

**IN THE COURT OF APPEALS OF THE STATE OF NEVADA**

VENETIAN CASINO RESORT, LLC;  
AND LAS VEGAS SANDS, LLC,

Petitioners,

vs.

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

Respondents,

and

JOYCE SEKERA, AN INDIVIDUAL,

Real Party in Interest.

No. 83600-COA

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**REAL PARTY IN  
INTEREST'S APPENDIX,  
VOLUME 6  
(Nos. 1059–1258)**

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DISTRICT COURT  
CLARK COUNTY, NEVADA

**CERTIFIED COPY**

JOYCE SEKERA, an Individual, )

Plaintiff, )

vs. )

CASE NO.: A-18-772761-C

DEPT NO.: XXV

VENETIAN CASINO RESORT, LLC, )

d/b/a, THE VENETIAN LAS )

VEGAS, a Nevada Limited )

Liability Company; LAS VEGAS )

SANDS, LLC d/b/a THE )

VENETIAN LAS VEGAS, a Nevada )

Limited Liability Company; )

YET UNKNOWN EMPLOYEE; DOES I )

through X, inclusive, )

Defendants. )

DEPOSITION OF JOYCE P. SEKERA

Taken on Thursday, March 14, 2019

By a Certified Court Reporter

At 1522 West Warm Springs Road

Henderson, Nevada

At 10:00 a.m.

Reported by: Blanca I. Cano, CCR No. 861, RPR

Job No.: 31775



1 APPEARANCES:

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6 For the Defendants:

7 ROYAL & MILES, LLP  
8 BY: MICHAEL A. ROYAL, ESQ.  
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11 WITNESS: JOYCE P. SEKERA

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\* \* \* \* \*

1 HENDERSON, NEVADA, THURSDAY, MARCH 14, 2019;

2 10:00 A.M.

3 -oOo-

4

5 (Counsel agreed to waive the court  
6 reporter requirements under Rule  
7 30(b)(4) of the Nevada Rules of Civil  
8 Procedure.)  
9

10 Thereupon,

11 JOYCE P. SEKERA,  
12 was called as a witness, and having been first duly  
13 sworn, was examined and testified as follows:  
14

15 EXAMINATION

16 BY MR. ROYAL:

17 Q. Would you please state your full name?

18 A. Joyce P. Sekera.

19 Q. What's the middle name?

20 A. Patricia.

21 Q. Okay. And have you gone by any other names?

22 A. Joy. That's it.

23 Q. Okay. But your last name's always been Sekera?

24 A. Yes.

25 Q. My name is Mike Royal. I represent the

1 Venetian in litigation that is pending that you brought  
2 related to an incident that occurred on November 4th,  
3 2016.

4 This deposition is an opportunity for me, as  
5 legal counsel for the Venetian, to ask questions of you  
6 and receive your responses under oath.

7 Do you understand that?

8 A. Yes, I do.

9 Q. Have you ever done this before, a deposition?

10 A. Years and years and years ago. I kind of  
11 forgot.

12 Q. Okay. Just once?

13 A. Just once.

14 Q. What was that in regards to?

15 A. I was a -- it was a witness deposition.

16 Q. What was the nature of the case?

17 A. My mom, she had fallen.

18 Q. She had fallen?

19 A. Uh-huh.

20 Q. Was that in Las Vegas?

21 A. Yes.

22 Q. And was that a casino or a hotel or place --  
23 supermarket?

24 A. It was at a casino.

25 Q. What was the name of the casino?

1 A. It was at Santa Fe.

2 Q. And can you give me an idea of when that fall  
3 occurred?

4 A. I can't remember because it's been so many  
5 years ago.

6 Q. Was it in the '90s?

7 A. No. No.

8 Q. The '80s?

9 A. No, no. I want to say 2010. I can't remember.  
10 But it wasn't yesterday.

11 Q. I got it.

12 So maybe within the last ten years?

13 A. Yeah. Yes.

14 Q. Okay. And did that -- so it obviously went to  
15 litigation because you provided a deposition; is that  
16 right? You had an attorney, you were sworn in, and you  
17 had attorneys asking questions like this?

18 A. Yeah, but it was just -- it was downtown, I  
19 remember, and that was it. I didn't go to court or  
20 anything.

21 Q. Okay. But was there a court reporter present?

22 A. Yes.

23 Q. Okay. And were there a couple of attorneys  
24 present?

25 A. Just mine and one more.

1 Q. Okay. And tell me what happened to your mom in  
2 that fall.

3 A. She -- we were in the buffet. That was it, we  
4 were in the buffet.

5 Q. Okay. And you're in the buffet and did you see  
6 the accident?

7 A. Yeah. I was right there.

8 Q. And what happened?

9 A. She slipped and fell by the salad bar.

10 Q. And what kind of injuries did your mom have?

11 A. I can't remember every -- I just know that she  
12 had fallen. I'm not sure what she hit, but it was -- I  
13 can't remember exactly.

14 Q. Did she go to the hospital?

15 A. Yes.

16 Q. Did she get treatment after the hospital?

17 A. Yes.

18 Q. Did she have injuries to her back?

19 A. Yes.

20 Q. Did she have injuries to her neck?

21 A. Yes.

22 Q. Did she have injuries to either of her arms  
23 that you recall?

24 A. Yes. And her head.

25 Q. And her head. Okay.

1 She struck her head in the fall, if you recall?

2 A. I really forget how she fell.

3 Q. That's all right.

4 But you were there and you saw her fall;

5 correct?

6 A. Yes.

7 Q. And you were the first one to go to her after  
8 she fell; is that right?

9 A. Yes.

10 Q. And so in that particular case, did security  
11 for the hotel respond?

12 A. Yes.

13 Q. And was she -- did an ambulance, paramedics,  
14 did they respond?

15 A. Yes.

16 Q. Did you ride in the ambulance with your mom to  
17 the hospital?

18 A. I can't say for sure, so I'd rather not.

19 Q. Okay. And --

20 A. I don't remember, that's the thing.

21 Q. That's okay.

22 Who represented your mom? Who were the  
23 attorneys?

24 A. Keith Galliher.

25 Q. Okay. And so I might come back to that, I



1 might not, but I didn't mean to get into so much detail  
2 before going through my general admonitions, but you  
3 have been through a deposition before, you understand  
4 that we are -- you're on the record --

5 A. Yes.

6 Q. -- and you're under oath?

7 A. Yes.

8 Q. Have you ever seen -- did you see the  
9 transcript of your deposition from ten years ago in your  
10 mom's case?

11 A. No, I did not.

12 Q. Okay. Have you ever seen one before, a  
13 transcript of a deposition, what they look like? You've  
14 got numbers on the left side and you've got questions  
15 followed by answers?

16 A. Uh-huh.

17 Q. Have you seen something like that before?

18 A. Yes.

19 Q. Okay. So that's what we're creating today.  
20 We're creating a record, a transcript. That's what  
21 we'll have when we're done. And so what we want is that  
22 when we turn the pages and read the transcript, that we  
23 can see clearly what happened, how you're testifying.

24 A. Okay.

25 Q. So in order to make that work that way, we'd

1 like to see a full question followed by a full answer.

2 A. Okay.

3 Q. If we interrupt each other, that's exactly the  
4 way it comes out on the transcript and it's really hard  
5 to follow.

6 A. Uh-huh.

7 Q. So if I'm in the middle of a question -- even  
8 if you say "uh-huh" in the middle of the question, it  
9 will come out on the transcript like that. And so I  
10 just need you to be patient. I don't expect you to be  
11 perfect, because it's going to happen, and if you  
12 interrupt me, it's not a sin. I'll just say, "Hey, I  
13 need to -- just wait until I am done with my question  
14 and then I'll start over."

15 If you say something like "uh-huh" or "uh-uh,"  
16 then I will say, "I need you to respond in a way that  
17 we'll understand on the record." So if that's a yes --  
18 if you're shaking your head yes, I may say, "Is that a  
19 'yes,'" just to remind you that when it comes out on the  
20 transcript, an "uh-huh" or "uh-uh" doesn't -- if we have  
21 to use this later at trial, we don't want ambiguities in  
22 the record. So just keep that in mind.

23 If I ask you a question that you don't  
24 understand, that's fine. You won't understand every  
25 single question I ask. I don't expect that. However,

1 if I do ask a question and you provide me with an  
2 answer, when we look at the transcript five months from  
3 now we'll assume that you understood the question and  
4 you answered accordingly.

5 So if I ask something you don't understand,  
6 just say, "Could you re-ask the question? Could you  
7 state that again?" Sometimes I may have the court  
8 reporter read it back and sometimes I may ask it some  
9 other way to help you, you know, understand. Okay?  
10 Fair enough?

11 A. Yes.

12 Q. Okay. Now, there's a couple reasons we take  
13 depositions. One is I want to know how you're going to  
14 testify at trial. It helps me prepare. And so if you  
15 testify today, for example, that the light was green --  
16 if this was an auto accident -- and I'm going to expect  
17 that when you show up at trial, you're going to say the  
18 light was green. If you show up at trial and say the  
19 light was red, I'm going to pull up your deposition  
20 transcript and I'll probably have you read it and say,  
21 "Okay. Remember your deposition and you were under  
22 oath," and remind you that you testified it was green.

23 And so that helps me prepare so we know what is  
24 going to happen at trial. And it doesn't mean you can't  
25 testify differently at trial, it just means I can

1 comment that you testified previously differently.

2 Does that make sense?

3 A. Yes.

4 Q. Another reason for a deposition is just to get  
5 information. And so I'm going to be asking you  
6 questions today to get information about you. This is  
7 kind of my one shot to do that. And so I'll ask -- I'll  
8 go through the deposition and ask questions about your  
9 background. Of course, I'll ask questions about the  
10 incident. I'll ask questions about your employment.  
11 I'll ask questions about your physical health and, you  
12 know, the course that you went through and anything  
13 related to that. Okay?

14 A. Okay.

15 Q. If you need to take a break, just let me know.  
16 I'm not here to hold you hostage. And we can take a  
17 break at any time.

18 Understood?

19 A. Yes.

20 Q. Okay. Let me think. I know there's -- are you  
21 on any kind of medication?

22 A. I take metformin for prediabetes.

23 Q. Okay. That doesn't affect your mental clarity,  
24 does it?

25 A. No.

1 Q. Now, I had someone get really offended when I  
2 asked a question about medications just recently, got  
3 really offended and thought I was getting too personal  
4 and that kind of thing.

5 Just so you know, I ask that question and those  
6 kinds of questions to make sure it's clear on the record  
7 that you're here today, you're not on something that's,  
8 you know, going to make you woozy, and later if you  
9 testify differently, you say, "But I was taking pain  
10 meds and I couldn't remember."

11 Does that make sense?

12 A. Yes.

13 Q. Okay. I think I -- one other thing. If you  
14 don't know something, don't worry. Just say, "I don't  
15 know."

16 A. Okay.

17 Q. I don't want you to guess. Now, if you don't  
18 know something, I may press you. I may say, "Well, what  
19 about this?" I may give you facts. I may show you a  
20 document to refresh your memory. I may show you a  
21 picture or whatever.

22 If that helps you remember, great. If it  
23 doesn't help you remember, that's fine too.

24 A. Okay.

25 Q. I'm just trying to get your best testimony, and

1 if your best testimony is "I don't remember," that's  
2 fine. Okay?

3 A. Okay.

4 Q. Okay. I think I hit everything.

5 Did you have a chance to meet with your counsel  
6 prior to the deposition to talk -- I don't want to know  
7 the substance of what you talk about with your attorney.  
8 Okay? That's privileged. I don't want to get into  
9 that. I just want to know if you had a chance to meet  
10 and kind of prepare for the deposition?

11 A. Yes.

12 Q. Did you do that today? yesterday? When did you  
13 do that?

14 A. Before -- well --

15 Q. This morning?

16 A. Monday. Sorry.

17 Q. That's okay.

18 Can you just tell me, in preparation for your  
19 deposition, did you review any documents?

20 A. No.

21 Q. Did you look at any photographs?

22 A. No.

23 Q. Did you look at any video?

24 A. No.

25 Q. Did you look at any medical records?

1 A. No.

2 Q. How much time did you spend preparing with  
3 counsel -- preparing for your deposition with counsel?  
4 How much time?

5 A. About an hour.

6 Q. Okay. Was that at Mr. Galliher's office?

7 A. Yes.

8 Q. Other than that, you haven't looked at anything  
9 to prepare for your deposition?

10 A. No.

11 Q. Okay. Can I ask you -- so you had in this  
12 case -- I have responses to written questions. They're  
13 called interrogatories.

14 Do you remember looking at those at any time in  
15 the last week or two?

16 A. No.

17 Q. Do you remember ever looking at those?

18 A. You know what, I can't say for sure. Maybe two  
19 years ago. I don't know. I don't keep notes.

20 Q. I'm just going to show you these documents.  
21 Okay?

22 A. Okay.

23 MR. ROYAL: I'm sorry. I just have two.

24 I'm going to go ahead and mark these as A.

25 ///

1 (Exhibit A was marked.)

2 BY MR. ROYAL:

3 Q. Just look at these, if you would. All I want  
4 you to do is look at them and see if they look familiar  
5 to you, if you remember providing responses, and on the  
6 very last page or second-to-last page there's a  
7 verification page.

8 MR. KUNZ: This is the question, here's your  
9 answer.

10 THE WITNESS: Oh.

11 MR. KUNZ: It goes down the line. You're going  
12 to see interrogatories and answers. Just go ahead and  
13 review those. Take your time.

14 BY MR. ROYAL:

15 Q. I'm going to ask you questions from these, so I  
16 just want to make sure that you've had a chance to  
17 review them. In fact, here's what I think we ought to  
18 do. Let's go off the record for a minute, and I'm going  
19 to have you review these, take a few minutes, and then  
20 we'll go back on the record so you don't feel pressured.

21 A. Okay.

22 Q. I'm going to have you review those and I'm  
23 going to have you also review these, which are --

24 MR. KUNZ: Thank you.

25 This will be Exhibit B?



1 MR. ROYAL: Yeah. We'll make it B, the  
2 admissions.

3 (Exhibit B was marked.)

4 (A short recess was taken from 10:14 a.m.  
5 to 10:32 a.m.)

6 BY MR. ROYAL:

7 Q. So we're back on the record. Looks like you  
8 took about, I don't know, 15 to 20 minutes to look at  
9 these exhibits we've marked as A and B.

10 A. Yes.

11 Q. Do you now -- having looked at these, do they  
12 refresh your recollection? Have you seen them before?

13 A. I could have a while back ago [sic], but I --  
14 that's why it took a few.

15 Q. Okay. But when you looked at the  
16 interrogatories, which we marked as Exhibit A, the  
17 questions followed by answers and then there's a  
18 signature page on the back -- did you see that signature  
19 page? It's the second page from the -- it's right here.  
20 It says "Verification."

21 A. Oh, yes. Yes.

22 Q. That's your signature?

23 A. Yes, it is.

24 Q. All right. So this was signed, it looks like,  
25 August of 2018. I think that's maybe August 21st or

1 27th. I'm not sure. But at any rate, in August of  
2 2018, this says you reviewed the answers to  
3 interrogatories, you verified that they were accurate,  
4 and that's your signature?

5 A. Yes.

6 Q. Okay. So having looked at these again, did it  
7 refresh your recollection?

8 A. Yes.

9 Q. Did you see any of your responses that appeared  
10 inaccurate or --

11 A. Yes.

12 Q. Let's go --

13 MR. KUNZ: You're talking about the  
14 interrogatories or the admissions?

15 MR. ROYAL: Yes, the interrogatories.

16 MR. KUNZ: So there are two different --

17 THE WITNESS: Oh.

18 BY MR. ROYAL:

19 Q. Yeah. Let's just focus on the interrogatories.  
20 Did you see anything in the interrogatories you  
21 wanted to change?

22 A. No.

23 Q. Okay. Did you see something in the admissions  
24 that you wanted to change?

25 A. Yes.

1 Q. Okay. That's -- the admissions are Exhibit B,  
2 so let's just look at those.

3 Was there more than one?

4 A. Yes.

5 Q. Okay. Let's go to the first one.

6 Which one did you note that is not correct?

7 MR. KUNZ: Page 2, No. 2.

8 THE WITNESS: Thank you.

9 BY MR. ROYAL:

10 Q. I'll read it. "Admit that you did not see  
11 liquid on the floor of the subject area after your fall  
12 on November 4, 2016," and then it says, "Deny."

13 A. Yes, because I didn't see it. I was looking  
14 through the people to walk to the restroom. I felt it  
15 when I fell.

16 Q. Okay. So --

17 A. I remember my pants being wet.

18 Q. Okay. So I get it. So you would change that  
19 to "Admit"?

20 I'll read it to you again. Request No. 2 in  
21 Exhibit B, page 2, says, "Admit that you did not see  
22 liquid on the floor of the subject area after your fall  
23 on November 4, 2016."

24 You would admit that; is that correct?

25 A. I felt it.

1 Q. No. I get that you -- I understand. Look, the  
2 question is you did not see it?

3 A. Right. Correct.

4 Q. Okay. So you would admit you did not see it?

5 A. Correct.

6 Q. Okay. I understand you felt it, and we'll get  
7 into the specifics of that.

8 Was there another change?

9 MR. KUNZ: Page 7.

10 BY MR. ROYAL:

11 Q. Before we get to that one, let me look at  
12 Request No. 3 and have you look at that.

13 Request No. 3 reads, "Admit that you did not  
14 see a foreign substance on the floor potentially causing  
15 your fall on November 4, 2016, at any time."

16 Again, I know you said you felt it, but the  
17 question is did you see it?

18 A. No, I did not.

19 Q. Okay. So the answer to No. 3, would that also  
20 be "Admit" instead of "Deny"?

21 A. Correct.

22 Q. Okay. Those were kind of the same.

23 Which one are we on now?

24 MR. KUNZ: Page 7.

25 MR. ROYAL: Which number?

1 MR. KUNZ: Hold on just a second, please.

2 Number 27.

3 BY MR. ROYAL:

4 Q. Okay. Number 27 reads, "Admit that William D.  
5 Smith, M.D., accurately related in his report of your  
6 February 22nd, 2018, visit that you lost consciousness  
7 as a result of the subject incident."

