filed by: Plaintiff Russo, Simone <i>First Supplement to Opposition to Motion to Set Aside and/or Amend Judgment</i>
02/12/2021	 Request for Judicial Notice Filed By: Intervenor QBE Insurance Corporation <i>Request For Judicial Notice In Support Of Opposition To Plaintiff's Motion To Enforce Settlement</i>
02/17/2021	 Reply to Opposition



CASE SUMMARY

CASE NO. A-17-753606-C

	<p>Filed by: Plaintiff Russo, Simone <i>Reply to Opposition to Motion to Enforce Settlement</i></p>
02/18/2021	<p> Errata Filed By: Plaintiff Russo, Simone <i>Errata to Reply to Opposition to Motion to Enforce Settlement</i></p>
02/22/2021	<p> Supplement Filed by: Plaintiff Russo, Simone <i>Second Supplement to Opposition to Motion to Set Aside and/or Amend Judgment</i></p>
02/25/2021	<p> Reply to Opposition Filed by: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise HOA Villas IX Homeowners Association's Reply to Plaintiff's Opposition to Motion to Set Aside and/or Amend Judgment</i></p>
02/25/2021	<p> Supplement Filed by: Plaintiff Russo, Simone <i>Third Supplement to Opposition to Motion to Set Aside and/or Amend Judgment</i></p>
02/25/2021	<p> Supplement Filed by: Plaintiff Russo, Simone <i>Fourth Supplement to Opposition to Motion to Amend and/or Set Aside Judgment</i></p>
03/02/2021	<p> Reply Filed by: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise HOA Villas IX Homeowners Association's Reply To Plaintiff's Third And Fourth Supplements To His Opposition To Motion To Set Aside And/Or Amend Judgment</i></p>
03/04/2021	<p> Motion for Substitution Filed By: Plaintiff Russo, Simone <i>Motion for Substitution</i></p>
03/04/2021	<p> Clerk's Notice of Hearing <i>Notice of Hearing</i></p>
03/05/2021	<p> Brief Filed By: Plaintiff Russo, Simone <i>Post Hearing Brief on Opposition to Motion to Set Aside and/or Amend Judgment</i></p>
03/09/2021	<p> Brief Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Response To Plaintiff's Post Hearing Brief Re: Defendant's Motion To Set Aside The Judgment</i></p>
03/11/2021	<p> Reply to Opposition <i>Reply to Response to Post Hearing Brief on Opposition to Motion to Set Aside and/or Amend Judgment</i></p>
03/11/2021	<p> Opposition to Motion Filed By: Cross Defendant Scarcelli, J Chris <i>Opposition to Plaintiff's Motion to Substitute Undersigned Counsel as Representative for Defendant, J. Chris Scarcelli</i></p>
03/15/2021	<p> Reply to Opposition</p>

CASE SUMMARY

CASE NO. A-17-753606-C

	<p>Filed by: Plaintiff Russo, Simone <i>Reply to Opposition to Motion for Substitution of Party</i></p>
03/20/2021	<p> Request for Judicial Notice Filed By: Intervenor QBE Insurance Corporation <i>Request for Judicial Notice</i></p>
03/22/2021	<p> Joinder Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Joinder to Intervenor QBE Insurance Corporation's Request for Judicial Notice</i></p>
03/29/2021	<p> Joinder Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association's Addendum to Its Joinder to Intervenor QBE Insurance Corporation's Request for Judicial Notice in Support of the Pending Motions Re Setting Aside the Default and Settlement Agreement</i></p>
03/29/2021	<p> Reply Filed by: Plaintiff Russo, Simone <i>Reply to Sunrise's Addendum to QBE's Request for Judicial Notice</i></p>
03/30/2021	<p> Supplement Filed by: Plaintiff Russo, Simone <i>Supplement to Reply to Sunrise's Addendum to QBE's Request for Judicial Notice</i></p>
04/13/2021	<p> Request for Judicial Notice Filed By: Cross Defendant Sunrise Villas IX Homeowners Association <i>Defendant, Sunrise Villas IX Homeowners Association s Request For Judicial Notice In Support Of The Pending Motions Re Setting Aside The Default And Settlement Agreement</i></p>
04/15/2021	<p> Reply Filed by: Plaintiff Russo, Simone <i>Reply to Sunrise's Latest Request for Judicial Notice</i></p>
04/22/2021	<p> Order <i>Order on Motion to Intervene to Enforce Settlement</i></p>
04/22/2021	<p> Order <i>Order on Motion to Substitute</i></p>
04/22/2021	<p> Notice of Entry of Order Filed By: Plaintiff Russo, Simone <i>Notice of Entry of Order</i></p>
04/22/2021	<p> Notice of Entry of Order Filed By: Plaintiff Russo, Simone <i>Notice of Entry of Order</i></p>
05/06/2021	<p> Notice of Hearing <i>Notice of Video/Telephonic Status Check Hearing</i></p>
05/07/2021	<p> Motion Filed By: Intervenor QBE Insurance Corporation</p>

CASE SUMMARY

CASE NO. A-17-753606-C

Motion to Amend and/or Modify Order

05/07/2021



Clerk's Notice of Hearing
Notice of Hearing

05/10/2021



Joinder To Motion
Filed By: Cross Defendant Sunrise Villas IX Homeowners Association
Defendant Sunrise Villas IX Homeowners Association's Joinder to Intervenor QBE Insurance Corporation's Motion to Amend and/or Modify Order

05/11/2021



Supplement
Filed by: Plaintiff Russo, Simone
Supplement to Status Check

05/13/2021



Opposition to Motion
Filed By: Plaintiff Russo, Simone
Opposition to Motion to Amend and/or Modify Order

05/18/2021



Supplement
Supplement to Opposition to Motion to Amend and/or Modify Order

05/25/2021



Notice
Filed By: Cross Defendant Sunrise Villas IX Homeowners Association
Defendant Sunrise Villas IX Homeowners Association's Notice of Submission of Competing Order on Defendant's Motion to Set Aside and/or Amend Judgment and Order on Plaintiff's Motion to Enforce Settlement

05/26/2021



Order
Filed By: Plaintiff Russo, Simone
Order on Defendant's Motion to Set Aside and/or Amend Judgment, and Order on Plaintiff's Motion to Enforce Settlement

05/26/2021



Notice of Entry
Filed By: Plaintiff Russo, Simone
Notice of Entry

05/28/2021



Motion for Order to Show Cause
Filed By: Plaintiff Russo, Simone
(6/14/21 Withdrawn) Motion for an Order to Show Cause Why QBE Counsel William Reeves, Esq., Should not be Held in Contempt for his refusal to Abide by the Court's Order in this Matter

05/28/2021



Clerk's Notice of Hearing
Notice of Hearing

06/01/2021



Motion to Release
Defendant Sunrise Villas IX Homeowners Association's Motion to Release Exhibits From Evidence Vault on Order Shortening Time

06/01/2021



Reply
Filed by: Intervenor QBE Insurance Corporation
Reply To Opposition To Motion To Amend And/Or Modify Order

06/02/2021



Opposition to Motion
Filed By: Plaintiff Russo, Simone

CASE SUMMARY

CASE NO. A-17-753606-C

Opposition to Motion to Release Exhibits From Evidence Vault on Order Shortening Time

06/07/2021



Opposition

Filed By: Intervenor QBE Insurance Corporation
Opposition To Motion To Hold Counsel In Contempt And Counter-Motion To Strike The Motion Per NRS 41.660

06/07/2021



Order Granting Motion

Filed By: Cross Defendant Sunrise Villas IX Homeowners Association
Order Granting Defendant Sunrise Villas IX Homeowners Association's Motion to Release Exhibits from Evidence Vault on Order Shortening Time

06/08/2021



Notice of Entry of Order

Filed By: Cross Defendant Sunrise Villas IX Homeowners Association
Notice of Entry of Order Granting Defendant Sunrise Villas IX Homeowners Association's Motion to Release Exhibits from Evidence Vault on Order Shortening Time

06/14/2021



Withdrawal of Motion

Filed by: Plaintiff Russo, Simone
Withdrawal of Plaintiff's Motion for an Order to Show Cause

06/21/2021



Notice

Filed By: Cross Defendant Sunrise Villas IX Homeowners Association
Defendant Sunrise Villas IX Homeowners Association's Notice of Filing Exhibits from the Evidence Vault

06/23/2021



Case Appeal Statement

Filed By: Cross Defendant Sunrise Villas IX Homeowners Association
Case Appeal Statement

06/23/2021



Notice of Filing Cost Bond

Filed By: Cross Defendant Sunrise Villas IX Homeowners Association
Notice of Filing Cost Bond

06/23/2021



Notice of Appeal

Filed By: Cross Defendant Sunrise Villas IX Homeowners Association
Notice of Appeal

DISPOSITIONS

01/25/2018

Order of Dismissal With Prejudice (Judicial Officer: Williams, Timothy C.)

Debtors: Simone Russo (Plaintiff)
Creditors: J& G Lawn Maintenance (Defendant)
Judgment: 01/25/2018, Docketed: 01/25/2018

12/17/2019

Default Judgment Plus Interest (Judicial Officer: Williams, Timothy C.)

Debtors: Richard Duslak (Defendant), Justin Sesman (Defendant)
Creditors: Simone Russo (Plaintiff)
Judgment: 12/17/2019, Docketed: 12/17/2019
Total Judgment: 25,000,000.00

HEARINGS




06/20/2017

Motion for Preferential Trial Setting (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Plaintiff's Motion for Immediate Trial Setting
Granted;

CASE SUMMARY

CASE NO. A-17-753606-C

06/20/2017	<p>Joinder (9:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Defendant/Cross-Defendant Cox Communications Las Vegas, Inc.'s Joinder to Defendant IES Residential Inc's Opposition to Plaintiff's Motion for Immediate Trial Setting</i></p> <p>Granted;</p>
06/20/2017	<p> All Pending Motions (9:00 AM) (Judicial Officer: Williams, Timothy C.)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>Preston Rezaee, Esq., appeared on behalf of Pltf Meredith Weiner, Esq., appeared on behalf of Deft, Kevin Bushbaker Christopher Turtzo, Esq., appeared on behalf of Deft, IES Residential Inc and Cox Communicaitons Las Vegas, Inc. Ryan Bigger, Esq., appeared on behalf of Deft J & G Lawn Maintenance PLAINTIFF'S MOTION FOR IMMEDIATE TRIAL SETTING ... DEFENDANT/CROSS-DEFENDANT COX COMMUNICAITONS LAS VEGAS, INC'S JOINDER TO DEFENDANT IES RESIDENTIAL INC'S OPPOSITION TO PLAINTIFF'S MOTION FOR IMMEDIATE TRIAL SETTING In support of the Motion, Mr. Rezaee argued that the statute does not require that there be some compelling medical necessity, but that the person be over the age of 70 and have a substantial role in the case, which the Pltf does, and that discovery can be done in six months. Arguement by Mr. Turtzo regarding the discovery period being 6-9 months as an effective compromise, noting confusion as to which Deft is liable and why. Additional argument by Mr. Biggar regarding medical damages, prior medicals, and Pltf having surgery. After hearing from each side, COURT stated its FINDINGS, and ORDERED, Plaintiff's Motion for Immediate Trial Setting GRANTED; the Court will allow nine (9) months for discovery. Further, COURT advised that with it giving this case a preferential trial setting the case would be first on the stack with preference to go. Mr. Rezaee directed to submit the proposed order.;</i></p>
07/18/2017	<p> Discovery Conference (9:30 AM) (Judicial Officer: Bulla, Bonnie)</p> <p><i>COURT CALL - Discovery Conference</i></p> <p>Scheduling Order Will Issue; COURT CALL - Discovery Conference</p> <p>Journal Entry Details:</p> <p><i>Mr. Sampson stated the Judge gave nine months for discovery, and an expedited Trial was set by the Judge; document provided to Commissioner in Open Court. Colloquy re: deadlines. Counsel anticipate 5 to 7 days for trial re: Personal injury / trip; no Settlement Conference requested. COMMISSIONER RECOMMENDED, discovery cutoff is 3-5-18; adding parties, amended pleadings, and initial expert disclosures due 12-5-17; rebuttal expert disclosures due 1-5-18; file dispositive motions by 4-5-18. Scheduling Order will issue. Trial ready 5-21-18.;</i></p>
12/08/2017	<p>Motion to Compel (9:30 AM) (Judicial Officer: Bulla, Bonnie)</p> <p><i>Defendants' Motion to Compel Rule 35 Examination and to Extend Discovery Deadlines on an OST</i></p> <p>Granted;</p>
12/08/2017	<p>Joinder (9:30 AM) (Judicial Officer: Bulla, Bonnie)</p> <p><i>Defendant Sunrise Villas IX Homeowners Association's Joinder to Defendants' IES Residential, Inc., and Cox Communications Las Vegas, Inc., d/b/a Cox Communications' Motion to Compel Rule 35 Examination and to Extend Discovery Deadlines on an Order Shortening Time [First Request to Extend Discovery Deadlines]</i></p> <p>Granted;</p>
12/08/2017	<p>Joinder (9:30 AM) (Judicial Officer: Bulla, Bonnie)</p> <p><i>Joinder to IES Residential Inc and Cox Communications Inc's Motion to Compel Rule 35 Examination and to Extend Discovery Deadlines</i></p> <p>Granted;</p>
12/08/2017	<p> All Pending Motions (9:30 AM) (Judicial Officer: Bulla, Bonnie)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>Defendants' Motion to Compel Rule 35 Examination and to Extend Discovery Deadlines on OST Joinder to IES Residential Inc and Cox Communications Inc's Motion to Compel Rule 35 Examination and to Extend Discovery Deadlines Defendant Sunrise Villas IX Homeowners Association's Joinder to Defendants' IES Residential, Inc., and Cox Communications Las Vegas, Inc., d/b/a Cox Communications' Motion to Compel Rule 35 Examination and to Extend</i></p>

CASE SUMMARY

CASE NO. A-17-753606-C

Discovery Deadlines on OST [First Request to Extend Discovery Deadlines] MATTER CALLED but all counsel were not present. MATTER TRAILED AND RECALLED: Oral Opposition by Mr. Sampson; counsel requested a protocol, it wasn't provided, and an expedited Trial date was set (Pltf in 70's). Orthopedic Doctor for Rule 35 exam discussed (Dr. Dunn). Argument by Mr. Lemkul re: his attempts to work with Mr. Sampson, there is a new party coming into the case on a Motion to Amend, and someone worked at the house before the fall. COMMISSIONER RECOMMENDED, Motion and Joinders are GRANTED; one Rule 35 exam can go forward with Dr. Dunn for an orthopedic exam, Deft will provide any materials for Dr. Dunn to review, no invasive testing; if another party is brought in, Commissioner will address it in the future; 5-29-18 Trial date STANDS; discovery cutoff EXTENDED to 4-5-18; adding parties and amended pleadings 12-5-17; initial expert disclosures DUE 1-19-18; rebuttal expert disclosures DUE 2-16-18; file dispositive motions by 4-13-18. Colloquy re: Notice requirements. Mr. Sampson does not have a standard protocol. Mr. Lemkul will re-send today to all counsel Dr. Dunn's intentions for the exam for discussion. Commissioner available by conference call. Mr. Sampson is out of the country next week. Commissioner advised counsel to schedule and take the Rule 35 exam by the deadline. Mr. Lemkul to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 20 days of the hearing. Otherwise, counsel will pay a contribution.;

01/16/2018



Motion to Amend Complaint (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Plaintiff's Motion to Amend Complaint

Motion Granted;

Journal Entry Details:

Roger Bailey, Esq. present on behalf of Defendant Kevin Bushbaker. Mr. Sampson argued there was no opposition and it was not appropriate to reset trial and cause further delay. Mr. Turtzo stated there was no opposition to the Motion, however requested the trial be continued. Mr. Bailey stated he had no opposition to a trial continuance, as long as it would not greatly affect the case. Court reviewed dates and deadlines, and ORDERED, Motion GRANTED; Status Check SET. 3/13/18 9:00 AM STATUS CHECK: STATUS OF CASE;

02/01/2018

CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Bulla, Bonnie)

Vacated - per Commissioner

02/08/2018

CANCELED Motion (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Vacated

Motion to De-Designate Confidentiality of Documents

02/16/2018



Motion to Compel (9:00 AM) (Judicial Officer: Bulla, Bonnie)

Plaintiff's Motion to Compel Discovery Responses

Granted; COURT CALL - Plaintiff's Motion to Compel Discovery Responses

Journal Entry Details:

MATTER TRAILED AND RECALLED: Mr. Turtzo was appearing by Court Call, however, he could not call back due to technical difficulties. Colloquy re: making Topic areas for a 30(b)(6) Deponent to bind the Corporation. Argument by Mr. Sampson. COMMISSIONER RECOMMENDED, motion is GRANTED within parameters; Deft will go back and supplement answers to Interrogatories to tell Plaintiff's counsel what specific efforts were made to locate information; alternative relief and an option provided for Plaintiff to take a 30(b)(6) deposition if necessary. Colloquy re: filing a 2.35 Stipulation, however, Commissioner Will Not move the Trial date. Mr. Sampson requested what manuals Deft has (how discovery should be answered). If new manuals come to light 30 days before Trial, Commissioner will consider striking the Answer. COMMISSIONER RECOMMENDED, Deft to supplement Interrogatories by 3-2-18, and information must go in the answers; supplement Interrogatory 11 with what Deft knew. Mr. Pattillo stated the previous Management Company went out of business. Commissioner advised Mr. Pattillo to check Secretary of State records, and Google the Company for ownership information during the timeframe. COMMISSIONER RECOMMENDED, discovery cutoff EXTENDED up to and including 3-23-18 for the purposes discussed. Mr. Sampson to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.;

02/22/2018






Motion (9:00 AM) (Judicial Officer: Williams, Timothy C.)

02/22/2018, 03/13/2018, 06/12/2018





CASE SUMMARY

CASE NO. A-17-753606-C

	<p><i>Plaintiff's Motion to De-Designate Confidentiality of Documents</i></p> <p>Deferred Ruling; Matter Continued; Stipulated; Deferred Ruling; Matter Continued; Stipulated; Deferred Ruling; Matter Continued; Stipulated; Journal Entry Details: <i>Mr. Turtzo stated a federal statute that deals with records including names and addresses of cable television subscribers. Court noted this has not been fully vetted and the purpose of telecommunications act is to keep cable companies from selling the information of their customers; stated this is premise liability and the issue is notice. Mr. Turtzo stated his client was trying to keep paper records confidential. Mr. Sampson argued to redact the name and address of subscribers. Court advised this is a matter parties can work out, and would not make a decision. Mr. Sampson suggested the Court defer ruling at this time. Court stated it would need to review the documents in camera and parties would need to do more briefing. COURT ORDERED, RULING DEFERRED to give parties an opportunity to confer and agree. COURT ORDERED, matter CONTINUED. CONTINUED TO: 3/13/18 9:00 AM;</i></p>
03/13/2018	<p>Status Check (9:00 AM) (Judicial Officer: Williams, Timothy C.) 03/13/2018, 06/12/2018 <i>Status Check: Status of Case</i> Matter Continued; Matter Heard; Matter Continued; Matter Heard;</p>
03/13/2018	<p> All Pending Motions (9:00 AM) (Judicial Officer: Williams, Timothy C.) Matter Heard; Journal Entry Details: <i>Roger Bailey, Esq. present on behalf of Defendant Kevin Bushbaker. Parties stated this matter was not resolved. Mr. Sampson stated he was not prepared to go to trial. Parties agreed to get issues worked out. COURT ORDERED, trial date VACATED and RESET; COURT FURTHER ORDERED, Motion CONTINUED. Court directed parties to stipulate to discovery and advised an Amended Trial Order would be issued. CONTINUED TO: 6/12/18 9:00 AM 9/27/18 10:30 AM CALENDAR CALL 10/15/18 9:30 AM JURY TRIAL;</i></p>
04/12/2018	<p>CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i></p>
06/12/2018	<p> All Pending Motions (9:00 AM) (Judicial Officer: Williams, Timothy C.) Matter Heard; Journal Entry Details: STATUS CHECK: STATUS OF CASE PLAINTIFF'S MOTION TO DE-DESIGNATE CONFIDENTIALITY OF DOCUMENTS <i>Mr. Sampson stated an agreement was reached regarding the Motion. Mr. Sampson stated he would prepare the Order and would provide details of the agreement.;</i></p>
08/14/2018	<p> Motion to Continue (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Defendant, Sunrise Villas IX Homeowners Association's Motion to Continue the Hearing Scheduled on August 15, 2018 on Its Motion for Summary Judgment on Order Shortening Time</i> Granted; Journal Entry Details: <i>Christopher Turtzo, Esq. appearing via Court Call. Mr. Fink stated he had a family obligation, and requested a continuance. Mr. Sampson stated he was working with Mr. Pattillo in the past, he filed the Motion and Defendant's counsel knew of the Motion date a month ago; requested the Motion for Summary Judgment be heard today. Mr. Turtzo stated he had no opposition to the request to continue the Motion. Mr. Fink argued there was a lack of courtesy and</i></p>

CASE SUMMARY

CASE NO. A-17-753606-C

	<i>professionalism, and that he needed to take his son to college. COURT ORDERED, Motion GRANTED; advised the Motion would be continued. 9/11/18 10:00 AM DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT;</i>
09/11/2018	 Motion for Summary Judgment (10:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Defendant, Sunrise Villas IX Homeowners Association's Motion for Summary Judgment</i> Motion Denied; Journal Entry Details: <i>Arguments by counsel as to Sunrise Villas IX Homeowners Association's Motion for Summary Judgment. Court stated ITS FINDINGS and ORDERED, Motion DENIED; Mr. Sampson to prepare the order.;</i>
09/27/2018	 Pretrial/Calendar Call (10:30 AM) (Judicial Officer: Williams, Timothy C.) Matter Heard; Journal Entry Details: <i>CONFERENCE AT BENCH. COURT ORDERED, Trial VACATED and RESET; Department to issue amended trial order and notice of scheduling motions. 2/21/19 10:30 AM CALENDAR CALL 3/11/19 9:30 AM JURY TRIAL ;</i>
10/15/2018	CANCELED Jury Trial (9:30 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated - per Judge</i>
10/23/2018	 Motion to Strike (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Defendant, Sunrise Villas IX Homeowners Association's Motion to Strike Order Denying Its Motion for Summary Judgment on Order Shortening Time</i> Motion Denied; Journal Entry Details: <i>Arguments by counsel as to Deft's Motion to Strike Order Denying Its Motion for Summary Judgment. COURT ORDERED, Motion DENIED; Court permits Mr. Fink to submit a proposed order and, within seven (7) days thereafter, Mr. Sampson may file own. Court directed Mr. Fink to prepare today's order.;</i>
11/01/2018	 Motion (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications' Pretrial Motion to Preclude the Application of Joint and Several Liability</i> Granted in Part; Journal Entry Details: <i>APPEARANCES CONTINUED: Raven Yim, Esq. present for Sunrise Villas IX HOA. Matter of Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications' Pretrial Motion to Preclude the Application of Joint and Several Liability. Matter argued and submitted. Court stated ITS FINDINGS and ORDERED, Motion GRANTED IN PART and DENIED IN PART; GRANTED as to bonafide negligence argument before jury as an instruction only. Mr. Turtzo advised parties will submit proposed order.;</i>
11/01/2018	Joinder (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>J. Chris Scarcelli's Joinder to Defendants IES Residential, Inc., and Cox Communications' PreTrail Motion to Preclude the Application of Joint and Several Liability</i> Granted in Part;
11/14/2018	Motion (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Defendant, Sunrise Villas IX Homeowners Association's Motion to Take Trial Deposition on OST</i> Granted;
11/14/2018	Joinder (9:30 AM) (Judicial Officer: Bulla, Bonnie) <i>Defendant, IES Residential, Inc., and Cox Communications Las Vegas, Inc.'s Joinder to Sunrise Villas IX Homeowners Association's Motion to Take Trial Deposition of Musa Arja on OST</i> Granted;

CASE SUMMARY

CASE NO. A-17-753606-C

11/14/2018



All Pending Motions (9:30 AM) (Judicial Officer: Bulla, Bonnie)

Matter Heard;

Journal Entry Details:

Defendant, Sunrise Villas IX Homeowners Association's Motion to Take Trial Deposition on OST Defendant, IES Residential, Inc., and Cox Communications Las Vegas, Inc.'s Joinder to Sunrise Villas IX Homeowners Association's Motion to Take Trial Deposition of Musa Arja on OST An Opposition was prepared but not filed, and Mr. Sampson requested oral opposition. Mr. Levine stated Deft Cox Subpoenaed every cab provider in the city to locate the Driver who dropped Plaintiff off at the residence (located 8-29-18). Argument by Mr. Levine; Deponent is in Colorado, and counsel requested his deposition as soon as possible. Mr. Levine understands the Driver is currently willing to be deposed. Mr. Sampson filed a Motion in Limine to Strike the witness (set 11-8-18 and moved to 1-11-19 by the Trial Court). Discovery closed 4-5-18. Argument by Mr. Sampson. Commissioner will not let counsel lose the Trial date. Mr. Sampson requested the opportunity to present his argument to the Court; counsel stated the Motion is a Trial deposition, not about re-opening discovery. Commissioner stated Mr. Sampson can object to Commissioner's Recommendation. COMMISSIONER RECOMMENDED, Defendant, Sunrise Villas IX Homeowners Association's Motion to Take Trial Deposition is GRANTED; the Joinder is GRANTED; complete the deposition by 12-14-18, and telephonic or video deposition is REQUIRED. Ms. Levine is new to the case, counsel didn't realize a Subpoena was issued, and counsel will retract it. Mr. Levine hasn't spoken with the witness whether he will appear or a Subpoena is needed. Argument by Mr. Turtzo; a Trial Subpoena was sent to the witness before he moved to Colorado. Colloquy. Commissioner is not taking away Mr. Sampson's right to challenge the witness, or challenge his ability to testify at Trial. Judge Williams will decide. Commissioner stated the facts will become known. Argument by Mr. Sampson. Mr. Sampson requested Deft pay for Plaintiff to appear in Colorado. COMMISSIONER RECOMMENDED, Subpoena the witness, domesticate the Subpoena, and complete a telephonic or video deposition by 12-14-18. Mr. Sampson asked if there is time to hear the Objection before the deposition is taken. COMMISSIONER RECOMMENDED, 12-14-18 deadline is RESCINDED; the deposition will not be taken until after the Court signs the Report and Recommendation. Commissioner is essentially giving 2.34 (e) relief. Mr. Levine to prepare the Report and Recommendations, and Mr. Sampson and Mr. Turtzo to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.;

11/28/2018

CANCELED Motion For Reconsideration (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Vacated

Defendant, Sunrise Villas IX Homeowners Association's Motion for Reconsideration

01/08/2019



Status Check (9:00 AM) (Judicial Officer: Williams, Timothy C.)

01/08/2019, 01/17/2019, 02/20/2019

Status Check: Trial Readiness

Matter Continued;

Matter Continued;

Matter Heard;

Matter Continued;

Matter Continued;

Matter Heard;

Matter Continued;

Matter Continued;

Matter Heard;

Journal Entry Details:

Matter of Status Check as to Trial Readiness. Mr. Fink advised due to unavailability of Mr. Sampson, parties agreed to continue today's matter. COURT ORDERED, matter CONTINUED to time of Motions in Limine. CONTINUED TO: 1/11/19 9:30 AM;

01/10/2019

CANCELED Status Check: Compliance (3:00 AM) (Judicial Officer: Truman, Erin)

Vacated - per Commissioner

01/11/2019


Motion in Limine (9:30 AM) (Judicial Officer: Williams, Timothy C.)