8 A. I don't know what the correct wording would be.  
9 I was dazed and shocked and I don't remember. I knew I  
10 didn't -- lose consciousness was you're out cold.

11 Q. Okay. So we'll get to that too.

12 Is it your testimony that when you -- when this  
13 incident happened, you were not out cold?

14 A. I remember falling and talking, but I don't  
15 know what was coming out. I was -- I had pain and I  
16 don't remember.

17 Q. Okay. Are there any other changes?

18 MR. KUNZ: There is. Page 8.

19 MR. ROYAL: Which number? Again, we're talking  
20 about Exhibit B.

21 THE WITNESS: Oh, I did drive.

22 MR. KUNZ: Request No. 28.

23 MR. ROYAL: "Admit that William D. Smith,  
24 M.D., accurately related in his report on your  
25 February 22nd, 2018, visit that you did not drive

1 yourself to Centennial Hills Hospital on November 4,  
2 2016." Your response was, "Deny," which if you did  
3 drive, I think is a consistent response.

4 THE WITNESS: Oh, okay.

5 BY MR. ROYAL:

6 Q. I mean, the way I read that --

7 A. I drove.

8 Q. -- is you drove.

9 A. Okay. Got it.

10 Q. If his report said you didn't drive, that would  
11 not be accurate.

12 That's your position; right?

13 A. Right.

14 Q. Okay.

15 Is there any other changes?

16 MR. KUNZ: That's it.

17 BY MR. ROYAL:

18 Q. Okay. So let me get back into some of the  
19 other stuff.

20 What's your mom's name?

21 A. Carole, with an "e", Divito, D-i-v-i-t-o.

22 Q. Divito. Okay.

23 A. (Nods head.)

24 Q. I've heard that name before.

25 A. Danny?

1 Q. Yeah.

2 Okay. So do you live with your mom?

3 A. Yes.

4 Q. You both reside -- what's your address?

5 A. 7840 Nesting Pine Place.

6 Q. How long have you resided there?

7 A. Ten years.

8 Q. That's in Las Vegas?

9 A. Yes.

10 Q. And do you have any children?

11 A. One.

12 Q. What's -- boy or girl?

13 A. Girl.

14 Q. And her name?

15 A. Marissa Freeman.

16 Q. And have you ever been married?

17 A. No.

18 Q. How old is Marissa?

19 A. 34.

20 Q. Is she married? children?

21 A. Yes.

22 Q. Does she have children?

23 A. Yes.

24 Q. How many children --

25 A. Two. Two boys.

1 MR. KUNZ: Let him finish.

2 THE WITNESS: Oh, I'm sorry.

3 BY MR. ROYAL:

4 Q. Okay. So she has two boys.

5 So you have two grandchildren?

6 A. Yes.

7 Q. And do they live with you?

8 A. No.

9 Q. So you just live with your mother?

10 A. Yes.

11 Q. Where does Marissa live? In Las Vegas?

12 A. Yes.

13 Q. What's her husband's name?

14 A. Brian.

15 Q. And so Marissa and Brian live in Las Vegas,  
16 they have two boys, and do you see them frequently?

17 A. Yes.

18 Q. Okay. Those are your only grandchildren, those  
19 two boys?

20 A. Yes.

21 Q. And what are the ages of the boys?

22 A. Five and seven.

23 Q. Okay. Does Marissa work?

24 A. No.

25 Q. What's her husband do?



1 A. He's a dentist.

2 Q. Okay. Is he a young dentist? How long has he  
3 been practicing?

4 A. Let's see. They got married in...

5 About ten years.

6 Q. Okay. I understand that you are not employed.

7 A. Yes.

8 Q. And I've read in some of the records you're  
9 retired, but you would work if you were healthy?

10 A. If I could, yes.

11 Q. Okay. So you're retired or you're unemployed  
12 because of your health; is that right?

13 A. I'm what?

14 Q. You're not working because of your health?

15 A. Yes.

16 Q. And as I understand it, you've not worked since  
17 November 4, 2016?

18 A. Yes.

19 Q. And that's because of your health?

20 A. Correct.

21 Q. Are you still getting -- is there a doctor who  
22 has told you recently within the last 60 days that you  
23 cannot work?

24 A. I mean, I don't have any documents to that.

25 Q. Okay. When's the last time a doctor that you

1 recall told you that you were not able to work because  
2 of your condition?

3 A. I cannot remember the last time, the date of  
4 when I saw the doctor.

5 Q. Would it be in the last year?

6 A. Yes.

7 Q. Okay. Would it be in the last six months?

8 A. Yes.

9 Q. And are you still getting compensation from  
10 workers' comp for not working -- I don't know what it's  
11 called -- total temporary disability?

12 MR. KUNZ: If I can, objection. It's  
13 collateral source.

14 Go ahead.

15 THE WITNESS: I don't know what's going on with  
16 that. You have to ask Keith. I have no idea.

17 BY MR. ROYAL:

18 Q. Okay. Well, are you -- do you have any kind of  
19 compensation that you get for not working from workers'  
20 comp?

21 A. No.

22 MR. KUNZ: Same objection.

23 BY MR. ROYAL:

24 Q. All right. When is the last time -- strike  
25 that.

1           You have a workers' compensation case; correct?

2           A.    Correct.

3           Q.    And that case is still ongoing, it's not  
4   closed; is that right?

5           A.    Right.

6           Q.    And you're still getting treatment under the  
7   workers' comp portion of your case?

8           A.    Yes.

9           Q.    And the reason I say that is because you were  
10   injured in this case, you were in the course and scope  
11   of your employment?

12          A.    Yes.

13          Q.    Okay. And so you made a workers' comp claim  
14   and then they kind of handle it. You kind of have two  
15   tracks in this case.

16                In other words, you have workers' comp doctors,  
17   then you have doctors who aren't workers' compensation  
18   doctors?

19          A.    Yes.

20                MR. KUNZ: Just object. It calls for a legal  
21   conclusion.

22   BY MR. ROYAL:

23          Q.    So you were employed by Brand Vegas.

24                Is that the name of your employer?

25          A.    Yes.

1 Q. I wrote down Las Vegas Tours.

2 Is that -- did it go by that?

3 A. My understanding, Brand Vegas subcontracted  
4 half a booth in the Venetian for us to sell show  
5 tickets. The other side sold only tours.

6 Q. Okay.

7 A. They could have been called that. I'm sorry.

8 Q. That's okay.

9 Did you -- we'll get into that in just a  
10 minute.

11 What's your date of birth?

12 A. 3/22/56.

13 Q. Okay. I have a phone number of (702) 467-5457;  
14 is that correct?

15 A. Yes.

16 Q. Is that a cell?

17 A. Yes.

18 Q. Last four digits of your Social, 8430?

19 A. Correct.

20 Q. What's your highest level of education?

21 A. I want to say 13.

22 Q. Does that mean --

23 A. I didn't finish college.

24 Q. What year did you graduate from high school?

25 A. '73, in December.

1 Q. Okay. And you said 13, so did you go to  
2 community college for a year?

3 A. Yes.

4 Q. Was that in Las Vegas?

5 A. No. That was back in New York.

6 Q. And how long have you been in Las Vegas?

7 A. Since '96 I want to say.

8 Q. Okay. And so you moved to Vegas in '96 from  
9 New York?

10 A. Correct.

11 Q. Okay.

12 A. No. From Mississippi.

13 Q. Okay. How long were you in Mississippi?

14 A. Two years.

15 Q. What were you doing there?

16 A. I was on charter jets flying people in from  
17 casinos when they first opened in '95.

18 Q. In Mississippi?

19 A. Yes.

20 Q. What was your job?

21 A. I was host of the charter flights.

22 Q. So did you fly on the flights?

23 A. Yes.

24 Q. Okay. How many years did you do that?

25 A. Two years.

1 Q. Okay. Who was your employer?

2 A. I couldn't remember that. Oh, my God.

3 Q. That's okay.

4 But you hosted charter flights. Where would  
5 these flights go? Would they go around the world?

6 A. No. There was 75 cities that we flew to and it  
7 would go to Casino Magic.

8 Q. So you would -- tell me how it worked.

9 A. I would fly with the aircraft to the  
10 destination to bring the people in. And I had a list  
11 and I was just checking people in.

12 Q. Okay.

13 A. And then on board the flights, we had games.

14 Q. Gaming-type games?

15 A. Yes.

16 Q. Okay. And you didn't -- you weren't a dealer  
17 or anything for those games?

18 A. Oh, no.

19 Q. Just a host?

20 A. Just a hostess, that's it.

21 Q. So you did that for a couple of years.

22 How about prior to that? What did you do for  
23 employment?

24 A. You're going back years. I worked at Uhlen  
25 Carriage Company. It was a manufacturing wholesale

1 place.

2 Q. What was the name of it?

3 A. Uhlen Carriage.

4 Q. Was that in New York?

5 A. Yes. Upstate.

6 Q. Okay. Did you graduate from high school in New  
7 York State?

8 A. Yes.

9 Q. Did you live in New York State until 1994?

10 A. Yes.

11 Q. So you had --

12 A. No. Until I worked for Casino Magic for two  
13 years. I can't remember the dates. It was, like, two  
14 years before I came here because I was under contract.

15 Q. So I'm working backwards. So you said you  
16 moved to Vegas in 1996. You said you worked prior to  
17 that in Mississippi for two years, so I wrote 1994 to  
18 '96.

19 A. Okay.

20 Q. You were with Casino Magic or something?

21 A. Right. That was the name of the casino there  
22 in St. Louis.

23 Q. Okay.

24 A. When I -- oh, sorry. Go ahead.

25 Q. So then prior to that you worked at Uhlen --

1 A. Uhlen Carriage.

2 Q. I'm not spelling it right.

3 Could you spell it?

4 A. U-h-l-e-n.

5 Q. Okay. I'm just not pronouncing it right.

6 Okay. Uhlen Carriage.

7 And how long did you work for Uhlen Carriage?

8 A. God, I can't remember.

9 Q. Would it be more than five years?

10 A. No.

11 Q. But they're in New York State?

12 A. Uh-huh.

13 Q. Yes?

14 A. Yes.

15 Q. And prior to Uhlen Carriage, what did you do?

16 A. I just can't remember.

17 Q. I know you can't remember dates, but do you  
18 remember -- did you work at McDonald's, did you -- okay.

19 That's fine. Let's move forward from when you got to  
20 Vegas.

21 A. Okay.

22 Q. Let's talk about your employment after you got  
23 to Las Vegas.

24 1996, I saw -- let me just put it this way: I  
25 saw you worked for some --



1 A. Allstate -- okay.

2 Q. Allstate Ticket and Tours?

3 A. Uh-huh.

4 Q. Yes?

5 A. Yes.

6 Q. So once you got to Vegas, you worked for  
7 Allstate Ticket and Tours and you worked there until  
8 2010?

9 A. Yes. They were bought out four times, but,  
10 yes, I stayed the same job.

11 Q. What did you do for them for the 14 or 15 years  
12 you were there?

13 A. Sell show tickets and tours.

14 Q. And did you work in a kiosk?

15 A. Yes.

16 Q. And was it in a casino?

17 A. At the airport mainly, but they had several  
18 booths so we would alternate different casinos when they  
19 needed us and Caesars, so...

20 Q. Okay. So you would work various kiosks that  
21 were at the airport and different casinos --

22 A. Correct.

23 Q. -- hotels?

24 A. Yes.

25 Q. Which hotels? You said -- I heard Caesars.

1           A.    Caesars, Sahara, Venetian, Boardwalk, which is  
2   no longer there.  There were quite a few.

3           Q.    So when you worked -- strike that.

4                   As I understand it, you started at Brand Vegas  
5   in December of 2015?

6           A.    Correct.

7           Q.    And you were doing the same thing that you were  
8   doing for Allstate Tickets and Tours?

9           A.    Except not selling tours, just shows.

10          Q.    I see.  All right.

11                   So let's go back to -- let me just ask you:  
12   Why did you leave Allstate Ticketing and Tours in 2010?

13          A.    That's just it.  It was bought out four  
14   different times.  There was a new boss that came in and  
15   he let a lot of people go.  Downsizing or what have you.

16          Q.    So you were let go, I assume; is that right?

17          A.    Yes.

18          Q.    So you were let go by Allstate Tickets and  
19   Tours in 2010?

20          A.    They weren't called Allstate, though.  They're  
21   different names.  I can't remember.  Sorry.

22          Q.    Oh, okay.  I'm sorry.

23                   So -- but you were doing -- you were working as  
24   a kiosk employee, which was originally Allstate  
25   Ticketing and Tours.  You survived several changes --

1 A. Buyouts.

2 Q. -- of ownership --

3 A. Yes.

4 Q. -- until 2010, they did some downsizing and  
5 then you were out of a job?

6 A. Correct.

7 Q. What did you do from 2010 to December 2015 for  
8 employment?

9 A. I didn't. I didn't work is what I'm saying.

10 Q. Okay. Is there a reason you didn't work?

11 A. My daughter had the babies and I helped her out  
12 back then.

13 Q. Okay. So you just chose to stay home?

14 A. Correct.

15 Q. This wasn't you out looking for work and you  
16 couldn't find a job?

17 A. Oh, yeah. In the beginning, yes. If you want  
18 to go back, yeah, for unemployment, I definitely tried  
19 and tried and I couldn't.

20 Q. Were you on unemployment for a while?

21 A. Yes, I was.

22 Q. How long did that last? About 18 months or so?

23 A. I can't remember how long it was. I thought a  
24 year, but I'm not sure.

25 Q. But at some point it sounds like you were --

1 strike that.

2 When you were let go, you were receiving  
3 unemployment, you were still looking for another job,  
4 and then at some point you decided to just kind of focus  
5 on your grandchildren and helping your daughter?

6 A. Yes.

7 Q. And then -- okay. Let me go back to when you  
8 were working for this ticketing and tour company from  
9 1996 to 2010, you said you worked at the -- there was a  
10 kiosk at the Venetian; is that right?

11 A. And the convention center, yes.

12 Q. Okay.

13 A. I forgot about that, yeah.

14 Q. Tell me about the kiosk at the Venetian.

15 Where was that located?

16 A. In the front. When you walk in from the Strip,  
17 you go up the ramp and it's right there. I forget what  
18 they call that hall.

19 Q. Okay. So --

20 A. It's beautiful, the ceiling.

21 Q. So there's the front desk area --

22 A. No. That's in the casino. We were up in the  
23 mall.

24 Q. Okay. So you had -- where was this kiosk  
25 located --

1 A. Right by Tao.

2 Q. Okay. That was my question. I was trying to  
3 look for a landmark. I know where Tao is.

4 MR. KUNZ: Let him finish.

5 THE WITNESS: I'm sorry.

6 MR. KUNZ: That's okay.

7 BY MR. ROYAL:

8 Q. So now as I understand it, the kiosk that you  
9 worked at at the time of the incident was also close to  
10 Tao; is that right?

11 A. Yes.

12 Q. Okay. So --

13 A. No. Wait a minute. Say that again. I'm  
14 sorry. I didn't hear that.

15 Q. The kiosk that you were working at --

16 A. Correct.

17 Q. -- when you were working for Brand Las Vegas,  
18 where was that located?

19 A. That was by Bouchon -- no. No. It was -- by  
20 the rooms. It was when you first went in from the movie  
21 theater up the escalator. It was right there before you  
22 go in the mall.

23 Q. Was it near Tao?

24 A. No. It's a smaller booth. What's it by?

25 Sorry.

1 Q. You threw me with movie theater. I'm not  
2 sure --

3 A. The movie theater -- that's why I referenced  
4 the restroom and then the movie theater. So then you go  
5 up the escalator, you can see the booth. Sorry. I'm  
6 trying to bring myself there.

7 Q. That's okay. Let me ask it this way, just so  
8 I'm clear. Okay? In 2010, when you were -- up to 2010,  
9 so from 1996 to 2010 when you were working for Allstate  
10 Tickets and Tours and its succeeding companies, you were  
11 working at a kiosk at the airport, Caesars Palace, the  
12 Sahara, the Venetian, the Boardwalk, and the convention  
13 center; right? They had -- and you kind of rotate?

14 A. Yes.

15 Q. And when you would -- when I say "rotate,"  
16 would you be assigned to go work at the Caesars kiosk  
17 for a day?

18 A. Correct.

19 Q. And then you'd be assigned to work at the  
20 Sahara for a day?

21 A. Yes.

22 Q. Okay. And so the one that was for the Venetian  
23 at that time was located near Tao on the level of the  
24 mall?

25 A. Yes.

1 Q. Okay. And, again, you would work there for a  
2 day or so and then you'd go to the next place, Boardwalk  
3 or wherever?

4 A. Right.

5 Q. So would it be fair to say that while you were  
6 working at Allstate Ticketing and Tours -- I'll just say  
7 Allstate Ticketing and Tours --

8 A. Okay.

9 Q. -- and we'll understand that they were bought  
10 out and you worked for the same -- you're doing the same  
11 thing for 14, 15 years; right?

12 A. Right.

13 Q. And so during that time, you were -- would it  
14 be fair to say that about once a week you would have  
15 been at the Venetian working at that kiosk?

16 A. No. A lot of times they kept me at Caesars  
17 Forum Shops.

18 Q. How often would you have in that 15-year period  
19 worked at the kiosk at the Venetian?

20 A. I have no idea. Not a lot.

21 Q. Once a month?

22 A. They change the schedule so that they kept us  
23 more at one, so I couldn't remember exactly.

24 Q. Okay. Let me ask it this way: In the 15 years  
25 that you worked for the Allstate Ticketing and Tours,

1 that company, how many times, an estimate, would you say  
2 that you worked at the kiosk located at the Venetian  
3 property? How many -- would it be more than ten?

4 A. I would say more than ten.

5 Q. Would it be more than 50?

6 A. I can't say that.

7 Q. Would it be more than 20?

8 A. I couldn't guess on that.

9 Q. Okay. Between 10 and 20?

10 A. That I could.

11 Q. Okay. So you think maybe between 10 and 20  
12 times in the 15 years you would have worked at the kiosk  
13 at the Venetian between 1996 and 2010?

14 A. Yes.

15 Q. Okay. And when you were working for Allstate  
16 Ticketing and Tours and you would come to the Venetian  
17 to work that kiosk, did you drive?

18 A. Yes.

19 Q. Where would you park?

20 A. Where the Venetian allows us to park.

21 Q. Which is where?

22 A. Parking garage.

23 Q. What level? Was there a certain level? Would  
24 you just park where the guests were?

25 A. No. We park where the guests were. We didn't



1 have a sticker or nothing like that at that time.

2 Q. Okay. So you could just park wherever you  
3 wanted?

4 A. Correct.

5 Q. Okay. During the times that you worked -- that  
6 you went and worked the kiosk at the Venetian between  
7 1996 and 2010, were those occasions you'd work all day?

8 A. We always had an eight-hour shift.

9 Q. And during those shifts, would you take breaks?

10 A. On our own whenever we wanted.

11 Q. And when you would take a break at the Venetian  
12 during that period of time that you were with Allstate  
13 Ticketing and Tours, was there a particular routine that  
14 you had when you took breaks?

15 A. No.

16 Q. Did you take smoking breaks?

17 A. Yes.

18 Q. Where would you go to take a smoking break?

19 A. Just outside.

20 Q. On the same level?

21 A. Same level.

22 Q. Were you near the escalator during that period  
23 of time between 1996 and 2010 at that kiosk at the  
24 Venetian? Was it near an escalator?

25 A. Tao was by an escalator. We were on the other

1 side of that.

2 Q. So the answer is it was close to an escalator?

3 A. Yes, yes.

4 Q. On breaks would you go down to the casino  
5 level, use the restrooms or get something to eat?

6 A. If it was cold or windy or didn't want to go  
7 outside, yes, we could go downstairs and get something  
8 to eat or smoke.

9 Q. Okay. All right. So those would be -- how  
10 many breaks would you typically take? Were you limited?

11 A. Maybe two. Sometimes we didn't take any.

12 Q. Okay.

13 A. Because every person mattered.

14 Q. So it depended on how busy you were?

15 A. Right.

16 Q. And if you needed to use the bathroom five  
17 times in an eight-hour day, you could do it?

18 A. Definitely.

19 Q. Were you paid on commission?

20 A. Yes.

21 Q. When I say -- all these questions relate to  
22 1996 to 2010, you were paid on commission?

23 A. Yes.

24 Q. Salary too?

25 A. Salary too.

1 Q. Okay. When I say "salary," I meant hourly,  
2 but...

3 A. Yes.

4 Q. It was an hourly kind of job; right?

5 A. Right.

6 Q. So let's get to -- why did you decide to go  
7 back to work in 2015, December? What changed in your  
8 life where you decided to go back to work?

9 A. I just -- I didn't -- my daughter really didn't  
10 need my help either and I was quite bored.

11 Q. I get it.

12 So you kind of went back to something that was  
13 familiar?

14 A. Yes.

15 Q. And when you went to Brand Vegas, were you at  
16 that point -- you were assigned to a specific kiosk in  
17 the Venetian?

18 A. Correct.

19 Q. And that's where you were the whole time?

20 A. Yes.

21 Q. Okay. So from -- I can't remember the date.  
22 Do you remember the date you started? I'm thinking it  
23 was after Christmas.

24 A. It was December 26, 2015.

25 Q. Ah, right after Christmas. So December 26,

1 2015.

2 And is there more than one kiosk for Brand  
3 Vegas in the Venetian?

4 A. No. We only -- yes, yes. They started with  
5 that one, went to two, and then went to three. I think  
6 they have three.

7 Q. They have now?

8 A. Yeah.

9 Q. What did they have while you worked there?

10 A. Two until they got the other one.

11 Q. Did they get the third kiosk while you were  
12 still employed?

13 A. Yes.

14 Q. Did you have a specific kiosk that you worked  
15 at?

16 A. Alternate. Again, scheduling.

17 Q. I wish I had a diagram or something here. I'm  
18 just trying to remember.

19 So give me the best description you can of  
20 where all three of them were, these kiosks. Let's start  
21 with where you first started, okay, where you would  
22 first work. The first kiosk, where was it located?

23 This is when you were working for Brand Vegas.

24 A. Right. There was the booth that Allstate had,  
25 the same booth near that section of the Tao, and then

1 there was one when you first go into the mall area by  
2 the time-share, and I just -- I can't remember anything.  
3 I wish I had a map.

4 Q. Yeah. I do too.

5 A. So that was the one when you first come up the  
6 escalator. And then around the corner by the hat shop,  
7 that was the third one.

8 Q. So a kiosk by the hat shop. By the way, during  
9 a break I'm going to see if I can pull down a diagram.  
10 It might be easier to have you mark it.

11 At any rate, so there was three. They were  
12 all on the second level, the mall level?

13 A. Yes.

14 Q. And did you share these with the same company?

15 A. Yes, the same company.

16 Q. I have Adventures International.

17 A. Yes. That was the name of them, yes.

18 Q. So you would take half of the kiosk and that  
19 would kind of be yours.

20 You had your own terminal?

21 A. Yes.

22 Q. So we'll come back to that in just a minute, I  
23 think. Let me ask you a couple of questions about your  
24 prior history.

25 I understand you haven't had any previous

1 accidents where you sustained a personal injury, is that  
2 correct, prior to this case that's the subject of this  
3 litigation?

4 A. No. I mean, how many years do you go back?

5 Q. Well, I'd like to go -- have you ever been in a  
6 car accident?

7 A. No. No. Well, when I was 16. That's what I'm  
8 saying, I don't know --

9 Q. That's what I'm asking.

10 So you were in a car accident when you were 16?

11 A. Uh-huh.

12 Q. Yes?

13 A. Yes.

14 Q. And was that a rear-ender? Did you sustain  
15 injuries?

16 A. What's a rear-ender? I can't remember.

17 Q. A rear-ender is when you get hit from behind.

18 A. I don't remember, to tell you the truth, so it  
19 couldn't have been that bad.

20 Q. Did you go see doctors?

21 A. I'm sure I went to get checked out, but I --  
22 nothing...

23 Q. So no serious injuries?

24 A. No.

25 Q. You didn't injure your low back?

1 A. No.

2 Q. Didn't injure your neck that you can recall?

3 A. No.

4 Q. You might have got a little bit of treatment,  
5 but it would be limited; right?

6 A. Yeah. Yes.

7 Q. Okay. Just let me give you an example. Okay?  
8 I'm going to give you a personal example. I was in a  
9 little accident when I was in high school on my way  
10 somewhere and kind of did some damage to the car, but I  
11 wasn't hurt, got the car fixed, and that was the end of  
12 it.

13 Are we talking about that kind of an accident  
14 or was it --

15 A. I would say that kind of an accident, yeah, for  
16 me not to remember.

17 Q. Okay. Is that all? Have you ever had a fall  
18 before?

19 A. There was just one other major. I -- working  
20 for Allstate Ticketing. I went to the convention center  
21 to pick up my mom, she worked there too, and I got hit  
22 by a pedicab.

23 Q. A what?

24 A. Pedicab.

25 MR. KUNZ: It's one of those they bike you

1 around. You're sitting in the back behind the cab.

2 MR. ROYAL: Oh, okay. Now I get it. Pedi,  
3 p-e-d-i. I wasn't hearing it.

4 BY MR. ROYAL:

5 Q. You got hit by a pedicab and what happened?

6 A. I was taken to the hospital.

7 Q. And what hospital?

8 A. I think it's St. Rose.

9 Q. What kind of injuries did you sustain from  
10 that?

11 A. I was -- I can't remember. I was younger. I  
12 went to the hospital with a lot of pain. But I know  
13 that I recovered quickly, was back to work because those  
14 days I worked seven days a week.

15 Q. Did you file a workers' compensation claim?

16 A. I did not. I didn't do anything. I was able  
17 to work. I was healthy, so I went back to work.

18 Q. So you were involved in an accident.

19 Was it on the job?

20 A. Yeah.

21 Q. So it was an on-the-job accident while you were  
22 working for Allstate Ticketing. You were at the  
23 convention center. You were hit by a pedicab. You were  
24 taken from the scene by ambulance to St. Rose.

25 A. Correct.



1 Q. You were released and you didn't get any other  
2 treatment?

3 A. No.

4 Q. Did not file a workers' comp claim?

5 A. No.

6 Q. And what year was that? Give me a range, if  
7 you can't think of the year.

8 A. Let me think. I came here in '96. I want to  
9 say maybe it happened in '97. I want to say right  
10 around there within the year.

11 Q. Okay. So you don't recall any injuries to your  
12 neck or back in that particular case --

13 A. Uh-uh.

14 Q. -- is that correct?

15 A. Correct. Because when I went back to work, it  
16 was seven days and sometimes seven nights a week.

17 Q. So you don't recall what specific injuries you  
18 had?

19 A. No, I do not.

20 Q. Okay. Are there any other incidents that you  
21 recall --

22 A. No.

23 Q. -- where you were involved in an accident?

24 A. No.

25 MR. KUNZ: Let him finish. No, you're fine.

1 BY MR. ROYAL:

2 Q. You'll notice I interrupted you. See, I break  
3 my own rules sometimes, and so, yeah, we just need  
4 reminders. It's okay.

5 I saw something in 2008 where there was -- you  
6 were a defendant in a case. I think it was an auto  
7 accident. Your daughter was sued by someone. You were  
8 represented by Dennis Prince's office?

9 A. I don't remember that at all.

10 Q. Do you remember your daughter being in an auto  
11 accident in 2006 or 2005 or...

12 A. I remember we lived in Henderson and a guy  
13 rear-ended her at a stoplight. He didn't stop. And  
14 that was it. But she was okay.

15 Q. Do you remember ever being sued before?

16 A. Never sued, definitely not.

17 Q. And the reason I ask that is because I found  
18 that you were actually named in a lawsuit and  
19 represented by -- and you and your daughter were  
20 represented by --

21 A. I would love to see it because I don't remember  
22 that at all. He hit her. Wouldn't make sense.

23 Q. Okay. You ever had any prior -- strike that.

24 If I understand from your testimony, you have  
25 not had a prior head injury -- and when I say "prior,"

1 I'm talking prior to 2016, this accident.

2 A. Oh, no.

3 Q. Right? Is that correct?

4 A. That's correct.

5 Q. You have not had a prior -- any prior issues  
6 associated with your neck or back; is that correct?

7 A. Correct.

8 Q. No issues associated with your arms or legs  
9 where you had to get treatment prior to that incident;  
10 is that correct?

11 A. I fell off the bed on my knee. That was my  
12 right knee.

13 Q. When was that?

14 A. It was during that time. I just can't  
15 remember.

16 Q. During what time?

17 A. After I fell. I'm saying those...

18 Q. Okay. So you had a fall from -- sometime  
19 between November 4, 2016, and today you've had another  
20 fall?

21 A. That's just it. It wasn't a fall. I rolled  
22 off the bed.

23 Q. Right.

24 A. But I did go get my knee checked because it  
25 hurt.

1 Q. Okay. You're not claiming knee injuries in  
2 this case; is that right?

3 A. No.

4 MR. KUNZ: In the case of falling off the bed?  
5 I'm sorry. I didn't mean to interrupt.

6 BY MR. ROYAL:

7 Q. Yeah. You're not claiming in this case that  
8 you sustained injuries to either of your knees; is that  
9 correct?

10 A. That's correct.

11 Q. So when you say you had an incident where you  
12 fell off the bed and you got your knees checked, you're  
13 not claiming that's related to anything associated with  
14 this litigation?

15 A. No. When you asked me another incident,  
16 that's --

17 Q. Right. No. I'm glad you told me. I just  
18 want to make sure. That's why I'm asking the question.

19 A. Yes.

20 Q. It's a separate unrelated event --

21 A. Okay.

22 Q. -- is that right?

23 When you fell off the bed and you hurt your  
24 knee --

25 A. Oh, that's something different.

1 Q. Okay. And that's not -- you're not claiming  
2 that rolling off the bed was caused by anything related  
3 to this case?

4 A. No.

5 Q. Is that correct?

6 A. That's correct.

7 Q. Okay. You mentioned diabetes.

8 When were you diagnosed with diabetes?

9 A. I want to say last year. And it was pre. And  
10 then when I went back, he said I didn't have it. And  
11 then when I went back for blood work, pre, so that's why  
12 I'm taking it.

13 Q. Okay. You're not claiming that no doctor --  
14 has any doctor told you that your diabetes diagnosis has  
15 anything to do with what happened in this incident?

16 A. It has -- no.

17 Q. So the answer is no?

18 A. Correct.

19 Q. Are you a smoker?

20 A. Yes.

21 Q. How many years have you been a smoker?

22 A. On and off. I mean, I'm not a big smoker as  
23 far as pack, pack, pack. Once in a while.

24 Q. Have you been smoking for more than 25 years?

25 A. Not consistent, no.

1 Q. Give me an idea of how much you smoke now.

2 A. Sometimes three a week.

3 Q. Three packs?

4 A. No. Three cigarettes.

5 Q. How much were you smoking in November 2016?

6 A. Oh, I have no idea. Because I was never a  
7 chain smoker or smoker, smoker.

8 Q. But was it different than three cigarettes a  
9 week?

10 A. When I was working there?

11 Q. Yes.

12 A. Yes.

13 Q. So how often?

14 A. I don't remember that.

15 Q. Did you typically take smoke breaks when you  
16 were working for Brand Vegas?

17 A. When we went to the restroom or it could be one  
18 or two if it was really slow.

19 Q. Okay. So it was something that you did once or  
20 twice a day typically?

21 A. Yeah, but not every day.

22 Q. Okay. I noted that you have a history of  
23 arthritis; is that correct?

24 A. Uh-huh.

25 Q. Yes?

1 A. Well, I would say it's -- what do you call it?

2 My grandmother had it, my mother --

3 Q. Hereditary?

4 A. Thank you.

5 Q. When were you first diagnosed with arthritis?

6 A. I have no idea.

7 Q. Are you claiming, if you know -- strike that.

8 Has any doctor indicated to you that any  
9 arthritis that you have, any arthritic condition is  
10 associated with your fall at the Venetian?

11 A. I don't know.

12 Q. Okay. Were you diagnosed with arthritis before  
13 your fall in November 2016?

14 A. I don't remember.

15 Q. Okay. Where does this arthritis affect you,  
16 what part of your body?

17 A. I don't know.

18 Q. Would it be your hands? your joints? your toes?

19 A. Sometimes my hands, they tingle, but I don't  
20 know.

21 Q. Okay. Do you have sore joints?

22 When it says "arthritis," I have a note here  
23 that you had preexisting arthritis, so I'm just trying  
24 to get an idea of what --

25 A. I can't remember the doctor that said, "It's

1 hereditary and you do have a" -- I don't know. I  
2 couldn't give you a date or a doctor.

3 Q. Okay. I'm going to ask you a few more  
4 questions about your job.

5 So you started with Brand Vegas on I think you  
6 said December 26, 2015, and you worked full time for  
7 that employer until the date of the incident,  
8 November 4, 2016; correct?

9 A. Correct.

10 Q. And when I say "full time," I mean 40 hours a  
11 week or more.

12 A. Yes.

13 Q. I saw -- and I'm going off memory, but I saw --  
14 what were your general work hours?

15 A. 9:00 to 7:00.

16 Q. So how many days a week?

17 A. In the beginning, seven.

18 Q. So you were working more than 40 hours;  
19 correct?

20 A. Correct.

21 Q. Did you get paid overtime?

22 A. You know, I can't remember. I can't say for  
23 sure.

24 Q. Okay. How long did you work seven days a week?  
25 Because you said in the beginning.



1           A.    I don't keep notes.  I didn't have a schedule.  
2   I just knew I had to be there.  And I knew in the  
3   beginning when they were starting they needed the help  
4   because it was only a couple of us, so...

5           Q.    So you were willing to work however many days  
6   they needed you?

7           A.    Yes.

8           Q.    And how were you paid by Brand Vegas?

9           A.    A check.

10          Q.    That was a bad question.

11                Let me ask you:  Were you paid hourly?

12          A.    Yes.

13          Q.    And what was your hourly pay?

14          A.    I'm very bad.  I didn't even keep those stubs,  
15   so I don't -- I can't tell you.  I don't remember.  I  
16   thought it was \$10, but I can't say for sure so I'm not  
17   going to.

18          Q.    Okay.  So you were paid hourly.

19                And were you paid commissions, like --

20          A.    Yes.

21          Q.    So it was hourly plus commissions.

22                How were your commissions based?

23          A.    Oh, it was 7.25, maybe.

24          Q.    You think your rate might have been 7.25?

25          A.    It could have been 7.25 now.  See, that's why

1 I'm not sure, so I'd rather not guess.

2 Q. No. That's okay. So you were paid an hourly  
3 rate --

4 A. Uh-huh.

5 Q. -- somewhere between let's say 7 and \$10?

6 A. Yes.

7 Q. We can verify the hourly rate. It's not a big  
8 deal. Okay?

9 You were also paid commissions. Tell me how  
10 the commissions worked.

11 A. We never knew that. They would just give us so  
12 much money.

13 Q. Well, I mean --

14 A. It was 25 cents a ticket maybe on one, 50 cents  
15 on another one. That's how it went. It depends on the  
16 show and what they were paid.

17 Q. Okay. So as I understand it, you were working  
18 at a kiosk for Brand Vegas on one of three different  
19 kiosk areas in the Grand Canal Shoppes?

20 A. Yes.

21 Q. And you would go there anywhere from five to  
22 seven days a week working 9:00 to 7:00 -- 9:00 a.m. to  
23 7:00 p.m.; correct?

24 A. Correct.

25 Q. You were paid an hourly rate, plus you got a

1 commission based upon tickets sold?

2 A. Tickets sold, yeah.

3 Q. The commission, as I understand your testimony,  
4 would be different depending on the show or the event?

5 A. Correct.

6 Q. Okay. Some might be a dollar, some might be 25  
7 cents, you know, it depends?

8 A. Yes.

9 Q. Were you encouraged to push certain shows when  
10 people would stop by?

11 A. We just told them about Venetian shows, and  
12 then the rest of the shows on the Strip, we had a book  
13 with all of them.