Plaintiff's Motion in Limine to Exclude Untimely Disclosed Witnesses

Motion Denied;

CASE SUMMARY

CASE NO. A-17-753606-C

01/11/2019	<p>Motion in Limine (9:30 AM) (Judicial Officer: Williams, Timothy C.) <i>IES Residential and Cox Communications Motion in Limine #1 to Preclude any Evidence or Testimony of Subsequent Remedial Measures by IES and/or Cox</i> Motion Denied;</p>
01/11/2019	<p>Joinder to Motion in Limine (9:30 AM) (Judicial Officer: Williams, Timothy C.) <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. (IES) and Cox Communications Las Vegas, Inc., d/b/a Cox Communications (Cox) Motion In Limine #1 To Preclude Any Evidence Or Testimony Of Subsequent Remedial Measures By IES And/Or Cox</i> Motion Denied;</p>
01/11/2019	<p> All Pending Motions (9:30 AM) (Judicial Officer: Williams, Timothy C.) Matter Heard; Journal Entry Details: <i>APPEARANCES CONTINUED: Christian Barton, Esq. present for IES Residential and Cox Communications. IES RESIDENTIAL AND COX COMMUNICATIONS MOTION IN LIMINE #1 TO PRECLUDE ANY EVIDENCE OR TESTIMONY OF SUBSEQUENT REMEDIAL MEASURES BY IES AND/OR COX DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. (IES) AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS (COX) MOTION IN LIMINE #1 TO PRECLUDE ANY EVIDENCE OR TESTIMONY OF SUBSEQUENT REMEDIAL MEASURES BY IES AND/OR COX Arguments by counsel. COURT ORDERED, Motion DENIED based on discussion that if evidence comes in, will be for limited purpose of ownership or control; not coming in to establish evidence. PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE UNTIMELY DISCLOSED WITNESSES Arguments by counsel. COURT FURTHER ORDERED, Motion DENIED as to deposition of Musa Arja, to be conducted at time convenient for Mr. Sampson with video opportunity, no payment required. Court urged Defense counsel to make inquiry as to travel accommodation with respect to Musa Arja. ORDERED, DENIED as to Curtis Lovelace, deposition to be taken if needed. Colloquy regarding scheduling pending matters. There being agreement, COURT ORDERED, all pending Motions in Limine including Status Check on Trial Readiness and Motion for Reconsideration CONTINUED to 1/17/19 at 1:30 p.m. CLERK S NOTE: Subsequent to proceedings, Court reset time of hearing pending matters to 1:30 p.m. on 1/17/19. This Minute Order has been electronically served to the parties through Odyssey eFile;</i></p>
01/17/2019	<p>Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) <i>Defendants IES and Cox Communications Motion in Limine #2 to Preclude Barbara Russo from Testifying Regarding Alleged Statements by Cox Employee "Curtis"</i> Motion Denied; See 3/8/19 Minute Order</p>
01/17/2019	<p>Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019 <i>Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications' Motion in Limine No. 6 to Preclude the Unverified Recorded Interview of J&G Lawn Maintenance Employee Tom Bastian</i> Matter Continued; Granted in Part; Matter Continued; Granted in Part;</p>
01/17/2019	<p>Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019 <i>Motion in Limine No. 10 to exclude Non-Party Witnesses from the Courtroom</i> Matter Continued; Motion Granted; Matter Continued; Motion Granted;</p>
01/17/2019	<p>Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) <i>IES and COX Communications Motion in Limine #3 to Preclude Testimony Lacking Personal Knowledge</i></p>

CASE SUMMARY

CASE NO. A-17-753606-C

	Granted in Part;
01/17/2019	Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) <i>IES and Cox's Motion in Limine No. 12 to Preclude Testimony Involving Trip and Falls Involving Cox/IES at Any Other Location</i> Motion Granted;
01/17/2019	Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019 <i>Defendants IES and Cox's Motion in Limine No. 11 to Preclude Cumulative Testimony of Plaintiff's Expert and Lay Witnesses</i> Matter Continued; Withdrawn; Matter Continued; Withdrawn;
01/17/2019	Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019 <i>Defendant IES and Cox's Motion in Limine #14 to Preclude Medical Expert Testimony from Plaintiff, Simone Russo</i> Matter Continued; Motion Granted; Matter Continued; Motion Granted;
01/17/2019	Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019 <i>Defendants IES and Cox's Motion in Limine No. 15 to Preclude Demonstrative Evidence Relating to Plaintiff's Quality of Life</i> Matter Continued; Stipulated; Matter Continued; Stipulated;
01/17/2019	Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019 <i>Defendants IES and Cox's Motion in Limine #4 to Preclude Plaintiff From Introducing Evidence of Future Damages</i> Matter Continued; Denied Without Prejudice; Matter Continued; Denied Without Prejudice;
01/17/2019	Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) <i>IES Residential and Cox Communications Motion in Limine #8 to Preclude Per Diem Arguments/Dollar Value of Pain and Suffering (General Damages)</i> Motion Denied;
01/17/2019	Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019 <i>IES Residential and Cox Communications Motion in Limine #5 to Limit the Scope and Nature of Plaintiff's Expert Witnesses' Testimony at the time of Trial</i> Matter Continued; Withdrawn; Matter Continued; Withdrawn;
01/17/2019	Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019 <i>IES Residential and Cox Communications Motion in Limine #7 to Preclude Plaintiff from Presenting Evidence of Medical Special Damages Beyond the Amount Incurred</i>

CASE SUMMARY

CASE NO. A-17-753606-C

	<p>Matter Continued; Motion Denied; Matter Continued; Motion Denied;</p>
01/17/2019	<p>Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019 <i>Defendants IES and Cox's Motion in Limine No. 13 to Preclude Plaintiff from Making Reference to or Introducing Evidence Regarding the Financial Wealth of Defendants</i> Matter Continued; Motion Granted; Matter Continued; Motion Granted;</p>
01/17/2019	<p>Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019 <i>Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion in Limine No. 16 to Preclude all Counter Opinions Regarding Biomechanics as Plaintiff Did Not Have an Expert</i> See 1/11/19 Minutes Matter Continued; Decision Made; See 1/11/19 Minutes Matter Continued; Decision Made;</p>
01/17/2019	<p>Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) <i>Defendant, Sunrise Villas IX Homeowners Association's Motion in Limine No. 1 to Exclude Hearsay Statements From Gardeners</i> Motion Denied; See 3/8/19 Minute Order</p>
01/17/2019	<p>Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019, 08/01/2019 <i>Defendant, Sunrise Villas IX Homeowners Association's Motion in Limine No. 2 to Exclude Reference to Inadequate Lighting</i> Matter Continued; Matter Continued; Motion Granted; Matter Continued; Matter Continued; Motion Granted; Matter Continued; Matter Continued; Motion Granted;</p>
01/17/2019	<p>Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019, 08/01/2019 <i>Defendant, Sunrise Villas IX Homeowners Association's Motion in Limine No. 3 to Exclude Allegedly Retaliatory Actions by Sunrise</i> Matter Continued; Matter Continued; Motion Granted; Matter Continued; Matter Continued; Motion Granted; Matter Continued; Matter Continued; Motion Granted;</p>
01/17/2019	<p>Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.)</p>

CASE SUMMARY

CASE NO. A-17-753606-C

	<p>01/17/2019, 02/20/2019, 08/01/2019 <i>Defendant, Sunrise Villas IX Homeowners Association's Motion in Limine No. 4 to Exclude Future Medical Costs and Treatment</i> Matter Continued; Matter Continued; Withdrawn; Matter Continued; Matter Continued; Withdrawn; Matter Continued; Matter Continued; Withdrawn;</p>
01/17/2019	<p>Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019, 08/01/2019 <i>Defendant, Sunrise Villas IX Homeowners Association's Motion in Limine No. 5 to Exclude "Reptile Theory" Tactics</i> Matter Continued; Matter Continued; Motion Denied; Matter Continued; Matter Continued; Motion Denied; Matter Continued; Matter Continued; Motion Denied;</p>
01/17/2019	<p>Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019, 08/01/2019 <i>Defendant, Sunrise Villas IX Homeowners Association's Motion in Limine No. 6 to Exclude Subsequent Remedial Measures</i> Matter Continued; Matter Continued; Motion Denied; Matter Continued; Matter Continued; Motion Denied; Matter Continued; Matter Continued; Motion Denied;</p>
01/17/2019	<p>Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019 <i>Defendants IES RESidential, Inc. and Cox Communications Las Vegas, Inc., dba Cox Communications' Motion in Limine #9 to Preclude Reference by Plaintiff or Plaintiff's Counsel to IES/Cox' "California Attorneys" or to IES/Cox as Out-of-State, National, or International Companies</i> Matter Continued; Motion Granted; Matter Continued; Motion Granted;</p>
01/17/2019	<p>Joinder to Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019 <i>Defendant Sunrise Villas Ix Homeowners Association s Joinder To Defendants IES Residential, Inc. And Cox Communications Las Vegas, Inc. D/B/A Cox Communications Motion In Limine No. 15 To Preclude Demonstrative Evidence Relating To Plaintiff s Quality Of Life</i> Matter Continued; Stipulated;</p>

CASE SUMMARY

CASE NO. A-17-753606-C

	Matter Continued; Stipulated;
01/17/2019	<p>Joinder to Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019 <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #2 To Preclude Barbara Russo From Testifying Regarding Alleged Statements By Cox Employee Curtis</i></p> <p>Matter Continued; Motion Denied; Matter Continued; Motion Denied;</p>
01/17/2019	<p>Joinder to Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019 <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #3 To Preclude Testimony Lacking Personal Knowledge</i></p> <p>Matter Continued; Granted in Part; Matter Continued; Granted in Part;</p>
01/17/2019	<p>Joinder to Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019 <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #4 To Preclude Plaintiff From Introducing Evidence Of Future Damages</i></p> <p>Matter Continued; Denied Without Prejudice; Matter Continued; Denied Without Prejudice;</p>
01/17/2019	<p>Joinder to Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019 <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #5 To Limit The Scope And Nature Of Plaintiff s Expert Witnesses Testimony At The Time Of Trial</i></p> <p>Matter Continued; Withdrawn; Matter Continued; Withdrawn;</p>
01/17/2019	<p>Joinder to Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019 <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #6 To Preclude The Unverified Recorded Interview Of J&G Lawn Maintenance Employee Tom Bastian</i></p> <p>Matter Continued; Granted in Part; Matter Continued; Granted in Part;</p>
01/17/2019	<p>Joinder to Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019 <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #7 To Preclude Plaintiff From Presenting Evidence Of Medical Special Damages Beyond The Amount Incurred</i></p>


CASE SUMMARY

CASE NO. A-17-753606-C

	Matter Continued; Motion Denied; Matter Continued; Motion Denied;
01/17/2019	Joinder to Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019 <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #8 To Preclude Per Diem Arguments/Dollar Value Of Pain And Suffering (General Damages)</i> Matter Continued; Motion Denied; Matter Continued; Motion Denied;
01/17/2019	Joinder to Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019 <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #9 To Preclude Reference By Plaintiff Or Plaintiff s Counsel To IES/Cox s California Attorneys Or To IES/Cox As Out-Of-State, National, Or International Companies</i> Matter Continued; Motion Granted; Matter Continued; Motion Granted;
01/17/2019	Joinder to Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019 <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #10 To Exclude Non-Party Witnesses From The Courtroom</i> Matter Continued; Motion Granted; Matter Continued; Motion Granted;
01/17/2019	Joinder to Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019 <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #11 To Preclude Cumulative Testimony Of Plaintiff s Expert And Lay Witnesses</i> Matter Continued; Withdrawn; Matter Continued; Withdrawn;
01/17/2019	Joinder to Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019 <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #12 To Preclude Testimony Involving Trip And Falls Involving Cox/IES At Any Other Locations</i> Matter Continued; Motion Granted; Matter Continued; Motion Granted;
01/17/2019	Joinder to Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019 <i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine</i>


CASE SUMMARY

CASE NO. A-17-753606-C

	<p><i>#13 To Preclude Plaintiff From Making Reference To Or Introducing Evidence Regarding The Financial Wealth Of Defendants</i></p> <p>Matter Continued; Motion Granted; Matter Continued; Motion Granted;</p>
01/17/2019	<p>Joinder to Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019</p> <p><i>Defendant Sunrise Villas IX Homeowners Association s Joinder to Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications Motion In Limine #14 To Preclude Medical Expert Testimony from Plaintiff Simone Russo</i></p> <p>Matter Continued; Motion Granted; Matter Continued; Motion Granted;</p>
01/17/2019	<p>Joinder to Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019, 08/01/2019</p> <p><i>IES Residential and Cox Communications Joinder to Sunrise Villas IX Homeowners Association's Motion in Limine No. 4 to Exclude Future Medical Costs and Treatment</i></p> <p>Matter Continued; Matter Continued; Matter Heard; Matter Continued; Matter Continued; Matter Heard; Matter Continued; Matter Continued; Matter Heard;</p>
01/17/2019	<p>Joinder to Motion in Limine (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019, 08/01/2019</p> <p><i>IES Residential and Cox Communications Joinder to Sunrise Villas IX Homeowners Association's Motion in Limine No. 5 to Exclude "Reptile Theory" Tactics</i></p> <p>Matter Continued; Matter Continued; Motion Denied; Matter Continued; Matter Continued; Motion Denied; Matter Continued; Matter Continued; Motion Denied;</p>
01/17/2019	<p>Motion For Reconsideration (1:30 PM) (Judicial Officer: Williams, Timothy C.) 01/17/2019, 02/20/2019</p> <p><i>Defendant, Sunrise Villas IX Homeowners Association's Motion For Reconsideration</i></p> <p>See 1/11/19 Minutes Matter Continued; Motion Denied; See 1/11/19 Minutes Matter Continued; Motion Denied;</p>
01/17/2019	<p> All Pending Motions (1:30 PM) (Judicial Officer: Williams, Timothy C.)</p> <p>Matter Heard; Journal Entry Details:</p> <p><i>APPEARANCES CONTINUED: Christian Barton, Esq. present for IES Residential and Cox Communications. Roger Bailey, Esq. present for Kevin Bushbaker. IES AND COX</i></p>

CASE SUMMARY**CASE No. A-17-753606-C**

COMMUNICATIONS MOTION IN LIMINE #3 TO PRECLUDE TESTIMONY LACKING PERSONAL KNOWLEDGE DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS MOTION IN LIMINE #3 TO PRECLUDE TESTIMONY LACKING PERSONAL KNOWLEDGE Arguments by counsel. COURT ORDERED, Motion GRANTED IN PART and DENIED IN PART; appropriate foundation to be provided for testimony as discussed. COX'S MOTION IN LIMINE NO. 12 TO PRECLUDE TESTIMONY INVOLVING TRIP AND FALLS INVOLVING COX/IES AT ANY OTHER LOCATION DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS MOTION IN LIMINE #12 TO PRECLUDE TESTIMONY INVOLVING TRIP AND FALLS INVOLVING COX/IES AT ANY OTHER LOCATIONS Arguments by counsel. COURT FURTHER ORDERED, Motion GRANTED at this time for reasons discussed. DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS MOTION IN LIMINE #8 TO PRECLUDE PER DIEM ARGUMENTS/DOLLAR VALUE OF PAIN AND SUFFERING (GENERAL DAMAGES) DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS MOTION IN LIMINE #8 TO PRECLUDE PER DIEM ARGUMENTS/DOLLAR VALUE OF PAIN AND SUFFERING (GENERAL DAMAGES) Arguments by counsel. COURT ORDERED, Motion DENIED; permitted as to anticipated evidence to support a future claim of pain and suffering. DEFENDANTS IES AND COX COMMUNICATIONS MOTION IN LIMINE #2 TO PRECLUDE BARBARA RUSSO FROM TESTIFYING REGARDING ALLEGED STATEMENTS BY COX EMPLOYEE "CURTIS" DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS MOTION IN LIMINE #2 TO PRECLUDE BARBARA RUSSO FROM TESTIFYING REGARDING ALLEGED STATEMENTS BY COX EMPLOYEE CURTIS Arguments by counsel. CONTINUED for Chambers Decision. DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 1 TO EXCLUDE HEARSAY STATEMENTS FROM GARDENERS CONTINUED for Chambers Decision. Colloquy regarding scheduling pending matters. COURT ORDERED, unaddressed Motions in Limine including Status Check on Trial Readiness and Motion for Reconsideration CONTINUED to time to be determined by Department. CLERK'S NOTE: Court Clerk inadvertently set continuation of matters to a date the Court is unavailable; Department will notify parties as to new date and time. This Minute Order was electronically served to the parties through Odyssey eFile.;

- 02/20/2019 **Motion to Strike** (10:00 AM) (Judicial Officer: Williams, Timothy C.)
Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications' Motion to Strike Untimely Documents on Order Shortening Time
 Motion Denied;
- 02/20/2019 **Opposition and Countermotion** (10:00 AM) (Judicial Officer: Williams, Timothy C.)
Plaintiff's Opposition to Defendant's Motion to Strike and Countermotion to Reconsider Order on Plaintiff's Motion to Strike Untimely Disclosed Witnesses
 Motion Denied;
- 02/20/2019  **All Pending Motions** (10:00 AM) (Judicial Officer: Williams, Timothy C.)
 Matter Heard;
 Journal Entry Details:
 APPEARANCES CONTINUED: Christian Barton, Esq. present via CourtCall for IES Residential. Francis Arenas, Esq. present for Kevin Bushbaker. STATUS CHECK: TRIAL READINESS Colloquy regarding issue of Pltf. continuing care, future damages and related discovery issues in light of current trial setting. COURT ORDERED, Trial dates VACATED and RESET; Department to issue Amended Trial Order. FURTHER ORDERED, will permit supplemental deposition of Dr. Russo limited to one hour; Dr. Thalgott not limited and focused on current and future care issues; will permit supplemental report for expert after Dr. Thalgott deposition as relates to the necessity of future care and treatment including palliative care; may conduct discovery pertaining to additional \$5,000 per year matter by Dr. Thalgott; will allow supplemental report if necessary by expert as relates to future issues; and will permit deposition of Dr. Russo's wife as discussed. Mr. Turtzo to prepare the order including stipulated discovery deadlines. DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS' MOTION TO


CASE SUMMARY**CASE No. A-17-753606-C**

STRIKE UNTIMELY DOCUMENTS ON ORDER SHORTENING TIME PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO STRIKE AND COUNTERMOTION TO RECONSIDER ORDER ON PLAINTIFF'S MOTION TO STRIKE UNTIMELY DISCLOSED WITNESSES COURT ORDERED, Motion to Strike DENIED; Countermotion DENIED. Prevailing party to submit the order. DEFENDANTS IES AND COX'S MOTION IN LIMINE #4 TO PRECLUDE PLAINTIFF FROM INTRODUCING EVIDENCE OF FUTURE DAMAGES COURT ORDERED, Motion DENIED WITHOUT PREJUDICE. Prevailing party to submit the order. DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION FOR RECONSIDERATION Arguments by counsel. COURT ORDERED, Motion DENIED. Prevailing party to submit the order. IES RESIDENTIAL AND COX COMMUNICATIONS MOTION IN LIMINE #5 TO LIMIT THE SCOPE AND NATURE OF PLAINTIFF'S EXPERT WITNESSES' TESTIMONY AT THE TIME OF TRIAL DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS MOTION IN LIMINE #5 TO LIMIT THE SCOPE AND NATURE OF PLAINTIFF S EXPERT WITNESSES TESTIMONY AT THE TIME OF TRIAL Mr. Turtzo advised matter withdrawn without prejudice; COURT SO NOTED. DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS' MOTION IN LIMINE NO. 6 TO PRECLUDE THE UNVERIFIED RECORDED INTERVIEW OF J&G LAWN MAINTENANCE EMPLOYEE TOM BASTIAN DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS MOTION IN LIMINE #6 TO PRECLUDE THE UNVERIFIED RECORDED INTERVIEW OF J&G LAWN MAINTENANCE EMPLOYEE TOM BASTIAN Arguments by counsel. COURT ORDERED, Motion GRANTED IN PART as discussed. Prevailing party to submit the order. IES RESIDENTIAL AND COX COMMUNICATIONS MOTION IN LIMINE #7 TO PRECLUDE PLAINTIFF FROM PRESENTING EVIDENCE OF MEDICAL SPECIAL DAMAGES BEYOND THE AMOUNT INCURRED DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS MOTION IN LIMINE #7 TO PRECLUDE PLAINTIFF FROM PRESENTING EVIDENCE OF MEDICAL SPECIAL DAMAGES BEYOND THE AMOUNT INCURRED Arguments by counsel. COURT ORDERED, Motion DENIED based on Khoury v. Seastrand and will follow the mandate. Prevailing party to submit the order. DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., DBA COX COMMUNICATIONS' MOTION IN LIMINE #9 TO PRECLUDE REFERENCE BY PLAINTIFF OR PLAINTIFF'S COUNSEL TO IES/COX "CALIFORNIA ATTORNEYS" OR TO IES/COX AS OUT-OF-STATE, NATIONAL, OR INTERNATIONAL COMPANIES DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS MOTION IN LIMINE #9 TO PRECLUDE REFERENCE BY PLAINTIFF OR PLAINTIFF S COUNSEL TO IES/COX S CALIFORNIA ATTORNEYS OR TO IES/COX AS OUT-OF STATE, NATIONAL, OR INTERNATIONAL COMPANIES Arguments by counsel. COURT ORDERED, Motion GRANTED as to, for example, California Attorneys coming to Las Vegas and/or practicing law in Las Vegas; will not rule on issue of sending a message at this time. Prevailing party to submit the order. MOTION IN LIMINE NO. 10 TO EXCLUDE NON-PARTY WITNESSES FROM THE COURTROOM DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS MOTION IN LIMINE #10 TO EXCLUDE NON PARTY WITNESSES FROM THE COURTROOM Arguments by counsel. COURT ORDERED, Motion GRANTED. Prevailing party to submit the order. DEFENDANTS IES AND COX'S MOTION IN LIMINE NO. 11 TO PRECLUDE CUMULATIVE TESTIMONY OF PLAINTIFF'S EXPERT AND LAY WITNESSES DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS MOTION IN LIMINE #11 TO PRECLUDE CUMULATIVE TESTIMONY OF PLAINTIFF S EXPERT AND LAY WITNESSES Court noted matter withdrawn. DEFENDANTS IES AND COX'S MOTION IN LIMINE NO. 13 TO PRECLUDE PLAINTIFF FROM MAKING REFERENCE TO OR INTRODUCING EVIDENCE REGARDING THE FINANCIAL WEALTH OF DEFENDANT DEPENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS MOTION IN LIMINE #13 TO PRECLUDE PLAINTIFF FROM MAKING REFERENCE TO OR INTRODUCING EVIDENCE REGARDING THE FINANCIAL WEALTH OF DEFENDANTS Arguments by counsel. COURT ORDERED, Motion GRANTED. Prevailing party to submit the order. MOTION IN LIMINE #14 TO PRECLUDE MEDICAL EXPERT TESTIMONY FROM PLAINTIFF, SIMONE RUSSO DEPENDANT SUNRISE

CASE SUMMARY**CASE No. A-17-753606-C**

VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS MOTION IN LIMINE #14 TO PRECLUDE MEDICAL EXPERT TESTIMONY FROM PLAINTIFF SIMONE RUSSO Arguments by counsel. COURT ORDERED, Motion GRANTED; if opinion beyond simple discussion must put on notice; vouching issue to be by separate motion. Prevailing party to submit the order. MOTION IN LIMINE NO. 15 TO PRECLUDE DEMONSTRATIVE EVIDENCE RELATING TO PLAINTIFF'S QUALITY OF LIFE DEPENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC. D/B/A COX COMMUNICATIONS MOTION IN LIMINE NO. 15 TO PRECLUDE DEMONSTRATIVE EVIDENCE RELATING TO PLAINTIFF S QUALITY OF LIFE Court noted matter resolved by stipulation. DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS MOTION IN LIMINE NO. 16 TO PRECLUDE ALL COUNTER OPINIONS REGARDING BIOMECHANICS AS PLAINTIFF DID NOT HAVE AN EXPERT Arguments by counsel. COURT ORDERED, based on current state of the record, Pltf. shall be precluded from offer rebuttal human factors expert opinions. Prevailing party to submit the order. Colloquy regarding status of pending decision and scheduling remaining Motions in Limine. Court noted parties to contact Department JEA for further setting. 8/8/19 10:30 AM PRETRIAL/CALENDAR CALL 8/26/19 9:30 AM JURY TRIAL CLERK'S NOTE: Minutes corrected. /cd 5-14-19/;

02/21/2019 **CANCELED Calendar Call** (10:30 AM) (Judicial Officer: Williams, Timothy C.)
Vacated - per Judge

03/08/2019  **Minute Order** (10:56 AM) (Judicial Officer: Williams, Timothy C.)

re: Motions in Limine

Minute Order - No Hearing Held;

Journal Entry Details:

After a review and consideration of the record, the points and authorities on file herein, and oral argument of counsel, the Court determined as follows: 1. After a review of the HOA s Motion in Limine No. 1, it is unclear as to the thrust and exact nature upon which the statements of the gardeners contracted by the HOA are being offered in this matter. Are they relevant to constructive notice of the hazard or ownership and/or control of the coaxial cable at issue? Additionally, it is asserted that the gardeners were contracted by the HOA to perform gardening and maintenance on common areas throughout the common interest community. Under Nevada law, a statement is not hearsay if it is offered against a party and made by the party s agent or servant concerning a matter within the scope of the agency or employment and before the termination of the relationship. See, Paul v. Imperial Palace, 111 Nev. 1544, 908 P.2d 226 (1995). In light of the Paul case and assuming the appropriate foundation can be established, the Russo Plaintiffs shall be permitted to testify as to discussions with the HOA gardeners. Based on the foregoing, Defendant HOA s Motion in Limine No. 1 shall be DENIED. 2. Defendant IES & Cox Communications Motion in Limine No. 2, to Preclude Barbara Russo from Testifying re: Alleged Statements by Cox Employee Curtis. Similar to the prior motion, the Court shall follow the mandate of the Nevada Supreme Court in the Paul case. Consequently, assuming the appropriate foundational predicate can be established, Barbara Russo will be permitted to testify as to communication with Cox employee Curtis. As a result, Defendant IES and Cox Communication s Motion in Limine No. 2 shall be DENIED. The prevailing party shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature. CLERK'S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile.;

03/11/2019 **CANCELED Jury Trial** (9:30 AM) (Judicial Officer: Williams, Timothy C.)
Vacated - per Judge

05/14/2019 **Motion For Reconsideration** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
05/14/2019, 08/01/2019

Defendant, Sunrise Villas IX Homeowners Association's Motion for Reconsideration [of Motion in Limine No. 1]; and Affidavit of Thomas G. Levine in Support Thereof


Matter Continued;

Motion Denied;

Matter Continued;


CASE SUMMARY

CASE NO. A-17-753606-C

	Motion Denied;
05/14/2019	Status Check (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Status Check re Scheduling Motions in Limine</i> Matter Heard;
05/14/2019	 All Pending Motions (9:00 AM) (Judicial Officer: Williams, Timothy C.) Matter Heard; Journal Entry Details: <i>APPEARANCES CONTINUED: Francis Arenas, Esq. present for Deft. Kevin Bushbaker. STATUS CHECK RE: SCHEDULING MOTIONS IN LIMINE...DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION FOR RECONSIDERATION; AND AFFIDAVIT OF THOMAS G. LEVINE IN SUPPORT THEREOF Colloquy regarding status of remaining Motions in Limine and scheduling same. COURT ORDERED, Motions in Limine CONTINUED to 7/30/19 and 8/1/19. Court directed parties meet and confer within 30 days for determining what limine matters remain and for any change in scheduling. FURTHER ORDERED, Status Check SET regarding status of Motions in Limine. Arguments by Mr. Fink and Mr. Sampson regarding Motion for Reconsideration. Colloquy regarding necessity of transcript. Court directed parties obtain subject hearing transcript for review. COURT ORDERED, matter CONTINUED to 7/30/19. 6/13/19 9:00 AM STATUS CHECK: STATUS OF MOTIONS IN LIMINE TO BE HEARD CONTINUED TO: 7/30/19 9:00 AM DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION FOR RECONSIDERATION; AND AFFIDAVIT OF THOMAS G. LEVINE IN SUPPORT THEREOF CONTINUED TO: 7/30/19 9:00 AM DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 2 TO EXCLUDE REFERENCE TO INADEQUATE LIGHTING DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 3 TO EXCLUDE ALLEGEDLY RETALIATORY ACTIONS BY SUNRISE DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 4 TO EXCLUDE FUTURE MEDICAL COSTS AND TREATMENT DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 5 TO EXCLUDE "REPTILE THEORY" TACTICS...DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 6 TO EXCLUDE SUBSEQUENT REMEDIAL MEASURES IES RESIDENTIAL AND COX COMMUNICATIONS JOINDER TO SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 4 TO EXCLUDE FUTURE MEDICAL COSTS AND TREATMENT IES RESIDENTIAL AND COX COMMUNICATIONS JOINDER TO SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 5 TO EXCLUDE "REPTILE THEORY" TACTICS;</i>
06/13/2019	CANCELED Status Check (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated</i> <i>Status Check: Status of Motions in Limine to be Heard</i>
08/01/2019	Motion to Dismiss (9:15 AM) (Judicial Officer: Williams, Timothy C.) <i>Defendant, Sunrise Villas IX Homeowners Association's Motion to Dismiss Defendant, Kevin Bushbaker and Defendant, J. Chris Scarcelli Cross-Claims</i> Motion Granted; See 8/7/19 Minute Order
08/01/2019	Joinder (9:15 AM) (Judicial Officer: Williams, Timothy C.) <i>Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications' Substantive Joinder to Defendant Sunrise Villas IX Homeowners Associations Motion to Dismiss Defendant Kevin Bushbaker and Defendant J. Chris Scarcelli's Cross-Claims</i> Motion Granted; See 8/7/19 Minute Order
08/01/2019	Motion in Limine (9:15 AM) (Judicial Officer: Williams, Timothy C.) <i>IES Residential and Cox Communications Renewed Motion in Limine #4 to Preclude Plaintiff from Introducing Evidence of Future Damages</i> Motion Denied; See 8/30/19 Minute Order
08/01/2019	Motion in Limine (9:15 AM) (Judicial Officer: Williams, Timothy C.) <i>IES Residential and Cox Communications Renewed Motion in Limine #5 to Limit the Scope of Nature of Plaintiff's Expert Witnesses' Testimony at the Time of Trial</i>

CASE SUMMARY

CASE NO. A-17-753606-C

	Motion Denied;
08/01/2019	<p>Motion in Limine (9:15 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>IES Residential and Cox Communications Motion in Limine #11 to Preclude Plaintiff from Vouching for Other Witnesses</i></p> <p>Granted in Part;</p>
08/01/2019	<p>Joinder to Motion in Limine (9:15 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Defendant Sunrise Villas IX Homeowners Association's Joinder to Defendants IES Residential Inc and Cox Communications Las Vegas Inc dba Cox Communications' Renewed Motion in Limine #4 to Preclude Plaintiff from Introducing Evidence of Future Damages</i></p> <p>Decision Made; See 8/30/19 Minute Order</p>
08/01/2019	<p>Joinder to Motion in Limine (9:15 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Defendant Sunrise Villas IX Homeowners Association's Joinder to Defendants IES Residential Inc and Cox Communications Las Vegas Inc dba Cox Communications' Renewed Motion in Limine #5 to Limit the Scope and Nature of Plaintiff's Expert Witnesses' Testimony at the Time of Trial</i></p> <p>Motion Denied;</p>
08/01/2019	<p>Joinder to Motion in Limine (9:15 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Defendant Sunrise Villas IX Homeowners Association's Joinder to Defendants IES Residential Inc and Cox Communications Las Vegas Inc dba Cox Communications' Motion In Limine #11 to Preclude Plaintiff from Vouching for Other Witnesses</i></p> <p>Granted in Part;</p>
08/01/2019	<p>Joinder to Motion in Limine (9:15 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Defendant/Cross-Defendant J. Chris Scarcelli's Joinder to IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications' Motions In Limine #4, #5, #11</i></p> <p>Matter Heard;</p>
08/01/2019	<p>Joinder to Motion in Limine (9:15 AM) (Judicial Officer: Williams, Timothy C.)</p> <p><i>Defendant Kevin Bushbaker's Joinder to IEs Residential Inc's and Cox Communications Las Vegas Inc dba Cox Communications' Motion in Limine No 4, 5, and 11</i></p> <p>Matter Heard;</p>
08/01/2019	<p> All Pending Motions (9:15 AM) (Judicial Officer: Williams, Timothy C.)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>APPEARANCES CONTINUED: Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker. Christopher Turtzo, Esq. present via CourtCall for IES, et al. Christian Barton, Esq. present for IES, et al. Colloquy regarding issue of Motions for Summary Judgment scheduled after trial and whether appropriate in light of discovery deadline and scope. COURT ORDERED, deadline to seek leave 8/7/19. DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION FOR RECONSIDERATION [OF MOTION IN LIMINE NO. 1]; AND AFFIDAVIT OF THOMAS G. LEVINE IN SUPPORT THEREOF Arguments by Mr. Fink and Mr. Sampson. COURT FURTHER ORDERED, Motion DENIED; Mr. Sampson to lay foundation. Prevailing party to prepare the order. DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 2 TO EXCLUDE REFERENCE TO INADEQUATE LIGHTING Arguments by Mr. Fink and Mr. Sampson. COURT ORDERED, Motion GRANTED; no allegation of inadequate illumination as basis for negligence; client can testify as to what he saw. Prevailing party to prepare the order. DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 3 TO EXCLUDE ALLEGEDLY RETALIATORY ACTIONS BY SUNRISE Arguments by Mr. Fink and Mr. Sampson. Court stated its FINDINGS and ORDERED, Motion GRANTED; not relevant. Prevailing party to prepare the order. DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 4 TO EXCLUDE FUTURE MEDICAL COSTS AND TREATMENT IES RESIDENTIAL AND COX COMMUNICATIONS JOINDER TO SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 4 TO EXCLUDE FUTURE MEDICAL COSTS AND TREATMENT Mr. Fink advised withdrawn and will join Cox s related Motions in Limine Nos. 1 and 2; COURT SO NOTED. Prevailing party to prepare the order. DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN</i></p>

CASE SUMMARY

CASE No. A-17-753606-C

LIMINE NO. 5 TO EXCLUDE "REPTILE THEORY" TACTICS IES RESIDENTIAL AND COX COMMUNICATIONS JOINDER TO SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 5 TO EXCLUDE "REPTILE THEORY" TACTICS Arguments by Mr. Fink and Mr. Sampson. COURT ORDERED, Motion DENIED; counsel to follow law and rules, also decide in accord with attorney misconduct cases. Prevailing party to prepare the order. DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 6 TO EXCLUDE SUBSEQUENT REMEDIAL MEASURES Arguments by Mr. Fink and Mr. Sampson. Court FINDS flagging issue meets the exception under the rule; therefore; ORDERED, Motion DENIED. Prevailing party to prepare the order. DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION TO DISMISS DEFENDANT, KEVIN BUSHBAKER AND DEFENDANT, J. CHRIS SCARCELLI CROSS-CLAIMS DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS' SUBSTANTIVE JOINDER TO DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION TO DISMISS DEFENDANT KEVIN BUSHBAKER AND DEFENDANT J. CHRIS SCARCELLI'S CROSS-CLAIMS Arguments by counsel. Court stated will review case and pleadings; decision forthcoming. IES RESIDENTIAL AND COX COMMUNICATIONS RENEWED MOTION IN LIMINE #4 TO PRECLUDE PLAINTIFF FROM INTRODUCING EVIDENCE OF FUTURE DAMAGES DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S JOINDER TO DEFENDANTS IES RESIDENTIAL INC AND COX COMMUNICATIONS LAS VEGAS INC DBA COX COMMUNICATIONS' RENEWED MOTION IN LIMINE #4 TO PRECLUDE PLAINTIFF FROM INTRODUCING EVIDENCE OF FUTURE DAMAGES DEFENDANT/CROSS-DEFENDANT J. CHRIS SCARCELLI'S JOINDER TO IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS' MOTIONS IN LIMINE #4, #5, #11 DEFENDANT KEVIN BUSHBAKER'S JOINDER TO IES RESIDENTIAL INC'S AND COX COMMUNICATIONS LAS VEGAS INC DBA COX COMMUNICATIONS' MOTION IN LIMINE NO 4, 5, AND 11 Mr. Fink no longer present. Arguments by Mr. Barton, Mr. Turtzo, and Mr. Sampson. COURT ORDERED, supplement of Dr. Thalgott letter DUE 8/6/19 by close of business. IES RESIDENTIAL AND COX COMMUNICATIONS RENEWED MOTION IN LIMINE #5 TO LIMIT THE SCOPE OF NATURE OF PLAINTIFF'S EXPERT WITNESSES' TESTIMONY AT THE TIME OF TRIAL DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S JOINDER TO DEFENDANTS IES RESIDENTIAL INC AND COX COMMUNICATIONS LAS VEGAS INC DBA COX COMMUNICATIONS' RENEWED MOTION IN LIMINE #5 TO LIMIT THE SCOPE AND NATURE OF PLAINTIFF'S EXPERT WITNESSES' TESTIMONY AT THE TIME OF TRIAL DEFENDANT/CROSS-DEFENDANT J. CHRIS SCARCELLI'S JOINDER TO IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS' MOTIONS IN LIMINE #4, #5, #11 DEFENDANT KEVIN BUSHBAKER'S JOINDER TO IES RESIDENTIAL INC'S AND COX COMMUNICATIONS LAS VEGAS INC DBA COX COMMUNICATIONS' MOTION IN LIMINE NO 4, 5, AND 11 Arguments by Mr. Barton and Mr. Sampson. COURT ORDERED, Motion DENIED as premature; limited to thrust and scope of deposition with respect to cervical spine and ancillary; things not fully disclosure not allowed. IES RESIDENTIAL AND COX COMMUNICATIONS MOTION IN LIMINE #11 TO PRECLUDE PLAINTIFF FROM VOUCHING FOR OTHER WITNESSES DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S JOINDER TO DEFENDANTS IES RESIDENTIAL INC AND COX COMMUNICATIONS LAS VEGAS INC DBA COX COMMUNICATIONS' MOTION IN LIMINE #11 TO PRECLUDE PLAINTIFF FROM VOUCHING FOR OTHER WITNESSES DEFENDANT/CROSS-DEFENDANT J. CHRIS SCARCELLI'S JOINDER TO IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS' MOTIONS IN LIMINE #4, #5, #11 DEFENDANT KEVIN BUSHBAKER'S JOINDER TO IES RESIDENTIAL INC'S AND COX COMMUNICATIONS LAS VEGAS INC DBA COX COMMUNICATIONS' MOTION IN LIMINE NO 4, 5, AND 11 Arguments by Mr. Barton and Mr. Sampson. COURT ORDERED, Motion GRANTED IN PART and DENIED IN PART; can testify as lay person without embellishment discussed. Prevailing party to prepare the order. ;

08/07/2019

CANCELED Status Check (3:00 AM) (Judicial Officer: Williams, Timothy C.)