14 Q. I see.

15 So how many shows did you sell for?

16 I mean, strike that. That was a bad question.

17 You mentioned there's other -- you mentioned  
18 Venetian.

19 What other properties were you kind of selling  
20 tickets for when you were working for Brand Vegas?

21 A. Almost all of them on the Strip. I don't  
22 remember exactly each one.

23 Q. That's okay.

24 If I were to --

25 A. David Copperfield I can remember. We didn't

1 have Celine or any of them.

2 Q. So that would be Caesars?

3 A. Right.

4 Q. So that might be shows at the Luxor, shows at  
5 Mandalay Bay --

6 A. Yes, yes.

7 Q. -- shows at Bellagio. I don't know.

8 A. Yes.

9 Q. You mentioned Venetian shows; right?

10 A. Yes.

11 Q. So when you're working the kiosk and somebody  
12 comes to you and says, "Hey, I'm interested in getting  
13 some tickets," tell me -- walk me through the process of  
14 your job.

15 A. We would have the book there and we'd go  
16 through each page and tell them the shows and all about  
17 them.

18 Q. Okay. Now, you say this book. I'm not aware  
19 of the book.

20 How big was this book?

21 A. It was a binder. Plastic sheets with all the  
22 shows inside those inserts.

23 Q. Okay. And did the binder change from time to  
24 time?

25 A. Oh, if a show left, closed, yes.

1 Q. So you'd take it out and maybe they put a new  
2 one in?

3 A. Right.

4 Q. Do you remember -- can you give us an idea of  
5 some of the shows you sold tickets to at the Venetian?

6 A. Phantom of the Opera, when it was there. You'd  
7 almost have to name them and I'd say yes or no.

8 Q. Human Nature?

9 A. Oh, definitely Human Nature. Yes.

10 Q. There's a puppet one, Puppet Up or something?

11 A. Yeah.

12 Q. I'm trying to think of others.

13 But whatever the events were at the Venetian,  
14 so somebody says, "We're kind of looking to see a show.  
15 Do you have any recommendations?" would people do that  
16 sometimes?

17 A. Oh, definitely. We'd recommend the Venetian,  
18 like the others also.

19 Q. Right.

20 And so you would say, "Well, Phantom of the  
21 Opera is very popular. That happens to be on property  
22 at the Venetian"; right?

23 A. Right.

24 Q. So whatever it is, when you would -- let's say  
25 somebody says, "Okay. I'd like some tickets for Phantom

1 of the Opera," what's the next thing that you do? What  
2 would you do? Could you sell them tickets?

3 A. Yes.

4 Q. Okay. So they say, "We want two tickets,"  
5 what's the next thing that you do when you were employed  
6 as a kiosk worker for Brand Vegas?

7 A. Tell them the price.

8 Q. Okay. "So I'd like two tickets and I'd like to  
9 get them -- four seats."

10 A. Show them the seating chart.

11 Q. So you had a seating chart and they could pick  
12 their seats?

13 A. Yes. Well, providing they're still available,  
14 yes.

15 Q. Okay. How do you know if they're still  
16 available?

17 A. There's certain ones that are blocked off so  
18 you can't.

19 Q. I see.

20 Did you have communication with the Venetian  
21 box office so you knew?

22 A. Yes. We can call them and ask them.

23 Q. If something was sold?

24 A. Yes. Or if they should go downstairs where  
25 they could sell and we couldn't. We had a section. We

1 didn't have all the seats.

2 Q. I see. Okay.

3 So you had a certain section of the theater  
4 allotted to Brand Vegas where you could sell tickets?

5 A. Correct.

6 Q. And if people wanted to spend more money and  
7 wanted something nicer, they had to go to the box  
8 office?

9 A. Correct. We would send them to them.

10 Q. Okay. So let's say they want to buy tickets  
11 for Phantom of the Opera and you take the money, I guess  
12 credit card or something you can do that?

13 A. Correct, or cash.

14 Q. Whatever you do, you take their money.

15 What do you give them next? Do you have the  
16 actual tickets?

17 A. Yes.

18 Q. Okay.

19 A. But the actual voucher. They have to go down  
20 and change it downstairs sometimes. It depends on the  
21 show.

22 Q. Okay. So you would give them -- so you take  
23 the money --

24 A. They get a -- yes.

25 Q. You take the money and then you give them --

1 let's say they buy two tickets. You give them a  
2 voucher; correct?

3 A. Correct.

4 Q. Then --

5 A. Some were tickets, but it depends on the show.

6 Q. Okay. Let's stay with the voucher so I can  
7 follow that.

8 You give them the voucher, then what do they  
9 have to do with the voucher? Can they go to the theater  
10 or how do they get the tickets?

11 A. Depending on the show whether they -- if it  
12 was, like, the Blue Man Group that was there, they'd  
13 have to go downstairs to their desk and change it for an  
14 actual ticket.

15 Q. Okay. And the ticket would be available based  
16 upon what they purchased from the kiosk; correct? In  
17 other words, if they say, "I want seats A and B in Row  
18 21" --

19 A. Right.

20 Q. -- they bought those from you, you give them a  
21 voucher for those, they go down to the box office and  
22 they give them those tickets; is that right?

23 A. Depending on the show. Some they didn't have  
24 to. I just can't remember which shows did and didn't.

25 Q. Okay. At any rate, okay, to sort of wrap this



1 all up, what you would do is if you're selling for a  
2 Venetian show, someone says, "I want to go see Blue Man  
3 Group," you say, "Okay. Here's the seating that's  
4 available and here's the cost. I can sell you these  
5 tickets now," and they say, "Great." You sell them the  
6 tickets. Sometimes you give them the tickets, sometimes  
7 you give them a voucher depending on the show.

8 A. Yeah.

9 Q. At any rate, once you sell them -- once you  
10 either give them the voucher or the tickets, you're  
11 done?

12 A. Yes.

13 Q. And then you're paid commission based upon that  
14 sale?

15 A. Yes.

16 Q. And it's the same way with any other shows on  
17 the Strip --

18 A. Yes.

19 Q. -- pretty much?

20 It's either a voucher or actual tickets?

21 A. Right. It depends on the contract the hotel  
22 has with the show.

23 Q. Right. Okay.

24 So your understanding is that whenever you sold  
25 tickets to someone for a show, it was because Brand

1 Vegas had a contract with --

2 A. Correct.

3 Q. -- that event?

4 A. Yes.

5 Q. In other words, they had permission to --

6 A. Yes.

7 Q. Did you ever see any contracts?

8 A. Never.

9 Q. Did you ever talk to -- strike that.

10 Who was your employer -- I'm sorry. Strike  
11 that.

12 Who was your supervisor?

13 A. I'd have to say a supervisor title would be  
14 Mike Peterson.

15 Q. What was his title?

16 A. I don't know.

17 Q. Is that someone you reported to regularly?

18 A. Yes, because he was on property.

19 Q. Where was he located on the property?

20 A. Mostly the Tao booth.

21 Q. Okay. Was he there the day of the incident, if  
22 you know?

23 A. No. I wouldn't know that.

24 Q. I saw a name Warren Church?

25 A. Oh, Warren Church. I believe he's partners

1 with the other gentleman.

2 Q. With Mike Peterson?

3 A. No. I forgot his name.

4 Q. DiRocco.

5 A. Yes. Thank you.

6 Q. Ed DiRocco?

7 A. Yes.

8 Q. Is Warren Church someone that you had spoken  
9 with or you would speak with regularly?

10 A. Oh, yeah, many times because he would be the  
11 one coming to the booth to check on things.

12 Q. How about this Mr. DiRocco?

13 A. Eddie probably came once, twice, three times.  
14 That's it.

15 Q. Okay. Are you okay? Do you want to take a  
16 break?

17 A. I'm okay. Thank you.

18 Q. So let's talk about when you -- your typical  
19 day, depending on -- when you would work at these kiosks  
20 at the Venetian property or the Grand Canal Shoppes,  
21 would you -- when you would take breaks, how often would  
22 you go down to the next level, the Venetian casino level  
23 in a typical day?

24 A. I'd say at least once, if not twice, but at  
25 least once. Again, it always depended on business.

1 None of us -- I didn't want to lose the business.

2 Q. Okay. When you would take a break, did someone  
3 stand in for you or would --

4 A. No.

5 Q. You'd just shut down?

6 A. Yes. Well, the other party, the Grand Canyon  
7 tour people would be there. We'd never let the booth  
8 just be closed, no. They would say, "She'll be right  
9 back." We had a five-minute sign or something, you  
10 know.

11 Q. So when you would take a break, once or twice a  
12 day you would go down to the casino level of the  
13 Venetian on a typical day?

14 A. Yes, or upstairs, depending on what we wanted  
15 to eat.

16 Q. Okay. What's upstairs?

17 A. The shops, and they have also places you can  
18 run in and eat.

19 Q. Okay. So --

20 A. Like a food court.

21 Q. Okay. So there's a food court on the casino  
22 level and also on the Grand Canal?

23 A. Yes.

24 Q. Okay. So sometimes you would go to the Grand  
25 Canal food court and sometimes you'd go to the Venetian?

1 A. Correct.

2 Q. Did you always -- or strike that.

3 Did you bring a lunch ever?

4 A. No.

5 Q. Typically when you would go to the food court  
6 on the Canal Shoppe level, are there restrooms up there?

7 A. Yes.

8 Q. So sometimes you use the restroom on the canal  
9 level, sometimes on the Venetian level?

10 A. Yes.

11 Q. On your typical day when you would come to  
12 Venetian for work, did you have a specific area to park?

13 MR. KUNZ: Objection. Asked and answered.

14 Go ahead.

15 THE WITNESS: See, they didn't have a specific  
16 thing until, like, the last one or two months they  
17 started that badge thing with the workers. I don't  
18 remember it. I just remember it was the last month  
19 before I left.

20 BY MR. ROYAL:

21 Q. And just for clarification, when I asked you  
22 that question before, it related to your work at  
23 Allstate. Now I'm asking as it relates to Brand Vegas.

24 So you're saying for a time when you were  
25 working for Brand Vegas in 2015 and 2016, you could park

1 anywhere you wanted to?

2 A. Correct. There wasn't a designated area.

3 Q. Okay. The reason I ask the question is because  
4 on the date of the incident, I saw that you were parked  
5 on Level 8, which is the employee level.

6 A. Uh-huh.

7 Q. Correct?

8 A. There was no parking because of the  
9 conventions.

10 Q. Right. Okay.

11 What are these badges you're talking about?

12 A. They -- Venetian started -- they wanted all  
13 employees that come into the building to have badges, so  
14 we had to have badges.

15 Q. What kind of badges?

16 A. That we worked there, employee badges. I'll be  
17 honest, since it was the last month before this  
18 happened, I don't remember what transpired from all  
19 that.

20 Q. Okay. Were you wearing a badge at the time of  
21 the incident?

22 A. No. I didn't get it yet. That's why I'm so  
23 confused. I'm -- it just started maybe two weeks prior.  
24 I don't know the date.

25 Q. So you never saw a badge?

1 A. Not to my knowledge.

2 Q. Is it your testimony that you were parked on  
3 the employee level on the eighth level --

4 A. I couldn't --

5 Q. Hold on. Let me finish my question.

6 Is it your testimony that if records show that  
7 you were parked on the employee level, Level 8, on the  
8 date of the incident, that that was just a coincidence?

9 A. I don't remember.

10 Q. When you would park wherever you would park,  
11 whether it's on the fifth level or eighth level or  
12 tenth, how would you get to your kiosk from the parking  
13 garage?

14 A. Walking to an elevator.

15 Q. Where would the elevator take you?

16 A. I just cannot remember.

17 Q. Well, you get to a certain area of the  
18 elevator.

19 Did it take you to the casino level or to the  
20 mall level?

21 A. I can't remember.

22 Q. Okay. But you get out of the elevator  
23 somewhere?

24 A. Exactly, yes.

25 Q. And once you get out of the elevator, would you

1 take any escalators or anything after that to get to  
2 your kiosk?

3 A. I could, yes, an escalator up, I think. I'm  
4 sorry. It's been a while and I do not remember. I just  
5 remember we didn't have a designated area for so long;  
6 that we could park anywhere. And the employee thing  
7 is -- I just can't remember if I got my badge or not  
8 because it was right at the end.

9 Q. Okay. What did the badge look like? Do you  
10 know?

11 A. (Shakes head.)

12 Q. Did you have a name tag?

13 A. I had a Brand Vegas name tag.

14 Q. Where would you wear it, what part of your  
15 clothing?

16 A. Sometimes here, sometimes here (indicating),  
17 depending what I wore.

18 Q. But it would be on the front?

19 A. Yes, it would be on the front.

20 Q. On the left or the right up around your  
21 shoulder -- or, you know, between your shoulder and your  
22 chest?

23 A. (Nods head.)

24 Q. Is that correct?

25 A. Yes.



1 Q. Okay.

2 A. I could have had an employee badge, but I don't  
3 remember. And it was left there. I don't have anything  
4 from there.

5 Q. Okay. Did anyone tell you why they wanted you  
6 to have an employee badge?

7 A. They wanted to know who was on property and so  
8 they did the background checks and stuff.

9 Q. Did they do a background check of you?

10 A. Yes.

11 Q. Who is "they"?

12 A. The Venetian. Whoever they have do that to get  
13 this badge because I remember reading it.

14 Q. Did you have to fill out any forms?

15 A. Yes.

16 Q. Do you remember who you filled them out for?  
17 Was it something that your employer required or was it  
18 something that Venetian required?

19 A. Venetian required.

20 Q. Okay. Do you remember approximately when you  
21 filled the form out?

22 A. No. It was very close to my fall, so that's  
23 why probably it's -- I don't remember.

24 Q. Okay. Did you interact very often with the  
25 Venetian personnel at the box office as part of your

1 employment?

2 A. No. Only if we had a question which the guest  
3 wanted that particular seat and they couldn't have it  
4 because it was reserved for the hotel, so...

5 Q. Okay. The time that -- it sounds to me like  
6 you were spending anywhere from 40 to 60 hours a week at  
7 the Venetian.

8 A. Yes.

9 Q. Does that sound right?

10 A. Yes.

11 Q. And that would be pretty much from December 26,  
12 2015, until the date of the incident?

13 A. Yes.

14 Q. Did you take any vacations?

15 A. No, I did not. And I was always there at least  
16 an hour or two prior.

17 Q. What does that mean? Prior to what?

18 A. Prior to my shift starting.

19 Q. So if your shift started at 9:00, you would  
20 arrive at 7:00?

21 A. Yeah, because I would set up all the computers  
22 for everybody.

23 Q. And you're not paid for that time?

24 A. No.

25 Q. So you actually would have been there from,

1 like, what, 7:00 to 7:00?

2 A. Pretty much, or at least 8:00 to 7:00.

3 Q. Okay. I'm just doing the math in my head here.

4 That's a lot of hours. So you're talking about -- you

5 could actually be working 80 hours a week.

6 A. Yeah.

7 Q. Does that sound right?

8 A. Yes.

9 Q. Okay.

10 A. And that wasn't every day, but I tried to help

11 people because -- and have it all ready for them when

12 they walked on the shift.

13 Q. So during the time that you work there for

14 sounds like -- I'm going to say 50 to 70 hours a week

15 maybe --

16 Does that sound about fair?

17 A. Fair.

18 Q. -- were you ever aware of any incidents where

19 guest or employees would slip and fall?

20 A. No.

21 Q. The times that you were working at this booth,

22 you don't recall ever responding to someone who had

23 fallen; is that correct?

24 A. I would say yes. I don't remember helping

25 anybody.

1 Q. Okay. When you would go to -- let's say on  
2 breaks, use the restroom and stuff, do you recall ever  
3 seeing security responding to somebody on the floor,  
4 anything like that?

5 A. No.

6 Q. Did you ever have any conversations that you  
7 can recall prior to your fall with hotel -- Venetian  
8 hotel security about incidents occurring on property?

9 A. No. I didn't really know anybody there.

10 Q. Okay. So prior to your incident of November 4,  
11 2016, is it fair to say that you were never aware of  
12 anyone slipping and falling at the Venetian property?

13 A. Yes.

14 Q. Okay. That was a correct statement; is that  
15 right?

16 A. Yes.

17 Q. So for all the time that you were at the  
18 Venetian working for Allstate Ticketing and Tours and  
19 then for Brand Vegas, the only fall that you're aware of  
20 occurring at the Venetian property was your fall?

21 A. That's correct.

22 Q. Okay. Do you recall during the time that you  
23 worked at the Venetian property -- now I'm going to  
24 expand it from any time that you're working there from  
25 1995 until 2016, I'm just going to ask you all of your

1 experience as an employee where you were working at a  
2 kiosk at the Venetian property, do you recall ever  
3 seeing foreign substances on the floor?

4 A. I have to just say this. When I worked for  
5 Allstate Ticketing, they didn't acquire the Venetian  
6 kiosk till a few years before, so earlier they weren't  
7 there. From '96 to -- I just can't remember the date.  
8 You said from '96 to...

9 Q. Okay. Thank you. But what I'm trying to do is  
10 you said you were probably at the Venetian 10 to 20  
11 times over the 15 years --

12 A. Yeah, not a lot.

13 Q. Okay. That's when you were at Allstate?

14 A. Right.

15 Q. And then you were there it sounds like almost  
16 every day for almost close to a year --

17 A. Oh, for Brand, yes.

18 Q. -- for Brand Vegas; correct?

19 A. Yes.

20 Q. All right. And during all that time,  
21 collectively, you don't recall ever seeing a substance  
22 on the floor, like somebody spilled a drink or something  
23 like that?

24 A. Oh, sure, I might have and I might have called  
25 housekeeping. See, I don't remember that. If that

1 happened, it was, like, once.

2 Q. Okay. But I'm asking if you have a specific  
3 memory --

4 A. No.

5 Q. -- of something like that.

6 A. Oh, no.

7 Q. Okay. So that's -- that's one of those things  
8 where I don't want you to speculate. If you have a  
9 specific memory, "Oh, yeah, I remember once or twice" --

10 A. Okay.

11 Q. Do you have a specific memory?

12 A. No.

13 Q. Okay. All right. Did you -- in all your time  
14 working at the Venetian talking with people, selling  
15 tickets, people walking by, casual conversation, even  
16 people that you were working with in your kiosk with  
17 that other company, okay, do you recall speaking with  
18 anyone who made any reference to any slip-and-falls that  
19 occurred on the company?

20 A. No.

21 Q. This would be a good time to take a break  
22 because I'm going to move into something else.

23 Let's go off the record.

24 (A short recess was taken from 11:41 a.m.  
25 to 11:48 a.m.)

1 BY MR. ROYAL:

2 Q. So off the record we were talking about this  
3 2008 motor vehicle accident. I just wanted to make sure  
4 I'm clear on this because I think you did have American  
5 Family Insurance --

6 A. Yes, I did.

7 Q. -- auto insurance; right?

8 A. Yes.

9 Q. Okay. And we think that that may have been  
10 some litigation involving an accident your daughter was  
11 involved in and you owned the car?

12 A. Correct.

13 Q. Okay. You don't remember specifically, but  
14 we're kind of -- that's kind of what we're guessing  
15 because you weren't involved in an auto accident?

16 A. Yes. That's right. That's correct.

17 Q. Okay. I wanted to clear that up.

18 So let's go to the day of the incident.

19 What time did you arrive on the Venetian  
20 property that day?

21 A. I cannot guess on that. Again, sometimes I'm  
22 there at 7:00, 7:30, or 8 o'clock most of the time.

23 Q. Okay. And your normal routine when you get to  
24 work is to -- I assume things are locked up?

25 A. Everything's locked up.

1 Q. So when you get there --

2 A. Or in the cupboard.

3 Q. Okay. So you had a key?

4 A. No. They were just doors shut.

5 Q. So they weren't locked?

6 A. (Shakes head.)

7 Q. So you had, like, laptops and stuff there?

8 A. Yeah, that we would set up. Yes.

9 Q. And that stuff was kept somewhere without a  
10 lock?

11 A. With a credit card machine.

12 Yes.

13 Q. That's crazy.

14 Okay. Was it like that at every kiosk?

15 A. No. The Tao one had one. And they did have a  
16 key, but it didn't always work, the lock.

17 Q. Okay. Regardless whether you had to unlock  
18 something or not, you would show up at the kiosk?

19 A. Yes. Set up the phone and the credit card  
20 machine and the computer.

21 Q. Okay. And how long did that typically take?

22 A. Just depending. Sometimes it didn't go on  
23 right away. You had to work with it.

24 Q. So at least by 9 o'clock you're ready to go?

25 A. Oh, definitely. All booths, yes.



1 Q. And how many tickets would you typically sell  
2 in a day? I know it's going to vary, but...

3 A. There could be anywhere from two maybe up to  
4 40, 50. It just depended what was going on at the  
5 hotel.

6 Q. So if it's busy because there's a convention or  
7 something like that --

8 A. Correct.

9 Q. -- there's going to be people looking for stuff  
10 to do. More people and more -- more people are going to  
11 come by and ask you for information?

12 A. Right.

13 Q. Typically how many people -- just give me an  
14 estimate of -- will just stop and get information and  
15 not buy tickets?

16 A. Oh, God, that was all day long. That drove us  
17 nuts, but we did it.

18 Q. With a smile?

19 A. Yes.

20 Q. So it was pretty rare to sell tickets  
21 proportionately --

22 A. You tried to fit it in, yes.

23 Q. So between 8:00 a.m. and noon on the day of the  
24 incident, do you remember if you sold any tickets?

25 A. I do not.

1 Q. Okay. On that particular day, do you remember  
2 taking any breaks between the time of your arrival until  
3 the break you took at the time of the incident?

4 A. No, I don't.

5 Q. At the time of the incident, as I recall, you  
6 had -- you were carrying a beverage in your left hand.

7 Do you remember that?

8 A. Could have been a coffee cup. That's all I can  
9 figure at that time.

10 Q. So the incident happened around noon, 12:30, I  
11 think, p.m.; right?

12 A. Yes.

13 Q. Is that typically when you would take a lunch  
14 break?

15 A. Yes.

16 Q. Were you on a lunch break at the time this  
17 incident occurred?

18 A. Yes.

19 Q. Now, if you had a cup of coffee in your hand --  
20 I think it might have had a lid on it --

21 A. Yes.

22 Q. -- where -- do you know where you bought that?

23 A. No.

24 Q. It's not something you would have bought and  
25 brought with you to the property, is it, on your way

1 from home?

2 A. I don't think so.

3 Q. You typically would buy something like that at  
4 the property?

5 A. Or somebody would for us, yes.

6 Q. Okay. So you had a -- you don't remember if  
7 you got it at -- I don't know. There's a place called  
8 The Coffee Bean or different --

9 A. Oh, was that upstairs in my area?

10 Q. Yes.

11 A. Yeah. Okay.

12 Q. It's kind of close to the escalator.

13 A. Yes, it is. Yes.

14 Q. So you think --

15 A. I do remember Coffee Bean.

16 Q. But did you buy coffee that morning at The  
17 Coffee Bean?

18 A. That, I don't remember.

19 Q. Okay. So you were taking a break and -- you  
20 were taking a lunch break.

21 Where were you planning on going for lunch on  
22 the day of the incident?

23 A. I couldn't tell you. I just always go to the  
24 restroom first and...

25 Q. Okay. You say you always go to the restroom.

1 A. Well, when I have to go, yes, but --

2 Q. Let me back up.

3 As I understand it, you're working at your  
4 kiosk, you're ready to take a break. You go to the  
5 escalator that's close to The Coffee Bean.

6 A. No. Right around the corner the elevator down  
7 because then you can just go right to the restroom.

8 Q. Okay. So you didn't take --

9 A. I didn't take the escalator, no.

10 Q. Is there a security guard posted there, do you  
11 know, at that level?

12 A. I do not know that.

13 Q. Okay. How close to those elevators -- strike  
14 that.

15 Where the incident happened, the elevators  
16 you're talking about, where are they located?

17 A. If I'm at that booth -- because Coffee Bean is  
18 right over there -- I go around the corner to these --  
19 it's a little corner really where the elevators sit.  
20 There's nothing else there. And I would get out of the  
21 elevator, turn left, and go straight to the restroom.

22 Q. Get out of the elevator, turn left?

23 A. Yes, because it's, like, an L-shaped --

24 Q. Let me ask you this: Do you know where the  
25 Grand Cafe --

1 A. Oh, yes, yes.

2 Q. Okay. Where is the elevator in relation to the  
3 Grand Cafe?

4 A. Well, you have the Grand Cafe, it's right  
5 across, because the elevator is here. It's in a little  
6 nook. Then to the right is that and then the restrooms.

7 Q. Okay. I think I got it now. It's coming into  
8 my head here because there's the elevator lobby with all  
9 the guests. We're not talking about that.

10 A. Oh, no, no, no.

11 Q. This is a different elevator?

12 A. (Nods head.)

13 Q. So you come down the elevator. I understand  
14 where the nook is. And now I get it when you say you  
15 turn to your left and it's a straight shot --

16 A. Exactly, yes.

17 Q. -- to the bathrooms; right?

18 A. Yes.

19 Q. Okay. So you're walking to the bathroom on  
20 your break and -- is that the bathroom that you would  
21 typically use during breaks?

22 A. Yes.

23 Q. And more than once a day?

24 A. Could be.

25 Q. But at least once a day?

1 A. At least, yes.

2 Q. And so that would be from the time that you  
3 started at the -- on December 26, 2015, until the  
4 incident; correct?

5 A. Yes.

6 Q. So you're used to this path. You always take  
7 the elevator and you kind of --

8 A. Yes, uh-huh.

9 Q. Okay. You always --

10 A. Oh, sorry.

11 Why are you laughing at me?

12 Q. No, no. We're laughing just because you're  
13 interrupting. She knows --

14 A. Sorry.

15 Q. That's okay. In normal conversation, this is  
16 how it goes. But when we're on the record, we have to  
17 be a little more patient. We both have been doing it.

18 Let me start over. I can't remember where I  
19 was.

20 MR. KUNZ: It was a path you normally take.

21 BY MR. ROYAL:

22 Q. Yeah, okay.

23 You took the elevator every day. You didn't go  
24 all the way around to the escalator?

25 A. Yes.

1 Q. Is that correct?

2 A. Uh-huh.

3 Q. Yes?

4 A. Well, it depended if I went to get a salad or  
5 something and then go to the restroom. Every day I  
6 can't tell you or every moment exactly.

7 Q. And I understand that, and I'm just trying to  
8 get your routine. Okay?

9 But let's say --

10 A. But that bathroom was most convenient.

11 Q. So every day you would take a break and you  
12 would use the bathroom that you were headed to the day  
13 of the incident?

14 A. Yes.

15 Q. Was there -- so you had -- you leave your  
16 kiosk, you take the elevator, you've got a cup of  
17 coffee, and you're planning to use the restroom and then  
18 you're going to get some lunch or smoke or -- I don't  
19 know what your -- what were your plans?

20 A. That -- that was it, to go to the restroom.

21 Q. And then get something to eat?

22 A. Uh-huh.

23 Q. Yes?

24 A. Yes.

25 Q. Were you going to go to the food court?

1 A. Very rarely.

2 Q. Okay. Where would you go to eat typically?

3 A. They had that little snack shop to the left. I  
4 can't remember the names.

5 Q. Snack shop to the left?

6 A. And then the Bouchon Bakery. Is that upstairs  
7 or down? I don't know.

8 Q. I think there's one downstairs, but...

9 A. That's the one I went to. They had good  
10 salads.

11 Q. Tell me about -- we're at the date of the  
12 incident. You've come down the elevator, you've turned  
13 left, you're walking almost a straight shot to the  
14 women's restroom. Tell me what happened.

15 A. I walked out, focussing on the people because  
16 it's very crowded there a lot of times because -- during  
17 the convention. And I was going to the restroom and the  
18 next thing I know, my -- that's the one thing I can  
19 remember, is my feet in front of me as I went down hard.

20 Q. Okay. When you -- as you're approaching this  
21 area, did you notice anything unusual about the floor?

22 A. No. My eyes were up here looking at the people  
23 trying not to hit somebody.

24 Q. You weren't scanning the floor --

25 A. No.



1 Q. -- as you're walking; right?

2 Is that correct?

3 A. That's correct.

4 Q. Were you in a hurry?

5 A. No.

6 Q. Do you remember if you had the beverage in your  
7 right or left hand?

8 A. No.

9 Q. So you remember your feet going out quickly in  
10 front of you?

11 A. Yes.

12 Q. Tell me about as you fell.

13 What do you remember about the fall itself, how  
14 you landed?

15 A. I just remember landing hard. Whether it was  
16 my back, my butt, I don't know. I just remember going  
17 backwards and I was dazed. I mean, shocked. I can't --  
18 I don't remember. That's what kills me. I don't  
19 remember --

20 Q. Okay.

21 A. -- exactly what was on the floor or...

22 Q. Right.

23 A. I know it was liquid because my pants felt wet.

24 Q. Okay. So let me get back to the fall.

25 A. Okay.

1 Q. Because your initial complaint was your left  
2 elbow.

3 Do you remember striking your left elbow?

4 A. Yes, I do. Hard on the marble, yes.

5 Q. Do you remember -- other than your left elbow,  
6 do you remember striking your head?

7 A. My shoulder.

8 Q. Your left shoulder?

9 A. Uh-huh, because it was on the left side because  
10 I was trying to -- I just went -- it happened so quick.

11 Q. Okay. Let's -- I'm trying to take it one frame  
12 at a time here.

13 So you struck your left shoulder -- I'm sorry.  
14 Strike that.

15 Your feet go out in front of you, you strike  
16 your left elbow, and you remember striking your left  
17 shoulder -- part of your shoulder; correct?

18 A. Yes.

19 Q. Do you remember striking your hip, your left  
20 hip? That's something you remember?

21 A. I kind of remember just bouncing and I hit so  
22 hard, but I don't know -- I don't remember -- it's hard.

23 Q. Okay. Do you recall what happened to your  
24 drink that you were carrying?

25 A. No, I do not.

1 Q. Okay. Do you recall if any -- so you don't  
2 recall if any of part of your drink spilled when you  
3 fell?

4 A. No.

5 Q. You said that after the fall you're shocked and  
6 dazed, something you're not expecting; right?

7 A. Correct.

8 Q. You felt immediate pain in your left elbow?

9 A. Yes.

10 Q. Did you feel immediate pain in your left  
11 shoulder?

12 A. Yes. My neck, my head, yes.

13 Q. Okay. You felt immediate pain in your head?

14 A. Again, I fell on my left side hard. And I'm  
15 not 90 pounds, so when I fell hard, yeah, I felt it, the  
16 pain, the whole side, the left side.

17 Q. So when you say "the whole side," was it the  
18 left side of your head?

19 A. It just went down from my neck down.

20 Q. Okay. Now, so I'm pointing to, like, the back  
21 part of your head.

22 Do you recall any part of your head striking  
23 anything?

24 A. Yes. I remember just bouncing.

25 Q. Okay. So did you have a sore spot on your head

1 from when you fell?

2 A. Yes.

3 Q. Was it, like, a bump or just sore when you  
4 touched it?

5 A. Sore when I touched it.

6 Q. Okay. And so you have the left side of your  
7 head, the left -- or then your neck. I'm going to say  
8 the left side of your neck only because you've been  
9 pointing to your left side; is that correct?

10 A. Yes.

11 Q. And then your left shoulder and your left  
12 elbow?

13 A. Elbow.

14 Q. Okay. What do you remember right after the  
15 incident? What's the next thing you remember? People  
16 coming to you and seeing if you're okay?

17 A. I remember people in my face, "Are you okay?  
18 Are you okay?" That's all I remember. I just -- I  
19 don't know what you call it. For me to not remember,  
20 it's hard.

21 Q. Okay. How long were you on the floor?

22 A. That, I do not know.

23 Q. Do you remember someone from security coming to  
24 speak with you?

25 A. Is that the, like, paramedic?

1 Q. EMT?

2 A. The EMT, yes.

3 Q. Do you remember --

4 A. He was trying to help me up.

5 Q. Do you remember anything about your  
6 conversation with him?

7 A. No. I remember him walking me upstairs and  
8 fixing my arm so that I could drive to the hospital.  
9 That's all.

10 Q. Do you remember -- you said there was liquid on  
11 your pants?

12 A. Yes.

13 Q. Where on your pants?

14 A. Back side.

15 Q. The back left side?

16 A. Yes.

17 Q. Can you describe -- is it your rear end?

18 A. Yes.

19 Q. So your left rear end?

20 A. Yes.

21 Q. Was it --

22 A. And my back, so...

23 Q. The back of your shirt?

24 A. Yes.

25 Q. So it was on the left rear end and the back of

1 your shirt?

2 A. Uh-huh.

3 Q. Yes?

4 A. Yes.

5 Q. Anywhere else?

6 A. I didn't -- again, when I hit hard, I do not  
7 remember a lot from back then, but I do remember being  
8 wet.

9 Q. Okay. And I understand that. And I'm not  
10 trying to badger you. I'm just trying to get as best  
11 information I can when you say you felt wet, so I just  
12 want to know what parts of your body you felt wet.

13 So you've indicated the left rear and you think  
14 maybe --

15 A. Back.

16 Q. -- the low-back area; correct?

17 A. Yes.

18 Q. Any other areas where you recall specifically  
19 that were wet?

20 A. I do not recall.

21 Q. Okay. So as I understand it, you fell -- you  
22 didn't see anything on the floor before your fall;  
23 correct?

24 A. Correct.

25 Q. You've described your fall. You didn't see

1 anything on the floor after your fall? You didn't  
2 examine the floor and say, "There's something there"?

3 A. No, I did not.

4 Q. So what I said was correct?

5 A. Correct. Yes. The EMT came and walked me  
6 upstairs.

7 Q. Okay. When you stood -- do you remember people  
8 showing up with mops or anything like that?

9 A. I just remember people yelling.

10 Q. Okay. When you -- where were you -- or strike  
11 that.

12 I understand that from the fall area you went  
13 to kind of a back-of-the-house place.

14 A. Yeah. I don't even know where they took me.

15 Q. That was somewhere in the security office or...

16 A. Yes.

17 Q. And while you were there, can you just tell us  
18 what happened?

19 A. I remember sitting in a chair and him trying to  
20 talk to me, and he looked at my arm and then he started  
21 putting a brace on it or -- I don't know what they call  
22 it, but -- that's all I remember.

23 Q. Okay. Then what happened after he put the  
24 sling on?

25 A. He walked me to the car and I -- it was over

1 here. And I'm right-handed, so I drove right to  
2 Centennial Hospital.

3 Q. Okay. Before he walked you to your car, did he  
4 take -- did you go back to your kiosk?

5 A. Yes. I remember -- I told him I left my -- no.  
6 I left -- I left something there. I'm not sure what it  
7 was, but I left something. I remember him walking me to  
8 the booth to get it.

9 Q. Okay. So you picked up -- the security officer  
10 walked with you from the medical room, or where he put  
11 the sling on, to your kiosk where you had last worked?

12 A. Correct. Correct.

13 Q. You picked up whatever it was --

14 A. I don't know what it was, a book. I don't know  
15 what it was, but I got it.

16 Q. And that's the last time that you've ever been  
17 to your kiosk, a kiosk?

18 A. Yes.

19 Q. Then he walked you out, and according to his  
20 report, you went to the eighth floor and then you drove?

21 A. Then I must have -- yes, and then I went right  
22 to the hospital.

23 Q. Okay. I'm going to show you what we'll mark as  
24 Exhibit C.

25 ///



1 (Exhibit C was marked.)

2 BY MR. ROYAL:

3 Q. This is a security report identified as  
4 VEN 008009. It's called a narrative report and it's two  
5 pages.

6 Have you seen this before?

7 A. Never.

8 Q. Okay. I'm just going to direct you to a few  
9 things that are written here and see -- this is one of  
10 those times where I'm going to show you something and  
11 see if it helps you remember.

12 A. Okay.

13 Q. Look at the first paragraph, and it indicates  
14 in the second sentence, it says, "I arrived on scene and  
15 met with Las Vegas Tours (business located in Grand  
16 Canal Shoppes) Employee Sekera, Joyce who was seated on  
17 the marble flooring."

18 A. Right.

19 Q. Do you remember being seated on the marble  
20 flooring after your fall?

21 A. I remember after falling -- well, yeah. I  
22 remember when he -- the EMT came to me, I was like this,  
23 I remember.