Vacated

Status Check: Receipt of Supplemental Letter for Decison on MIL #4 by IES and Cox (See 8/1/19 Minutes)

08/07/2019



Minute Order (8:05 AM) (Judicial Officer: Williams, Timothy C.)

re: Sunrise Villas IX Homeowners Association s Motion to Dismiss Defendants Bushbaker s and Scarcelli s Cross Claims

Minute Order - No Hearing Held;

CASE SUMMARY**CASE NO. A-17-753606-C****Journal Entry Details:**

After a review and consideration of the points and authorities on file herein and the argument of counsel, the Court determined as follows: Defendant Bushbaker's Answer and Cross Claim was filed February 22, 2019, more than 13 months after Plaintiff's Amended Complaint was filed and the deadline to amend pleadings and add parties had run. In addition, the only amendment to Plaintiff's complaint was the addition of a party, there was no material change requiring an answer and Bushbaker answered all of the substantive claims in 2017. (Bushbaker Opp. 6:24-27). Considering the lack of material changes requiring response and the timing of Bushbaker's filing, Bushbaker's Answer is not substantively a responsive pleading to Plaintiff's Amended Complaint and shall not be used as a procedural mechanism to assert a cross claim without leave of the Court. Consequently the Cross Claims are dismissed. Defendant Scarcelli answered Plaintiff's Amended Complaint on March 22, 2018, without asserting any cross claims against any party. Scarcelli's response to Bushbaker's February 22, 2019 Cross Claims contained no Cross Claims or Counter Claims against Defendant Bushbaker. Scarcelli's Answer and Cross Claims, filed nearly a year after filing its answer and after the deadline to amend pleadings had run, shall not be used as a procedural mechanism to assert a cross claim without leave of the Court. Furthermore, as Defendant Scarcelli's March 15, 2019 Answer and Cross Claims in response to Bushbaker's Cross Claim lack a valid triggering pleading, the Cross Claims are dismissed. Consequently, Sunrise Villas IX Homeowners Association's Motion to Dismiss Defendants Bushbaker's and Scarcelli's Cross Claims shall be GRANTED. Counsel for Sunrise shall prepare a detailed Order, Findings of Fact, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature. CLERK'S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile.;

08/08/2019

**Pretrial/Calendar Call (10:30 AM)** (Judicial Officer: Williams, Timothy C.)

Trial Date Set;

Journal Entry Details:

APPEARANCES CONTINUED: Jennifer Arledge, Esq. present for Kevin Bushbaker. Julie Funai, Esq. present for Chris Scarcelli. Matter of Pretrial/Calendar Call. Colloquy regarding trial scheduling, conflicts, and protocol. Mr. Sampson advised trial anticipated to be two weeks. COURT ORDERED, firm trial SET 9/9/19. FURTHER ORDERED, Motions scheduled 9/12/19, 9/19/19, 10/10/19 VACATED; must show good cause under Rule 16.1. 9/9/19 9:30 AM JURY TRIAL - FIRM;

08/30/2019

**Minute Order (1:37 PM)** (Judicial Officer: Williams, Timothy C.)

re: IES Residential and Cox Communications Renewed Motion in Limine #4 to Preclude Plaintiff from Introducing Evidence of Future Damages

Minute Order - No Hearing Held;

Journal Entry Details:

After review and consideration of the arguments of counsel and the moving papers on file herein, the Court determined as follows: The Court has had an opportunity to consider Defendant IES Residential and Cox Communications Las Vegas, Inc.'s renewed motion in limine No.4 to preclude Plaintiff from introducing evidence of future damages. The record reveals that Plaintiff Russo properly disclosed a computation of future damages and will rely on Dr. Thalgott to support his future damages claim. Moreover, as to the issue of life expectancy, assuming there is a claim of permanent injury supported by a proper medical causation opinion, Nevada Trial Courts and Jury Instructions have permitted the utilization of United States Government Life Expectancy tables to determine future damages. In light of the foregoing, Defendants Motion in Limine No. 4 shall be DENIED. Counsel for Plaintiff shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature. CLERK'S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile.;

09/09/2019

**Motion to Compel (9:30 AM)** (Judicial Officer: Williams, Timothy C.)

Emergency Motion to Compel Production of native Photographs and Allow for Evidentiary Inspection Prior to Trial on Order Shortening Time

Decision Made;

Journal Entry Details:

CASE SUMMARY

CASE NO. A-17-753606-C

09/09/2019



Jury Trial - FIRM (10:30 AM) (Judicial Officer: Williams, Timothy C.)

09/09/2019-09/11/2019, 10/10/2019-10/11/2019, 10/14/2019-10/16/2019, 10/18/2019

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;

Case Settled;

Journal Entry Details:

APPEARANCES CONTINUED: Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker. PROSPECTIVE JURORS PRESENT Court advised case settled. Court thanked and excused the panel. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS COURT ORDERED, exhibits not offered or admitted to be returned to counsel.;

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;

Case Settled;

Journal Entry Details:

APPEARANCES CONTINUED: Raven Yim, Esq. present for Sunrise Villas. Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS CONFERENCE AT BENCH. Court reviewed bench conference regarding possible agreement in this case. Mr. Lemkul stated terms of exchange for release subject to motions before the Court. Mr. Clark advised does not have authority at this time to enter into agreement. Mr. Meloro advised same with respect to client approval. Colloquy regarding process with respect to motions for good faith settlement and summary judgment including disposition of default parties. Court directed counsel submit respective motions for good faith settlement today for setting on order shortening time. COURT ORDERED, Motions for Good Faith Settlement TO BE SET 10/18/19 at 9:00 a.m. PROSPECTIVE JURORS PRESENT COURT ORDERED, Trial CONTINUED to 10/18/19 at 9:30 a.m. CONTINUED TO: 10/18/19 9:30 A.M. JURY TRIAL.;

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;

Case Settled;

Journal Entry Details:

APPEARANCES CONTINUED: Raven Yim, Esq. present for Sunrise Villas. Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS Colloquy regarding settlement efforts. Discussion and argument by counsel whether certain panel questioning as to burden was improper or not. COURT ORDERED, will follow mandate of rules discussed with respect to inquiry based on basic legal principles germane to the case. Colloquy regarding jury

CASE SUMMARY

CASE No. A-17-753606-C

selection. PROSPECTIVE JURORS PRESENT Voir dire conducted. CONFERENCE AT BENCH. COURT ORDERED, Trial CONTINUED. CONTINUED TO: 10/16/19 1:00 PM JURY TRIAL;

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Case Settled;

Journal Entry Details:

APPEARANCES CONTINUED: Raven Yim, Esq. present for Sunrise Villas. Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS Colloquy regarding settlement efforts and jury selection. Colloquy regarding use of certain term in voir dire. Discussion and argument by counsel regarding objection at bench conference relating to experts and treating physicians. Court stated would sustain objection discussed. Discussion and argument by counsel regarding objection at bench conference as to burden. Court directed counsel supplement matter with cases for further discussion tomorrow. PROSPECTIVE JURORS PRESENT Voir Dire Oath administered. Introductions by Court and counsel who each outlined their case and named their witnesses. Voir dire conducted. Lunch recess. CONFERENCE AT BENCH. Continued voir dire. CONFERENCE AT BENCH. Continued voir dire. CONFERENCE AT BENCH. Continued voir dire. CONFERENCE AT BENCH. Continued voir dire. CONFERENCE AT BENCH. COURT ORDERED, Trial CONTINUED. CONTINUED TO: 10/15/19 1:00 PM JURY TRIAL;

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Case Settled;

Journal Entry Details:

APPEARANCES CONTINUED: Raven Yim, Esq. present for Sunrise Villas. Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS Colloquy regarding jury selection. Colloquy regarding agreement on authenticity of evidence and clarification of questions during jury selection. Continued colloquy regarding jury selection. Court reviewed nature of prior bench conference. Continued colloquy regarding jury selection and trial schedule. PROSPECTIVE JURORS PRESENT Voir dire of individual panel members and the panel conducted. CONFERENCE AT BENCH. Voir dire continued. Lunch recess. Voir dire continued. CONFERENCE AT BENCH. Voir dire continued. CONFERENCE AT BENCH. Voir dire continued. Court directed panel present to return at 1:00 p.m. on Monday. COURT ORDERED, Trial CONTINUED to begin Monday morning with additional prospective jurors. CONTINUED TO: 10/14/19 9:15 AM JURY TRIAL;

APPEARANCES CONTINUED: Raven Yim, Esq. present for Sunrise Villas. Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS Colloquy regarding jury selection. Colloquy regarding agreement on authenticity of evidence and clarification of questions during jury selection. Continued colloquy regarding jury selection. Court reviewed nature of prior bench conference. Continued colloquy regarding jury selection. Colloquy regarding trial scheduling. PROSPECTIVE JURORS PRESENT Voir dire of individual panel members and the panel conducted. CONFERENCE AT BENCH. Voir dire continued. Lunch recess. Voir dire continued. CONFERENCE AT BENCH. Voir dire continued. CONFERENCE AT BENCH. Voir dire continued. Court directed present panel group to return at 1:00 p.m. COURT ORDERED, Trial CONTINUED to begin Monday morning with separate, additional panel group. CONTINUED TO: 10/14/19 9:15 AM JURY TRIAL;

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;

CASE SUMMARY

CASE NO. A-17-753606-C

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Case Settled;

Journal Entry Details:

APPEARANCES CONTINUED: Raven Yim, Esq. present for Sunrise Villas. Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS Colloquy regarding bench briefing. Court stated will entertain briefs discussed. Arguments and discussion by counsel regarding authentication and admissibility of evidence. Colloquy regarding jury selection. Arguments and discussion by counsel regarding introductions; Court notes the objection. Court reviewed prior bench conference. PROSPECTIVE JURORS PRESENT Voir Dire Oath administered. Introductions by Court and counsel who each outlined their case and named their witnesses. CONFERENCE AT BENCH. Continued introductions. Voir dire conducted. CONFERENCE AT BENCH. COURT ORDERED, Trial CONTINUED. CONTINUED TO: 10/11/19 9:30 AM JURY TRIAL CLERK'S NOTE: Minutes corrected. /cd 10-14-19/;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Case Settled;

Journal Entry Details:

APPEARANCES CONTINUED: Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker. OUTSIDE PRESENCE OF PROSPECTIVE Mr. Lemkul moved for excusal of current panel. Following joinder and arguments by counsel, COURT ORDERED, prospective jury excused. Colloquy regarding trial scheduling. COURT FURTHER ORDERED, Trial CONTINUED to 10/10/19. Mr. Meloro requested opportunity for hearing summary judgment. Court directed motion filing and stated will consider on order shortening time. COURT ORDERED, exhibits not offered or admitted returned to counsel at this time. IN PRESENCE OF PROSPECTIVE JURY Court thank and excused prospective jurors. CONTINUED TO: 10/10/19 1:00 PM JURY TRIAL (DEPT XVI, CTRM 3F) CLERK'S NOTE: Subsequent to proceedings, Department JEA notified parties location of Courtroom for next trial date will be 3F.;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Trial Continues;

Case Settled;

Journal Entry Details:

APPEARANCES CONTINUED: Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker. OUTSIDE PRESENCE OF PROSPECTIVE JURY Colloquy regarding voir dire topics and protocol for multi-attorney defense. IN PRESENCE OF PROSPECTIVE JURY Voir dire continued. CONFERENCE AT BENCH OUTSIDE PRESENCE OF PROSPECTIVE JURY Colloquy regarding certain voir dire topic. IN PRESENCE OF CERTAIN PROSPECTIVE JURORS Voir dire continued. IN PRESENCE OF PROSPECTIVE JURY Voir dire continued. CONFERENCE AT BENCH. IN PRESENCE OF CERTAIN PROSPECTIVE JUROR Voir dire continued. CONFERENCE AT BENCH. OUTSIDE PRESENCE OF PROSPECTIVE JURY Court reviewed prior bench conference. Mr. Fink moved for excusal of certain prospective juror. Following arguments by counsel, COURT ORDERED, certain prospective juror excused. Colloquy regarding jury selection. IN PRESENCE OF CERTAIN PROSPECTIVE JUROR Voir dire continued. OUTSIDE PRESENCE OF PROSPECTIVE JURY Colloquy regarding jury selection, trial scheduling, and review of prior sidebar. IN PRESENCE OF PROSPECTIVE JURY Voir dire continued. CONFERENCE AT BENCH. OUTSIDE PRESENCE OF PROSPECTIVE JURY Arguments by counsel regarding voir dire. Court admonished counsel as to argument in jury selection. IN

CASE SUMMARY

CASE NO. A-17-753606-C


PRESENCE OF PROSPECTIVE JURY COURT ORDERED, Trial CONTINUED. OUTSIDE PRESENCE OF PROSPECTIVE JURY Colloquy regarding trial schedule and protocol. CONTINUED TO: 9/10/19 11:00 A.M.;

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;

Case Settled;

Journal Entry Details:

APPEARANCES CONTINUED: Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker. OUTSIDE PRESENCE OF PROSPECTIVE JURY Colloquy regarding trial schedule. CONFERENCE AT BENCH. Colloquy regarding trial schedule and trial briefing. IN PRESENCE OF PROSPECTIVE JURY Introductions by Court and counsel. Voir Dire Oath administered. OUTSIDE PRESENCE OF PROSPECTIVE JURY Colloquy regarding participation of counsel and subpoenas. IN PRESENCE OF PROSPECTIVE JURY Continued introductions by counsel. Voir dire conducted. CONFERENCE AT BENCH. OUTSIDE PRESENCE OF PROSPECTIVE JURY Colloquy regarding jury selection. IN PRESENCE OF CERTAIN PROSPECTIVE JUROR CONFERENCE AT BENCH. Voir dire continued. OUTSIDE PRESENCE OF PROSPECTIVE JURY Colloquy regarding jury selection. IN PRESENCE OF CERTAIN PROSPECTIVE JUROR Voir dire continued. CONFERENCE AT BENCH. Voir dire continued. OUTSIDE PRESENCE OF PROSPECTIVE JURY Colloquy regarding prior bench conference and jury selection. IN PRESENCE OF PROSPECTIVE JURY COURT ORDERED, Trial CONTINUED. OUTSIDE PRESENCE OF JURY Colloquy regarding voir dire topics, subpoenas issue, jury instructions, and demonstrative exhibit. CONTINUED TO: 9/10/19 1:00 PM JURY TRIAL ;

- 09/12/2019 **CANCELED Motion for Leave** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Vacated
Motion For Leave To Set Defendant/Cross-Defendant J. Chris Scarcelli S Motion For Summary Judgment On An Order Shortening Time
- 09/12/2019 **CANCELED Motion for Leave** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Vacated
Defendant/Cross-Defendant J. Chris Scarcelli S Motion For Leave To Amend Answer To Add CROSS-Claims On Order Shortening Time (Hearing Requested)
- 09/19/2019 **CANCELED Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Williams, Timothy C.)
Vacated
Defendant/Cross-Defendant J. Chris Scarcelli's Motion For Summary Judgment
- 09/24/2019 **Motion for Summary Judgment** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Defendant Kevin Bushbaker's Motion to Advance the Hearing on Motion for Summary Judgment on Order Shortening Time
Motion Denied;
- 09/24/2019 **CANCELED Joinder** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Vacated - On in Error
Defendant/Cross-Defendant J. Chris Scarcelli's Joinder to Defendant, Kevin Bushbaker's Motion for Summary Judgment and Attorney's Fees
- 09/24/2019 **Motion** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Defendant/Cross-Defendant J. Chris Scarcelli S Motion To Advance The Hearing On Motion For Summary Judgment On Order Shortening Time
Motion Denied;
- 09/24/2019  **All Pending Motions** (9:00 AM) (Judicial Officer: Williams, Timothy C.)
Matter Heard;
Journal Entry Details:

CASE SUMMARY

CASE NO. A-17-753606-C

APPEARANCES CONTINUED: Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker. DEFENDANT KEVIN BUSHBAKER'S MOTION TO ADVANCE THE HEARING ON MOTION FOR SUMMARY JUDGMENT ON ORDER SHORTENING TIME...DEFENDANT/CROSS-DEFENDANT J. CHRIS SCARCELLI'S MOTION TO ADVANCE THE HEARING ON MOTION FOR SUMMARY JUDGMENT ON ORDER SHORTENING TIME Arguments by counsel. Court FINDS under facts of this case there is no good cause; therefore, ORDERED, Motions DENIED. FURTHER ORDERED, pending Motions for Summary Judgment VACATED. Prevailing party to submit the order.;

10/01/2019



Status Check (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Status Check re Trial Schedule

Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Joseph Meloro, Esq. present for Kevin Bushbaker. Matter of Status Check regarding Trial Schedule. Mr. Fink requests 10/22/19 dark due to pretrial matters in another case and travel. Mr. Clark advised previous conflict 10/14/19 and 10/15/19 resolved. Court notes 10/22/19 only dark day during trial. Further colloquy regarding trial scheduling. Upon Court's inquiry as to ending trial 11/1/19, Mr. Russo advised he prefers to conclude before Nevada Day. Mr. Fink anticipates jury selected by Monday. Court stated trial starts at 1:00 p.m. on 10/10/19 in Courtroom 3F. 10/10/19 1:00 PM JURY TRIAL (CTRM 3F);

10/10/2019

CANCELED Motion for Summary Judgment (9:30 AM) (Judicial Officer: Williams, Timothy C.)

Vacated

Defendant Kevin Bushbaker's Motion for Summary Judgment

10/16/2019

CANCELED Motion for Leave (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Vacated - per Judge

Renewed Motion for Leave to Set Defendant/Cross-Defendant J Chris Scarcelli's Motion for Summary Judgment on an Order Shortening Time

10/16/2019

CANCELED Motion for Summary Judgment (9:30 AM) (Judicial Officer: Williams, Timothy C.)

Vacated - per Judge

Defendant/Cross-Defendant J Chris Scarcelli's Renewed Motion for Summary Judgment on Order Shortening Time

10/18/2019



Motion for Determination of Good Faith Settlement (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Defendants/Cross-Defendants Cox Communications Las Vegas, Inc. dba Cox Communications and IES Residential, Inc's 1) Motion for Determination of Good Faith Settlement, and 2) Motion for Summary Judgment

Motion Granted;

Journal Entry Details:

APPEARANCES CONTINUED: Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker. Mr. Fink advised global settlement reached. Mr. Turtzo placed settlement terms on the record pertaining to all answering parties, a release, and dismissal of claims and cross-claims. Mr. Clark and Mr. Meloro advised they join the good faith settlement. Mr. Sampson advised no objection. Matter submitted. COURT ORDERED, Motion for Good Faith Settlement GRANTED. Mr. Turtzo requested the order reflect joinder of parties, summary judgment not included, and will be a standard good faith settlement. Court stated the proposed order would be acceptable. Colloquy regarding time for executing settlement and perfecting default on remaining parties.;

10/24/2019

CANCELED Motion for Leave (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Vacated - per Judge

Defendant Kevin Bushbaker's Motion for Leave to File Motion for Summary Judgment on Order Shortening Time

11/07/2019



Motion to Compel (9:30 AM) (Judicial Officer: Williams, Timothy C.)

Plaintiff's Motion to Compel Settlement on Order Shortening Time

Matter Heard;

CASE SUMMARY

CASE NO. A-17-753606-C

Journal Entry Details:

APPEARANCES CONTINUED: David Sampson, Esq. present via CourtCall for Pltf. William Lemkul, Esq. present via CourtCall for Defts. Joseph Meloro, Esq. present for Deft. Kevin Bushbaker. Argument and discussion by counsel regarding Defts. Duslak and Sesman with respect to terms of settlement previously placed on the record. Further colloquy regarding whether payment without execution of closing documents is appropriate and possible language of release to resolve issues. There being agreement, COURT ORDERED, Telephonic Conference SET 11/8/19 for status of resolution as discussed. 11/8/19 9:30 AM TELEPHONIC CONFERENCE: SETTLEMENT/CLOSING DOCUMENTS;

11/08/2019



Telephonic Conference (9:30 AM) (Judicial Officer: Williams, Timothy C.)

Telephonic Conference: Settlement/Closing Documents

Matter Heard;

Journal Entry Details:

Court noted Mr. Sampson, Mr. Fink and Mr. Lemkul are all appearing via court call. Upon Court's inquiry, Mr. Fink advised parties are extremely close to a resolution and he is only waiting to hear back from his carrier to confirm the settlement. Mr. Sampson advised he is concerned with the delay in finalizing the settlement and suggested parties agree to the terms and release placed on the record 10/18/2019. Mr. Fink stated he is unable to agree to anything until he receives approval from the carrier. Further discussion regarding concerns with delay and parties inability to agree without confirmation from clients. Court stated the recommendation by Mr. Sampson would be problematic as Court would need to have the transcript from the hearing prepared in order to determine if the material terms of the settlement were placed on the record as well as review points and authorities with the appropriate case law to make any rulings and/or determinations. Further, Court stated at this point it would be beneficial to wait for Mr. Fink to receive confirmation of any acceptance and parties may provide the Court with a joint letter informing him if the matter has settled or not settled. Mr. Sampson requested permission to send the letter only coping opposing counsel rather than circulating a letter to all parties. Mr. Fink, Mr. Lemkul and Mr. Meloro all stated no objection to Mr. Sampson preparing and submitting a letter to the Court regarding settlement and only copying them on the letter. Court so noted and stated he will await word from parties.;

11/21/2019

CANCELED Motion for Summary Judgment (9:30 AM) (Judicial Officer: Williams, Timothy C.)

Vacated - Duplicate Entry

Defendant Kevin Bush Baker's Motion for Leave to File Motion for Summary Judgment on Order Shortening Time

12/17/2019



Motion for Default Judgment (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Plaintiff's Application for Judgment by Default

Judgment for the Plaintiff;

Journal Entry Details:

Simone Russo sworn and testified. Exhibits presented (see worksheets). Matter submitted. COURT ORDERED, Plaintiff's Application for Judgment by Default Against Richard Duslak and Justin Sesman GRANTED. Order presented to Court and same signed IN OPEN COURT.;

12/03/2020



Minute Order (8:00 AM) (Judicial Officer: Williams, Timothy C.)

Minute Order re: Hearing on 12/10/20 at 9:00 a.m.




Minute Order - No Hearing Held;

Journal Entry Details:

Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 458 575 421 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;

CASE SUMMARY

CASE NO. A-17-753606-C

12/10/2020	CANCELED Motion (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated</i> <i>Plaintiff's Motion for Judicial Assignment of Cause of Action</i>
12/10/2020	CANCELED Motion to Intervene (9:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Vacated</i> <i>QBE Ins. Corp.'s Motion to Intervene and Opposition to Motion to Assign Rights Against QBE</i>
02/04/2021	 Minute Order (8:00 AM) (Judicial Officer: Williams, Timothy C.) <i>Minute Order re: Hearing on 2/11/21 at 9:05 a.m.</i> Minute Order - No Hearing Held; Journal Entry Details: <i>Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Orders 20-10 and 20-24, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conferences through BlueJeans conferencing, wherein you dial in prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 552 243 859 To connect, dial the telephone number then enter the meeting ID followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;</i>
02/11/2021	Motion to Intervene (9:05 AM) (Judicial Officer: Williams, Timothy C.) <i>Intervenor QBE Insurance Corporation's Motion to Intervene to Enforce Settlement</i> Motion Denied; See 3/31/21 Minute Order
02/11/2021	Joinder (9:05 AM) (Judicial Officer: Williams, Timothy C.) <i>Defendant, Sunrise Villas IX Homeowners Association's Joinder to Intervenor QBE Insurance Corporation's Motion to Intervene to Enforce Settlement</i> Denied; See 3/31/21 Minute Order
02/11/2021	Joinder (9:05 AM) (Judicial Officer: Williams, Timothy C.) <i>Defendant, Sunrise Villas IX Homeowners Association's Joinder to Intervenor Qbe Insurance Corporation's Consolidate Brief Re: QBE's Motion to Intervene to Enforce Settlement and Plaintiff's Motion to Enforce Settlement</i> Decision Made; See 3/31/21 Minute Order
02/11/2021	 All Pending Motions (9:05 AM) (Judicial Officer: Williams, Timothy C.) Matter Heard; Journal Entry Details: <i>APPEARANCES CONTINUED: Julie Funai, Esq. present for Deft. Scarcelli. Nicole Bolick, Esq. present for Deft. Bushbaker. Christian Barton, Esq. present for Defts. INTERVENOR QBE INSURANCE CORPORATION'S MOTION TO INTERVENE TO ENFORCE SETTLEMENT DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S JOINDER TO INTERVENOR QBE INSURANCE CORPORATION'S MOTION TO INTERVENE TO ENFORCE SETTLEMENT DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S JOINDER TO INTERVENOR QBE INSURANCE CORPORATION'S CONSOLIDATE BRIEF RE: QBE'S MOTION TO INTERVENE TO ENFORCE SETTLEMENT AND PLAINTIFF'S MOTION TO ENFORCE SETTLEMENT</i> <i>Hearing held telephonically. Arguments by counsel. Court stated will review matter; decision forthcoming. Colloquy regarding consolidating and resetting pending matters. There being agreement, COURT ORDERED, matters 2/23/21 and 2/25/21 are RESET to 3/3/21 at 1:30 p.m. RESET TO: 3/3/21 1:30 PM DEFENDANT'S MOTION TO SET ASIDE AND/OR AMEND JUDGMENT JOINDER TO MOTION TO SET ASIDE AND/OR AMEND JUDGMENT PLAINTIFF'S MOTION TO ENFORCE SETTLEMENT ;</i>
02/25/2021	 Minute Order (8:00 AM) (Judicial Officer: Williams, Timothy C.)

CASE SUMMARY

CASE NO. A-17-753606-C

Minute Order re: Hearing on 3/3/21 at 1:30 p.m.

Minute Order - No Hearing Held;

Journal Entry Details:


Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Orders 20-10 and 20-24, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conferences through BlueJeans conferencing, wherein you dial in prior to your hearing to appear. The call-in number is: Dial the following number: 1-408-419-1715 Meeting ID: 552 243 859 To connect, dial the telephone number then enter the meeting ID followed by #.


PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;

03/03/2021 **Motion to Set Aside** (1:30 PM) (Judicial Officer: Williams, Timothy C.)
Defendant's Motion to Set Aside and/or Amend Judgment
 See 2/11/21 Minutes
 Motion Denied; See 5/3/21 Minute Order

03/03/2021 **Joinder** (1:30 PM) (Judicial Officer: Williams, Timothy C.)
Joinder to Motion to Set Aside and/or Amend Judgment
 See 2/11/21 Minutes
 Withdrawn;

03/03/2021 **Motion to Enforce** (1:30 PM) (Judicial Officer: Williams, Timothy C.)
Plaintiff's Motion to Enforce Settlement
 See 2/11/21 Minutes
 Motion Granted; See 5/3/21 Minute Order

03/03/2021  **All Pending Motions** (1:30 PM) (Judicial Officer: Williams, Timothy C.)
 Matter Heard;
 Journal Entry Details:
APPEARANCES CONTINUED: Julie Funai, Esq. present for Deft. Chris Scarcelli. Jennifer Arledge, Esq. present for Deft. Kevin Bushbaker. DEFENDANT'S MOTION TO SET ASIDE AND/OR AMEND JUDGMENT...JOINDER TO MOTION TO SET ASIDE AND/OR AMEND JUDGMENT...PLAINTIFF'S MOTION TO ENFORCE SETTLEMENT Hearing held telephonically. Colloquy regarding impact of pending decision on QBE s Motion to Intervene including pendency of related federal action. Mr. Reeves withdrew joinder. Court so noted. Arguments by counsel regarding Motion to Set Aside and Motion to Enforce. Court stated will review matters; decision forthcoming. Court stated will first issue decision on pending Motion to Intervene and may invite comment from moving counsel if granted. ;

03/30/2021  **Minute Order** (8:00 AM) (Judicial Officer: Williams, Timothy C.)
 Minute Order re: Hearing on 4/6/21 at 9:05 a.m.
 Minute Order - No Hearing Held;
 Journal Entry Details:
Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is: Dial the following number: 1-408-419-1715 Meeting ID: 552 243 859 Online: <https://bluejeans.com/552243859> To connect by phone, dial the telephone number, then the meeting ID, followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;

CASE SUMMARY

CASE NO. A-17-753606-C

03/31/2021



Minute Order (8:00 AM) (Judicial Officer: Williams, Timothy C.)

Minute Order: Motion to Intervene; Joinder

Minute Order - No Hearing Held;

Journal Entry Details:

*After review and consideration of the points and authorities on file herein, and oral argument of counsel, the Court determined as follows: In reliance on *Nalder v. Eighth Judicial District Court*, 135 Nev. Adv. Op. 24 (2020), wherein it was determined that it is a well-settled principle that intervention may not follow a final judgment, nor may intervention undermine the finality and preclusive effects of final judgments. Accordingly, Non-party QBE Insurance Corporation's Motion to Intervene to Enforce Settlement, based on the fact that a final judgment has been entered as to Defendant Richard Duslak and/or Justine Sesman, shall be DENIED. Additionally, Defendant Sunrise Villas IX HOA's Joinder and shall also be DENIED. Counsel on behalf of Plaintiff, Simone Russo, shall prepare a Findings of Fact, Conclusions of Law and Order based not only on the court's minute order but the pleadings on file herein, argument of counsel, and the entire record. Lastly, counsel is to circulate the order prior to submission to the Court to adverse counsel. If the counsel can't agree on the contents, the parties are to submit competing orders. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System. ;*

04/06/2021



Motion for Substitution (9:05 AM) (Judicial Officer: Williams, Timothy C.)

Motion for Substitution

Motion Granted;

Journal Entry Details:

APPEARANCES CONTINUED: Cheryl Bradford, Esq. present for Deft. Sunrise Villas IX HOA. Jennifer Arledge, Esq. present for Deft. Kevin Bushbaker. Hearing held by BlueJeans remote conferencing. Arguments by counsel. COURT ORDERED, Motion for Substitution GRANTED; however, cannot name adverse counsel and their firm. Prevailing party to prepare the order. Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us.;

05/03/2021



Minute Order (8:00 AM) (Judicial Officer: Williams, Timothy C.)

Minute Order: Pending Motions

Minute Order - No Hearing Held;

Journal Entry Details:

After review and consideration of the points and authorities on file herein, and the argument of counsel, the Court determined as follows: First, the Court shall address Defendant s Motion to Set Aside and/or Amend Judgment. In the instant action, a Default Judgment was entered against Defendants Duslak and Sesman on December 17, 2019, and a Certificate of Service was filed on the same day. In light of the procedural history, it was clearly set forth on the record that the settlement was between the active parties to the case and not defaulted Defendants Duslak and/or Sesman. Plaintiff Russo reserved its rights on the record to continue to pursue claims as to defaulted Defendants Duslak and/or Sesman. Moreover, as to Defendant Sunrise, the Release specifically excluded Duslak and/or Sesman, and does not exclude employees of Defendant Sunrise as done with other co-defendants. In light of the procedural history of the case, the Court has determined that there are no grounds to amend or set aside the Judgment pursuant to NRCP 60(a). Further, Defendant Sunrise failed to establish grounds pursuant to NRCP 60(b) (1)-(6) to amend or set aside the Default Judgment in this matter. Based on the foregoing, Defendant Sunrise Villa IX Homeowners Association s Motion to Set Aside and/or Amend Judgment shall be DENIED. Lastly, based on the record, Plaintiff Russo s Motion to Enforce Settlement shall be GRANTED. Counsel for Plaintiff Russo shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System. ;

05/11/2021



Status Check (9:00 AM) (Judicial Officer: Williams, Timothy C.)

Status Check re Minute Order May 3, 2021

Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Julie Funai, Esq. present for Chris Scarcelli. Jennifer

CASE SUMMARY

CASE NO. A-17-753606-C

Arledge, Esq. present for Deft. Kevin Bushbaker. Hearing held by BlueJeans remote conferencing. Colloquy regarding purpose of hearing, issue with prior minute order, and subsequent correspondence. COURT ORDERED, order from subject minute order shall replace "exclude" with "include" language as discussed; proposed order to be circulated and competing orders permitted including second courtesy submission. Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us.;

06/03/2021



Minute Order (8:00 AM) (Judicial Officer: Williams, Timothy C.)

Minute Order re: Hearing on 6/10/21 at 9:05 a.m.

Minute Order - No Hearing Held;

Journal Entry Details:

Department 16 Formal Request to Appear Telephonically Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is: Dial the following number: 1-408-419-1715 Meeting ID: 552 243 859 Online: <https://bluejeans.com/552243859> To connect by phone, dial the telephone number, then the meeting ID, followed by #. PLEASE NOTE the following protocol each participant will be required to follow: Place your telephone on mute while waiting for your matter to be called. Do not place the conference on hold as it may play wait/hold music to others. Identify yourself before speaking each and every time as a record is being made. Please be mindful of sounds of rustling of papers or coughing. CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.;

06/03/2021



Motion to Release (9:05 AM) (Judicial Officer: Williams, Timothy C.)

Defendant Sunrise Villas IX Homeowners Association's Motion to Release Exhibits From Evidence Vault on Order Shortening Time

Motion Granted;

Journal Entry Details:

APPEARANCES CONTINUED: Jennifer Arledge, Esq. present for Deft. Kevin Bushbaker. Hearing held by BlueJeans remote conferencing. Ms. Splaine argued in support of the Motion including records are part of record on appeal. Mr. Sampson argued in opposition including certain timing issue and requested decision not made in haste. COURT FINDS, full and complete record should be available for purposes of appellate review; therefore, ORDERED, Motion to Release Exhibits from Evidence Vault on Order Shortening Time GRANTED. Ms. Splaine advised she will prepare and circulate the order. Court Clerk provided Records Clerk information and related copy fee in open court. Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us.;

06/10/2021

Motion (9:05 AM) (Judicial Officer: Williams, Timothy C.)

QBE Insurance Corporation's Motion to Amend and/or Modify Order

Matter Heard;

06/10/2021

Joinder (9:05 AM) (Judicial Officer: Williams, Timothy C.)

Defendant Sunrise Villas IX Homeowners Association's Joinder to Intervenor QBE Insurance Corporation's Motion to Amend and/or Modify Order

Matter Heard;

06/10/2021



All Pending Motions (9:05 AM) (Judicial Officer: Williams, Timothy C.)

Matter Heard;

Journal Entry Details:

APPEARANCES CONTINUED: Pauline May, Court Reporter, present. Jennifer Arledge, Esq. present for Deft. Kevin Bushbaker. Hearing held by BlueJeans remote conferencing. QBE INSURANCE CORPORATION'S MOTION TO AMEND AND/OR MODIFY ORDER...DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S JOINDER TO INTERVENOR QBE INSURANCE CORPORATION'S MOTION TO AMEND AND/OR MODIFY ORDER Discussion and arguments by counsel. Court stated will review the proposed orders for signature. Mr. Sampson requested prior counter motion fees and costs decided. Court stated will review and issue the decision.;

07/15/2021

Motion for Order to Show Cause (9:05 AM) (Judicial Officer: Williams, Timothy C.)

CASE SUMMARY**CASE NO. A-17-753606-C**

*Plaintiff's Motion for an Order to Show Cause Why QBE Counsel William Reeves, Esq.,
Should not be Held in Contempt for his refusal to Abide by the Court's Order in this Matter*

DATE

FINANCIAL INFORMATION

Defendant J& G Lawn Maintenance

Total Charges 223.00

Total Payments and Credits 223.00

Balance Due as of 6/24/2021 0.00**Cross Defendant** Scarcelli, J Chris

Total Charges 623.00

Total Payments and Credits 623.00

Balance Due as of 6/24/2021 0.00**Cross Claimant** Bushbaker, Kevin

Total Charges 623.00

Total Payments and Credits 623.00

Balance Due as of 6/24/2021 0.00**Cross Defendant** Cox Communications Las Vegas, Inc.

Total Charges 223.00

Total Payments and Credits 223.00

Balance Due as of 6/24/2021 0.00**Cross Defendant** IES Residential Inc

Total Charges 446.00

Total Payments and Credits 446.00

Balance Due as of 6/24/2021 0.00**Cross Defendant** Sunrise Villas IX Homeowners Association

Total Charges 827.00

Total Payments and Credits 827.00

Balance Due as of 6/24/2021 0.00**Plaintiff** Russo, Simone

Total Charges 270.00

Total Payments and Credits 270.00

Balance Due as of 6/24/2021 0.00**Cross Defendant** Sunrise Villas IX Homeowners AssociationAppeal Bond Balance as of 6/24/2021 **500.00**

DISTRICT COURT CIVIL COVER SHEET

A-17-753606-C

County, Nevada
Case No. _____
(Assigned by Clerk's Office)

XVI

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): <div style="text-align: center;">SIMONE RUSSO</div>	Defendant(s) (name/address/phone): <div style="text-align: center;">Cox Communications Las Vegas, Inc., et. al.</div>
Attorney (name/address/phone): <div style="text-align: center;">David Sampson 630 S. 3rd Street Las Vegas, NV 89101 (702) 605-1099</div>	Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)

Civil Case Filing Types

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input checked="" type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate <small>(select case type and estate value)</small> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

4-5-17
Date

Signature of initiating party or representative

See other side for family-related case filings.

1 **ORD**

2 DAVID F. SAMPSON, ESQ.
3 Nevada Bar No. 6811
4 LAW OFFICE OF DAVID SAMPSON, LLC.
5 630 S. 3rd Street
6 Las Vegas, NV 89101
7 Tel: 702-605-1099
8 Fax: 888-209-4199
9 Email: david@davidsampsonlaw.com
10 *Attorney for Plaintiff*

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 SIMONE RUSSO,)

14 Plaintiff,)

15 vs.)

CASE NO: A-17-753606-C
DEPT. NO: XVI

16 COX COMMUNICATIONS LAS VEGAS,)
17 INC., D/B/A COX COMMUNICATIONS,)
18 IES RESIDENTIAL, INC., SUNRISE)
19 VILLAS IX HOMEOWNERS)
20 ASSOCIATION, J & G LAWN)
21 MAINTENANCE, KEVIN BUSHBAKER,)
22 PWJAMES MANAGEMENT &)
23 CONSULTING, LLC., J. CHRIS)
24 SCARCELLI, DOE LANDSCAPER,)
25 RICHARD DUSLAK, JUSTIN SESMAN,)
26 AND DOES I-V, and ROE)
27 CORPORATIONS I-V, inclusive,)

28 Defendants.)

**ORDER ON DEFENDANT'S MOTION
TO SET ASIDE AND/OR AMEND
JUDGMENT, AND ORDER ON
PLAINTIFF'S MOTION TO ENFORCE
SETTLEMENT**

29 **ORDER ON DEFENDANT'S MOTION TO SET ASIDE AND/OR AMEND JUDGMENT**
30 **AND ORDER ON PLAINTIFF'S MOTION TO ENFORCE SETTLEMENT**

31 Defendant SUNRISE's motion to set aside and/or amend judgment and Plaintiff's motion
32 to enforce settlement, having come on for hearing the 3rd day of March, 2021, the parties
33 appearing by and through their counsel of record, the Court having reviewed the papers
34 submitted, having heard oral argument, and good cause appearing, the Court rules as follows:

1 The Court notes that the pleadings and records in this matter confirm the following
2 **FINDINGS OF FACT:**

3 RUSSO filed the Complaint in this matter on April 6, 2017.
4

5 The Court GRANTED RUSSO's Motion to Amended the Complaint in this matter to add
6 claims against Defendants RICHARD DUSLAK ("DUSLAK") and JUSTIN SESMAN
7 ("SESMAN") on February 7, 2018.

8 RUSSO served the Amended Complaint on Defendant SESMAN on February 13, 2018.
9

10 RUSSO served the Amended Complaint on Defendant DUSLAK on February 14, 2018.

11 Neither DUSLAK nor SESMAN made any appearance in the instant litigation.

12 The Court Clerk entered a Default against Defendant DUSLAK on September 4, 2019.

13 The Court Clerk entered a Default against Defendant SESMAN on September 13, 2019.

14 Trial commenced in this matter on September 9, 2019, which trial resulted in a mistrial
15 due to the conduct of one of the venire members. Trial again commenced on October 10, 2019.
16 The October 10, 2019 trial concluded on October 18, 2019 when the active parties advised the
17 Court that a settlement had been reached in this action as to certain parties. The transcript from
18 October 18, 2019 confirms that the active parties in this matter advised the Court on that date
19 that a settlement had been reached as to the active parties in this matter.
20
21

22 The October 18, 2019 transcript further confirms the settling parties agreed that "there are
23 two other parties in this case who have been defaulted [DUSLAK and SESMAN]" and that "this
24 settlement does not affect them." *See*, October 18, 2019 transcript at P. 6 L. 16-21. The
25 October 18, 2019 transcript further confirms that the settling parties agreed the settlement only
26 involved the parties that had "actively litigated and PW JAMES". *See* October 18, 2019
27 transcript at P. 8 L. 2-3. The October 18, 2019 transcript also confirms the settling parties
28

1 agreed that “nothing in any of these releases or settlement . . . affects any rights Dr. Russo may
2 have against any person or entity related to the claims of the two individuals who have been
3 defaulted [DUSLAK and SESMAN]”. *See*, October 18, 2019 transcript at P. 11 L. 3-9.

4
5 Counsel for the settling parties then discussed reducing the settlement to writing,
6 whereupon counsel for the Plaintiff confirmed that in drafting any release or the like related to
7 the settlement:

8 the terms of whatever documents we sign or that my client has asked to sign
9 comport with what was discussed Wednesday, and what's being discussed today,
10 and no new terms, and those types of things. And, I guess, most of all that nothing
11 in any of these releases or any of the settlement affects any rights Dr. Russo may
12 have against any person or entity related to the claims of the two individuals who
13 have been defaulted, and any claims that they may have against anybody would
14 not be affected by this settlement. So as long as we're clear on all of that.

15 *Id* at P. 10 L. 24 – P. 11 L. 12.

16 The settling parties agreed that nothing in any of the settlement documents would affect
17 any rights Plaintiff may have against DUSLAK and/or SESMAN.

18 At a subsequent hearing on November 7, 2019 counsel for SUNRISE asked that
19 DUSLAK and SESMAN be included as releasees if it was determined they were employees of
20 Defendants. Counsel for RUSSO stated that there was no agreement to release DUSLAK and/or
21 SESMAN when the settlement was placed on the record on October 18, 2019. Counsel for
22 RUSSO stated, “this idea that if they're employees, then Sesman and Duslak are out. That was
23 not agreed to.” *See*, November 7, 2019 transcript at P. 23 L. 12-15. Counsel for RUSSO
24 continued by noting that on October 18, 2019 “we put on the record -- we're not waiving,
25 releasing, or otherwise affecting anything against Sesman or Duslak. I don't think anyone would
26 dispute that . . . it was a pretty significant point that day.” *Id* at P. 25 L. 6-16.

1 The Court then asked SUNRISE’s counsel, “Mr. Fink, are we disputing that?” *Id* at P. 25
2 L. 21-22. Counsel for SUNRISE answered, “My best recollection is that when Mr. Sampson
3 said he was specifically retaining his rights to go against Mr. Sesman and Mr. Duslak, we all
4 agreed to that.” *Id* at P. 26 L. 2-5.

6 The Court then gave the settling parties an opportunity to reduce the terms of the
7 settlement placed on the record on October 18, 2019 to writing. Counsel for RUSSO
8 commented that, in reducing the settlement to writing, “along the lines of Sesman and Duslak,
9 all rights against them, anybody who insures them, you know, all of those are preserved.
10 They're not affected. I would like to make sure that is crystal clear in whatever iteration we end
11 up with.” *Id* at P. 40 L. 16-22.

13 In reducing the terms of the settlement placed on the record on October 18, 2019 to
14 writing, the agreement the settling parties signed stated that RUSSO was preserving all rights to
15 proceed against DUSLAK and SESMAN, and that neither DUSLAK and/or SESMAN were
16 being released even in the event they were subsequently deemed SUNRISE employees. The
17 agreement stated that “PLAINTIFF”, “Dr. SIMONE RUSSO” was releasing SUNRISE
18 “**EXCLUDING RICHARD DUSLAK AND/OR JUSTIN SESMAN**”. *See*, Settlement
19 Agreement at P. 1 (emphasis in original). Each of the Defendants included in the agreement
20 were identified as including the Defendants’ respective employees, with the clear exception of
21
22

23 ///

24 ///

25 ///

1 SUNRISE. On page one of the agreement the parties are identified. Defendant IES
2 RESIDENTIAL, INC., is identified as:

3 IES RESIDENTIAL, INC. (hereinafter "IES") and its affiliated companies, and
4 each of their respective past, present and future officers, directors, members,
5 managers, agents, representatives, shareholders, partners, associates, employees,
6 attorneys, subsidiaries, predecessors, beneficiaries, grantors, grantees, vendees,
7 transferees, successors, assigns, heirs, divisions, contractors, joint ventures,
8 special purpose entities, legal and equitable owners and insurers;

9 *Id.*

10 Defendant COX is identified as:

11 COX COMMUNICATIONS LAS VEGAS, INC. D/B/A COX
12 COMMUNICATIONS (hereinafter "COX") and its affiliated companies, and
13 each of their respective past, present and future officers, directors, members,
14 managers, agents, representatives, shareholders, partners, associates, employees,
15 attorneys, subsidiaries, predecessors, beneficiaries, grantors, grantees, vendees,
16 transferees, successors, assigns, heirs, divisions, contractors, joint ventures,
17 special purpose entities, legal and equitable owners and insurers;

18 *Id.*

19 Defendant SUNRISE however is identified as:

20 SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION (hereinafter
21 "SUNRISE") and its affiliated companies, and each of their respective past,
22 present and future officers, directors, members, managers, agents, representatives,
23 shareholders, partners, associates, insurers (Community Association
24 Underwriters, Inc., QBE Insurance Corporation, Alliant Insurance Services, Inc.,
25 DSCM, Inc. and Armour Risk Management, Inc. - but only as it relates to
26 SUNRISE), **EXCLUDING RICHARD DUSLAK AND/OR JUSTIN SESMAN
27 OR ANYONE ASSOCIATED OR AFFILIATED WITH THEM,
28 INCLUDING ANY ACTUAL OR POTENTIAL INSURER (per the
stipulation attached in exhibit "A")**, attorneys, subsidiaries, predecessors,
beneficiaries, grantors, grantees, vendees transferees, successors, assigns, heirs,
divisions, contractors, joint ventures, special purpose entities, legal and equitable
owners;

Id (emphasis in original).

The word "employees" is not used in the description of SURNISE as a Defendant.

Additionally, on page 4 of the release, the description of the released parties includes all of

1 Defendants' "employees ***EXCLUDING RICHARD DUSLAK AND/OR JUSTIN SESMAN . .***
2 ***."*** *Id* at P. 4 (emphasis in original). When referencing the employees of any of the settling
3 Defendants it was made more than clear that the term "employees" who were being released did
4 not include DUSLAK or SESMAN as releasees.
5

6 The settlement agreement further stated, "PLAINTIFF [RUSSO] shall retain all rights to
7 pursue any claims against RICHARD DUSLAK and/or JUSTIN SESMAN". *Id* at P. 4. The
8 settlement agreement further confirmed, "ANY LANGUAGE IN THIS RELEASE THAT IS
9 CONTRARY TO THE LANGUAGE OF THIS SPECIFIC PARAGRAPH, AND/OR ANY
10 LANGUAGE THAT WOULD BE READ TO IN ANY WAY IMPACT PLAINTIFF'S
11 RIGHTS AGAINST RICHARD DUSLAK and/or JUSTIN SESMAN . . . SHALL BE
12 DEEMED NULL AND VOID." *Id* (emphasis in original).
13

14 RUSSO filed an Application for Judgment by Default on October 31, 2019 which
15 Application noted that defaults had previously been entered against Defendants DUSLAK and
16 SESMAN, and which Application sought Judgment against DUSLAK and SESMAN in the
17 amount of \$25,000,000.00. The Application for Judgment by Default was served on all parties
18 in this matter on October 31, 2019.
19

20 On October 31, 2019 Joshua Raak, the Deputy Clerk of the Court, sent Notice of Hearing
21 to all active parties to this matter, including SUNRISE, which notified the said parties that
22 RUSSO's Application for Judgment by Default would be heard by the Court on December 17,
23 2019.
24

25 There is no record of any of the parties filing any opposition(s) to RUSSO's Application
26 for Judgment by Default. None of the Defendants in this matter appeared at the December 17,
27 2019 hearing on RUSSO's Application for Judgment by Default, nor did any of the Defendants,
28

1 or any other parties or non-parties, contest RUSSO's Application for Judgment by Default.
2 Following the hearing on RUSSO's Application for Judgment by Default, the Court entered
3 final Judgment in favor of RUSSO and against DUSLAK and SESMAN in the amount of
4 \$25,000,000.00 with interest accruing from the date of entry until paid in full. Notice of Entry
5 of the said final Judgment was served on all parties to this matter on December 17, 2019.
6

7 There is no record of any motion being filed under NRCP 59 to alter or amend the
8 Judgment within 28 days after service of written notice of entry of the said Judgment. Indeed,
9 there is no record of any such motion being filed at any time in 2019 or in 2020. There is no
10 record of any motion being filed under NRCP 60 for relief from the final Judgment in this
11 matter within six months after the date of the proceeding or after the date of service of the
12 written notice of entry of the duly entered December 17, 2019 Judgment. Indeed, there is no
13 record of any such motion being filed at any time in 2019 or in 2020.
14

15 With a final Judgment having been duly entered in this matter on December 17, 2019 and
16 notice of entry of the same being served on the same day, and no request to set aside the same
17 under NRCP 59, nor any request for relief under NRCP 60 being filed, the Court statistically
18 closed this case on May 14, 2020.
19

20 SUNRISE filed the instant motion to set aside and/or amend judgment on January 21,
21 2021. Non-Party QBE filed a joinder to the said motion then subsequently withdrew its joinder
22 to the same.
23

24 The Court makes the following **CONCLUSIONS OF LAW**:

25 Regarding SUNRISE's motion to set aside and/or amend the Judgment entered in this
26 matter, NRCP 59(e) states "a motion to alter or amend a judgment must be filed no later than 28
27 days after service of written notice of entry of judgment." SUNRISE's motion to set aside
28

1 and/or alter or amend the final Judgment in this matter was filed on January 21, 2021, which
2 was over a year after Notice of Entry of Judgment was served on the parties in this matter.
3 SUNRISE's motion to set aside or alter the Judgment was not filed within 28 days after Notice
4 of Entry of Judgment was served as required under NRCP 59(e) and is therefore denied.
5

6 Additionally, the Court finds that, in light of the procedural history of the case, there are
7 no grounds to amend or set aside the Judgment pursuant to NRCP 60(a). The Court finds that
8 there are no clerical mistakes, oversights or omissions in the duly entered Judgment. The Court
9 further finds that the final Judgment in this matter was entered exactly as sought in Plaintiff's
10 Application for Default judgment, which was provided to the active parties in this matter and
11 which none of the active parties contested. The Court therefore denies SUNRISE's request for
12 relief under NRCP 60(a).
13

14 The Court further finds that SUNRISE failed to establish grounds pursuant to NRCP 60(b)
15 (1)-(6) to amend or set aside the Default Judgment in this matter. The Court finds that relief is
16 not warranted under NRCP 60(b)(1) as SUNRISE has not presented the Court with evidence of
17 mistake, surprise, or excusable neglect that the Court in its discretion would find warranted any
18 such relief. The Court further finds that relief is not warranted under NRCP 60(b)(2) as
19 SUNRISE has not presented the Court with evidence of newly discovered evidence that, with
20 reasonable diligence, could not have been discovered in time to move for a new trial under
21 NRCP 59(b) that would cause the Court to exercise its discretion to grant such relief. The Court
22 also finds that relief is not warranted under NRCP 60(b)(3) as SUNRISE has not presented the
23 Court with evidence of fraud, misrepresentation, or misconduct by any opposing party that
24 would cause the Court to exercise its discretion to grant such relief.
25
26
27

28 ///

1 Additionally, under NRCP 60(c)(1),

2 A motion under Rule 60(b) must be made within a reasonable time-and for
3 reasons (1), (2), and (3) no more than 6 months after the date of the proceeding or
4 the date of service of written notice of entry of judgment or order, whichever date
5 is later. The time for filing the motion cannot be extended under Rule 6(b).

6 SUNRISE's motion to set aside and/or alter or amend the Judgment in this matter was
7 filed on January 21, 2021, which was over one year after Notice of Entry of Judgment was
8 served on the parties in this matter on December 17, 2019. SUNRISE did not file a request for
9 relief under NRCP 60(b) (1), (2), or (3) within 6 months after Notice of Entry of Judgment was
10 served as required under NRCP 60(c)(1). SUNRISE's requests for relief under NRCP 60(b) (1),
11 (2), and/or (3) are therefore also denied as untimely.

12 The Court also finds SUNRISE is not entitled to relief under NRCP 60(b)(4). The
13 provisions of NRCP 60(b)(4) concerning void judgments "is normally invoked in a case where
14 the court entering the challenged judgment did not have jurisdiction over the parties." *Misty*
15 *Management v. District Court*, 83 Nev. 180, 182, 426 P.2d 728, 729 (1967) (citing *LaPotin v.*
16 *LaPotin* 75 Nev. 264, 339, P.2d 123 (1959); *Foster v. Lewis*, 78 Nev. 330, 372, P.2d 679
17 (1962)). Judgments are typically deemed "void" in cases where the court entering the
18 challenged judgment was itself disqualified from acting, e.g., *Osman v. Cobb*, 77 Nev. 133, 360
19 P.2d 258 (1961), or did not have jurisdiction over the parties, e.g., *LaPotin v. LaPotin*, 75 Nev.
20 264, 339 P.2d 123 (1959); *Foster v. Lewis*, 78 Nev. 330, 372 P.2d 679 (1962), or did not have
21 jurisdiction over the subject matter of the litigation. *Misty Management v. District Court*, 83
22 Nev. 180, 426 P.2d 728 (1967).

23 DUSLAK and SESMAN were residents of Clark County Nevada when the underlying
24 incident occurred. DUSLAK and SESMAN were both served with this suit in Clark County
25 Nevada. The Court has jurisdiction over DUSLAK and SESMAN as well as the subject matter

1 of this negligence action. SUNRISE's motion does not assert that there were any jurisdictional
2 issues over the parties or the subject matter. SUNRISE did not present any evidence of any
3 jurisdictional issues. Relief is therefore not warranted under NRCP 60(b)(4).
4

5 NRCP 60(b)(5) allows a court to grant relief from a judgment if the judgment has been
6 satisfied, released, or discharged. As noted above, SUNRISE did not present evidence that the
7 duly entered Default Judgment against DUSLAK and SESMAN was satisfied, released, or
8 discharged. The record is replete with examples of RUSSO confirming, and SUNRISE and the
9 other active Defendants agreeing, that the settlement did not affect RUSSO's rights against
10 DUSLAK or SESMAN in any way, that the settlement did not include SUNRISE employees,
11 that the settlement did not include DUSLAK or SESMAN as employees of any of the
12 Defendants, and that the settlement agreement specifically and completely excluded DUSLAK
13 and SESMAN as releasees in all respects. The record further confirms that SUNRISE agreed
14 RUSSO "shall retain all rights to pursue any claims against RICHARD DUSLAK and/or
15 JUSTIN SESMAN". As the Judgment against DUSLAK and SESMAN was not satisfied,
16 released, or discharged, relief is not warranted under NRCP 60(b)(5).
17
18

19 NRCP 60(b)(6) permits relief from a judgment for "any other reason that justifies
20 relief". During the hearing on this matter counsel for RUSSO argued that a request for relief
21 under NRCP 60(b)(6) must present grounds "other" than those enumerated elsewhere in NRCP
22 60(b). In response counsel for SUNRISE stated, "Mr. Sampson says that, well, that's going to
23 mean something different than the grounds that might be discussed in (1), (2), (3), (4), or (b) (1)
24 (2) (3) (4), but I don't know if there's any law that says that." See Transcript of March 3, 2021
25 hearing at P. 68 L. 25 – P. 69 L. 4. The Court finds that the plain language of NRCP 60(b)(6)
26 which permits relief for "any other reason that justifies relief" requires that any relief sought
27
28

1 under NRCP 60(b)(6) be for grounds “other” than the grounds set forth elsewhere in NRCP
2 60(b)(1-5). SUNRISE has not presented any authority indicating a party may seek relief under
3 NRCP 60(b)(6) for reasons enumerated elsewhere in NRCP 60(b)(1-5). Indeed such a reading
4 would be contrary to the purposes of NRCP 60(b)(1-5) as well as NRCP 60(c)(1). As
5 SUNRISE has not provided the Court with “any other reason” that would justify relief from the
6 Judgment, SUNRISE’s request for relief under NRCP 60(b)(6) motion is denied.
7

8 SUNRISE’s motion requests relief under NRCP 60(d)(3). NRCP 60(d)(3) permits a
9 court to set aside a judgment “for fraud upon the court.” As the Nevada Supreme Court held in
10 *NC-DSH Inc. v. Garner*, 218 P.3d 853, 858, 125 Nev. 647, 654 (2009):
11

12 The problem lies in defining what constitutes "fraud upon the court." Obviously, it
13 cannot mean any conduct of a party or lawyer of which the court disapproves;
14 among other evils, such a formulation "would render meaningless the [time]
15 limitation on motions under [Rule] 60(b)(3)." *Kupferman v. Consolidated*
16 *Research Mfg. Corp.*, 459 F.2d 1072, 1078 (2d Cir. 1972) (Friendly, J.), cited with
approval in *Occhiuto*, 97 Nev. at 146 n. 2, 625 P.2d at 570 n. 2, and *Murphy*, 103
Nev. at 186, 734 P.2d at 739.

17 *Id* at 858, 654.

18 The Court went on to state:

19 The most widely accepted definition, which we adopt, holds that the concept
20 embrace[s] only that species of fraud which does, or attempts to, subvert the
21 integrity of the court itself, or is a fraud perpetrated by officers of the court so that
22 the judicial machinery cannot perform in the usual manner its impartial task of
adjudging cases . . . and relief should be denied in the absence of such conduct.

23 *Id.*

24 For a judgment to be set aside for fraud on the court, “the moving party must show clear
25 and convincing evidence establishing fraud. *U.S. v. Estate of Stonehill*, 660 F.3d 415, 443 (9th
26 Cir. 2011) (as cited in *Hsu v. Ubs Fin. Servs.* 2014 U.S. Dist. LEXIS 29792 (2014)).
27

28 ///

1 The *Stonehill* Court went on to note:

2 Fraud on the court should, we believe, embrace only that species of fraud which
3 does, or attempts to, defile the court itself. . . . [Movant] must demonstrate, by
4 clear and convincing evidence, an effort . . . to prevent the judicial process from
5 functioning in the usual manner. They must show more than perjury or
6 nondisclosure of evidence, unless that perjury or nondisclosure was so
7 fundamental that it undermined the workings of the adversary process itself.