24 Q. Being seated?

25 A. Yes, on the floor still. I didn't move.

1 Q. Do you remember him asking you questions about  
2 where you worked?

3 A. No, but I must have told him upstairs in the  
4 shops, yeah. I don't know. I don't remember.

5 Q. Then the next -- I already asked you about the  
6 next sentence, but I'll read it. "I noted that a public  
7 areas department team member was on scene and mopping  
8 the floor in the area."

9 Does that refresh your recollection about  
10 mopping, people being around mopping?

11 A. (Reading document.)

12 I'll be honest, I can't remember.

13 Q. Okay. The next sentence, "Sekera apologized  
14 for falling and did not appear to be in any immediate  
15 distress."

16 Do you remember anything like that, apologizing  
17 for falling?

18 A. No.

19 Q. Okay. The next paragraph, the second sentence,  
20 it reads, "She stated she was walking through the area  
21 when she slipped in what she believed was water on the  
22 floor." I'll stop there.

23 Does that refresh your recollection? Do you  
24 remember telling anyone you thought there was water on  
25 the floor?

1 A. No, I do not.

2 Q. The next sentence. "She reported that she fell  
3 backwards and put her right hand behind her head to  
4 protect it."

5 Does that refresh your recollection about  
6 anything?

7 A. No. Again, when I hit hard, I -- everything's  
8 a blur.

9 Q. Continuing on, "She landed on the marble floor  
10 and her left elbow struck the base of the pillar next to  
11 her."

12 Does that refresh your recollection about  
13 anything?

14 A. I just remember falling backwards and hitting.  
15 That's all.

16 Q. Okay. The next sentence, "She denied striking  
17 her head during the fall and denied losing consciousness  
18 prior to or after falling."

19 Do you recall having that discussion?

20 A. No, I do not.

21 Q. The next sentence, "She denied any head pain,  
22 neck pain, back pain, weakness, dizziness, or nausea at  
23 that time."

24 Do you recall having that conversation?

25 A. No.

1 Q. "I noted that she was guarding her left elbow  
2 and reported she was only experiencing pain there at the  
3 time."

4 Does that refresh your recollection about  
5 anything you've testified to?

6 A. I'm sorry?

7 Q. Let me restate it. I'll paraphrase.

8 A. Okay.

9 Q. He says you were guarding your left elbow.  
10 That would make sense because your elbow hurt;  
11 correct?

12 A. Right.

13 Q. And that probably was the most prominent thing  
14 that hurt at the time.

15 Does that sound right?

16 I'm asking you.

17 A. Elbow, neck, yes. All of it.

18 Q. Okay. Head, shoulder, neck, elbow?

19 A. Yes.

20 Q. Do you remember guarding your left elbow,  
21 holding your left elbow?

22 A. I don't remember, but it would feel natural to  
23 do that if I hit on that side and...

24 Q. "She stated she was embarrassed" -- next  
25 sentence. "She stated she was embarrassed, to which I

1 offered to assist her to a more private area."

2 Do you recall that conversation?

3 A. No.

4 Q. Next sentence, "She agreed and was assisted to  
5 a standing position."

6 Do you remember being assisted to a standing  
7 position?

8 A. I remember two gentlemen helping me up, yes.

9 Q. From the floor to a standing position?

10 A. Yes.

11 Q. "I asked if she felt any new pain, weakness,  
12 dizziness, or nausea, to which she denied at that time."

13 Do you remember that conversation?

14 A. No.

15 Q. "She agreed to be assessed in the medical room  
16 and refused wheelchair assistance."

17 Do you remember that?

18 A. I do not.

19 Q. "She was able to ambulate on her own to the  
20 medical room and was able to sit without assistance."

21 Do you remember doing that?

22 A. No. I remember him helping me in the room on a  
23 chair.

24 Q. Okay. The next paragraph, first sentence on  
25 VEN 008, "Sekera's left elbow was exposed which

1 presented with an abrasion."

2 Do you remembering there being an abrasion on  
3 your left elbow?

4 A. I just remember being very sore.

5 Q. Do you remember him examining you by maybe --  
6 he says -- he used the word "palpation" where he might  
7 be touching certain areas that you say are sore, like  
8 your shoulder, your neck, your head, your back,  
9 anything?

10 A. No.

11 Q. You don't remember that?

12 A. No.

13 Q. He indicates here that you had limited range of  
14 motion in your left elbow due to increase in pain on  
15 movement.

16 Do you remember that?

17 A. I just remember I was really sore. I don't  
18 remember anything that involved him touching me or...

19 Q. Do you remember having a conversation with this  
20 officer about workers' compensation?

21 A. Who? What?

22 Q. Let's go to the next page.

23 A. Okay.

24 Q. And we'll go to the first full paragraph  
25 starting with "Sekera."

1 A. Okay.

2 Q. "Sekera agreed to seek further medical  
3 attention but refused ambulance transport."

4 Do you remember having that conversation?

5 A. No, but I would do that. I would get my car  
6 out of there and go to the hospital if I could drive,  
7 and I had my -- you know, I'm right-handed, so I knew I  
8 could get there.

9 Q. Okay. Do you remember refusing ambulance  
10 transport?

11 A. No.

12 Q. It says, next sentence, "She stated her job did  
13 not provide workers' compensation and did not know where  
14 she should go."

15 Do you remember that conversation?

16 A. No.

17 Q. Did you have questions at the time about  
18 whether you had workers' compensation?

19 A. No. It had nothing to do with that. No. That  
20 was not in my mind. I wanted to make sure I was okay.  
21 And, no, I definitely don't.

22 Q. The next sentence is, "After some discussion,  
23 she opted to self-transport to Centennial Hills  
24 Hospital, as it was close to her home."

25 Do you remember that?

1 A. No, but that would sound right.

2 Q. The next sentence, "She refused to complete a  
3 voluntary statement for the incident and completed a  
4 medical release."

5 Do you remember that at all?

6 A. No.

7 Q. "She was escorted to her booth in the Grand  
8 Canal Shoppes, collected her belongings, and was  
9 escorted to her vehicle in the team member garage on  
10 Level 8."

11 Does that sound correct?

12 A. Yes. I did go to the booth with him, yeah.

13 Q. Okay. What about the rest of it, that you were  
14 escorted to the team member garage on Level 8?

15 A. Yes. I remember him escorting me, yes.

16 Q. To Level 8?

17 A. I don't remember the level.

18 Q. Okay.

19 A. Yeah.

20 Q. He refers to this as the team member garage.

21 Do you know what that references?

22 A. Most likely I had a badge and I just don't  
23 remember it because it was right at the end and I didn't  
24 have it -- I don't have it. So I don't know if I got it  
25 or not or...



1           It was a parking badge.

2           Q.    I see.   Okay.   That's it for that.

3           I just have -- oh, I forgot about these.   You  
4 know what, I'm just going to give you a set of photos,  
5 and we'll mark these as Exhibit D.

6                   (Exhibit D was marked.)

7 BY MR. ROYAL:

8           Q.    I'm just going to show you these.   We're going  
9 to go through some of these and I'm going to ask you if  
10 they refresh your recollection about anything you  
11 testified to.

12           MR. KUNZ:   He'll be referring to these numbers  
13 here.

14           THE WITNESS:   Okay.

15 BY MR. ROYAL:

16           Q.    I don't really like the order of these  
17 necessarily, but we'll take them in order.

18           The first one, VEN 035, do you recognize  
19 yourself in the photo?

20           A.    The shirt and the pants, yeah.

21           Q.    Do you remember somebody taking pictures --

22           A.    No.

23           Q.    -- when you were in the medical room?

24           A.    Definitely not.

25           Q.    The next page, VEN 036, I'll represent to you

1 my understanding is that's a picture of your left elbow.

2 A. Okay.

3 Q. You haven't seen these pictures before?

4 A. Never.

5 Q. Okay. You can't say whether that is or isn't  
6 your left elbow; right?

7 A. You're right, but it's a shirt that looks  
8 familiar.

9 Q. Okay. Let's go to the next one.

10 VEN 037, I guess it looks like these are a  
11 picture of your shoes?

12 A. Yes.

13 Q. Can you identify those as your shoes?

14 A. Yes.

15 Q. It's like a Wizard of Oz moment. Did you tap  
16 these shoes with your heel? Sorry. That was  
17 inappropriate.

18 Okay. Let's go to the next one, VEN 038.

19 That's another picture of your shoes?

20 A. Yeah. I'm sorry. Yes.

21 Q. Do you recognize your purse in the photo?

22 A. No. And I don't have that one right now, so...

23 Q. What do you mean you don't have that one?

24 A. I mean I don't know about the purse. I don't  
25 remember the purse.

1 Q. Do you recognize the shoes?

2 A. Yes.

3 Q. Okay. Let's go to the next one, VEN 039.

4 Do you recognize what's depicted here?

5 A. Oh, yeah. The elevator is over here, yes.

6 Q. Okay. So you commented that the elevator would  
7 be to the left of this photo from this particular  
8 vantage point?

9 A. Yes.

10 Q. And you were walking in the direction of that  
11 man in the white shirt and shorts at the time the  
12 accident occurred?

13 MR. KUNZ: There's two of them.

14 MR. ROYAL: Oh, you're right, you're right.

15 That was bad of me.

16 BY MR. ROYAL:

17 Q. You see the column there?

18 A. Yes.

19 Q. There's a man with a white shirt and shorts  
20 right next to the column and he's facing the bathroom.

21 Do you see that?

22 A. Yes.

23 Q. Is that sort of the direction that you were  
24 walking at the time of the incident?

25 A. That's correct.

1 Q. This particular photo, this represents the  
2 bathroom that you were going to at the time of the  
3 incident?

4 A. Yes.

5 Q. And this is the bathroom that you would  
6 typically use at least once a day when you were working  
7 at the Venetian?

8 A. Yes.

9 Q. And typically to get to the bathroom, you would  
10 either go down the elevator or go down the escalator,  
11 both of which would be off to the left of the photo in  
12 this vantage point?

13 A. Yes.

14 Q. Okay. Let's go to the next photo. I'll  
15 represent to you my understanding is is that you'll see  
16 the column here and that this VEN 040 represents the  
17 area where you fell.

18 Do you recognize it?

19 A. Yes.

20 Q. As you look at this photo, does anything about  
21 this photo refresh your recollection to anything you  
22 testified to at this point?

23 A. I'm looking at the pillar and I know they have  
24 a pillar. I don't remember the floor per se, but I  
25 fell --

1 Q. Near a pillar?

2 A. If this is the same area.

3 Q. So let's go back one to VEN 039.

4 A. Oh, that's -- yeah.

5 Q. So what I'm going to have you do, I think,  
6 is -- I am going to pull out a marker, if I can find  
7 one.

8 I'm going to have you circle the pillar and  
9 kind of the area --

10 A. See, I --

11 Q. If you can.

12 A. I can see a pillar. I know they have a pillar  
13 before that restroom. As far as the floor exactly  
14 where, I couldn't tell you.

15 Q. I understand. What I'm looking for is for you  
16 to draw just a circle to represent the general area.

17 A. Where I was walking?

18 Q. Right, at the time you fell.

19 So, for example, we know that you fell  
20 somewhere within, let's say, five or six feet of this  
21 pillar, would that be a fair statement?

22 A. Yes.

23 Q. Okay. So if I were to ask you to take this and  
24 just kind of circle -- you can make it as wide as you  
25 want -- circle an area on this photo that shows your --

1 if you can. If you can't do it, I'll move on.

2 A. Yeah. I don't think I can because I'm not sure  
3 how close I was to the pillar. I just know it was  
4 between the bathroom and in front of the pillar.

5 Q. How about if we do this --

6 A. Okay.

7 Q. How about if I just have you put an "X" on the  
8 pillar to identify that as the pillar that was closest  
9 to the area of your fall? Can you do that?

10 A. Yes. Thank you.

11 Q. Okay. Just put an "X" on the pillar, and as I  
12 understand it, it's going to be next to that guy in the  
13 shorts and --

14 MR. KUNZ: And this is VEN 039?

15 MR. ROYAL: Correct.

16 MR. KUNZ: So VEN 039, here's the guy. So  
17 where do you think it was?

18 BY MR. ROYAL:

19 Q. Just identify the pillar.

20 A. Oh, just of the pillar?

21 Q. Just the pillar.

22 A. Okay.

23 (Complies.)

24 Q. Okay. So you've made a circle. That  
25 identifies the pillar that was closest to you when you

1 fell; correct?

2 A. Correct.

3 Q. What I want you to do is just on the bottom  
4 left there, put your initials and today's date.

5 A. (Complies.)

6 Q. Let's see. Let me just ask you this -- do you  
7 have a question about what you just marked?

8 A. No.

9 Q. Okay. Let me ask you this: Let's go to 040,  
10 and if I were to represent to you that this is the same  
11 pillar that you marked in VEN 039, are you able to draw  
12 a circle over the general area where the slip occurred  
13 in this photo? Either you can or can't.

14 A. See, this photo is showing me it could be  
15 anywhere in the Venetian because it's so big. And if  
16 you say it's the same pillar --

17 Q. Correct.

18 A. -- I just don't know the distance on where I --

19 Q. So here's my question -- it's a "yes" or  
20 "no" -- and I'm just asking, as I understand it, looking  
21 at 0 -- VEN 040, you're not able to -- assuming that the  
22 pillar that's represented there is the same pillar where  
23 you fell, you're not able to look at that and say,  
24 "Okay. This is the general area where I fell," and  
25 circle it?

1 A. Oh, yeah, I can circle this area. I just don't  
2 know where, if I'm over here or there.

3 Q. Why don't you just draw a circle and make it as  
4 big as you want over the area where you slipped.

5 A. I'm just not an expert.

6 Q. I'm not asking you to be an expert. Okay? I'm  
7 just asking if you can do it, if you can say, "Well, I  
8 know I slipped and I fell somewhere near this pillar."  
9 I'm just asking: To the best of your recollection, are  
10 you able to identify the general area?

11 A. No.

12 Q. Okay. That's fine. Let's move on to the next  
13 one, VEN 041.

14 Are you able to -- assuming that pillar is the  
15 same pillar that we identified in VEN 039, are you able  
16 to identify the slip area from that photo?

17 A. No.

18 Q. Okay. 042, VEN 042, same question: Are you  
19 able to identify the slip area from that photo if we  
20 assume that this column is the column you fell next to?

21 A. No.

22 Q. How about VEN 043? Are you able to look at  
23 that photo and can you identify that as the fall area?

24 A. If it's the same as the first one. It's the  
25 angle. Is that the elevator? Is that the bathroom?



1 Q. So I'll represent to you that as you're facing  
2 this column, the elevator would be to your back.

3 A. Yeah. The elevator's to the right.

4 Q. The elevator would be behind you, is my  
5 understanding.

6 A. I'm sorry. What was the question?

7 Q. I'm just asking if you, looking at that photo,  
8 does that photo look at all familiar to you? Are you  
9 able to identify that it's the general fall area?

10 A. It's, like -- 39; right?

11 Q. Yes.

12 A. Yes.

13 Q. Okay. So when you compare VEN 043 with  
14 VEN 039, you're able to kind of put them together and  
15 you can identify VEN 043 as the fall area?

16 A. Yes.

17 Q. Okay. And then, again, looking at VEN 043, are  
18 you able to identify the area where you slipped,  
19 generally? Are you able to point to it?

20 A. I can point to this area before the restroom  
21 and the pillar.

22 Q. Okay. So there's a man there who's in a black  
23 shirt and jeans and he's playing on his phone. He's got  
24 something in his mouth, a piece of paper or something.

25 You see that guy?

1 A. Yes.

2 Q. Is he standing within ten feet of where you  
3 slipped?

4 A. I just don't know the exact place. I -- yes.

5 Q. I'm not asking for exacts.

6 A. Okay.

7 Q. I'm asking for approximate. That's all I'm  
8 doing. If you can't do it, I understand.

9 A. I can't.

10 Q. Okay.

11 (Pause in proceedings.)

12 MR. ROYAL: I'll mark this as Exhibit E.

13 (Exhibit E was marked.)

14 BY MR. ROYAL:

15 Q. This is a document called "Acknowledgement of  
16 First Aid Assistance and Advice to Seek Medical Care."

17 Have you seen this before?

18 A. No.

19 Q. Do you recognize your signature?

20 A. Where is my --

21 Q. Your name where it says Joyce?

22 A. Yeah. That's printed and -- oh, signature down  
23 here?

24 Q. Where it says, "Name print," it says, "Joyce  
25 Sekera," right below --

1 A. It looks like mine. I just don't remember it.

2 Q. Okay. So you recognize your signature, but you  
3 don't remember actually looking at this document or  
4 signing it?

5 A. Yes.

6 Q. Okay. Tell me about going to the hospital. I  
7 looked it up and it looks like it's about a 20-mile  
8 drive?

9 A. Yeah.

10 Q. So do you remember the drive to the hospital?

11 A. Yes. I remember going as quickly as I could  
12 because I was in a lot of pain, and I'm pretty sure  
13 they -- I don't know timewise when I got there or how  
14 long it was.

15 Q. Did you -- when you got there, did you present  
16 to the ER?

17 A. Yes.

18 Q. You were in a sling still?

19 A. Yes.

20 Q. Do you remember having a conversation with the  
21 ER personnel about what happened?

22 A. No.

23 Q. Do you remember having a conversation with  
24 anyone there about what happened?

25 A. Yes. I remember talking. I just don't know --

1 remember what was said.

2 Q. Okay. Tell me what you do remember about that  
3 first visit to the hospital.

4 A. I remember getting there as quickly as I could.  
5 I remember going in and -- I don't know when they  
6 brought me in the back. I told them I was in a lot of  
7 pain in my left side, I told them what happened, but I  
8 do not remember -- I didn't get the copies, you know, so  
9 to speak, of what was said and done and stuff. I don't  
10 remember.

11 Q. By "the copies," you mean you haven't seen the  
12 medical records?

13 A. Correct.

14 Q. And I think we established at the very  
15 beginning you haven't seen any of your medical records;  
16 is that correct?

17 A. I think -- I never went to pick them up.

18 Q. Well, have you -- you didn't -- I know you  
19 didn't review medical records to prepare for your  
20 deposition.

21 Have you ever looked at any medical records  
22 associated with care that you received in this case?

23 A. I might have. I just don't remember it.

24 Q. Okay. At least as far as Centennial Hills  
25 Hospital goes, do you recall looking at any of those

1 records?