8 *Id* at 444-445.

9 SUNRISE’s motion does not set forth any proof of wrongdoing by RUSSO, his counsel,
10 or the Court, and certainly does not provide clear and convincing evidence of any fraud that
11 would subvert the integrity of the Court itself. In its Reply filed February 25, 2021 SUNRISE
12 expressly withdrew any intimation or accusation of RUSSO’s counsel committing any fraud or
13 misconduct in securing the Default Judgment in this matter. *See* Reply at P. 5 footnote 5. For
14 these reasons, any request for relief under NRCP 60(d)(2) is denied.

15 Based on the foregoing IT IS HEREBY ORDERED ADJUDGED AND DECREED that
16 Defendant Sunrise Villa IX Homeowners Association’s Motion to Set Aside and/or Amend the
17 Judgment in this matter be, and hereby is, DENIED.

18
19 Regarding RUSSO’s motion to enforce the settlement, under EDCR 7.50 an agreement
20 between parties is effective if the same is entered in the minutes and/or is in writing subscribed
21 by the party against whom the same shall be alleged or the party’s attorney. The agreement that
22 was placed on the record on October 18, 2021, in which the active parties to this suit agreed: 1)
23 that RUSSO’s rights against DUSLAK and/or SESMAN are not affected by the settlement; 2)
24 that the settlement did not include DUSLAK and/or SESMAN; and 3) that nothing in any
25 subsequent writing confirming the settlement agreement would affect any rights RUSSO may
26 have against DUSLAK and/or SESMAN, is enforceable. RUSSO’s motion to enforce “requests
27
28

1 this Court enforce the settlement agreement confirmed on the record on October 18, 2019 and
2 hold that the settlement did not affect SIMONE's rights against DUSLAK and/or SESMAN."
3 *See* Motion at P. 8 L. 2-5. It is hereby ORDERED ADJUDGED AND DECREED that
4 RUSSO's motion to enforce settlement is GRANTED. It is further ORDERED ADJUDGED
5 AND DECREED that the settlement entered into in this matter between the active parties and
6 PW JAMES did not affect any of RUSSO's rights against DUSLAK and/or SESMAN to any
7 degree.
8

9
10 SUNRISE directs the Court to verbiage in the stipulation attached to the settlement
11 agreement in which RUSSO and SUNRISE stipulated that for purposes of this litigation, in
12 August 2016 DUSLAK and SESMAN were natural persons who were in the service of
13 SUNRISE as independent contractors whom SUNRISE compensated and whom SUNRISE had
14 the non-exclusive right to direct and control. *See*, SUNRISE's Consolidated Opposition to
15 Plaintiff's Motions to Enforce Settlement and Reply to QBE's Motion to Enforce at P. 2 L. 12-
16 27.
17

18 SUNRISE argues that the language "as independent contractors" found in the stipulation
19 attached to the Agreement impacts RUSSO's rights against DUSLAK and/or SESMAN and
20 releases DUSLAK and SESMAN if they are found to be employees of SUNRISE. SUNRISE's
21 position is without merit as the plain language on page 4 of the settlement agreement states
22 "PLAINTIFF [RUSSO] shall retain all rights to pursue any claims against RICHARD
23 DUSLAK and/or JUSTIN SESMAN".
24

25 The settlement agreement also states on page 4, "ANY LANGUAGE IN THIS
26 RELEASE THAT IS CONTRARY TO THE LANGUAGE OF THIS SPECIFIC
27 PARAGRAPH, AND/OR ANY LANGUAGE THAT WOULD BE READ TO IN ANY WAY
28

1 IMPACT PLAINTIFF’S RIGHTS AGAINAST RICHARD DUSLAK and/or JUSTIN
2 SESMAN . . . SHALL BE DEEMED NULL AND VOID.” The stipulation attached to the
3 settlement Agreement is referenced multiple times in the settlement Agreement itself and is
4 incorporated into the Agreement. See, Bryan A. Garner, ed. (2001), *Black's Law*
5 *Dictionary* (2nd pocket ed.). St. Paul, MN: West Group. p. 341. ISBN 0-314-25791-8.
6
7 Incorporation by reference is the act of including a second document within another document
8 by only mentioning the second document. When a document is mentioned in a main document,
9 the entire second document is made a part of the main document. *Id.* When a document is
10 referenced in a contract, the referenced document becomes a part of the contract for all
11 purposes. *Lincoln Welding Works, Inc. v. Ramirez*, 98 Nev. 342, 647 P.2d 381 (1982).

13 The Nevada Supreme Court has held that “where two instruments were executed
14 together as one transaction they constituted but one instrument or contract, although written on
15 different pieces of paper.” *Haspray v. Pasarelli*, 79 Nev. 203, 207-208, 380 P.2d 919, (1963).

17 The *Haspray* Court went on to say:

18 They would have to be taken and construed together as if written on the same
19 paper and signed by both parties. The law in such case deals with the matter as it
20 really was – as one transaction – and therefore all the papers drawn up
21 simultaneously bearing the same subject are held to be but one contract, although
22 written on several papers.

22 *Id.*

23 As SUNRISE argues that the language in the stipulation identifying DUSLAK and
24 SESMAN “as independent contractors” impacts RUSSO’s rights against DUSLAK and
25 SESMAN, and as the Agreement states that “ANY LANGUAGE THAT WOULD BE READ
26 TO IN ANY WAY IMPACT PLAINTIFF’S RIGHTS AGAINAST RICHARD DUSLAK
27 and/or JUSTIN SESMAN . . . SHALL BE DEMED NULL AND VOID”, IT IS HEREBY
28

1 ORDERED ADJUDGED AND DECREED that the language “as independent contractors” as
2 found in the stipulation is deemed null and void pursuant to the plain language found on page 4
3 of the settlement agreement.
4

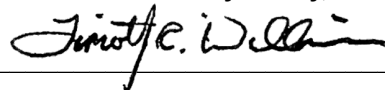
5 Paragraph 15 of the agreement, which is found on page 7 states:

6 If any provision of this Agreement is determined by a court of competent
7 jurisdiction to be illegal, invalid, or unenforceable, such provision will be deemed
8 to be severed and deleted from the Agreement as a whole, and neither such
9 provision nor its severance and deletion shall in any way affect the validity of the
10 remaining provisions of the Agreement.

11 As the language “as independent contractors” is deemed null and void, IT IS HEREBY
12 ORDERED ADJUDGED AND DECREED that the words “as independent contractors” are
13 severed and deleted from the Agreement as set forth in paragraph 15, and the remainder of the
14 Agreement and stipulation, with the words “as independent contractors” deleted shall remain in
15 full force and effect.

16 SO ORDERED.

17 Dated this 26th day of May, 2021

18 
19

ZJ

20 028 C04 6CB9 C18D
21 Timothy C. Williams
22 District Court Judge

23 Submitted by:
24 LAW OFFICE OF DAVID SAMPSON, LLC.

25 BY: /s/ David Sampson

26 DAVID SAMPSON, ESQ.
27 Nevada Bar No.6811
28 LAW OFFICE OF DAVID SAMPSON, LLC.
630 S. 3rd St.
Las Vegas NV 89101
Attorney for Plaintiff



Amanda Nalder <phoeny27@gmail.com>

Fwd: Russo

2 messages

David Sampson <davidsampsonlaw@gmail.com>

Fri, May 14, 2021 at 11:21 AM

To: Shannon Splaine <ssplaine@lgclawoffice.com>, Leonard Fink <lfink@springelfink.com>, Amanda Nalder <amanda@davidsampsonlaw.com>, Julie Funai <JFunai@lipsonneilson.com>, Jennifer Arledge <jarledge@sgroandroger.com>

On Tuesday I sent the proposed Order to all of you. On Wednesday I sent the proposed Order to you again after correcting two typographical errors. My Tuesday email asked you to please let me know if you have any proposed changes regarding the same.

Having heard nothing from any of you, I will be submitting the same to the Court.

Attached is yet another copy of the proposed Order.

Thank you,

----- Forwarded message -----

From: **David Sampson** <davidsampsonlaw@gmail.com>

Date: Tue, May 11, 2021 at 11:35 AM

Subject: Russo

To: Shannon Splaine <ssplaine@lgclawoffice.com>, Leonard Fink <lfink@springelfink.com>, Julie Funai <JFunai@lipsonneilson.com>, Jennifer Arledge <jarledge@sgroandroger.com>

Based on the May 3, 2021 Minute Order the Court and the comments from the Court at the hearing today, I have prepared the attached proposed Order on the matter. Please let me know if you have any proposed changes regarding the same.

Thank you,

--

David Sampson, Esq.

Certified Personal Injury Specialist (Nevada Justice Association, State Bar of Nevada)

Trial Lawyer of the Year (Nevada Reptile Trial Lawyers 2017)

The Law Office of David Sampson, LLC.

630 S. 3rd St.

Las Vegas NV 89101

Phone: (702) 605-1099

Fax: (888) 209-4199

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This communication in no way constitutes an attorney/client agreement, and no such attorney/client relationship arises unless and until an attorney/client contract is signed by the attorney and client.

Thank you.

--

David Sampson, Esq.

Certified Personal Injury Specialist (Nevada Justice Association, State Bar of Nevada)

Trial Lawyer of the Year (Nevada Reptile Trial Lawyers 2017)

The Law Office of David Sampson, LLC.

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This communication in no way constitutes an attorney/client agreement, and no such attorney/client relationship arises unless and until an attorney/client contract is signed by the attorney and client.

Thank you.

2 attachments



656. Order on Motion to Set Aside.pdf
230K



656. Order on Motion to Set Aside.pdf
202K

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Simone Russo, Plaintiff(s)

CASE NO: A-17-753606-C

7 vs.

DEPT. NO. Department 16

8 Cox Communications Las Vegas,
9 Inc., Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 5/26/2021

15 Michael Merritt

michael.merritt@mccormickbarstow.com

16 Tricia Dorner

tricia.dorner@mccormickbarstow.com

17 "David Sampson, Esq. " .

davidsampsonlaw@gmail.com

18 Amanda Nalder .

amanda@davidsampsonlaw.com

19 Chris Turtzo .

turtzo@morrissullivanlaw.com

20 Kristin Thomas .

kristin.thomas@mccormickbarstow.com

21 Michael R Merritt .

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22 Shannon Splaine

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23 Barbara Pederson

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24 David Clark

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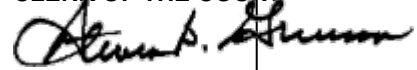
25 Debra Marquez

dmarquez@lipsonneilson.com

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Jonathan Pattillo	JPattillo@springelfink.com
Ramiro Morales	rmorales@mfrlegal.com
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1 **NOE**
2 DAVID F. SAMPSON, ESQ.,
3 Nevada Bar No. 6811
4 LAW OFFICE OF DAVID SAMPSON
5 630 S. 3rd Street
6 Las Vegas, NV 89101
7 Tel: 702-605-1099
8 Fax: 888-209-4199
9 Email: david@davidsampsonlaw.com
10 *Attorney for Plaintiff*

**DISTRICT COURT
CLARK COUNTY, NEVADA**

8 SIMONE RUSSO,)
9)
10 Plaintiff,)

11 vs.)

CASE NO: A-17-753606-C
DEPT. NO: XVI

12 COX COMMUNICATIONS LAS VEGAS,)
13 INC., D/B/A COX COMMUNICATIONS,)
14 IES RESIDENTIAL, INC., SUNRISE)
15 VILLAS IX HOMEOWNERS)
16 ASSOCIATION, J & G LAWN)
17 MAINTENANCE, KEVIN BUSHBAKER,)
18 PWJAMES MANAGEMENT &)
19 CONSULTING, LLC., AND DOES I - V,)
and ROE CORPORATIONS I - V,)
inclusive,)

Defendants.)

NOTICE OF ENTRY

20 TO: All Defendants
21 TO: Counsel for Defendants

22 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that an Order Denying
23 SUNRISE's Motion to Set Aside and/or Amend Judgment, and Order on Plaintiff's Motion to
24 Enforce Settlement was entered in the above entitled matter on the 26th day of May, 2021.

26 ///

27 ///

1 a copy of which is attached hereto.

2 DATED THIS 26th day of May, 2021

3 LAW OFFICE OF DAVID SAMPSON, LLC.

4
5 BY: /s/ *David Sampson*

6 DAVID SAMPSON, ESQ.

7 Nevada Bar No. 6811

8 LAW OFFICE OF DAVID SAMPSON

9 630 S. 3rd Street

10 Las Vegas, NV 89101

11 Tel: 702-605-1099

12 Fax: 888-209-4199

13 Email: david@davidsampsonlaw.com

14 *Attorney for Plaintiff*

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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the LAW OFFICE OF DAVID SAMPSON, and that on this 26th day of May, 2021, I served a copy of the foregoing **NOTICE OF ENTRY** via Electronic Service through the Court's Online filing System to all parties on the eservice list.

/s/ Amanda Nalder
An employee of The Law Office of David Sampson, LLC

1 **ORD**

2 DAVID F. SAMPSON, ESQ.
3 Nevada Bar No. 6811
4 LAW OFFICE OF DAVID SAMPSON, LLC.
5 630 S. 3rd Street
6 Las Vegas, NV 89101
7 Tel: 702-605-1099
8 Fax: 888-209-4199
9 Email: david@davidsampsonlaw.com
10 *Attorney for Plaintiff*

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 SIMONE RUSSO,)

14 Plaintiff,)

15 vs.)

CASE NO: A-17-753606-C
DEPT. NO: XVI

16 COX COMMUNICATIONS LAS VEGAS,)
17 INC., D/B/A COX COMMUNICATIONS,)
18 IES RESIDENTIAL, INC., SUNRISE)
19 VILLAS IX HOMEOWNERS)
20 ASSOCIATION, J & G LAWN)
21 MAINTENANCE, KEVIN BUSHBAKER,)
22 PWJAMES MANAGEMENT &)
23 CONSULTING, LLC., J. CHRIS)
24 SCARCELLI, DOE LANDSCAPER,)
25 RICHARD DUSLAK, JUSTIN SESMAN,)
26 AND DOES I-V, and ROE)
27 CORPORATIONS I-V, inclusive,)

**ORDER ON DEFENDANT'S MOTION
TO SET ASIDE AND/OR AMEND
JUDGMENT, AND ORDER ON
PLAINTIFF'S MOTION TO ENFORCE
SETTLEMENT**

28 Defendants.)
_____)

29 **ORDER ON DEFENDANT'S MOTION TO SET ASIDE AND/OR AMEND JUDGMENT**
30 **AND ORDER ON PLAINTIFF'S MOTION TO ENFORCE SETTLEMENT**

31 Defendant SUNRISE's motion to set aside and/or amend judgment and Plaintiff's motion
32 to enforce settlement, having come on for hearing the 3rd day of March, 2021, the parties
33 appearing by and through their counsel of record, the Court having reviewed the papers
34 submitted, having heard oral argument, and good cause appearing, the Court rules as follows:

1 The Court notes that the pleadings and records in this matter confirm the following
2 **FINDINGS OF FACT:**

3 RUSSO filed the Complaint in this matter on April 6, 2017.
4

5 The Court GRANTED RUSSO's Motion to Amended the Complaint in this matter to add
6 claims against Defendants RICHARD DUSLAK ("DUSLAK") and JUSTIN SESMAN
7 ("SESMAN") on February 7, 2018.

8 RUSSO served the Amended Complaint on Defendant SESMAN on February 13, 2018.

9 RUSSO served the Amended Complaint on Defendant DUSLAK on February 14, 2018.
10

11 Neither DUSLAK nor SESMAN made any appearance in the instant litigation.

12 The Court Clerk entered a Default against Defendant DUSLAK on September 4, 2019.

13 The Court Clerk entered a Default against Defendant SESMAN on September 13, 2019.

14 Trial commenced in this matter on September 9, 2019, which trial resulted in a mistrial
15 due to the conduct of one of the venire members. Trial again commenced on October 10, 2019.
16 The October 10, 2019 trial concluded on October 18, 2019 when the active parties advised the
17 Court that a settlement had been reached in this action as to certain parties. The transcript from
18 October 18, 2019 confirms that the active parties in this matter advised the Court on that date
19 that a settlement had been reached as to the active parties in this matter.
20
21

22 The October 18, 2019 transcript further confirms the settling parties agreed that "there are
23 two other parties in this case who have been defaulted [DUSLAK and SESMAN]" and that "this
24 settlement does not affect them." *See*, October 18, 2019 transcript at P. 6 L. 16-21. The
25 October 18, 2019 transcript further confirms that the settling parties agreed the settlement only
26 involved the parties that had "actively litigated and PW JAMES". *See* October 18, 2019
27 transcript at P. 8 L. 2-3. The October 18, 2019 transcript also confirms the settling parties
28

1 agreed that “nothing in any of these releases or settlement . . . affects any rights Dr. Russo may
2 have against any person or entity related to the claims of the two individuals who have been
3 defaulted [DUSLAK and SESMAN]”. *See*, October 18, 2019 transcript at P. 11 L. 3-9.
4

5 Counsel for the settling parties then discussed reducing the settlement to writing,
6 whereupon counsel for the Plaintiff confirmed that in drafting any release or the like related to
7 the settlement:

8 the terms of whatever documents we sign or that my client has asked to sign
9 comport with what was discussed Wednesday, and what's being discussed today,
10 and no new terms, and those types of things. And, I guess, most of all that nothing
11 in any of these releases or any of the settlement affects any rights Dr. Russo may
12 have against any person or entity related to the claims of the two individuals who
13 have been defaulted, and any claims that they may have against anybody would
14 not be affected by this settlement. So as long as we're clear on all of that.

15 *Id* at P. 10 L. 24 – P. 11 L. 12.

16 The settling parties agreed that nothing in any of the settlement documents would affect
17 any rights Plaintiff may have against DUSLAK and/or SESMAN.

18 At a subsequent hearing on November 7, 2019 counsel for SUNRISE asked that
19 DUSLAK and SESMAN be included as releasees if it was determined they were employees of
20 Defendants. Counsel for RUSSO stated that there was no agreement to release DUSLAK and/or
21 SESMAN when the settlement was placed on the record on October 18, 2019. Counsel for
22 RUSSO stated, “this idea that if they're employees, then Sesman and Duslak are out. That was
23 not agreed to.” *See*, November 7, 2019 transcript at P. 23 L. 12-15. Counsel for RUSSO
24 continued by noting that on October 18, 2019 “we put on the record -- we're not waiving,
25 releasing, or otherwise affecting anything against Sesman or Duslak. I don't think anyone would
26 dispute that . . . it was a pretty significant point that day.” *Id* at P. 25 L. 6-16.
27
28

1 The Court then asked SUNRISE’s counsel, “Mr. Fink, are we disputing that?” *Id* at P. 25
2 L. 21-22. Counsel for SUNRISE answered, “My best recollection is that when Mr. Sampson
3 said he was specifically retaining his rights to go against Mr. Sesman and Mr. Duslak, we all
4 agreed to that.” *Id* at P. 26 L. 2-5.
5

6 The Court then gave the settling parties an opportunity to reduce the terms of the
7 settlement placed on the record on October 18, 2019 to writing. Counsel for RUSSO
8 commented that, in reducing the settlement to writing, “along the lines of Sesman and Duslak,
9 all rights against them, anybody who insures them, you know, all of those are preserved.
10 They're not affected. I would like to make sure that is crystal clear in whatever iteration we end
11 up with.” *Id* at P. 40 L. 16-22.
12

13 In reducing the terms of the settlement placed on the record on October 18, 2019 to
14 writing, the agreement the settling parties signed stated that RUSSO was preserving all rights to
15 proceed against DUSLAK and SESMAN, and that neither DUSLAK and/or SESMAN were
16 being released even in the event they were subsequently deemed SUNRISE employees. The
17 agreement stated that “PLAINTIFF”, “Dr. SIMONE RUSSO” was releasing SUNRISE
18 “**EXCLUDING RICHARD DUSLAK AND/OR JUSTIN SESMAN**”. *See*, Settlement
19 Agreement at P. 1 (emphasis in original). Each of the Defendants included in the agreement
20 were identified as including the Defendants’ respective employees, with the clear exception of
21
22

23 ///

24 ///

25 ///

1 SUNRISE. On page one of the agreement the parties are identified. Defendant IES
2 RESIDENTIAL, INC., is identified as:

3 IES RESIDENTIAL, INC. (hereinafter "IES") and its affiliated companies, and
4 each of their respective past, present and future officers, directors, members,
5 managers, agents, representatives, shareholders, partners, associates, employees,
6 attorneys, subsidiaries, predecessors, beneficiaries, grantors, grantees, vendees,
7 transferees, successors, assigns, heirs, divisions, contractors, joint ventures,
8 special purpose entities, legal and equitable owners and insurers;

9 *Id.*

10 Defendant COX is identified as:

11 COX COMMUNICATIONS LAS VEGAS, INC. D/B/A COX
12 COMMUNICATIONS (hereinafter "COX") and its affiliated companies, and
13 each of their respective past, present and future officers, directors, members,
14 managers, agents, representatives, shareholders, partners, associates, employees,
15 attorneys, subsidiaries, predecessors, beneficiaries, grantors, grantees, vendees,
16 transferees, successors, assigns, heirs, divisions, contractors, joint ventures,
17 special purpose entities, legal and equitable owners and insurers;

18 *Id.*

19 Defendant SUNRISE however is identified as:

20 SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION (hereinafter
21 "SUNRISE") and its affiliated companies, and each of their respective past,
22 present and future officers, directors, members, managers, agents, representatives,
23 shareholders, partners, associates, insurers (Community Association
24 Underwriters, Inc., QBE Insurance Corporation, Alliant Insurance Services, Inc.,
25 DSCM, Inc. and Armour Risk Management, Inc. - but only as it relates to
26 SUNRISE), **EXCLUDING RICHARD DUSLAK AND/OR JUSTIN SESMAN
27 OR ANYONE ASSOCIATED OR AFFILIATED WITH THEM,
28 INCLUDING ANY ACTUAL OR POTENTIAL INSURER (per the
stipulation attached in exhibit "A")**, attorneys, subsidiaries, predecessors,
beneficiaries, grantors, grantees, vendees transferees, successors, assigns, heirs,
divisions, contractors, joint ventures, special purpose entities, legal and equitable
owners;

Id (emphasis in original).

The word "employees" is not used in the description of SURNISE as a Defendant.

Additionally, on page 4 of the release, the description of the released parties includes all of

1 Defendants' "employees ***EXCLUDING RICHARD DUSLAK AND/OR JUSTIN SESMAN . .***
2 ***."*** *Id* at P. 4 (emphasis in original). When referencing the employees of any of the settling
3 Defendants it was made more than clear that the term "employees" who were being released did
4 not include DUSLAK or SESMAN as releasees.
5

6 The settlement agreement further stated, "PLAINTIFF [RUSSO] shall retain all rights to
7 pursue any claims against RICHARD DUSLAK and/or JUSTIN SESMAN". *Id* at P. 4. The
8 settlement agreement further confirmed, "ANY LANGUAGE IN THIS RELEASE THAT IS
9 CONTRARY TO THE LANGUAGE OF THIS SPECIFIC PARAGRAPH, AND/OR ANY
10 LANGUAGE THAT WOULD BE READ TO IN ANY WAY IMPACT PLAINTIFF'S
11 RIGHTS AGAINAST RICHARD DUSLAK and/or JUSTIN SESMAN . . . SHALL BE
12 DEEMED NULL AND VOID." *Id* (emphasis in original).
13

14 RUSSO filed an Application for Judgment by Default on October 31, 2019 which
15 Application noted that defaults had previously been entered against Defendants DUSLAK and
16 SESMAN, and which Application sought Judgment against DUSLAK and SESMAN in the
17 amount of \$25,000,000.00. The Application for Judgment by Default was served on all parties
18 in this matter on October 31, 2019.
19

20 On October 31, 2019 Joshua Raak, the Deputy Clerk of the Court, sent Notice of Hearing
21 to all active parties to this matter, including SUNRISE, which notified the said parties that
22 RUSSO's Application for Judgment by Default would be heard by the Court on December 17,
23 2019.
24

25 There is no record of any of the parties filing any opposition(s) to RUSSO's Application
26 for Judgement by Default. None of the Defendants in this matter appeared at the December 17,
27 2019 hearing on RUSSO's Application for Judgment by Default, nor did any of the Defendants,
28

1 or any other parties or non-parties, contest RUSSO's Application for Judgment by Default.
2 Following the hearing on RUSSO's Application for Judgment by Default, the Court entered
3 final Judgment in favor of RUSSO and against DUSLAK and SESMAN in the amount of
4 \$25,000,000.00 with interest accruing from the date of entry until paid in full. Notice of Entry
5 of the said final Judgment was served on all parties to this matter on December 17, 2019.
6

7 There is no record of any motion being filed under NRCP 59 to alter or amend the
8 Judgment within 28 days after service of written notice of entry of the said Judgment. Indeed,
9 there is no record of any such motion being filed at any time in 2019 or in 2020. There is no
10 record of any motion being filed under NRCP 60 for relief from the final Judgment in this
11 matter within six months after the date of the proceeding or after the date of service of the
12 written notice of entry of the duly entered December 17, 2019 Judgment. Indeed, there is no
13 record of any such motion being filed at any time in 2019 or in 2020.
14

15 With a final Judgment having been duly entered in this matter on December 17, 2019 and
16 notice of entry of the same being served on the same day, and no request to set aside the same
17 under NRCP 59, nor any request for relief under NRCP 60 being filed, the Court statistically
18 closed this case on May 14, 2020.
19

20 SUNRISE filed the instant motion to set aside and/or amend judgment on January 21,
21 2021. Non-Party QBE filed a joinder to the said motion then subsequently withdrew its joinder
22 to the same.
23

24 The Court makes the following **CONCLUSIONS OF LAW**:

25 Regarding SUNRISE's motion to set aside and/or amend the Judgment entered in this
26 matter, NRCP 59(e) states "a motion to alter or amend a judgment must be filed no later than 28
27 days after service of written notice of entry of judgment." SUNRISE's motion to set aside
28

1 and/or alter or amend the final Judgment in this matter was filed on January 21, 2021, which
2 was over a year after Notice of Entry of Judgment was served on the parties in this matter.
3 SUNRISE's motion to set aside or alter the Judgment was not filed within 28 days after Notice
4 of Entry of Judgment was served as required under NRCP 59(e) and is therefore denied.
5

6 Additionally, the Court finds that, in light of the procedural history of the case, there are
7 no grounds to amend or set aside the Judgment pursuant to NRCP 60(a). The Court finds that
8 there are no clerical mistakes, oversights or omissions in the duly entered Judgment. The Court
9 further finds that the final Judgment in this matter was entered exactly as sought in Plaintiff's
10 Application for Default judgment, which was provided to the active parties in this matter and
11 which none of the active parties contested. The Court therefore denies SUNRISE's request for
12 relief under NRCP 60(a).
13

14 The Court further finds that SUNRISE failed to establish grounds pursuant to NRCP 60(b)
15 (1)-(6) to amend or set aside the Default Judgment in this matter. The Court finds that relief is
16 not warranted under NRCP 60(b)(1) as SUNRISE has not presented the Court with evidence of
17 mistake, surprise, or excusable neglect that the Court in its discretion would find warranted any
18 such relief. The Court further finds that relief is not warranted under NRCP 60(b)(2) as
19 SUNRISE has not presented the Court with evidence of newly discovered evidence that, with
20 reasonable diligence, could not have been discovered in time to move for a new trial under
21 NRCP 59(b) that would cause the Court to exercise its discretion to grant such relief. The Court
22 also finds that relief is not warranted under NRCP 60(b)(3) as SUNRISE has not presented the
23 Court with evidence of fraud, misrepresentation, or misconduct by any opposing party that
24 would cause the Court to exercise its discretion to grant such relief.
25
26
27

28 ///

1 Additionally, under NRCP 60(c)(1),

2 A motion under Rule 60(b) must be made within a reasonable time-and for
3 reasons (1), (2), and (3) no more than 6 months after the date of the proceeding or
4 the date of service of written notice of entry of judgment or order, whichever date
5 is later. The time for filing the motion cannot be extended under Rule 6(b).

6 SUNRISE's motion to set aside and/or alter or amend the Judgment in this matter was
7 filed on January 21, 2021, which was over one year after Notice of Entry of Judgment was
8 served on the parties in this matter on December 17, 2019. SUNRISE did not file a request for
9 relief under NRCP 60(b) (1), (2), or (3) within 6 months after Notice of Entry of Judgment was
10 served as required under NRCP 60(c)(1). SUNRISE's requests for relief under NRCP 60(b) (1),
11 (2), and/or (3) are therefore also denied as untimely.

12 The Court also finds SUNRISE is not entitled to relief under NRCP 60(b)(4). The
13 provisions of NRCP 60(b)(4) concerning void judgments "is normally invoked in a case where
14 the court entering the challenged judgment did not have jurisdiction over the parties." *Misty*
15 *Management v. District Court*, 83 Nev. 180, 182, 426 P.2d 728, 729 (1967) (citing *LaPotin v.*
16 *LaPotin* 75 Nev. 264, 339, P.2d 123 (1959); *Foster v. Lewis*, 78 Nev. 330, 372, P.2d 679
17 (1962)). Judgments are typically deemed "void" in cases where the court entering the
18 challenged judgment was itself disqualified from acting, e.g., *Osman v. Cobb*, 77 Nev. 133, 360
19 P.2d 258 (1961), or did not have jurisdiction over the parties, e.g., *LaPotin v. LaPotin*, 75 Nev.
20 264, 339 P.2d 123 (1959); *Foster v. Lewis*, 78 Nev. 330, 372 P.2d 679 (1962), or did not have
21 jurisdiction over the subject matter of the litigation. *Misty Management v. District Court*, 83
22 Nev. 180, 426 P.2d 728 (1967).

23 DUSLAK and SESMAN were residents of Clark County Nevada when the underlying
24 incident occurred. DUSLAK and SESMAN were both served with this suit in Clark County
25 Nevada. The Court has jurisdiction over DUSLAK and SESMAN as well as the subject matter
26 incident occurred. DUSLAK and SESMAN were both served with this suit in Clark County
27 Nevada. The Court has jurisdiction over DUSLAK and SESMAN as well as the subject matter
28 incident occurred.

1 of this negligence action. SUNRISE's motion does not assert that there were any jurisdictional
2 issues over the parties or the subject matter. SUNRISE did not present any evidence of any
3 jurisdictional issues. Relief is therefore not warranted under NRCP 60(b)(4).
4

5 NRCP 60(b)(5) allows a court to grant relief from a judgment if the judgment has been
6 satisfied, released, or discharged. As noted above, SUNRISE did not present evidence that the
7 duly entered Default Judgment against DUSLAK and SESMAN was satisfied, released, or
8 discharged. The record is replete with examples of RUSSO confirming, and SUNRISE and the
9 other active Defendants agreeing, that the settlement did not affect RUSSO's rights against
10 DUSLAK or SESMAN in any way, that the settlement did not include SUNRISE employees,
11 that the settlement did not include DUSLAK or SESMAN as employees of any of the
12 Defendants, and that the settlement agreement specifically and completely excluded DUSLAK
13 and SESMAN as releasees in all respects. The record further confirms that SUNRISE agreed
14 RUSSO "shall retain all rights to pursue any claims against RICHARD DUSLAK and/or
15 JUSTIN SESMAN". As the Judgment against DUSLAK and SESMAN was not satisfied,
16 released, or discharged, relief is not warranted under NRCP 60(b)(5).
17
18

19 NRCP 60(b)(6) permits relief from a judgment for "any other reason that justifies
20 relief". During the hearing on this matter counsel for RUSSO argued that a request for relief
21 under NRCP 60(b)(6) must present grounds "other" than those enumerated elsewhere in NRCP
22 60(b). In response counsel for SUNRISE stated, "Mr. Sampson says that, well, that's going to
23 mean something different than the grounds that might be discussed in (1), (2), (3), (4), or (b) (1)
24 (2) (3) (4), but I don't know if there's any law that says that." See Transcript of March 3, 2021
25 hearing at P. 68 L. 25 – P. 69 L. 4. The Court finds that the plain language of NRCP 60(b)(6)
26 which permits relief for "any other reason that justifies relief" requires that any relief sought
27
28

1 under NRCP 60(b)(6) be for grounds “other” than the grounds set forth elsewhere in NRCP
2 60(b)(1-5). SUNRISE has not presented any authority indicating a party may seek relief under
3 NRCP 60(b)(6) for reasons enumerated elsewhere in NRCP 60(b)(1-5). Indeed such a reading
4 would be contrary to the purposes of NRCP 60(b)(1-5) as well as NRCP 60(c)(1). As
5 SUNRISE has not provided the Court with “any other reason” that would justify relief from the
6 Judgment, SUNRISE’s request for relief under NRCP 60(b)(6) motion is denied.
7

8 SUNRISE’s motion requests relief under NRCP 60(d)(3). NRCP 60(d)(3) permits a
9 court to set aside a judgment “for fraud upon the court.” As the Nevada Supreme Court held in
10 *NC-DSH Inc. v. Garner*, 218 P.3d 853, 858, 125 Nev. 647, 654 (2009):
11

12 The problem lies in defining what constitutes "fraud upon the court." Obviously, it
13 cannot mean any conduct of a party or lawyer of which the court disapproves;
14 among other evils, such a formulation "would render meaningless the [time]
15 limitation on motions under [Rule] 60(b)(3)." *Kupferman v. Consolidated*
16 *Research Mfg. Corp.*, 459 F.2d 1072, 1078 (2d Cir. 1972) (Friendly, J.), cited with
approval in *Occhiuto*, 97 Nev. at 146 n. 2, 625 P.2d at 570 n. 2, and *Murphy*, 103
Nev. at 186, 734 P.2d at 739.

17 *Id* at 858, 654.

18 The Court went on to state:

19 The most widely accepted definition, which we adopt, holds that the concept
20 embrace[s] only that species of fraud which does, or attempts to, subvert the
21 integrity of the court itself, or is a fraud perpetrated by officers of the court so that
22 the judicial machinery cannot perform in the usual manner its impartial task of
adjudging cases . . . and relief should be denied in the absence of such conduct.

23 *Id.*

24 For a judgment to be set aside for fraud on the court, “the moving party must show clear
25 and convincing evidence establishing fraud. *U.S. v. Estate of Stonehill*, 660 F.3d 415, 443 (9th
26 Cir. 2011) (as cited in *Hsu v. Ubs Fin. Servs.* 2014 U.S. Dist. LEXIS 29792 (2014)).
27

28 ///

1 The *Stonehill* Court went on to note:

2 Fraud on the court should, we believe, embrace only that species of fraud which
3 does, or attempts to, defile the court itself. . . . [Movant] must demonstrate, by
4 clear and convincing evidence, an effort . . . to prevent the judicial process from
5 functioning in the usual manner. They must show more than perjury or
6 nondisclosure of evidence, unless that perjury or nondisclosure was so
7 fundamental that it undermined the workings of the adversary process itself.

8 *Id* at 444-445.

9 SUNRISE’s motion does not set forth any proof of wrongdoing by RUSSO, his counsel,
10 or the Court, and certainly does not provide clear and convincing evidence of any fraud that
11 would subvert the integrity of the Court itself. In its Reply filed February 25, 2021 SUNRISE
12 expressly withdrew any intimation or accusation of RUSSO’s counsel committing any fraud or
13 misconduct in securing the Default Judgment in this matter. *See* Reply at P. 5 footnote 5. For
14 these reasons, any request for relief under NRCP 60(d)(2) is denied.

15 Based on the foregoing IT IS HEREBY ORDERED ADJUDGED AND DECREED that
16 Defendant Sunrise Villa IX Homeowners Association’s Motion to Set Aside and/or Amend the
17 Judgment in this matter be, and hereby is, DENIED.

18 Regarding RUSSO’s motion to enforce the settlement, under EDCR 7.50 an agreement
19 between parties is effective if the same is entered in the minutes and/or is in writing subscribed
20 by the party against whom the same shall be alleged or the party’s attorney. The agreement that
21 was placed on the record on October 18, 2021, in which the active parties to this suit agreed: 1)
22 that RUSSO’s rights against DUSLAK and/or SESMAN are not affected by the settlement; 2)
23 that the settlement did not include DUSLAK and/or SESMAN; and 3) that nothing in any
24 subsequent writing confirming the settlement agreement would affect any rights RUSSO may
25 have against DUSLAK and/or SESMAN, is enforceable. RUSSO’s motion to enforce “requests
26
27
28

1 this Court enforce the settlement agreement confirmed on the record on October 18, 2019 and
2 hold that the settlement did not affect SIMONE's rights against DUSLAK and/or SESMAN."
3 *See* Motion at P. 8 L. 2-5. It is hereby ORDERED ADJUDGED AND DECREED that
4 RUSSO's motion to enforce settlement is GRANTED. It is further ORDERED ADJUDGED
5 AND DECREED that the settlement entered into in this matter between the active parties and
6 PW JAMES did not affect any of RUSSO's rights against DUSLAK and/or SESMAN to any
7 degree.
8

9
10 SUNRISE directs the Court to verbiage in the stipulation attached to the settlement
11 agreement in which RUSSO and SUNRISE stipulated that for purposes of this litigation, in
12 August 2016 DUSLAK and SESMAN were natural persons who were in the service of
13 SUNRISE as independent contractors whom SUNRISE compensated and whom SUNRISE had
14 the non-exclusive right to direct and control. *See*, SUNRISE's Consolidated Opposition to
15 Plaintiff's Motions to Enforce Settlement and Reply to QBE's Motion to Enforce at P. 2 L. 12-
16 27.
17

18 SUNRISE argues that the language "as independent contractors" found in the stipulation
19 attached to the Agreement impacts RUSSO's rights against DUSLAK and/or SESMAN and
20 releases DUSLAK and SESMAN if they are found to be employees of SUNRISE. SUNRISE's
21 position is without merit as the plain language on page 4 of the settlement agreement states
22 "PLAINTIFF [RUSSO] shall retain all rights to pursue any claims against RICHARD
23 DUSLAK and/or JUSTIN SESMAN".
24

25 The settlement agreement also states on page 4, "ANY LANGUAGE IN THIS
26 RELEASE THAT IS CONTRARY TO THE LANGUAGE OF THIS SPECIFIC
27 PARAGRAPH, AND/OR ANY LANGUAGE THAT WOULD BE READ TO IN ANY WAY
28

1 IMPACT PLAINTIFF’S RIGHTS AGAINAST RICHARD DUSLAK and/or JUSTIN
2 SESMAN . . . SHALL BE DEEMED NULL AND VOID.” The stipulation attached to the
3 settlement Agreement is referenced multiple times in the settlement Agreement itself and is
4 incorporated into the Agreement. See, Bryan A. Garner, ed. (2001), *Black's Law*
5 *Dictionary* (2nd pocket ed.). St. Paul, MN: West Group. p.341. ISBN 0-314-25791-8.
6
7 Incorporation by reference is the act of including a second document within another document
8 by only mentioning the second document. When a document is mentioned in a main document,
9 the entire second document is made a part of the main document. *Id.* When a document is
10 referenced in a contract, the referenced document becomes a part of the contract for all
11 purposes. *Lincoln Welding Works, Inc. v. Ramirez*, 98 Nev. 342, 647 P.2d 381 (1982).

13 The Nevada Supreme Court has held that “where two instruments were executed
14 together as one transaction they constituted but one instrument or contract, although written on
15 different pieces of paper.” *Haspray v. Pasarelli*, 79 Nev. 203, 207-208, 380 P.2d 919, (1963).

17 The *Haspray* Court went on to say:

18 They would have to be taken and construed together as if written on the same
19 paper and signed by both parties. The law in such case deals with the matter as it
20 really was – as one transaction – and therefore all the papers drawn up
21 simultaneously bearing the same subject are held to be but one contract, although
22 written on several papers.

22 *Id.*

23 As SUNRISE argues that the language in the stipulation identifying DUSLAK and
24 SESMAN “as independent contractors” impacts RUSSO’s rights against DUSLAK and
25 SESMAN, and as the Agreement states that “ANY LANGUAGE THAT WOULD BE READ
26 TO IN ANY WAY IMPACT PLAINTIFF’S RIGHTS AGAINAST RICHARD DUSLAK
27 and/or JUSTIN SESMAN . . . SHALL BE DEMED NULL AND VOID”, IT IS HEREBY
28

1 ORDERED ADJUDGED AND DECREED that the language “as independent contractors” as
2 found in the stipulation is deemed null and void pursuant to the plain language found on page 4
3 of the settlement agreement.
4

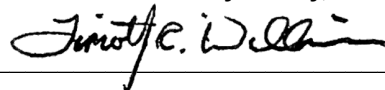
5 Paragraph 15 of the agreement, which is found on page 7 states:

6 If any provision of this Agreement is determined by a court of competent
7 jurisdiction to be illegal, invalid, or unenforceable, such provision will be deemed
8 to be severed and deleted from the Agreement as a whole, and neither such
9 provision nor its severance and deletion shall in any way affect the validity of the
10 remaining provisions of the Agreement.

11 As the language “as independent contractors” is deemed null and void, IT IS HEREBY
12 ORDERED ADJUDGED AND DECREED that the words “as independent contractors” are
13 severed and deleted from the Agreement as set forth in paragraph 15, and the remainder of the
14 Agreement and stipulation, with the words “as independent contractors” deleted shall remain in
15 full force and effect.

16 SO ORDERED.

17 Dated this 26th day of May, 2021

18 
19

ZJ

20 028 C04 6CB9 C18D
21 Timothy C. Williams
22 District Court Judge

23 Submitted by:
24 LAW OFFICE OF DAVID SAMPSON, LLC.

25 BY: /s/ David Sampson

26 DAVID SAMPSON, ESQ.
27 Nevada Bar No.6811
28 LAW OFFICE OF DAVID SAMPSON, LLC.
630 S. 3rd St.
Las Vegas NV 89101
Attorney for Plaintiff



Amanda Nalder <phoeny27@gmail.com>

Fwd: Russo

2 messages

David Sampson <davidsampsonlaw@gmail.com>

Fri, May 14, 2021 at 11:21 AM

To: Shannon Splaine <ssplaine@lgclawoffice.com>, Leonard Fink <lfink@springelfink.com>, Amanda Nalder <amanda@davidsampsonlaw.com>, Julie Funai <JFunai@lipsonneilson.com>, Jennifer Arledge <jarledge@sgroandroger.com>

On Tuesday I sent the proposed Order to all of you. On Wednesday I sent the proposed Order to you again after correcting two typographical errors. My Tuesday email asked you to please let me know if you have any proposed changes regarding the same.

Having heard nothing from any of you, I will be submitting the same to the Court.

Attached is yet another copy of the proposed Order.

Thank you,

----- Forwarded message -----

From: **David Sampson** <davidsampsonlaw@gmail.com>

Date: Tue, May 11, 2021 at 11:35 AM

Subject: Russo

To: Shannon Splaine <ssplaine@lgclawoffice.com>, Leonard Fink <lfink@springelfink.com>, Julie Funai <JFunai@lipsonneilson.com>, Jennifer Arledge <jarledge@sgroandroger.com>

Based on the May 3, 2021 Minute Order the Court and the comments from the Court at the hearing today, I have prepared the attached proposed Order on the matter. Please let me know if you have any proposed changes regarding the same.

Thank you,

--

David Sampson, Esq.

Certified Personal Injury Specialist (Nevada Justice Association, State Bar of Nevada)

Trial Lawyer of the Year (Nevada Reptile Trial Lawyers 2017)

The Law Office of David Sampson, LLC.

630 S. 3rd St.

Las Vegas NV 89101

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This communication in no way constitutes an attorney/client agreement, and no such attorney/client relationship arises unless and until an attorney/client contract is signed by the attorney and client.

Thank you.

--

David Sampson, Esq.

Certified Personal Injury Specialist (Nevada Justice Association, State Bar of Nevada)

Trial Lawyer of the Year (Nevada Reptile Trial Lawyers 2017)

The Law Office of David Sampson, LLC.

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Thank you.

2 attachments



656. Order on Motion to Set Aside.pdf
230K



656. Order on Motion to Set Aside.pdf
202K

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Simone Russo, Plaintiff(s)

CASE NO: A-17-753606-C

7 vs.

DEPT. NO. Department 16

8 Cox Communications Las Vegas,
9 Inc., Defendant(s)

10
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District
13 Court. The foregoing Order was served via the court's electronic eFile system to all
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 5/26/2021

15 Michael Merritt

michael.merritt@mccormickbarstow.com

16 Tricia Dorner

tricia.dorner@mccormickbarstow.com

17 "David Sampson, Esq. " .

davidsampsonlaw@gmail.com

18 Amanda Nalder .

amanda@davidsampsonlaw.com

19 Chris Turtzo .

turtzo@morrisullivanlaw.com

20 Kristin Thomas .

kristin.thomas@mccormickbarstow.com

21 Michael R Merritt .

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23 Barbara Pederson

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24 David Clark

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25 Debra Marquez

dmarquez@lipsonneilson.com

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**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

June 20, 2017

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

June 20, 2017 9:00 AM All Pending Motions

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Marwanda Knight

RECORDER:

REPORTER: Peggy Isom

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Preston Rezaee, Esq., appeared on behalf of Pltf
Meredith Weiner, Esq., appeared on behalf of Deft, Kevin Bushbaker
Christopher Turtzo, Esq., appeared on behalf of Deft, IES Residential Inc and Cox Communicaitons Las Vegas, Inc.
Ryan Biggar, Esq., appeared on behalf of Deft J & G Lawn Maintenance

PLAINTIFF'S MOTION FOR IMMEDIATE TRIAL SETTING ... DEFENDANT/CROSS-DEFENDANT COX COMMUNICAITONS LAS VEGAS, INC'S JOINDER TO DEFENDANT IES RESIDENTIAL INC'S OPPOSITION TO PLAINTIFF'S MOTION FOR IMMEDIATE TRIAL SETTING

In support of the Motion, Mr. Rezaee argued that the statute does not require that there be some compelling medical necessity, but that the person be over the age of 70 and have a substantial role in the case, which the Pltf does, and that discovery can be done in six months. Argument by Mr. Turtzo regarding the discovery period being 6-9 months as an effective compromise, noting confusion as to which Deft is liable and why. Additional argument by Mr. Biggar regarding medical damages, prior medicals, and Pltf having surgery.

After hearing from each side, COURT stated its FINDINGS, and ORDERED, Plaintiff's Motion for Immediate Trial Setting GRANTED; the Court will allow nine (9) months for discovery. Further, COURT advised that with it giving this case a preferential trial setting the case would be first on the stack with preference to go.

Mr. Rezaee directed to submit the proposed order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability**COURT MINUTES****July 18, 2017**

A-17-753606-C

Simone Russo, Plaintiff(s)

vs.

Cox Communications Las Vegas, Inc., Defendant(s)

July 18, 2017**9:30 AM****Discovery Conference****COURT CALL -
Discovery
Conference****HEARD BY:** Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES****PRESENT:**

Biggar, Ryan W.

Attorney

McPherson, Sammie S.

Attorney

Sampson, David F.

Attorney

Turtzo, Christopher

Attorney

JOURNAL ENTRIES

- Mr. Sampson stated the Judge gave nine months for discovery, and an expedited Trial was set by the Judge; document provided to Commissioner in Open Court. Colloquy re: deadlines. Counsel anticipate 5 to 7 days for trial re: Personal injury / trip; no Settlement Conference requested. COMMISSIONER RECOMMENDED, discovery cutoff is 3-5-18; adding parties, amended pleadings, and initial expert disclosures due 12-5-17; rebuttal expert disclosures due 1-5-18; file dispositive motions by 4-5-18. Scheduling Order will issue. Trial ready 5-21-18.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 08, 2017

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

December 08, 2017 9:30 AM All Pending Motions

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT:	Lemkul, William A.	Attorney
	Pattillo, Jonathan P.	Attorney
	Pyatt, Richard J.	Attorney
	Sampson, David F.	Attorney

JOURNAL ENTRIES

- Defendants' Motion to Compel Rule 35 Examination and to Extend Discovery Deadlines on OST

Joinder to IES Residential Inc and Cox Communications Inc's Motion to Compel Rule 35 Examination and to Extend Discovery Deadlines

Defendant Sunrise Villas IX Homeowners Association's Joinder to Defendants' IES Residential, Inc., and Cox Communications Las Vegas, Inc., d/b/a Cox Communications' Motion to Compel Rule 35 Examination and to Extend Discovery Deadlines on OST [First Request to Extend Discovery Deadlines]

MATTER CALLED but all counsel were not present. MATTER TRAILED AND RECALLED: Oral

Opposition by Mr. Sampson; counsel requested a protocol, it wasn't provided, and an expedited Trial date was set (Pltf in 70's). Orthopedic Doctor for Rule 35 exam discussed (Dr. Dunn). Argument by Mr. Lemkul re: his attempts to work with Mr. Sampson, there is a new party coming into the case on a Motion to Amend, and someone worked at the house before the fall. COMMISSIONER RECOMMENDED, Motion and Joinders are GRANTED; one Rule 35 exam can go forward with Dr. Dunn for an orthopedic exam, Deft will provide any materials for Dr. Dunn to review, no invasive testing; if another party is brought in, Commissioner will address it in the future; 5-29-18 Trial date STANDS; discovery cutoff EXTENDED to 4-5-18; adding parties and amended pleadings 12-5-17; initial expert disclosures DUE 1-19-18; rebuttal expert disclosures DUE 2-16-18; file dispositive motions by 4-13-18.

Colloquy re: Notice requirements. Mr. Sampson does not have a standard protocol. Mr. Lemkul will re-send today to all counsel Dr. Dunn's intentions for the exam for discussion. Commissioner available by conference call. Mr. Sampson is out of the country next week. Commissioner advised counsel to schedule and take the Rule 35 exam by the deadline. Mr. Lemkul to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 20 days of the hearing. Otherwise, counsel will pay a contribution.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

January 16, 2018

A-17-753606-C	Simone Russo, Plaintiff(s) vs. Cox Communications Las Vegas, Inc., Defendant(s)
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January 16, 2018	9:00 AM	Motion to Amend Complaint
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HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 03H

COURT CLERK: Elizabeth Vargas

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:

JOURNAL ENTRIES

- Roger Bailey, Esq. present on behalf of Defendant Kevin Bushbaker. Mr. Sampson argued there was no opposition and it was not appropriate to reset trial and cause further delay. Mr. Turtzo stated there was no opposition to the Motion, however requested the trial be continued. Mr. Bailey stated he had no opposition to a trial continuance, as long as it would not greatly affect the case. Court reviewed dates and deadlines, and ORDERED, Motion GRANTED; Status Check SET.

3/13/18 9:00 AM STATUS CHECK: STATUS OF CASE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability**COURT MINUTES****February 16, 2018**

A-17-753606-C

Simone Russo, Plaintiff(s)

vs.

Cox Communications Las Vegas, Inc., Defendant(s)

February 16, 2018**9:00 AM****Motion to Compel**

**COURT CALL -
Plaintiff's Motion to
Compel Discovery
Responses**

HEARD BY: Bulla, Bonnie**COURTROOM:** RJC Level 5 Hearing Room**COURT CLERK:** Jennifer Lott**RECORDER:** Francesca Haak**REPORTER:****PARTIES****PRESENT:**

Pattillo, Jonathan P.

Attorney

Sampson, David F.

Attorney

JOURNAL ENTRIES

- MATTER TRAILED AND RECALLED: Mr. Turtzo was appearing by Court Call, however, he could not call back due to technical difficulties. Colloquy re: making Topic areas for a 30(b)(6) Deponent to bind the Corporation. Argument by Mr. Sampson. COMMISSIONER RECOMMENDED, motion is GRANTED within parameters; Deft will go back and supplement answers to Interrogatories to tell Plaintiff's counsel what specific efforts were made to locate information; alternative relief and an option provided for Plaintiff to take a 30(b)(6) deposition if necessary. Colloquy re: filing a 2.35 Stipulation, however, Commissioner Will Not move the Trial date. Mr. Sampson requested what manuals Deft has (how discovery should be answered). If new manuals come to light 30 days before Trial, Commissioner will consider striking the Answer.

COMMISSIONER RECOMMENDED, Deft to supplement Interrogatories by 3-2-18, and information

PRINT DATE: 06/24/2021

Page 7 of 86

Minutes Date: June 20, 2017

must go in the answers; supplement Interrogatory 11 with what Deft knew. Mr. Pattillo stated the previous Management Company went out of business. Commissioner advised Mr. Pattillo to check Secretary of State records, and Google the Company for ownership information during the timeframe. COMMISSIONER RECOMMENDED, discovery cutoff EXTENDED up to and including 3-23-18 for the purposes discussed. Mr. Sampson to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

February 22, 2018

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

February 22, 2018 9:00 AM Motion

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 12D

COURT CLERK: Elizabeth Vargas

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Sampson, David F.	Attorney
	Turtzo, Christopher	Attorney

JOURNAL ENTRIES

- Mr. Turtzo stated a federal statute that deals with records including names and addresses of cable television subscribers. Court noted this has not been fully vetted and the purpose of telecommunications act is to keep cable companies from selling the information of their customers; stated this is premise liability and the issue is notice. Mr. Turtzo stated his client was trying to keep paper records confidential. Mr. Sampson argued to redact the name and address of subscribers. Court advised this is a matter parties can work out, and would not make a decision. Mr. Sampson suggested the Court defer ruling at this time. Court stated it would need to review the documents in camera and parties would need to do more briefing. COURT ORDERED, RULING DEFERRED to give parties an opportunity to confer and agree. COURT ORDERED, matter CONTINUED.

CONTINUED TO: 3/13/18 9:00 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

March 13, 2018

A-17-753606-C Simone Russo, Plaintiff(s)
vs.
Cox Communications Las Vegas, Inc., Defendant(s)

March 13, 2018 9:00 AM All Pending Motions

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Elizabeth Vargas

RECORDER:

REPORTER:

PARTIES

PRESENT:	Pattillo, Jonathan P.	Attorney
	Sampson, David F.	Attorney
	Turtzo, Christopher	Attorney

JOURNAL ENTRIES

- Roger Bailey, Esq. present on behalf of Defendant Kevin Bushbaker. Parties stated this matter was not resolved. Mr. Sampson stated he was not prepared to go to trial. Parties agreed to get issues worked out. COURT ORDERED, trial date VACATED and RESET; COURT FURTHER ORDERED, Motion CONTINUED. Court directed parties to stipulate to discovery and advised an Amended Trial Order would be issued.

CONTINUED TO: 6/12/18 9:00 AM

9/27/18 10:30 AM CALENDAR CALL

10/15/18 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

June 12, 2018

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

June 12, 2018 9:00 AM All Pending Motions

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Elizabeth Vargas

RECORDER:

REPORTER:

PARTIES

PRESENT: Clark, David A. Attorney
 Sampson, David F. Attorney

JOURNAL ENTRIES

- STATUS CHECK: STATUS OF CASE PLAINTIFF'S MOTION TO DE-DESIGNATE
CONFIDENTIALITY OF DOCUMENTS

Mr. Sampson stated an agreement was reached regarding the Motion. Mr. Sampson stated he would prepare the Order and would provide details of the agreement.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

August 14, 2018

A-17-753606-C	Simone Russo, Plaintiff(s) vs. Cox Communications Las Vegas, Inc., Defendant(s)
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August 14, 2018 9:00 AM Motion to Continue

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Elizabeth Vargas

RECORDER:

REPORTER:

PARTIES

PRESENT:	Fink, Leonard T. Attorney
	Sampson, David F. Attorney
	Turtzo, Christopher Attorney

JOURNAL ENTRIES

- Christopher Turtzo, Esq. appearing via Court Call. Mr. Fink stated he had a family obligation, and requested a continuance. Mr. Sampson stated he was working with Mr. Pattillo in the past, he filed the Motion and Defendant's counsel knew of the Motion date a month ago; requested the Motion for Summary Judgment be heard today. Mr. Turtzo stated he had no opposition to the request to continue the Motion. Mr. Fink argued there was a lack of courtesy and professionalism, and that he needed to take his son to college. COURT ORDERED, Motion GRANTED; advised the Motion would be continued.

9/11/18 10:00 AM DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION FOR SUMMARY JUDGMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

September 11, 2018

A-17-753606-C Simone Russo, Plaintiff(s)
vs.
Cox Communications Las Vegas, Inc., Defendant(s)

**September 11, 2018 10:00 AM Motion for Summary
Judgment**

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Clark, David A.	Attorney
	Pattillo, Jonathan P.	Attorney
	Sampson, David F.	Attorney
	Turtzo, Christopher	Attorney

JOURNAL ENTRIES

- Arguments by counsel as to Sunrise Villas IX Homeowners Association's Motion for Summary Judgment. Court stated ITS FINDINGS and ORDERED, Motion DENIED; Mr. Sampson to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

September 27, 2018

A-17-753606-C Simone Russo, Plaintiff(s)
vs.
Cox Communications Las Vegas, Inc., Defendant(s)

September 27, 2018 10:30 AM Pretrial/Calendar Call

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES

PRESENT:	Clark, David A.	Attorney
	Pattillo, Jonathan P.	Attorney
	Sampson, David F.	Attorney
	Turtzo, Christopher	Attorney

JOURNAL ENTRIES

- CONFERENCE AT BENCH. COURT ORDERED, Trial VACATED and RESET; Department to issue amended trial order and notice of scheduling motions.

2/21/19 10:30 AM CALENDAR CALL

3/11/19 9:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

October 23, 2018

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

October 23, 2018 9:00 AM Motion to Strike

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Dana J. Tavaglione

PARTIES

PRESENT:	Fink, Leonard T.	Attorney
	Sampson, David F.	Attorney

JOURNAL ENTRIES

- Arguments by counsel as to Deft's Motion to Strike Order Denying Its Motion for Summary Judgment. COURT ORDERED, Motion DENIED; Court permits Mr. Fink to submit a proposed order and, within seven (7) days thereafter, Mr. Sampson may file own. Court directed Mr. Fink to prepare today's order.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

November 01, 2018

A-17-753606-C Simone Russo, Plaintiff(s)
vs.
Cox Communications Las Vegas, Inc., Defendant(s)

November 01, 2018 9:00 AM Motion

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES

PRESENT:	Sampson, David F.	Attorney
	Turtzo, Christopher	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Raven Yim, Esq. present for Sunrise Villas IX HOA.

Matter of Defendants IES Residential, Inc. and Cox Communications Las Vegas, Inc., d/b/a Cox Communications' Pretrial Motion to Preclude the Application of Joint and Several Liability. Matter argued and submitted. Court stated ITS FINDINGS and ORDERED, Motion GRANTED IN PART and DENIED IN PART; GRANTED as to bonafide negligence argument before jury as an instruction only. Mr. Turtzo advised parties will submit proposed order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

November 14, 2018

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

November 14, 2018 9:30 AM All Pending Motions

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES

PRESENT:	Levine, Thomas G.	Attorney
	Sampson, David F.	Attorney
	Turtzo, Christopher	Attorney

JOURNAL ENTRIES

- Defendant, Sunrise Villas IX Homeowners Association's Motion to Take Trial Deposition on OST

Defendant, IES Residential, Inc., and Cox Communications Las Vegas, Inc.'s Joinder to Sunrise Villas IX Homeowners Association's Motion to Take Trial Deposition of Musa Arja on OST

An Opposition was prepared but not filed, and Mr. Sampson requested oral opposition. Mr. Levine stated Deft Cox Subpoenaed every cab provider in the city to locate the Driver who dropped Plaintiff off at the residence (located 8-29-18). Argument by Mr. Levine; Deponent is in Colorado, and counsel requested his deposition as soon as possible. Mr. Levine understands the Driver is currently willing to be deposed. Mr. Sampson filed a Motion in Limine to Strike the witness (set 11-8-18 and moved to 1-11-19 by the Trial Court). Discovery closed 4-5-18. Argument by Mr. Sampson. Commissioner will not let counsel lose the Trial date. Mr. Sampson requested the opportunity to present his argument to the Court; counsel stated the Motion is a Trial deposition, not about re-opening discovery.

Commissioner stated Mr. Sampson can object to Commissioner's Recommendation.

COMMISSIONER RECOMMENDED, Defendant, Sunrise Villas IX Homeowners Association's Motion to Take Trial Deposition is GRANTED; the Joinder is GRANTED; complete the deposition by 12-14-18, and telephonic or video deposition is REQUIRED. Ms. Levine is new to the case, counsel didn't realize a Subpoena was issued, and counsel will retract it. Mr. Levine hasn't spoken with the witness whether he will appear or a Subpoena is needed. Argument by Mr. Turtzo; a Trial Subpoena was sent to the witness before he moved to Colorado. Colloquy. Commissioner is not taking away Mr. Sampson's right to challenge the witness, or challenge his ability to testify at Trial. Judge Williams will decide. Commissioner stated the facts will become known. Argument by Mr. Sampson.

Mr. Sampson requested Deft pay for Plaintiff to appear in Colorado. COMMISSIONER RECOMMENDED, Subpoena the witness, domesticate the Subpoena, and complete a telephonic or video deposition by 12-14-18. Mr. Sampson asked if there is time to hear the Objection before the deposition is taken. COMMISSIONER RECOMMENDED, 12-14-18 deadline is RESCINDED; the deposition will not be taken until after the Court signs the Report and Recommendation. Commissioner is essentially giving 2.34(e) relief. Mr. Levine to prepare the Report and Recommendations, and Mr. Sampson and Mr. Turtzo to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

January 08, 2019

A-17-753606-C	Simone Russo, Plaintiff(s) vs. Cox Communications Las Vegas, Inc., Defendant(s)
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January 08, 2019 9:00 AM Status Check

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES

PRESENT:	Fink, Leonard T. Attorney
	Turtzo, Christopher Attorney

JOURNAL ENTRIES

- Matter of Status Check as to Trial Readiness. Mr. Fink advised due to unavailability of Mr. Sampson, parties agreed to continue today's matter. COURT ORDERED, matter CONTINUED to time of Motions in Limine.

CONTINUED TO: 1/11/19 9:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

January 11, 2019

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

January 11, 2019 9:30 AM All Pending Motions

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Clark, David A.	Attorney
	Fink, Leonard T.	Attorney
	Lemkul, William A.	Attorney
	Sampson, David F.	Attorney
	Turtzo, Christopher	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Christian Barton, Esq. present for IES Residential and Cox Communications.