2 A. No. In fact, I don't remember getting any  
3 because I don't have any.

4 Q. You said you're right-handed; correct?

5 A. That's correct.

6 Q. Let me show you what we'll mark as F.

7 (Exhibit F was marked.)

8 MR. KUNZ: Thank you.

9 BY MR. ROYAL:

10 Q. This is an emergency department report from  
11 Centennial Hills Hospital.

12 A. Okay.

13 Q. Again, it's four pages and it's Bates-stamped  
14 PLF 027 through 030.

15 This is a document you haven't -- you don't  
16 recall reviewing before?

17 A. No.

18 Q. Is that correct?

19 A. That's correct.

20 Q. Okay. I want you to look at where it says  
21 "History of Present Illness." And I'm going to do what  
22 I did with the narrative report, I'm just going to read  
23 a couple of sentences and ask you questions. Okay?

24 A. Okay.

25 Q. Starting at the beginning, "Patient presents

1 following fall. The onset was just prior to arrival.  
 2 The occurrence was single episode. The fall was  
 3 described as slipped. The location where the incident  
 4 occurred was at work." I'll stop there.

5 Do you remember having that conversation,  
 6 providing that information I just read?

7 A. I probably would have. I just fell and I drove  
 8 to the hospital and I would have said that.

9 Q. Okay. Do you have a specific recollection of  
 10 saying that?

11 A. No.

12 Q. All right. Continuing on, it says, "Location:  
 13 Left upper extremity." That would be your left arm.  
 14 "The character of symptoms is pain, swelling, and  
 15 tingling. The degree at present is minimal. The  
 16 exacerbating factor is none." Let me stop there.

17 Do you remember having any discussion about  
 18 pain with anyone at the time?

19 A. Yes. I was in a lot of pain, and I do remember  
 20 telling them that.

21 Q. Okay. I'm sure you've been asked this question  
 22 many times. On a pain scale of 0 to 10, with 10 being  
 23 the worst, how would you describe your pain of your left  
 24 elbow immediately following --

25 A. 10.

1 Q. Okay. I had one more word there.

2 Immediately following the incident that  
3 occurred at the Venetian, you would describe the pain in  
4 your left elbow as a 10 out of 10; correct?

5 A. That's correct.

6 Q. How about the pain in your left shoulder, where  
7 would you rate that?

8 A. The whole left side. I was in pain, you know.

9 Q. So when you say "the whole left side," you've  
10 already described your left elbow, your left shoulder,  
11 the left side of your neck, and the left back of your  
12 head.

13 Would all of that be collectively 10 out of 10?

14 A. Yes.

15 Q. Okay. Within the time that you were at the ER,  
16 had the pain gotten worse or better?

17 A. You know, I do not remember. I don't remember  
18 if they gave me anything either.

19 Does it say in here?

20 Q. Well, I'll get to that.

21 A. Okay. Sorry.

22 Q. I'm going to ask you to -- I'm going to read  
23 something to you that's -- third line from the bottom  
24 starting with, "Patient did."

25 It says, "Patient did not hit her head. No

1 LOC," which I understand to mean loss of consciousness.

2 Do you remember having a conversation with  
3 anyone in the ER stating that you did not hit your head  
4 and did not lose consciousness?

5 A. No, I do not.

6 Q. Continuing on, "Patient complains of left  
7 lower" -- I'm sorry. Strike that.

8 "Patient complains of left elbow pain and left  
9 lower back pain."

10 Do you recall that?

11 A. I recall being in pain and saying I was in  
12 pain, whether it was to the EMT or the doctor there,  
13 yes, because I remember how much pain I was in.

14 Q. All right. It also says, "Patient denies any  
15 dizziness or shortness of breath."

16 Do you remember providing that information?

17 A. No, I do not.

18 Q. It also indicates that you were complaining of  
19 paresthesia -- I don't know how to say that -- "to her  
20 left hand."

21 Were you having symptoms in your left hand when  
22 you were at the ER that you remember?

23 A. I don't remember any of that.

24 Q. "Patient able to ambulate without difficulty."

25 Do you know what that means, you were able to



1 walk without difficulty? Were you having any difficulty  
2 walking after the incident?

3 A. I just don't remember. I just remember the  
4 pain. And how I was walking, I could not tell you.

5 Q. Okay. That's fine.

6 A. Okay.

7 Q. On the next page of Exhibit F, PLF 028, there's  
8 an indication here you use tobacco regularly. And then  
9 it indicates that you had a prior visit -- it says,  
10 "Smoking History: Never smoker."

11 A. What?

12 Q. It's in the middle of the page. It says,  
13 "Tobacco," and it says, "Never smoker."

14 A. I wouldn't have said that.

15 Q. Okay. You don't recall providing information  
16 about your smoking history on this visit?

17 A. No.

18 Q. Do you recall what kind of testing was done --  
19 x-rays, things like that -- when you were at the  
20 hospital?

21 A. No.

22 Q. Do you recall what they did as far as what they  
23 recommended after you left the hospital?

24 A. No.

25 Q. Okay. But you did leave the hospital?

1 A. Yes.

2 Q. You don't remember if you had a prescription or  
3 anything for pain?

4 A. No.

5 Q. You don't remember filling a prescription for  
6 pain?

7 A. No.

8 Q. When is the next time that you sought out any  
9 kind of medical care?

10 A. A day or two after the accident. A couple of  
11 days.

12 Q. Let me back up. I missed this entirely. I  
13 have what we'll mark as Exhibit G.

14 (Exhibit G was marked.)

15 MR. KUNZ: Thank you.

16 BY MR. ROYAL:

17 Q. This is called a C4 form. It is a workers'  
18 compensation kind of a form that you fill out.

19 Have you ever seen this before?

20 A. I don't remember seeing this, no.

21 Q. Do you recognize your handwriting anywhere on  
22 this document?

23 A. Yes, that's my handwriting.

24 Q. And just for the record, this is identified as  
25 JS 816.

1           Okay. Show me, where is your handwriting? Is  
2 it from where it says "Joyce P. Sekera" at the top?

3           A. Yes.

4           Q. Then it would be all the way until --  
5 everything above the really dark black portion?

6           A. Yes.

7           Q. So your signature -- you see where your  
8 signature is in the middle of the page to the right?

9           A. Oh, here. Yes.

10          Q. Okay. So basically, that's your signature --

11          A. I don't remember that. I'm sorry.

12          Q. All the writing above where your signature is  
13 indicated on this page, which would be basically the top  
14 half of the page, that's all your handwriting?

15          A. Yes.

16          Q. Okay. And I can't really read all of this very  
17 well, so I am going to ask you to read where it says,  
18 "How did this incident or occupational disease occur?"  
19 Can you read that? Start with "There."

20          A. "There was" -- looks like "water on the floor.  
21 My feet went out in front of me and I slipped on liquid  
22 and back elbow."

23                You know, unless they put it in front of me. I  
24 just don't remember it.

25          Q. Okay. It looks like it says, "I slipped.

1 Liquid on my lower back" --

2 A. Oh, I see, lower back. Okay.

3 MR. KUNZ: I think the liquid goes up to the  
4 line above it.

5 THE WITNESS: That's right. It was crossed  
6 out.

7 MR. ROYAL: Oh.

8 THE WITNESS: "There was liquid."

9 BY MR. ROYAL:

10 Q. Okay. So let's read it all one more time, the  
11 way it's supposed to read. Go ahead.

12 A. "There was liquid on the floor. My feet went  
13 out in front of me. I slipped on my lower back and  
14 elbow."

15 Q. Okay. And then down below that where it says,  
16 "Nature of Injury or Occupational Disease."

17 A. Where is that?

18 Q. Right here. Can you read that?

19 A. Oh, gosh, no.

20 Q. It looks like it says, "Fall" --

21 A. Where?

22 Q. -- "left" --

23 A. Oh, this one. I thought you meant the small  
24 print.

25 Q. No, not that.

1           A.    "Fall and elbow and back -- left elbow and  
2   back."

3           Q.    It looks to me like it says, "Fall, left elbow  
4   and back"; right?

5           A.    Yeah, that says left elbow and back and fall.  
6   Yeah. Yes.

7           Q.    Okay. So you don't remember when this was  
8   filled out. I'm assuming this was filled out somewhere  
9   at the hospital.

10          A.    Yeah. If they put something in front of me, I  
11   probably just, you know, whatever.

12          Q.    Right. Because it says --

13          A.    I didn't know what it said, but they  
14   probably...

15          Q.    All right. Well, this says -- it identifies  
16   Warren Church as your supervisor to whom you reported  
17   this.

18          A.    Oh, yes. I called him right away.

19          Q.    When did you call Warren Church?

20          A.    Right from the car.

21          Q.    Before you left the --

22          A.    Before I left the Venetian, yes.

23          Q.    So you got in your car at Venetian. You make a  
24   phone call to Warren Church at Brand Vegas and said,  
25   "I've been involved in an accident. I'm sorry I have to

1 leave," and, "I'm going to the hospital," something to  
2 that effect?

3 A. I told him I slipped and fell and I was driving  
4 myself to the hospital, yes.

5 Q. Did you have any -- other than that, did you  
6 have any other communication with Warren Church about  
7 the incident?

8 A. No.

9 Q. Did you have any conversation with Mr. Peterson  
10 about the incident?

11 A. Not really. It was Warren.

12 Q. Okay. Is Warren the only person at Brand Vegas  
13 that you've spoken to about the incident that you can  
14 recall?

15 A. Just that morning that I fell. If anything  
16 came up on property, I was supposed to call Warren. Not  
17 Eddie, not Mike -- I mean, Mike would come and go as he  
18 pleased, but...

19 Q. Okay. So you talked to Warren on the date of  
20 the incident. You haven't spoken to him since about  
21 this?

22 A. Right.

23 Q. You haven't been back to work?

24 A. No.

25 Q. Have you been back to the Venetian since the

1 incident?

2 A. No.

3 Q. Okay. I just -- are you okay?

4 A. Yeah. Thank you.

5 MR. ROYAL: Is everybody else okay?

6 (Pause in proceedings.)

7 BY MR. ROYAL:

8 Q. When is the next time you presented to a  
9 doctor? You said a few days later. And who did you go  
10 to?

11 A. You mean after I fell?

12 Q. After the ER.

13 A. After the ER? Maybe two, three days, I think.

14 Q. Who did you go see?

15 A. Who did I first see? I'm going to say -- it's  
16 been so long. Dr. Webber.

17 Q. Okay. Had you seen him before?

18 A. Never.

19 Q. All right. When you went to see -- was he  
20 someone that you were directed to by your workers'  
21 comp --

22 A. No.

23 Q. -- people? Okay.

24 Workers' comp is kind of funny because when you  
25 file something and then it goes to what we call a TPA, a

1 third-party administrator, and then they kind of tell  
2 you where to go, Concentra and other places -- they will  
3 tell you, "Go to Concentra and see Dr. So-and-so."

4 Did you ever get any direction like that from  
5 the workers' comp carrier?

6 A. No.

7 Q. Okay. So you went to see Dr. Webber and is he  
8 a chiropractor?

9 A. Yes.

10 Q. And what can you tell me about that first visit  
11 with Dr. Webber? What do you remember about it?

12 A. I remember going in and them bringing me back,  
13 and I had hot and cold compresses and pretty much that  
14 was it.

15 Q. Do you remember what -- because now you're a  
16 few days after the incident, so obviously you had the  
17 prominent pain on your left side that you've already  
18 described --

19 A. Yes.

20 Q. -- which was 10 out of 10; correct?

21 A. Correct.

22 Q. By the time that you got -- went to see  
23 Dr. Webber, do you recall filling any kind of  
24 prescription medication --

25 A. No. He didn't -- no. I don't remember.



1 Q. Okay. Do you remember what you did the night  
2 of the incident? So you've been to the ER, you're  
3 released, you go home. Do you remember, did you have to  
4 take any medication over the counter, anything like  
5 that?

6 A. I normally don't take anything. I don't like  
7 pills. If they prescribed them, I might not have taken  
8 them.

9 Q. Okay.

10 A. Because that's just me. I had to read the side  
11 effects. And I remember just going to bed, laying down.

12 At home you mean that night?

13 Q. Yes.

14 A. Yes.

15 Q. And how about the next day?

16 A. Same thing.

17 Q. Just kind of laying down trying to take it  
18 easy?

19 A. Yes.

20 Q. Did you call your employer to let them know you  
21 wouldn't be coming back into work?

22 A. Oh, yeah. I told Warren, yes.

23 Q. So when you --

24 A. When I called him and told him what happened, I  
25 told him I will not be in and so I -- I just don't

1 remember. I just know that I told him.

2 Q. At some point did you -- at what point did you  
3 decide you were never going to go back and work at that  
4 kiosk?

5 A. Oh, I never decided that. It was the pain that  
6 I was in.

7 Q. Well, I know, but --

8 A. Walking or sitting and...

9 Q. But at some point you had to tell your employer  
10 that you wouldn't be coming back.

11 A. That's just it. I didn't have to because when  
12 I went to the doctors -- was it -- Dr. Webber was, yeah,  
13 giving -- taking care of me at that time. Warren had  
14 just said, "I just had a fax, you know, in." He said I  
15 wasn't able to work yet for another month, something  
16 like that.

17 Q. Okay.

18 A. I do remember that.

19 Q. And did that go to your employer?

20 A. Yes.

21 Q. Okay.

22 A. Went to probably Eddie.

23 Q. All right. Did you ever ask your employer -- I  
24 don't have it with me, but I remember seeing a letter  
25 from your employer that was written about to -- written

1 regarding how much money you had lost not working.

2 Do you recall seeing anything like that?

3 A. No.

4 Q. It was by Warren Church.

5 A. Oh, was it? I don't remember. I didn't really  
6 have contact with anybody there.

7 Q. All right. Let me show you a document we'll  
8 mark as Exhibit H.

9 (Exhibit H was marked.)

10 BY MR. ROYAL:

11 Q. It's Bates-stamped PLF 233 to 234. It's titled  
12 "Rivermead Post-Concussion Symptoms Questionnaire, RPQ."

13 Do you recognize your handwriting and signature  
14 on this document?

15 A. I do. I recognize it, but I don't remember it.

16 Oh, I see. Yes. I do.

17 Q. Now, this is dated 11/8/16, so this would be  
18 four days after the incident.

19 A. Okay.

20 Q. Do you remember -- do you know why you filled  
21 this out?

22 A. Well, it was how I was feeling. He would have  
23 me fill this out.

24 Q. Okay. All right. So just a couple of  
25 questions on this and I'll move to the next. This

1 indicates that you were having poor memory and  
2 forgetting things.

3 Is that the way it was four days after the  
4 accident? Were you still feeling like you couldn't  
5 remember things?

6 A. Yes.

7 Q. Okay. What other symptoms do you recall --  
8 strike that.

9 I'm going to try and just move through the rest  
10 of this stuff as quickly as I can.

11 MR. KUNZ: Are we done with this?

12 MR. ROYAL: Yeah. We're done with that.

13 We'll mark this as Exhibit I.

14 (Exhibit I was marked.)

15 BY MR. ROYAL:

16 Q. And this is PLF 094 to 098. You haven't seen  
17 this document before, have you? This is a report from  
18 Dr. Webber on 11/8/2016, which would be, as I understand  
19 it, your first visit to him.

20 A. Okay. And I don't remember seeing it.

21 Q. Okay. I'm going to do as I've done previously.  
22 I'm going to point you to some language, starting at  
23 PLF 094, and just ask a couple of questions. Okay?

24 A. Okay.

25 Q. Starting right under "History of Injury," it

1 reads, "Ms. Sekera had a slip-and-fall injury dated  
2 11/4/16. She stated that she was at work inside the  
3 Venetian Hotel. She stated that she was walking on the  
4 marble floor when she slipped on something wet when both  
5 of her feet went out from under her and she fell to the  
6 ground landing on her back and left elbow." I'll stop  
7 there.

8 Did I read that correctly?

9 A. Yes.

10 Q. Does that refresh your recollection? You  
11 recall providing that information to Dr. Webber?

12 A. I do not recall. However, that's his report;  
13 right?

14 Q. Yeah. I'm just asking. It says -- he's laid  
15 out some facts here that he's indicated that he obtained  
16 from you, and I'm asking if you remember giving him that  
17 information.

18 A. I do.

19 Q. Okay.

20 A. Yes. I remember my left side and I remember  
21 talking about it.

22 Q. Okay. I'm going to continue reading. "She  
23 reported that her neck was thrust back when she fell.  
24 She stated that she cannot recall a loss of  
25 consciousness but recalls the first thing she can

1 remember after the fall was people standing over her and  
2 feeling dazed."

3 Did I read that correctly?

4 A. Yes.

5 Q. Do you recall providing that information to  
6 Dr. Webber?

7 A. Yes.

8 Q. Okay. Is everything that we read in the first  
9 paragraph here, is that accurate as reported by  
10 Dr. Webber?

11 A. Well, yes.

12 Q. I'll go to the next paragraph. "Ms. Sekera  
13 reported that she was evaluated by a paramedic at the  
14 scene of her fall and given a sling for her left  
15 shoulder. She reported making an incident report and  
16 was asked if she wanted an ambulance to take her to the  
17 hospital. She stated that she declined the ambulance  
18 and drove herself to Centennial Hills Hospital where she  
19 had x-rays and was given medications and a new shoulder  
20 sling." I'll stop there.

21 Did I read that correctly?

22 A. I would say --

23 Q. Did I read it correctly?

24 A. Yes.

25 Q. Okay. So my next question is: Do you recall

1 providing that information to Dr. Webber?

2 A. I do not recall providing it, but it -- I wish  
3 I could.

4 Q. Is it accurate?

5 A. Yes.

6 Q. Continuing on in that same paragraph, "The  
7 patient reported taking the medications which have  
8 helped but not resolved their [sic] pain." Let me stop  
9 there.

10 Does that refresh your recollection about  
11 medications that you received and took after you  
12 presented to the ER?

13 A. No.

14 Q. So when he says here that you reported taking  
15 the medications which have helped, do you know what he's  
16 referring to?