IES RESIDENTIAL AND COX COMMUNICATIONS MOTION IN LIMINE #1 TO PRECLUDE ANY EVIDENCE OR TESTIMONY OF SUBSEQUENT REMEDIAL MEASURES BY IES AND/OR COX DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. (IES) AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS (COX) MOTION IN LIMINE #1 TO PRECLUDE ANY EVIDENCE OR TESTIMONY OF SUBSEQUENT REMEDIAL MEASURES BY IES AND/OR COX

Arguments by counsel. COURT ORDERED, Motion DENIED based on discussion that if evidence comes in, will be for limited purpose of ownership or control; not coming in to establish evidence.

PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE UNTIMELY DISCLOSED WITNESSES

Arguments by counsel. COURT FURTHER ORDERED, Motion DENIED as to deposition of Musa Arja, to be conducted at time convenient for Mr. Sampson with video opportunity, no payment required. Court urged Defense counsel to make inquiry as to travel accommodation with respect to Musa Arja. ORDERED, DENIED as to Curtis Lovelace, deposition to be taken if needed.

Colloquy regarding scheduling pending matters. There being agreement, COURT ORDERED, all pending Motions in Limine including Status Check on Trial Readiness and Motion for Reconsideration CONTINUED to 1/17/19 at 1:30 p.m.

CLERK S NOTE: Subsequent to proceedings, Court reset time of hearing pending matters to 1:30 p.m. on 1/17/19. This Minute Order has been electronically served to the parties through Odyssey eFile

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

January 17, 2019

A-17-753606-C	Simone Russo, Plaintiff(s) vs. Cox Communications Las Vegas, Inc., Defendant(s)
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January 17, 2019 1:30 PM All Pending Motions

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Fink, Leonard T. Attorney
	Sampson, David F. Attorney
	Turtzo, Christopher Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Christian Barton, Esq. present for IES Residential and Cox Communications. Roger Bailey, Esq. present for Kevin Bushbaker.

IES AND COX COMMUNICATIONS MOTION IN LIMINE #3 TO PRECLUDE TESTIMONY LACKING PERSONAL KNOWLEDGE DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/ A COX COMMUNICATIONS MOTION IN LIMINE #3 TO PRECLUDE TESTIMONY LACKING PERSONAL KNOWLEDGE
Arguments by counsel. COURT ORDERED, Motion GRANTED IN PART and DENIED IN PART; appropriate foundation to be provided for testimony as discussed.

COX'S MOTION IN LIMINE NO. 12 TO PRECLUDE TESTIMONY INVOLVING TRIP AND FALLS INVOLVING COX/IES AT ANY OTHER LOCATION DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. AND

COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS MOTION IN LIMINE #12 TO PRECLUDE TESTIMONY INVOLVING TRIP AND FALLS INVOLVING COX/IES AT ANY OTHER LOCATIONS

Arguments by counsel. COURT FURTHER ORDERED, Motion GRANTED at this time for reasons discussed.

DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS MOTION IN LIMINE #8 TO PRECLUDE PER DIEM ARGUMENTS/DOLLAR VALUE OF PAIN AND SUFFERING (GENERAL DAMAGES)

DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO

DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC.,

D/B/A COX COMMUNICATIONS MOTION IN LIMINE #8 TO PRECLUDE PER DIEM

ARGUMENTS/DOLLAR VALUE OF PAIN AND SUFFERING (GENERAL DAMAGES)

Arguments by counsel. COURT ORDERED, Motion DENIED; permitted as to anticipated evidence to support a future claim of pain and suffering.

DEFENDANTS IES AND COX COMMUNICATIONS MOTION IN LIMINE #2 TO PRECLUDE

BARBARA RUSSO FROM TESTIFYING REGARDING ALLEGED STATEMENTS BY COX

EMPLOYEE "CURTIS" DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S

JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS

VEGAS, INC., D/B/A COX COMMUNICATIONS MOTION IN LIMINE #2 TO PRECLUDE

BARBARA RUSSO FROM TESTIFYING REGARDING ALLEGED STATEMENTS BY COX

EMPLOYEE CURTIS

Arguments by counsel. CONTINUED for Chambers Decision.

DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 1 TO EXCLUDE HEARSAY STATEMENTS FROM GARDENERS

CONTINUED for Chambers Decision.

Colloquy regarding scheduling pending matters. COURT ORDERED, unaddressed Motions in Limine including Status Check on Trial Readiness and Motion for Reconsideration CONTINUED to time to be determined by Department.

CLERK'S NOTE: Court Clerk inadvertently set continuation of matters to a date the Court is unavailable; Department will notify parties as to new date and time. This Minute Order was electronically served to the parties through Odyssey eFile.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

February 20, 2019

A-17-753606-C Simone Russo, Plaintiff(s)
vs.
Cox Communications Las Vegas, Inc., Defendant(s)

February 20, 2019 10:00 AM All Pending Motions

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT: Fink, Leonard T. Attorney
 Sampson, David F. Attorney
 Turtzo, Christopher Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Christian Barton, Esq. present via CourtCall for IES Residential.
Francis Arenas, Esq. present for Kevin Bushbaker.

STATUS CHECK: TRIAL READINESS

Colloquy regarding issue of Pltf. continuing care, future damages and related discovery issues in light of current trial setting. COURT ORDERED, Trial dates VACATED and RESET; Department to issue Amended Trial Order. FURTHER ORDERED, will permit supplemental deposition of Dr. Russo limited to one hour; Dr. Thalgott not limited and focused on current and future care issues; will permit supplemental report for expert after Dr. Thalgott deposition as relates to the necessity of future care and treatment including palliative care; may conduct discovery pertaining to additional \$5,000 per year matter by Dr. Thalgott; will allow supplemental report if necessary by expert as relates to future issues; and will permit deposition of Dr. Russo's wife as discussed. Mr. Turtzo to prepare the order including stipulated discovery deadlines.

DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC.,
D/B/A COX COMMUNICATIONS' MOTION TO STRIKE UNTIMELY DOCUMENTS ON ORDER
SHORTENING TIME PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO STRIKE AND
COUNTERMOTION TO RECONSIDER ORDER ON PLAINTIFF'S MOTION TO STRIKE
UNTIMELY DISCLOSED WITNESSES
COURT ORDERED, Motion to Strike DENIED; Countermotion DENIED. Prevailing party to submit
the order.

DEFENDANTS IES AND COX'S MOTION IN LIMINE #4 TO PRECLUDE PLAINTIFF FROM
INTRODUCING EVIDENCE OF FUTURE DAMAGES
COURT ORDERED, Motion DENIED WITHOUT PREJUDICE. Prevailing party to submit the order.

DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION FOR
RECONSIDERATION
Arguments by counsel. COURT ORDERED, Motion DENIED. Prevailing party to submit the order.

IES RESIDENTIAL AND COX COMMUNICATIONS MOTION IN LIMINE #5 TO LIMIT THE
SCOPE AND NATURE OF PLAINTIFF'S EXPERT WITNESSES' TESTIMONY AT THE TIME OF
TRIAL DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO
DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC.,
D/B/A COX COMMUNICATIONS MOTION IN LIMINE #5 TO LIMIT THE SCOPE AND
NATURE OF PLAINTIFF S EXPERT WITNESSES TESTIMONY AT THE TIME OF TRIAL
Mr. Turtzo advised matter withdrawn without prejudice; COURT SO NOTED.

DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC.,
D/B/A COX COMMUNICATIONS' MOTION IN LIMINE NO. 6 TO PRECLUDE THE UNVERIFIED
RECORDED INTERVIEW OF J&G LAWN MAINTENANCE EMPLOYEE TOM BASTIAN
DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO
DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC.,
D/B/A COX COMMUNICATIONS MOTION IN LIMINE #6 TO PRECLUDE THE UNVERIFIED
RECORDED INTERVIEW OF J&G LAWN MAINTENANCE EMPLOYEE TOM BASTIAN
Arguments by counsel. COURT ORDERED, Motion GRANTED IN PART as discussed. Prevailing
party to submit the order.

IES RESIDENTIAL AND COX COMMUNICATIONS MOTION IN LIMINE #7 TO PRECLUDE
PLAINTIFF FROM PRESENTING EVIDENCE OF MEDICAL SPECIAL DAMAGES BEYOND THE
AMOUNT INCURRED DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S
JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS
VEGAS, INC., D/B/A COX COMMUNICATIONS MOTION IN LIMINE #7 TO PRECLUDE
PLAINTIFF FROM PRESENTING EVIDENCE OF MEDICAL SPECIAL DAMAGES BEYOND THE
AMOUNT INCURRED

Arguments by counsel. COURT ORDERED, Motion DENIED based on Khoury v. Seastrand and will

follow the mandate. Prevailing party to submit the order.

DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., DBA COX COMMUNICATIONS' MOTION IN LIMINE #9 TO PRECLUDE REFERENCE BY PLAINTIFF OR PLAINTIFF'S COUNSEL TO IES/COX "CALIFORNIA ATTORNEYS" OR TO IES/COX AS OUT-OF-STATE, NATIONAL, OR INTERNATIONAL COMPANIES DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS MOTION IN LIMINE #9 TO PRECLUDE REFERENCE BY PLAINTIFF OR PLAINTIFF S COUNSEL TO IES/COX S CALIFORNIA ATTORNEYS OR TO IES/COX AS OUT-OF STATE, NATIONAL, OR INTERNATIONAL COMPANIES

Arguments by counsel. COURT ORDERED, Motion GRANTED as to, for example, California Attorneys coming to Las Vegas and/or practicing law in Las Vegas; will not rule on issue of sending a message at this time. Prevailing party to submit the order.

MOTION IN LIMINE NO. 10 TO EXCLUDE NON-PARTY WITNESSES FROM THE COURTROOM DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS MOTION IN LIMINE #10 TO EXCLUDE NON PARTY WITNESSES FROM THE COURTROOM

Arguments by counsel. COURT ORDERED, Motion GRANTED. Prevailing party to submit the order.

DEFENDANTS IES AND COX'S MOTION IN LIMINE NO. 11 TO PRECLUDE CUMULATIVE TESTIMONY OF PLAINTIFF'S EXPERT AND LAY WITNESSES DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS MOTION IN LIMINE #11 TO PRECLUDE CUMULATIVE TESTIMONY OF PLAINTIFF S EXPERT AND LAY WITNESSES

Court noted matter withdrawn.

DEFENDANTS IES AND COX'S MOTION IN LIMINE NO. 13 TO PRECLUDE PLAINTIFF FROM MAKING REFERENCE TO OR INTRODUCING EVIDENCE REGARDING THE FINANCIAL WEALTH OF DEFENDANT DEPENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS MOTION IN LIMINE #13 TO PRECLUDE PLAINTIFF FROM MAKING REFERENCE TO OR INTRODUCING EVIDENCE REGARDING THE FINANCIAL WEALTH OF DEFENDANTS

Arguments by counsel. COURT ORDERED, Motion GRANTED. Prevailing party to submit the order.

MOTION IN LIMINE #14 TO PRECLUDE MEDICAL EXPERT TESTIMONY FROM PLAINTIFF, SIMONE RUSSO DEPENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC.,

D/B/A COX COMMUNICATIONS MOTION IN LIMINE #14 TO PRECLUDE MEDICAL EXPERT TESTIMONY FROM PLAINTIFF SIMONE RUSSO

Arguments by counsel. COURT ORDERED, Motion GRANTED; if opinion beyond simple discussion must put on notice; vouching issue to be by separate motion. Prevailing party to submit the order.

MOTION IN LIMINE NO. 15 TO PRECLUDE DEMONSTRATIVE EVIDENCE RELATING TO PLAINTIFF'S QUALITY OF LIFE DEPENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION S JOINDER TO DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC. D/B/A COX COMMUNICATIONS MOTION IN LIMINE NO. 15 TO PRECLUDE DEMONSTRATIVE EVIDENCE RELATING TO PLAINTIFF S QUALITY OF LIFE

Court noted matter resolved by stipulation.

DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS MOTION IN LIMINE NO. 16 TO PRECLUDE ALL COUNTER OPINIONS REGARDING BIOMECHANICS AS PLAINTIFF DID NOT HAVE AN EXPERT Arguments by counsel. COURT ORDERED, based on current state of the record, Pltf. shall be precluded from offer rebuttal human factors expert opinions. Prevailing party to submit the order.

Colloquy regarding status of pending decision and scheduling remaining Motions in Limine. Court noted parties to contact Department JEA for further setting.

8/8/19 10:30 AM PRETRIAL/CALENDAR CALL

8/26/19 9:30 AM JURY TRIAL

CLERK'S NOTE: Minutes corrected. /cd 5-14-19/

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

March 08, 2019

A-17-753606-C Simone Russo, Plaintiff(s)
vs.
Cox Communications Las Vegas, Inc., Defendant(s)

March 08, 2019 10:56 AM Minute Order

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- After a review and consideration of the record, the points and authorities on file herein, and oral argument of counsel, the Court determined as follows:

1. After a review of the HOA's Motion in Limine No. 1, it is unclear as to the thrust and exact nature upon which the statements of the gardeners contracted by the HOA are being offered in this matter. Are they relevant to constructive notice of the hazard or ownership and/or control of the coaxial cable at issue? Additionally, it is asserted that the gardeners were contracted by the HOA to perform gardening and maintenance on common areas throughout the common interest community. Under Nevada law, a statement is not hearsay if it is offered against a party and made by the party's agent or servant concerning a matter within the scope of the agency or employment and before the termination of the relationship. See, *Paul v. Imperial Palace*, 111 Nev. 1544, 908 P.2d 226 (1995). In light of the *Paul* case and assuming the appropriate foundation can be established, the Russo Plaintiffs shall be permitted to testify as to discussions with the HOA gardeners. Based on the foregoing, Defendant HOA's Motion in Limine No. 1 shall be DENIED.

2. Defendant IES & Cox Communications Motion in Limine No. 2, to Preclude Barbara Russo from Testifying re: Alleged Statements by Cox Employee Curtis.

Similar to the prior motion, the Court shall follow the mandate of the Nevada Supreme Court in the

Paul case. Consequently, assuming the appropriate foundational predicate can be established, Barbara Russo will be permitted to testify as to communication with Cox employee Curtis. As a result, Defendant IES and Cox Communication s Motion in Limine No. 2 shall be DENIED.

The prevailing party shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature.

CLERK'S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

May 14, 2019

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

May 14, 2019 9:00 AM All Pending Motions

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES

PRESENT:	Fink, Leonard T.	Attorney
	Sampson, David F.	Attorney
	Turtzo, Christopher	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Francis Arenas, Esq. present for Deft. Kevin Bushbaker.

STATUS CHECK RE: SCHEDULING MOTIONS IN LIMINE...DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION FOR RECONSIDERATION; AND AFFIDAVIT OF THOMAS G. LEVINE IN SUPPORT THEREOF

Colloquy regarding status of remaining Motions in Limine and scheduling same. COURT ORDERED, Motions in Limine CONTINUED to 7/30/19 and 8/1/19. Court directed parties meet and confer within 30 days for determining what limine matters remain and for any change in scheduling. FURTHER ORDERED, Status Check SET regarding status of Motions in Limine. Arguments by Mr. Fink and Mr. Sampson regarding Motion for Reconsideration. Colloquy regarding necessity of transcript. Court directed parties obtain subject hearing transcript for review. COURT ORDERED, matter CONTINUED to 7/30/19.

6/13/19 9:00 AM STATUS CHECK: STATUS OF MOTIONS IN LIMINE TO BE HEARD

CONTINUED TO: 7/30/19 9:00 AM DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION FOR RECONSIDERATION; AND AFFIDAVIT OF THOMAS G. LEVINE IN SUPPORT THEREOF

CONTINUED TO: 7/30/19 9:00 AM DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 2 TO EXCLUDE REFERENCE TO INADEQUATE LIGHTING DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 3 TO EXCLUDE ALLEGEDLY RETALIATORY ACTIONS BY SUNRISE DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 4 TO EXCLUDE FUTURE MEDICAL COSTS AND TREATMENT DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 5 TO EXCLUDE "REPTILE THEORY" TACTICS...DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 6 TO EXCLUDE SUBSEQUENT REMEDIAL MEASURES IES RESIDENTIAL AND COX COMMUNICATIONS JOINDER TO SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 4 TO EXCLUDE FUTURE MEDICAL COSTS AND TREATMENT IES RESIDENTIAL AND COX COMMUNICATIONS JOINDER TO SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 5 TO EXCLUDE "REPTILE THEORY" TACTICS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

August 01, 2019

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

August 01, 2019 9:15 AM All Pending Motions

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Fink, Leonard T.	Attorney
	Sampson, David F.	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker. Christopher Turtzo, Esq. present via CourtCall for IES, et al. Christian Barton, Esq. present for IES, et al.

Colloquy regarding issue of Motions for Summary Judgment scheduled after trial and whether appropriate in light of discovery deadline and scope. COURT ORDERED, deadline to seek leave 8/7/19.

DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION FOR RECONSIDERATION [OF MOTION IN LIMINE NO. 1]; AND AFFIDAVIT OF THOMAS G. LEVINE IN SUPPORT THEREOF

Arguments by Mr. Fink and Mr. Sampson. COURT FURTHER ORDERED, Motion DENIED; Mr. Sampson to lay foundation. Prevailing party to prepare the order.

DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 2

TO EXCLUDE REFERENCE TO INADEQUATE LIGHTING

Arguments by Mr. Fink and Mr. Sampson. COURT ORDERED, Motion GRANTED; no allegation of inadequate illumination as basis for negligence; client can testify as to what he saw. Prevailing party to prepare the order.

DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 3
TO EXCLUDE ALLEGEDLY RETALIATORY ACTIONS BY SUNRISE

Arguments by Mr. Fink and Mr. Sampson. Court stated its FINDINGS and ORDERED, Motion GRANTED; not relevant. Prevailing party to prepare the order.

DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 4
TO EXCLUDE FUTURE MEDICAL COSTS AND TREATMENT IES RESIDENTIAL AND COX
COMMUNICATIONS JOINDER TO SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S
MOTION IN LIMINE NO. 4 TO EXCLUDE FUTURE MEDICAL COSTS AND TREATMENT

Mr. Fink advised withdrawn and will join Cox s related Motions in Limine Nos. 1 and 2; COURT SO NOTED. Prevailing party to prepare the order.

DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 5
TO EXCLUDE "REPTILE THEORY" TACTICS IES RESIDENTIAL AND COX COMMUNICATIONS
JOINDER TO SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 5
TO EXCLUDE "REPTILE THEORY" TACTICS

Arguments by Mr. Fink and Mr. Sampson. COURT ORDERED, Motion DENIED; counsel to follow law and rules, also decide in accord with attorney misconduct cases. Prevailing party to prepare the order.

DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION IN LIMINE NO. 6
TO EXCLUDE SUBSEQUENT REMEDIAL MEASURES

Arguments by Mr. Fink and Mr. Sampson. Court FINDS flagging issue meets the exception under the rule; therefore; ORDERED, Motion DENIED. Prevailing party to prepare the order.

DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S MOTION TO DISMISS
DEFENDANT, KEVIN BUSHBAKER AND DEFENDANT, J. CHRIS SCARCELLI CROSS-CLAIMS
DEFENDANTS IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC.,
D/B/A COX COMMUNICATIONS' SUBSTANTIVE JOINDER TO DEFENDANT SUNRISE VILLAS
IX HOMEOWNERS ASSOCIATIONS MOTION TO DISMISS DEFENDANT KEVIN BUSHBAKER
AND DEFENDANT J. CHRIS SCARCELLI'S CROSS-CLAIMS

Arguments by counsel. Court stated will review case and pleadings; decision forthcoming.

IES RESIDENTIAL AND COX COMMUNICATIONS RENEWED MOTION IN LIMINE #4 TO
PRECLUDE PLAINTIFF FROM INTRODUCING EVIDENCE OF FUTURE DAMAGES
DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S JOINDER TO
DEFENDANTS IES RESIDENTIAL INC AND COX COMMUNICATIONS LAS VEGAS INC DBA

COX COMMUNICATIONS' RENEWED MOTION IN LIMINE #4 TO PRECLUDE PLAINTIFF FROM INTRODUCING EVIDENCE OF FUTURE DAMAGES DEFENDANT/CROSS-DEFENDANT J. CHRIS SCARCELLI'S JOINDER TO IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS' MOTIONS IN LIMINE #4, #5, #11 DEFENDANT KEVIN BUSHBAKER'S JOINDER TO IES RESIDENTIAL INC'S AND COX COMMUNICATIONS LAS VEGAS INC DBA COX COMMUNICATIONS' MOTION IN LIMINE NO 4, 5, AND 11

Mr. Fink no longer present. Arguments by Mr. Barton, Mr. Turtzo, and Mr. Sampson. COURT ORDERED, supplement of Dr. Thalgott letter DUE 8/6/19 by close of business.

IES RESIDENTIAL AND COX COMMUNICATIONS RENEWED MOTION IN LIMINE #5 TO LIMIT THE SCOPE OF NATURE OF PLAINTIFF'S EXPERT WITNESSES' TESTIMONY AT THE TIME OF TRIAL DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S JOINDER TO DEFENDANTS IES RESIDENTIAL INC AND COX COMMUNICATIONS LAS VEGAS INC DBA COX COMMUNICATIONS' RENEWED MOTION IN LIMINE #5 TO LIMIT THE SCOPE AND NATURE OF PLAINTIFF'S EXPERT WITNESSES' TESTIMONY AT THE TIME OF TRIAL DEFENDANT/CROSS-DEFENDANT J. CHRIS SCARCELLI'S JOINDER TO IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS' MOTIONS IN LIMINE #4, #5, #11 DEFENDANT KEVIN BUSHBAKER'S JOINDER TO IES RESIDENTIAL INC'S AND COX COMMUNICATIONS LAS VEGAS INC DBA COX COMMUNICATIONS' MOTION IN LIMINE NO 4, 5, AND 11

Arguments by Mr. Barton and Mr. Sampson. COURT ORDERED, Motion DENIED as premature; limited to thrust and scope of deposition with respect to cervical spine and ancillary; things not fully disclosure not allowed.

IES RESIDENTIAL AND COX COMMUNICATIONS MOTION IN LIMINE #11 TO PRECLUDE PLAINTIFF FROM VOUCHING FOR OTHER WITNESSES DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S JOINDER TO DEFENDANTS IES RESIDENTIAL INC AND COX COMMUNICATIONS LAS VEGAS INC DBA COX COMMUNICATIONS' MOTION IN LIMINE #11 TO PRECLUDE PLAINTIFF FROM VOUCHING FOR OTHER WITNESSES DEFENDANT/CROSS-DEFENDANT J. CHRIS SCARCELLI'S JOINDER TO IES RESIDENTIAL, INC. AND COX COMMUNICATIONS LAS VEGAS, INC., D/B/A COX COMMUNICATIONS' MOTIONS IN LIMINE #4, #5, #11 DEFENDANT KEVIN BUSHBAKER'S JOINDER TO IES RESIDENTIAL INC'S AND COX COMMUNICATIONS LAS VEGAS INC DBA COX COMMUNICATIONS' MOTION IN LIMINE NO 4, 5, AND 11

Arguments by Mr. Barton and Mr. Sampson. COURT ORDERED, Motion GRANTED IN PART and DENIED IN PART; can testify as lay person without embellishment discussed. Prevailing party to prepare the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

August 07, 2019

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

August 07, 2019 8:05 AM Minute Order

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- After a review and consideration of the points and authorities on file herein and the argument of counsel, the Court determined as follows:

Defendant Bushbaker s Answer and Cross Claim was filed February 22, 2019, more than 13 months after Plaintiff s Amended Complaint was filed and the deadline to amend pleadings and add parties had run. In addition, the only amendment to Plaintiff s complaint was the addition of a party, there was no material change requiring an answer and Bushbaker answered all of the substantive claims in 2017. (Bushbaker Opp. 6:24-27). Considering the lack of material changes requiring response and the timing of Bushbaker s filing, Bushbaker s Answer is not substantively a responsive pleading to Plaintiff s Amended Complaint and shall not be used as a procedural mechanism to assert a cross claim without leave of the Court. Consequently the Cross Claims are dismissed.

Defendant Scarcelli answered Plaintiff s Amended Complaint on March 22, 2018, without asserting any cross claims against any party. Scarcelli s response to Bushbaker s February 22, 2019 Cross Claims contained no Cross Claims or Counter Claims against Defendant Bushbaker. Scarcelli s Answer and Cross Claims, filed nearly a year after filing its answer and after the deadline to amend

pleadings had run, shall not be used as a procedural mechanism to assert a cross claim without leave of the Court. Furthermore, as Defendant Scarcelli's March 15, 2019 Answer and Cross Claims in response to Bushbaker's Cross Claim lack a valid triggering pleading, the Cross Claims are dismissed. Consequently, Sunrise Villas IX Homeowners Association's Motion to Dismiss Defendants Bushbaker's and Scarcelli's Cross Claims shall be GRANTED.

Counsel for Sunrise shall prepare a detailed Order, Findings of Fact, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature

CLERK'S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

August 08, 2019

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

August 08, 2019 10:30 AM Pretrial/Calendar Call

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES

PRESENT:	Levine, Thomas G.	Attorney
	Sampson, David F.	Attorney
	Turtzo, Christopher	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Jennifer Arledge, Esq. present for Kevin Bushbaker. Julie Funai, Esq. present for Chris Scarcelli.

Matter of Pretrial/Calendar Call. Colloquy regarding trial scheduling, conflicts, and protocol. Mr. Sampson advised trial anticipated to be two weeks. COURT ORDERED, firm trial SET 9/9/19. FURTHER ORDERED, Motions scheduled 9/12/19, 9/19/19, 10/10/19 VACATED; must show good cause under Rule 16.1.

9/9/19 9:30 AM JURY TRIAL - FIRM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability**COURT MINUTES****August 30, 2019**

A-17-753606-C

Simone Russo, Plaintiff(s)

vs.

Cox Communications Las Vegas, Inc., Defendant(s)

August 30, 2019**1:37 PM****Minute Order****HEARD BY:** Williams, Timothy C.**COURTROOM:** Chambers**COURT CLERK:** Christopher Darling**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- After review and consideration of the arguments of counsel and the moving papers on file herein, the Court determined as follows:

The Court has had an opportunity to consider Defendant IES Residential and Cox Communications Las Vegas, Inc. s renewed motion in limine No.4 to preclude Plaintiff from introducing evidence of future damages. The record reveals that Plaintiff Russo properly disclosed a computation of future damages and will rely on Dr. Thalgott to support his future damages claim. Moreover, as to the issue of life expectancy, assuming there is a claim of permanent injury supported by a proper medical causation opinion, Nevada Trial Courts and Jury Instructions have permitted the utilization of United States Government Life Expectancy tables to determine future damages. In light of the foregoing, Defendants Motion in Limine No. 4 shall be DENIED.

Counsel for Plaintiff shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature.

CLERK'S NOTE: This Minute Order has been electronically served to the parties through Odyssey eFile.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

September 09, 2019

A-17-753606-C Simone Russo, Plaintiff(s)
vs.
Cox Communications Las Vegas, Inc., Defendant(s)

September 09, 2019 9:30 AM Motion to Compel

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Clark, David A.	Attorney
	Fink, Leonard T.	Attorney
	Lemkul, William A.	Attorney
	Levine, Thomas G.	Attorney
	Russo, Simone	Plaintiff
	Sampson, David F.	Attorney
	Turtzo, Christopher	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker.

Matter of Emergency Motion to Compel Production of Native Photographs and Allow for Evidentiary Inspection Prior to Trial on Order Shortening Time. Arguments by counsel. COURT ORDERED, Mr. Turtzo may review phone photographs. FURTHER ORDERED, as to Mr. Sampson's request for exclusion of reference to photographs, reference is not relevant for purposes of this trial as there is no person to testify. Prevailing party to submit the order. Court noted limine rulings are interlocutory.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

September 09, 2019

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

September 09, 2019 10:30 AM Jury Trial - FIRM

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Clark, David A.	Attorney
	Fink, Leonard T.	Attorney
	Lemkul, William A.	Attorney
	Levine, Thomas G.	Attorney
	Sampson, David F.	Attorney
	Turtzo, Christopher	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker.

OUTSIDE PRESENCE OF PROSPECTIVE JURY

Colloquy regarding trial schedule. CONFERENCE AT BENCH. Colloquy regarding trial schedule and trial briefing.

IN PRESENCE OF PROSPECTIVE JURY

Introductions by Court and counsel. Voir Dire Oath administered.

OUTSIDE PRESENCE OF PROSPECTIVE JURY

PRINT DATE: 06/24/2021

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Minutes Date: June 20, 2017

Colloquy regarding participation of counsel and subpoenas.

IN PRESENCE OF PROSPECTIVE JURY

Continued introductions by counsel. Voir dire conducted. CONFERENCE AT BENCH.

OUTSIDE PRESENCE OF PROSPECTIVE JURY

Colloquy regarding jury selection.

IN PRESENCE OF CERTAIN PROSPECTIVE JUROR

CONFERENCE AT BENCH. Voir dire continued.

OUTSIDE PRESENCE OF PROSPECTIVE JURY

Colloquy regarding jury selection.

IN PRESENCE OF CERTAIN PROSPECTIVE JUROR

Voir dire continued. CONFERENCE AT BENCH. Voir dire continued.

OUTSIDE PRESENCE OF PROSPECTIVE JURY

Colloquy regarding prior bench conference and jury selection.

IN PRESENCE OF PROSPECTIVE JURY

COURT ORDERED, Trial CONTINUED.

OUTSIDE PRESENCE OF JURY

Colloquy regarding voir dire topics, subpoenas issue, jury instructions, and demonstrative exhibit.

CONTINUED TO: 9/10/19 1:00 PM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

September 10, 2019

A-17-753606-C Simone Russo, Plaintiff(s)
vs.
Cox Communications Las Vegas, Inc., Defendant(s)

September 10, 2019 1:00 PM Jury Trial - FIRM

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Clark, David A.	Attorney
	Fink, Leonard T.	Attorney
	Lemkul, William A.	Attorney
	Levine, Thomas G.	Attorney
	Russo, Simone	Plaintiff
	Sampson, David F.	Attorney
	Turtzo, Christopher	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker.

OUTSIDE PRESENCE OF PROSPECTIVE JURY

Colloquy regarding voir dire topics and protocol for multi-attorney defense.

IN PRESENCE OF PROSPECTIVE JURY

Voir dire continued. CONFERENCE AT BENCH

OUTSIDE PRESENCE OF PROSPECTIVE JURY

PRINT DATE: 06/24/2021

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Minutes Date: June 20, 2017

Colloquy regarding certain voir dire topic.

IN PRESENCE OF CERTAIN PROSPECTIVE JURORS
Voir dire continued.

IN PRESENCE OF PROSPECTIVE JURY
Voir dire continued. CONFERENCE AT BENCH.

IN PRESENCE OF CERTAIN PROSPECTIVE JUROR
Voir dire continued. CONFERENCE AT BENCH.

OUTSIDE PRESENCE OF PROSPECTIVE JURY
Court reviewed prior bench conference. Mr. Fink moved for excusal of certain prospective juror. Following arguments by counsel, COURT ORDERED, certain prospective juror excused. Colloquy regarding jury selection.

IN PRESENCE OF CERTAIN PROSPECTIVE JUROR
Voir dire continued.

OUTSIDE PRESENCE OF PROSPECTIVE JURY
Colloquy regarding jury selection, trial scheduling, and review of prior sidebar.

IN PRESENCE OF PROSPECTIVE JURY
Voir dire continued. CONFERENCE AT BENCH.

OUTSIDE PRESENCE OF PROSPECTIVE JURY
Arguments by counsel regarding voir dire. Court admonished counsel as to argument in jury selection.

IN PRESENCE OF PROSPECTIVE JURY
COURT ORDERED, Trial CONTINUED.

OUTSIDE PRESENCE OF PROSPECTIVE JURY
Colloquy regarding trial schedule and protocol.

CONTINUED TO: 9/10/19 11:00 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

September 11, 2019

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

September 11, 2019 11:00 AM Jury Trial - FIRM

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Clark, David A.	Attorney
	Fink, Leonard T.	Attorney
	Lemkul, William A.	Attorney
	Levine, Thomas G.	Attorney
	Russo, Simone	Plaintiff
	Sampson, David F.	Attorney
	Turtzo, Christopher	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker.

OUTSIDE PRESENCE OF PROSPECTIVE

Mr. Lemkul moved for excusal of current panel. Following joinder and arguments by counsel, COURT ORDERED, prospective jury excused. Colloquy regarding trial scheduling. COURT FURTHER ORDERED, Trial CONTINUED to 10/10/19. Mr. Meloro requested opportunity for hearing summary judgment. Court directed motion filing and stated will consider on order shortening time. COURT ORDERED, exhibits not offered or admitted returned to counsel at this time.

IN PRESENCE OF PROSPECTIVE JURY
Court thank and excused prospective jurors.

CONTINUED TO: 10/10/19 1:00 PM JURY TRIAL (DEPT XVI, CTRM 3F)

CLERK'S NOTE: Subsequent to proceedings, Department JEA notified parties location of Courtroom for next trial date will be 3F.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

September 24, 2019

A-17-753606-C Simone Russo, Plaintiff(s)
vs.
Cox Communications Las Vegas, Inc., Defendant(s)

September 24, 2019 9:00 AM All Pending Motions

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Clark, David A.	Attorney
	Fink, Leonard T.	Attorney
	Sampson, David F.	Attorney
	Turtzo, Christopher	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker.

DEFENDANT KEVIN BUSHBAKER'S MOTION TO ADVANCE THE HEARING ON MOTION FOR SUMMARY JUDGMENT ON ORDER SHORTENING TIME...DEFENDANT/CROSS-DEFENDANT J. CHRIS SCARCELLI S MOTION TO ADVANCE THE HEARING ON MOTION FOR SUMMARY JUDGMENT ON ORDER SHORTENING TIME

Arguments by counsel. Court FINDS under facts of this case there is no good cause; therefore, ORDERED, Motions DENIED. FURTHER ORDERED, pending Motions for Summary Judgment VACATED. Prevailing party to submit the order.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

October 01, 2019

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

October 01, 2019 9:00 AM Status Check

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES

PRESENT:	Clark, David A.	Attorney
	Fink, Leonard T.	Attorney
	Sampson, David F.	Attorney
	Turtzo, Christopher	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Joseph Meloro, Esq. present for Kevin Bushbaker.

Matter of Status Check regarding Trial Schedule. Mr. Fink requests 10/22/19 dark due to pretrial matters in another case and travel. Mr. Clark advised previous conflict 10/14/19 and 10/15/19 resolved. Court notes 10/22/19 only dark day during trial. Further colloquy regarding trial scheduling. Upon Court's inquiry as to ending trial 11/1/19, Mr. Russo advised he prefers to conclude before Nevada Day. Mr. Fink anticipates jury selected by Monday. Court stated trial starts at 1:00 p.m. on 10/10/19 in Courtroom 3F.

10/10/19 1:00 PM JURY TRIAL (CTRM 3F)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

October 10, 2019

A-17-753606-C	Simone Russo, Plaintiff(s) vs. Cox Communications Las Vegas, Inc., Defendant(s)
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October 10, 2019 1:00 PM Jury Trial - FIRM

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Fink, Leonard T.	Attorney
	Lemkul, William A.	Attorney
	Russo, Simone	Plaintiff
	Sampson, David F.	Attorney
	Turtzo, Christopher	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Raven Yim, Esq. present for Sunrise Villas. Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS

Colloquy regarding bench briefing. Court stated will entertain briefs discussed. Arguments and discussion by counsel regarding authentication and admissibility of evidence. Colloquy regarding jury selection. Arguments and discussion by counsel regarding introductions; Court notes the objection. Court reviewed prior bench conference.

PROSPECTIVE JURORS PRESENT

Voir Dire Oath administered. Introductions by Court and counsel who each outlined their case and named their witnesses. CONFERENCE AT BENCH. Continued introductions. Voir dire conducted.

PRINT DATE: 06/24/2021

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Minutes Date: June 20, 2017

CONFERENCE AT BENCH. COURT ORDERED, Trial CONTINUED.

CONTINUED TO: 10/11/19 9:30 AM JURY TRIAL

CLERK'S NOTE: Minutes corrected. /cd 10-14-19/

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

October 11, 2019

A-17-753606-C	Simone Russo, Plaintiff(s) vs. Cox Communications Las Vegas, Inc., Defendant(s)
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October 11, 2019 9:30 AM Jury Trial - FIRM

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Fink, Leonard T.	Attorney
	Lemkul, William A.	Attorney
	Russo, Simone	Plaintiff
	Sampson, David F.	Attorney
	Scarcelli, J Chris	Defendant
		Cross Defendant
	Turtzo, Christopher	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Raven Yim, Esq. present for Sunrise Villas. Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS

Colloquy regarding jury selection. Colloquy regarding agreement on authenticity of evidence and clarification of questions during jury selection. Continued colloquy regarding jury selection. Court reviewed nature of prior bench conference. Continued colloquy regarding jury selection. Colloquy regarding trial scheduling.

PROSPECTIVE JURORS PRESENT

PRINT DATE: 06/24/2021

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Minutes Date: June 20, 2017

Voir dire of individual panel members and the panel conducted. CONFERENCE AT BENCH. Voir dire continued. Lunch recess. Voir dire continued. CONFERENCE AT BENCH. Voir dire continued. CONFERENCE AT BENCH. Voir dire continued. Court directed present panel group to return at 1:00 p.m. COURT ORDERED, Trial CONTINUED to begin Monday morning with separate, additional panel group.

CONTINUED TO: 10/14/19 9:15 AM JURY TRIAL

- APPEARANCES CONTINUED: Raven Yim, Esq. present for Sunrise Villas. Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS

Colloquy regarding jury selection. Colloquy regarding agreement on authenticity of evidence and clarification of questions during jury selection. Continued colloquy regarding jury selection. Court reviewed nature of prior bench conference. Continued colloquy regarding jury selection and trial schedule.

PROSPECTIVE JURORS PRESENT

Voir dire of individual panel members and the panel conducted. CONFERENCE AT BENCH. Voir dire continued. Lunch recess. Voir dire continued. CONFERENCE AT BENCH. Voir dire continued. CONFERENCE AT BENCH. Voir dire continued. Court directed panel present to return at 1:00 p.m. on Monday. COURT ORDERED, Trial CONTINUED to begin Monday morning with additional prospective jurors.

CONTINUED TO: 10/14/19 9:15 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

October 14, 2019

A-17-753606-C	Simone Russo, Plaintiff(s) vs. Cox Communications Las Vegas, Inc., Defendant(s)
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October 14, 2019 9:15 AM Jury Trial - FIRM

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Clark, David A.	Attorney
	Fink, Leonard T.	Attorney
	Lemkul, William A.	Attorney
	Russo, Simone	Plaintiff
	Sampson, David F.	Attorney
	Turtzo, Christopher	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Raven Yim, Esq. present for Sunrise Villas. Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS

Colloquy regarding settlement efforts and jury selection. Colloquy regarding use of certain term in voir dire. Discussion and argument by counsel regarding objection at bench conference relating to experts and treating physicians. Court stated would sustain objection discussed. Discussion and argument by counsel regarding objection at bench conference as to burden. Court directed counsel supplement matter with cases for further discussion tomorrow.

PROSPECTIVE JURORS PRESENT

PRINT DATE: 06/24/2021

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Minutes Date: June 20, 2017

Voir Dire Oath administered. Introductions by Court and counsel who each outlined their case and named their witnesses. Voir dire conducted. Lunch recess. CONFERENCE AT BENCH. Continued voir dire. CONFERENCE AT BENCH. Continued voir dire. CONFERENCE AT BENCH. Continued voir dire. CONFERENCE AT BENCH. Continued voir dire. CONFERENCE AT BENCH. Continued voir dire. CONFERENCE AT BENCH. COURT ORDERED, Trial CONTINUED.

CONTINUED TO: 10/15/19 1:00 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

October 15, 2019

A-17-753606-C	Simone Russo, Plaintiff(s) vs. Cox Communications Las Vegas, Inc., Defendant(s)
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October 15, 2019 1:00 PM Jury Trial - FIRM

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Clark, David A.	Attorney
	Fink, Leonard T.	Attorney
	Lemkul, William A.	Attorney
	Russo, Simone	Plaintiff
	Sampson, David F.	Attorney
	Turtzo, Christopher	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Raven Yim, Esq. present for Sunrise Villas. Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS

Colloquy regarding settlement efforts. Discussion and argument by counsel whether certain panel questioning as to burden was improper or not. COURT ORDERED, will follow mandate of rules discussed with respect to inquiry based on basic legal principles germane to the case. Colloquy regarding jury selection.

PROSPECTIVE JURORS PRESENT

Voir dire conducted. CONFERENCE AT BENCH. COURT ORDERED, Trial CONTINUED.

PRINT DATE: 06/24/2021

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Minutes Date: June 20, 2017

CONTINUED TO: 10/16/19 1:00 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

October 16, 2019

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

October 16, 2019 1:00 PM Jury Trial - FIRM

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Clark, David A.	Attorney
	Fink, Leonard T.	Attorney
	Lemkul, William A.	Attorney
	Russo, Simone	Plaintiff
	Sampson, David F.	Attorney
	Turtzo, Christopher	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Raven Yim, Esq. present for Sunrise Villas. Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS

CONFERENCE AT BENCH. Court reviewed bench conference regarding possible agreement in this case. Mr. Lemkul stated terms of exchange for release subject to motions before the Court. Mr. Clark advised does not have authority at this time to enter into agreement. Mr. Meloro advised same with respect to client approval. Colloquy regarding process with respect to motions for good faith settlement and summary judgment including disposition of default parties. Court directed counsel submit respective motions for good faith settlement today for setting on order shortening time. COURT ORDERED, Motions for Good Faith Settlement TO BE SET 10/18/19 at 9:00 a.m.

PROSPECTIVE JURORS PRESENT
COURT ORDERED, Trial CONTINUED to 10/18/19 at 9:30 a.m.

CONTINUED TO: 10/18/19 9:30 A.M. JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

October 18, 2019

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

October 18, 2019	9:00 AM	Motion for Determination of Good Faith Settlement
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HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 03F

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Clark, David A.	Attorney
	Fink, Leonard T.	Attorney
	Sampson, David F.	Attorney
	Turtzo, Christopher	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker.

Mr. Fink advised global settlement reached. Mr. Turtzo placed settlement terms on the record pertaining to all answering parties, a release, and dismissal of claims and cross-claims. Mr. Clark and Mr. Meloro advised they join the good faith settlement. Mr. Sampson advised no objection. Matter submitted. COURT ORDERED, Motion for Good Faith Settlement GRANTED. Mr. Turtzo requested the order reflect joinder of parties, summary judgment not included, and will be a standard good faith settlement. Court stated the proposed order would be acceptable. Colloquy regarding time for executing settlement and perfecting default on remaining parties.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

October 18, 2019

A-17-753606-C	Simone Russo, Plaintiff(s) vs. Cox Communications Las Vegas, Inc., Defendant(s)
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October 18, 2019 9:30 AM Jury Trial - FIRM

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Clark, David A.	Attorney
	Fink, Leonard T.	Attorney
	Sampson, David F.	Attorney
	Turtzo, Christopher	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Julie Funai, Esq. present for Chris Scarcelli. Joseph Meloro, Esq. present for Kevin Bushbaker.

PROSPECTIVE JURORS PRESENT

Court advised case settled. Court thanked and excused the panel.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURORS

COURT ORDERED, exhibits not offered or admitted to be returned to counsel.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

November 07, 2019

A-17-753606-C Simone Russo, Plaintiff(s)
vs.
Cox Communications Las Vegas, Inc., Defendant(s)

November 07, 2019 9:30 AM Motion to Compel

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT: Clark, David A. Attorney
Fink, Leonard T. Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: David Sampson, Esq. present via CourtCall for Pltf. William Lemkul, Esq. present via CourtCall for Defts. Joseph Meloro, Esq. present for Deft. Kevin Bushbaker.

Argument and discussion by counsel regarding Defts. Duslak and Sesman with respect to terms of settlement previously placed on the record. Further colloquy regarding whether payment without execution of closing documents is appropriate and possible language of release to resolve issues. There being agreement, COURT ORDERED, Telephonic Conference SET 11/8/19 for status of resolution as discussed.

11/8/19 9:30 AM TELEPHONIC CONFERENCE: SETTLEMENT/CLOSING DOCUMENTS

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

November 08, 2019

A-17-753606-C Simone Russo, Plaintiff(s)
vs.
Cox Communications Las Vegas, Inc., Defendant(s)

November 08, 2019 9:30 AM Telephonic Conference

HEARD BY: Williams, Timothy C.

COURTROOM: RJC Courtroom 03H

COURT CLERK: Tia Everett

RECORDED:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Fink, Leonard T.	Attorney
	Lemkul, William A.	Attorney
	Meloro, Joseph S	Attorney
	Sampson, David F.	Attorney

JOURNAL ENTRIES

- Court noted Mr. Sampson, Mr. Fink and Mr. Lemkul are all appearing via court call. Upon Court's inquiry, Mr. Fink advised parties are extremely close to a resolution and he is only waiting to hear back from his carrier to confirm the settlement. Mr. Sampson advised he is concerned with the delay in finalizing the settlement and suggested parties agree to the terms and release placed on the record 10/18/2019. Mr. Fink stated he is unable to agree to anything until he receives approval from the carrier. Further discussion regarding concerns with delay and parties inability to agree without confirmation from clients. Court stated the recommendation by Mr. Sampson would be problematic as Court would need to have the transcript from the hearing prepared in order to determine if the material terms of the settlement were placed on the record as well as review points and authorities with the appropriate case law to make any rulings and/or determinations. Further, Court stated at this point it would be beneficial to wait for Mr. Fink to receive confirmation of any acceptance and parties may provide the Court with a joint letter informing him if the matter has settled or not settled. Mr. Sampson requested permission to send the letter only coping opposing counsel rather than

circulating a letter to all parties. Mr. Fink, Mr. Lemkul and Mr. Meloro all stated no objection to Mr. Sampson preparing and submitting a letter to the Court regarding settlement and only copying them on the letter. Court so noted and stated he will await word from parties.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 17, 2019

A-17-753606-C	Simone Russo, Plaintiff(s) vs. Cox Communications Las Vegas, Inc., Defendant(s)
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December 17, 2019	9:00 AM	Motion for Default Judgment
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HEARD BY: Williams, Timothy C.	COURTROOM: RJC Courtroom 03H
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COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES

PRESENT:	Sampson, David F.	Attorney
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JOURNAL ENTRIES

- Simone Russo sworn and testified. Exhibits presented (see worksheets). Matter submitted. COURT ORDERED, Plaintiff's Application for Judgment by Default Against Richard Duslak and Justin Sesman GRANTED. Order presented to Court and same signed IN OPEN COURT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

December 03, 2020

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

December 03, 2020 8:00 AM Minute Order

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically

Please be advised that pursuant to Administrative Order 20-10, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conference through BlueJeans, wherein you dial in prior to your hearing to appear. The call-in number is:

Dial the following number: 1-408-419-1715

Meeting ID: 458 575 421

To connect, dial the telephone number then enter the meeting ID followed by #.

PLEASE NOTE the following protocol each participant will be required to follow:

Place your telephone on mute while waiting for your matter to be called.

Do not place the conference on hold as it may play wait/hold music to others.

Identify yourself before speaking each and every time as a record is being made.

Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: A copy of this Minute Order was electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

PRINT DATE: 06/24/2021

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Minutes Date: June 20, 2017

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

February 04, 2021

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

February 04, 2021 8:00 AM Minute Order

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically

Please be advised that pursuant to Administrative Orders 20-10 and 20-24, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conferences through BlueJeans conferencing, wherein you dial in prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number is:

Dial the following number: 1-408-419-1715

Meeting ID: 552 243 859

To connect, dial the telephone number then enter the meeting ID followed by #.

PLEASE NOTE the following protocol each participant will be required to follow:

Place your telephone on mute while waiting for your matter to be called.

Do not place the conference on hold as it may play wait/hold music to others.

Identify yourself before speaking each and every time as a record is being made.

Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on

this case in the Eighth Judicial District Court Electronic Filing System.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

February 11, 2021

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

February 11, 2021 9:05 AM All Pending Motions

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Fink, Leonard T.	Attorney
	Reeves, William C.	Attorney
	Sampson, David F.	Attorney
	Splaine, Shannon G.	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Julie Funai, Esq. present for Deft. Scarcelli. Nicole Bolick, Esq. present for Deft. Bushbaker. Christian Barton, Esq. present for Defts.

INTERVENOR QBE INSURANCE CORPORATION'S MOTION TO INTERVENE TO ENFORCE SETTLEMENT DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S JOINDER TO INTERVENOR QBE INSURANCE CORPORATION'S MOTION TO INTERVENE TO ENFORCE SETTLEMENT DEFENDANT, SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S JOINDER TO INTERVENOR QBE INSURANCE CORPORATION'S CONSOLIDATE BRIEF RE: QBE'S MOTION TO INTERVENE TO ENFORCE SETTLEMENT AND PLAINTIFF'S MOTION TO ENFORCE SETTLEMENT

Hearing held telephonically. Arguments by counsel. Court stated will review matter; decision forthcoming. Colloquy regarding consolidating and resetting pending matters. There being

agreement, COURT ORDERED, matters 2/23/21 and 2/25/21 are RESET to 3/3/21 at 1:30 p.m.

RESET TO: 3/3/21 1:30 PM DEFENDANT'S MOTION TO SET ASIDE AND/OR AMEND
JUDGMENT JOINDER TO MOTION TO SET ASIDE AND/OR AMEND JUDGMENT PLAINTIFF'S
MOTION TO ENFORCE SETTLEMENT

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

February 25, 2021

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

February 25, 2021 8:00 AM Minute Order

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically

Please be advised that pursuant to Administrative Orders 20-10 and 20-24, Department 16 will temporarily require all matters to be heard via telephonic appearance. The court is currently scheduling all telephonic conferences through BlueJeans conferencing, wherein you dial in prior to your hearing to appear. The call-in number is:

Dial the following number: 1-408-419-1715

Meeting ID: 552 243 859

To connect, dial the telephone number then enter the meeting ID followed by #.

PLEASE NOTE the following protocol each participant will be required to follow:

Place your telephone on mute while waiting for your matter to be called.

Do not place the conference on hold as it may play wait/hold music to others.

Identify yourself before speaking each and every time as a record is being made.

Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

PRINT DATE: 06/24/2021

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Minutes Date: June 20, 2017

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

March 03, 2021

A-17-753606-C Simone Russo, Plaintiff(s)
vs.
Cox Communications Las Vegas, Inc., Defendant(s)

March 03, 2021 1:30 PM All Pending Motions

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT: Fink, Leonard T. Attorney
Reeves, William C. Attorney
Sampson, David F. Attorney
Splaine, Shannon G. Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Julie Funai, Esq. present for Deft. Chris Scarcelli. Jennifer Arledge, Esq. present for Deft. Kevin Bushbaker.

DEFENDANT'S MOTION TO SET ASIDE AND/OR AMEND JUDGMENT...JOINDER TO MOTION
TO SET ASIDE AND/OR AMEND JUDGMENT...PLAINTIFF'S MOTION TO ENFORCE
SETTLEMENT

Hearing held telephonically. Colloquy regarding impact of pending decision on QBE's Motion to Intervene including pendency of related federal action. Mr. Reeves withdrew joinder. Court so noted. Arguments by counsel regarding Motion to Set Aside and Motion to Enforce. Court stated will review matters; decision forthcoming. Court stated will first issue decision on pending Motion to Intervene and may invite comment from moving counsel if granted.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

March 30, 2021

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

March 30, 2021	8:00 AM	Minute Order
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HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically

Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is:

Dial the following number: 1-408-419-1715

Meeting ID: 552 243 859

Online: <https://bluejeans.com/552243859>

To connect by phone, dial the telephone number, then the meeting ID, followed by #.

PLEASE NOTE the following protocol each participant will be required to follow:

Place your telephone on mute while waiting for your matter to be called.

Do not place the conference on hold as it may play wait/hold music to others.

Identify yourself before speaking each and every time as a record is being made.

Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

March 31, 2021

A-17-753606-C

Simone Russo, Plaintiff(s)

VS.

Cox Communications Las Vegas, Inc., Defendant(s)

March 31, 2021

8:00 AM

Minute Order

HEARD BY: Williams, Timothy C.

COURTROOM: Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- After review and consideration of the points and authorities on file herein, and oral argument of counsel, the Court determined as follows:

In reliance on *Nalder v. Eighth Judicial District Court*, 135 Nev. Adv. Op. 24 (2020), wherein it was determined that it is a well-settled principle that intervention may not follow a final judgment, nor may intervention undermine the finality and preclusive effects of final judgments. Accordingly, Non-party QBE Insurance Corporation's Motion to Intervene to Enforce Settlement, based on the fact that a final judgment has been entered as to Defendant Richard Duslak and/or Justine Sesman, shall be DENIED. Additionally, Defendant Sunrise Villas IX HOA's Joinder and shall also be DENIED.

Counsel on behalf of Plaintiff, Simone Russo, shall prepare a Findings of Fact, Conclusions of Law and Order based not only on the court's minute order but the pleadings on file herein, argument of counsel, and the entire record. Lastly, counsel is to circulate the order prior to submission to the Court to adverse counsel. If the counsel can't agree on the contents, the parties are to submit competing orders.

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on

PRINT DATE: 06/24/2021

Page 76 of 86

Minutes Date: June 20, 2017

this case in the Eighth Judicial District Court Electronic Filing System.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

April 06, 2021

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

April 06, 2021 9:05 AM Motion for Substitution

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Clark, David A.	Attorney
	Sampson, David F.	Attorney
	Splaine, Shannon G.	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Cheryl Bradford, Esq. present for Deft. Sunrise Villas IX HOA.
Jennifer Arledge, Esq. present for Deft. Kevin Bushbaker.

Hearing held by BlueJeans remote conferencing. Arguments by counsel. COURT ORDERED, Motion for Substitution GRANTED; however, cannot name adverse counsel and their firm. Prevailing party to prepare the order.

Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability**COURT MINUTES****May 03, 2021**

A-17-753606-C

Simone Russo, Plaintiff(s)

vs.

Cox Communications Las Vegas, Inc., Defendant(s)

May 03, 2021**8:00 AM****Minute Order****HEARD BY:** Williams, Timothy C.**COURTROOM:** Chambers**COURT CLERK:** Christopher Darling**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- After review and consideration of the points and authorities on file herein, and the argument of counsel, the Court determined as follows:

First, the Court shall address Defendant s Motion to Set Aside and/or Amend Judgment. In the instant action, a Default Judgment was entered against Defendants Duslak and Sesman on December 17, 2019, and a Certificate of Service was filed on the same day. In light of the procedural history, it was clearly set forth on the record that the settlement was between the active parties to the case and not defaulted Defendants Duslak and/or Sesman. Plaintiff Russo reserved its rights on the record to continue to pursue claims as to defaulted Defendants Duslak and/or Sesman. Moreover, as to Defendant Sunrise, the Release specifically excluded Duslak and/or Sesman, and does not exclude employees of Defendant Sunrise as done with other co-defendants. In light of the procedural history of the case, the Court has determined that there are no grounds to amend or set aside the Judgment pursuant to NRCP 60(a). Further, Defendant Sunrise failed to establish grounds pursuant to NRCP 60(b) (1)-(6) to amend or set aside the Default Judgment in this matter. Based on the foregoing, Defendant Sunrise Villa IX Homeowners Association s Motion to Set Aside and/or Amend Judgment shall be DENIED. Lastly, based on the record, Plaintiff Russo s Motion to Enforce Settlement shall be

GRANTED.

Counsel for Plaintiff Russo shall prepare a detailed Order, Findings of Facts, and Conclusions of Law, based not only on the foregoing Minute Order, but also on the record on file herein. This is to be submitted to adverse counsel for review and approval and/or submission of a competing Order or objections, prior to submitting to the Court for review and signature.

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

May 11, 2021

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

May 11, 2021 9:00 AM Status Check

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Reeves, William C.	Attorney
	Sampson, David F.	Attorney
	Splaine, Shannon G.	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Julie Funai, Esq. present for Chris Scarcelli. Jennifer Arledge, Esq. present for Deft. Kevin Bushbaker.

Hearing held by BlueJeans remote conferencing. Colloquy regarding purpose of hearing, issue with prior minute order, and subsequent correspondence. COURT ORDERED, order from subject minute order shall replace "exclude" with "include" language as discussed; proposed order to be circulated and competing orders permitted including second courtesy submission.

Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability

COURT MINUTES

June 03, 2021

A-17-753606-C Simone Russo, Plaintiff(s)
vs.
Cox Communications Las Vegas, Inc., Defendant(s)

June 03, 2021 8:00 AM Minute Order

HEARD BY: Williams, Timothy C. **COURTROOM:** Chambers

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Department 16 Formal Request to Appear Telephonically
Please be advised that pursuant to Administrative Orders 21-03, Department 16 will temporarily require all matters to be heard via remote appearance. The court is currently scheduling all remote conferences through BlueJeans, wherein you dial in by phone or connect online prior to your hearing to appear. Also, please check in with the Courtroom Clerk by 8:55 a.m. The call-in number or website is:

Dial the following number: 1-408-419-1715

Meeting ID: 552 243 859

Online: <https://bluejeans.com/552243859>

To connect by phone, dial the telephone number, then the meeting ID, followed by #.

PLEASE NOTE the following protocol each participant will be required to follow:

Place your telephone on mute while waiting for your matter to be called.

Do not place the conference on hold as it may play wait/hold music to others.

Identify yourself before speaking each and every time as a record is being made.

Please be mindful of sounds of rustling of papers or coughing.

CLERK S NOTE: A copy of this Minute Order has been electronically served to all registered users on this case in the Eighth Judicial District Court Electronic Filing System.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

June 03, 2021

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

June 03, 2021 9:05 AM Motion to Release

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER: Peggy Isom

PARTIES

PRESENT:	Sampson, David F.	Attorney
	Splaine, Shannon G.	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Jennifer Arledge, Esq. present for Deft. Kevin Bushbaker.

Hearing held by BlueJeans remote conferencing. Ms. Splaine argued in support of the Motion including records are part of record on appeal. Mr. Sampson argued in opposition including certain timing issue and requested decision not made in haste. COURT FINDS, full and complete record should be available for purposes of appellate review; therefore, ORDERED, Motion to Release Exhibits from Evidence Vault on Order Shortening Time GRANTED. Ms. Splaine advised she will prepare and circulate the order. Court Clerk provided Records Clerk information and related copy fee in open court.

Proposed order(s) to be submitted electronically to DC16Inbox@clarkcountycourts.us.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Premises Liability

COURT MINUTES

June 10, 2021

A-17-753606-C	Simone Russo, Plaintiff(s)
	vs.
	Cox Communications Las Vegas, Inc., Defendant(s)

June 10, 2021 9:05 AM All Pending Motions

HEARD BY: Williams, Timothy C. **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Christopher Darling

RECORDER:

REPORTER:

PARTIES

PRESENT:	Reeves, William C.	Attorney
	Sampson, David F.	Attorney
	Splaine, Shannon G.	Attorney

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Pauline May, Court Reporter, present. Jennifer Arledge, Esq. present for Deft. Kevin Bushbaker.

Hearing held by BlueJeans remote conferencing.

QBE INSURANCE CORPORATION'S MOTION TO AMEND AND/OR MODIFY ORDER...DEFENDANT SUNRISE VILLAS IX HOMEOWNERS ASSOCIATION'S JOINDER TO INTERVENOR QBE INSURANCE CORPORATION'S MOTION TO AMEND AND/OR MODIFY ORDER

Discussion and arguments by counsel. Court stated will review the proposed orders for signature. Mr. Sampson requested prior countermotion fees and costs decided. Court stated will review and issue the decision.

EXHIBIT(S) LIST

Case No.: A-17-753606-C

Trial Date: 12/17/19

Dept. No.: 16

Judge: Timothy C. Williams

Court Clerk: Christopher Darling

Appellant: Simone Russo

Reporter: Peggy Isom

vs.

Counsel for Plaintiff: David Sampson, Esq.

Respondent: Cox Communications, et al.

Counsel for
Defendants:

HEARING BEFORE THE COURT

PLTF'S EXHIBITS

Ex. #	Exhibit Description	Date Offered	Objection	Date Admitted
1	Medical Treatment Timeline	12-17-19	X	12-17-19
2	Medical Summary of Pltf. Simone Russo			
3	Medical Records and Billing Records from Center for Disease & Surgery of the Spine			
4	Medical Records and Billing Records from Kozmary Center for Paint Management			
5	Medical Records and Billing Records from Pueblo Medical Imaging			
6	Medical Records and Billing Records from Desert Radiology			
7	Medical Records and Billing Records from SimonMed Imaging			
8	Medical Records and Billing Records from Fyzical Therapy and Balance Centers			
9	Surgical Recommendation from Dr. Thalgott			

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Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; NOTICE OF FILING COST BOND; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER ON DEFENDANT'S MOTION TO SET ASIDE AZND/OR AMEND JUDGMENT, AND ORDER ON PLAINTIFF'S MOTION TO ENFORCE SETTLEMENT; NOTICE OF ENTRY; DISTRICT COURT MINUTES; EXHIBITS LIST

SIMONE RUSSO,

Plaintiff(s),

vs.

COX COMMUNICATIONS LAS VEGAS,
INC. D/B/A COX COMMUNICATIONS; IES
RESIDENTIAL INC.; SUNRISE VILLAS IX
HOMEOWNERS ASSOCIATION; KEVIN
BUSHBAKER; PW JAMES MANAGEMENT
& CONSULTING, LLC; J. CHRIS
SCARCELLI; RICHARD DUSLAK; JUSTIN
SESMAN,

Defendant(s),

Case No: A-17-753606-C

Dept No: XVI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 24 day of June 2021.

Steven D. Grierson, Clerk of the Court

P

Amanda Hampton, Deputy Clerk

12865

1773 Nevada Supreme Court

6/23/2021

\$250.00

Inv. Date
06-23-2021

Inv. No.
QuickCheck

Invoice Description
QBE - Appeal

Amount
250.00

12865

Total:

\$250.00

LINCOLN GUSTAFSON & CERCOS, LLP
3960 Howard Hughes Parkway, Suite 200
Las Vegas, NV 89169

U. S. BANK
94-108/1212

12865

12865

DATE

AMOUNT

Two Hundred Fifty and No/100 Dollars

PAY

6/23/2021

\$250.00

TO THE
ORDER
OF:

Nevada Supreme Court


AUTHORIZED SIGNATURE

⑈012865⑈ ⑆121201694⑆ 153758406372⑈

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