17 A. Not at all.

18 Q. Okay. Continuing on, "She also reported using  
19 hot packs which have helped some as well."

20 Do you recall that?

21 A. I remember the hot packs, yes.

22 Q. Are these hot packs that you used before you  
23 went to see Dr. Webber?

24 A. Oh, no. The ones that he has there.

25 Q. Okay. So as I understand it, from the time

1 that you went -- that you were discharged from the ER at  
2 Centennial Hills until you presented to Dr. Webber, you  
3 don't recall taking any medications to address your  
4 pain; is that correct?

5 A. That's correct. The only thing I would have  
6 taken is Aleve, and I can't even say that.

7 Q. Okay. And you did not -- all you did was rest.  
8 You didn't apply hot packs to yourself before you went  
9 to see Dr. Webber?

10 A. I don't remember.

11 Q. Were you receiving any kind of help from your  
12 daughter or your mother during this particular time  
13 between the ER visit and seeing Dr. Webber?

14 A. My mother.

15 Q. How old is your mother?

16 A. 82.

17 Q. Is she able-bodied? She's not in a wheelchair  
18 or...

19 A. No.

20 Q. She gets around okay?

21 A. Uh-huh.

22 Q. Yes?

23 A. Yes.

24 Q. And so she was able to get things for you,  
25 bring you dinner, a sandwich, or a drink or --



1 A. Yes.

2 Q. But she -- all right. Let me move on. That's  
3 all the questions I have on that.

4 Do you remember what Dr. Webber did for you  
5 after that first visit or during that first visit?

6 A. He would do the hot or cold presses [sic]. He  
7 had a machine there to -- you know, machines there for  
8 certain people. Massages, the -- but I can't remember  
9 from the first visit or any other.

10 Q. Well, your typical visit with --

11 A. They're all different.

12 Q. Was he manipulating you physically? Like, we  
13 might call it cracking your back or doing any kind of  
14 that, moving?

15 A. Not in the beginning.

16 Q. Okay. Let me -- I do have one more question I  
17 want to ask you in regards to Exhibit I.

18 Under where it says "Subjective" --

19 MR. KUNZ: On what page?

20 MR. ROYAL: I'm sorry. PLF 094.

21 MR. KUNZ: Oh, I'm sorry. Got it.

22 BY MR. ROYAL:

23 Q. Under where it says, "Subjective," it says,  
24 "The patient presents with the following problems," and  
25 in bold he has -- you'll see paragraph -- five

1 paragraphs there or -- and above each paragraph there's  
2 a heading. Okay?

3 A. Yes.

4 Q. So the first says headache, the second one says  
5 cervicalgia, the next one says low-back pain, the next  
6 one says pain in left shoulder, the next one says pain  
7 in left elbow, the next one says pain in thoracic spine.

8 All right. All those areas identified -- and  
9 I'll represent to you that cervicalgia is neck pain.

10 A. Oh, thank you.

11 Q. So does that cover all the areas where you were  
12 having pain on that particular date that you can recall?

13 A. The -- my headaches...

14 Q. I'll just summarize it.

15 Headache, neck pain, low back, middle-back  
16 pain, left-shoulder pain, left-elbow pain?

17 A. Yes.

18 (A short recess was taken from 1:02 p.m.  
19 to 1:11 p.m.)

20 MR. ROYAL: So I just have other stuff I want  
21 to mark here.

22 (Exhibit J was marked.)

23 BY MR. ROYAL:

24 Q. So we're going to mark Exhibit J, and this is a  
25 document that is identified as PLF 237.

1 Do you recognize your name and signature on the  
2 document?

3 A. Yes.

4 Q. Do you know what this document is?

5 A. No.

6 Q. It indicates that you -- it says, "Doctors'  
7 lien."

8 Do you know what a lien is?

9 A. Yes.

10 Q. Okay. So a lien -- you were being -- you  
11 weren't paying him. You're -- he'll get paid when this  
12 litigation is resolved; right?

13 A. Yes.

14 Q. Okay. Next is Exhibit K.

15 (Exhibit K was marked.)

16 BY MR. ROYAL:

17 Q. This may not help you because it doesn't sound  
18 like you've looked at your records and I don't blame  
19 you, but this says, "Joyce Sekera." It's identified as  
20 Radar 028. It is a -- it says, "Patient report: Joyce  
21 Sekera." Under "Prescription," it is says, "Filled:  
22 11/9/2016." Under "Prescriptions," it says  
23 "Hydrocodone, acetaminophen."

24 At any rate, it indicates it was written on  
25 11/4/2016. That was the day of the incident; correct?

1 A. Correct.

2 Q. Okay. Does that refresh your recollection at  
3 all about --

4 A. It was filled on the 9th.

5 Q. Correct. So you received a prescription on the  
6 4th and you filled it on the 9th. That's what this  
7 says.

8 A. Okay.

9 Q. Does that refresh your recollection about  
10 filling your prescriptions or anything else?

11 A. No. If I filled it, that's one thing, I filled  
12 it, but I did not take -- if I read it and I didn't --  
13 normally I don't take anything.

14 Q. So you might have filled this --

15 A. I might have filled it, right.

16 Q. You might have filled it and then not have  
17 taken any?

18 A. Correct.

19 Q. You don't recall?

20 A. Right.

21 Q. So you treated with Dr. Webber for a while.  
22 You were going to see him on a regular basis;  
23 correct?

24 A. Yes.

25 Q. And every time you'd go back, you would get

1 some kind of therapeutic treatment, like heat, cold,  
2 whatever he would use, massage?

3 A. Uh-huh.

4 Q. Yes?

5 A. Yes.

6 Q. All right. At some point, then, you went to  
7 see another doctor.

8 Who do you recall seeing next? It's okay if  
9 you don't remember.

10 A. I don't remember.

11 Q. I can help remind you.

12 A. Okay.

13 Q. The next doctor I have you seeing is a  
14 Dr. Hyla.

15 Is it Hyla, Michelle?

16 A. She was in his -- she had an office in his  
17 office.

18 Q. Whose office?

19 A. Dr. Webber's.

20 Q. I see. Okay.

21 So was it in the same place?

22 A. Yes.

23 Q. Okay. We're on L.

24 We're going to mark as Exhibit L PLF 214  
25 through 223.

1 (Exhibit L was marked.)

2 BY MR. ROYAL:

3 Q. All right. So Dr. Hyla, Southern Nevada  
4 Medical Group, she has an office with Dr. Webber or in  
5 his same building?

6 A. Yes.

7 Q. Do you know why you went to see her?

8 A. Because of my injury.

9 Q. Okay. But were you referred to her by  
10 Dr. Webber?

11 A. I don't remember.

12 Q. Okay. Do you know what kind of specialty  
13 Dr. Hyla is that she -- is she just a family doctor or  
14 does she have a specialty, if you know?

15 A. I do not know.

16 Q. Okay. Do you remember going to see her the  
17 first time?

18 A. Yes.

19 Q. All right. And this indicates you saw her on  
20 11/21/2016, which would be about two and a half weeks  
21 after the incident.

22 Does that sound about right?

23 A. Yes.

24 Q. And this document indicates this was your  
25 initial examination, and she lists 27 complaints under

1 "Chief Complaints" on PLF 214.

2 Do you see that?

3 A. Yes.

4 Q. I want you to look at those 27 complaints.

5 They include -- strike that.

6 Just look at those 27 complaints and indicate  
7 to me whether or not you recall having pain in all those  
8 areas as a result of the incident when you appeared to  
9 Dr. Hyla on 11/21/2016.

10 A. Yes, yes, yes.

11 (Reading document.)

12 I'm sorry. I was going down the list and  
13 saying which ones, and I don't remember the right  
14 shoulder, but I could have. I just don't remember.

15 Q. How about the right knee?

16 A. I don't remember.

17 Q. Okay. You don't remember providing all of this  
18 information to Dr. Hyla?

19 A. I don't remember.

20 Q. Go to the next page, PLF 215. This indicates  
21 that you had complained of radiating pain.

22 Do you know what radiating pain is?

23 A. No.

24 Q. So if I have pain in my neck and I feel pain  
25 all the way down to my fingers or some part of my --

1 that would be radiating pain.

2 A. Oh, okay.

3 Q. Pain I have in one place that sort of radiates  
4 to another body part.

5 A. Okay.

6 Q. Were you feeling that as a result of the  
7 incident?

8 A. I remember, yes.

9 Q. What parts of your body? I'm asking you --

10 A. I don't know at that time. I do not remember.

11 Q. Let me ask it this way: Now that you know what  
12 radiating pain is --

13 A. Yes.

14 Q. -- is that something you're experiencing today?

15 A. You mean constant pain?

16 Q. I mean pain that radiates from one part of your  
17 body to the other.

18 A. Yes, I do. Not every day. I do experience  
19 that.

20 Q. Okay. So let's start at your neck.  
21 Do you have pain in your neck today?

22 A. It's always right there (indicating) in my  
23 neck.

24 Q. Okay. You kind of pointed to the left side of  
25 your neck, the back of your neck.



1           A.    It radiates. Like you said, it travels, so it  
2    could -- like, sometimes down my spine, down my legs.

3           Q.    Okay. So it's not constant; correct?

4           A.    No.

5           Q.    Occasionally, then, you will feel -- and I'm  
6    going to describe what you just did. You put your left  
7    hand on the back of your -- the left side of your neck  
8    and you kind of motioned down your left shoulder to your  
9    elbow --

10          A.    Correct, because that was radiating pain.

11          Q.    Are you feeling any of that today?

12          A.    Yes.

13          Q.    Okay. Where does it radiate to? From your  
14   neck to where?

15          A.    It's -- it's my back.

16          Q.    So you're not feeling it in your neck?

17          A.    I feel -- yes, I do feel a pinch. I feel -- I  
18   don't know.

19          Q.    I'm just going to try -- you're jumping a  
20   little bit ahead of me. Let me just take this in  
21   increments.

22                Your neck -- you feel pain in your neck and it  
23   sometimes radiates down your left arm?

24          A.    Correct.

25          Q.    Okay. Do you have neck pain that radiates down

1 into your right arm?

2 A. No.

3 Q. Okay. Are you feeling today neck pain on your  
4 left side that radiates down your left arm?

5 A. No.

6 Q. Okay. Now, you indicated your low back,  
7 sometimes your pain radiates down your legs -- or your  
8 leg.

9 A. Yes.

10 Q. Does it radiate down both legs?

11 A. Sometimes, yes.

12 Q. Okay. How far down your legs? Does it go to  
13 your knee? Does it go to your foot?

14 A. No. It just -- the lower buttocks and -- you  
15 know, it just has shooting pain sometimes.

16 Q. Okay. When you say -- now, is it mostly on the  
17 left or equal?

18 A. Mostly the left.

19 Q. How often could you feel that on the right,  
20 that radiating pain?

21 A. It's not every day, but it is a constant thing  
22 that does -- that I feel.

23 Q. When you feel radiating pain on the right side,  
24 how --

25 A. It's not on the right per se. Lower spine in

1 the middle to the left.

2 Q. Okay. All right. I'm just trying to narrow  
3 this down.

4 A. I understand.

5 Q. So you have pain in the low back that  
6 occasionally radiates down to your left leg; is that  
7 correct?

8 A. That's correct.

9 Q. And when I say "radiates," it goes down to your  
10 buttock area, right, to your rear end?

11 A. Right.

12 Q. It doesn't go down to your knee or your foot?

13 A. No. I can't say it never has, but I don't feel  
14 that today.

15 Q. Okay. How often do you feel that radiating  
16 pain? Give me an idea of how many times a week that  
17 sort of pops up.

18 A. I couldn't even give you an estimate. Every  
19 day is different. I just know that I still have pain  
20 even after my treatments. And I...

21 Q. Is it radiating today?

22 A. No.

23 Q. So it's not something you feel every day?

24 A. Right.

25 Q. The radiating part is not something you feel

1 every day?

2 A. Correct.

3 Q. Okay. This indicates on -- back to Exhibit L,  
4 PLF 215, it indicates -- it says in the middle of the  
5 page "Concussion Symptoms." It says, "Hit head." It  
6 also says, "LOC: Yes." So it indicates here, "Hit  
7 head: Yes. LOC: Yes."

8 Do you remember having a conversation with  
9 Dr. Hyla on 11/21/2016 where you told her that you  
10 struck your head and that you lost consciousness?

11 A. Not lost consciousness. I had a lot of really  
12 bad headaches back then and they were pretty severe  
13 and -- but I don't remember the consciousness is what --  
14 I don't know because shocked, dazed, I don't know if  
15 that's the right word. I don't know what it is.

16 Q. Do you have -- there's reports here of numbness  
17 and tingling in your hands and --

18 A. Yes.

19 Q. You have that today?

20 A. No, not today.

21 Q. Is that -- when is the last time you  
22 experienced those symptoms?

23 A. That's now and then. It's not a constant.

24 Q. Kind of like the radiating pain, it comes and  
25 goes?

1           A.    Numbness and tingling, I can say I've had it --  
2   I have experienced that after it, but it's not a  
3   constant every day.

4           Q.    Okay. Have you been diagnosed with carpal  
5   tunnel syndrome?

6           A.    I heard that, yes. I heard one of the doctors  
7   say that he thinks that's what it could be in my right  
8   hand, but otherwise, no.

9           Q.    Which doctor said that? Do you remember?

10          A.    Maybe he said he had it. It was Dr. Shah.

11          Q.    Did you get any -- so was it just in the  
12   right --

13          A.    I'm sorry?

14          Q.    Was it just in the right hand, the right arm?

15          A.    Yes.

16          Q.    Did Dr. Shah say that was related to your fall?

17          A.    I don't remember. I remember him telling me he  
18   has it. Maybe I got it confused.

19                   (Exhibit M was marked.)

20   BY MR. ROYAL:

21          Q.    This is a pain diagram that -- it looks like  
22   you completed on 11/21/16 when you saw Dr. Hyla. It's  
23   PLF 224 and 225.

24                   Are these -- on 224, is this your marking?

25          A.    I can't say it is because I do not know.

1 Q. The next page has your signature it looks like  
2 along with the physician signature dated 11/21/16.

3 Is that your signature?

4 A. Yes.

5 Q. Now, going back to this diagram, having seen  
6 your signature on the page after, are you -- does that  
7 help you at all?

8 A. No, because I don't remember this particular  
9 page at all. I remember doing it with pain management.  
10 I just don't remember doing Xs. I just don't remember  
11 these markings.

12 Q. Okay. So I am just going to look -- review  
13 these markings here. Because on Exhibit L, we went  
14 through -- PLF 214, we went through 27 different  
15 complaints, which appear to correspond with what's  
16 written -- indicated on this pain diagram.

17 A. Okay.

18 Q. So, for example, it looks like the knees are  
19 both circled.

20 A. Yeah, it does look like that.

21 Q. And it looks like the shins and calves are  
22 circled; right?

23 A. That's what I --

24 Q. I don't mean circled. I mean, you know, lines.

25 A. Yeah. Uh-huh.

1 Q. Also, the thighs are both indicated; right?

2 You'd agree with that?

3 A. Yes, they are.

4 Q. And the left hip?

5 A. Uh-huh.

6 Q. Yes?

7 A. Yes.

8 Q. The entire --

9 A. It does indicate.

10 Q. The entire left arm from the shoulder down to  
11 the wrist is indicated?

12 A. Yes.

13 Q. The head -- the top of the head is indicated?

14 A. Yes.

15 Q. Looks like the right shoulder is also  
16 indicated; right?

17 A. Yes.

18 Q. And then if you look at the one on the left, it  
19 looks like pain all the way down from the crown of the  
20 head down to the lumbar spine?

21 A. Yes.

22 Q. It looks like the back of both shoulders and  
23 then pain from hip to hip on the back side --

24 A. Yes.

25 Q. -- is indicated; right?

1 A. Yes.

2 Q. Okay. Does that sound accurate as far as the  
3 pain that you were feeling when you went to see Dr. Hyla  
4 on November 21st, 2016?

5 A. I don't remember doing this on this page where  
6 my signature isn't. I know my signature. However, I  
7 don't remember writing like that.

8 Q. Okay. You don't know if the signature is  
9 connected to this pain drawing?

10 A. That's correct.

11 Q. Okay. On PLF 224, it says page 11. On PLF  
12 225, it says page 12. These both indicate that they are  
13 from the date of 11/21/2016 from your visit to Southern  
14 Nevada Medical Group, Dr. Hyla. But looking at that --

15 A. Well, again, we have a signature. I'm just  
16 saying I don't remember.

17 Q. Okay. I got it.

18 I'm going to show you -- the next one we'll  
19 mark as Exhibit N.

20 (Exhibit N was marked.)

21 BY MR. ROYAL:

22 Q. Now, all I'm asking on -- you did go see  
23 Dr. Shah.

24 A. Yes.

25 Q. This is dated 12/1/2016. It's Bates-stamped



1 36739.

2 And is that your handwriting?

3 A. Yes.

4 Q. It says, "Reason for visit: Headaches, back  
5 pain, shoulders."

6 A. Yes.

7 Q. This indicates you're right-handed. This  
8 indicates you're suffering from migraine headaches and  
9 you have eye problems.

10 A. Yes.

11 Q. You circled those; right?

12 A. Yes.

13 Q. What kind of eye problems were you having at  
14 this time on 12/1/16?

15 A. A lot of headaches, a little blurriness. I do  
16 remember that.

17 Q. Okay. Were you having neck pain on this day?

18 A. Oh, yes. But the headaches were severe enough  
19 that it just hurt.

20 MR. ROYAL: This next one is going to be O.

21 (Exhibit O was marked.)

22 BY MR. ROYAL:

23 Q. This represents -- oh, boy. These Bates stamps  
24 are small. This is Bates-stamped Radar 058 to 068. I'm  
25 not sure why these Bates stamps are so small.

1           Let me have you turn to Radar 061. This is  
2   from Dr. Shah, and it's dated 4/11/2017.

3           Why were you going to see Dr. Shah? What's  
4   your understanding?

5       A.   This is the Radar, Webber, it says on this  
6   page.

7       Q.   No. This is a letter to Dr. Webber from  
8   Dr. Shah.

9       A.   Oh. Thank you. Sorry.

10      Q.   Why were you going to see Dr. Shah?

11      A.   The headaches.

12      Q.   Is that it?

13      A.   Mainly, yes. Bad headaches.

14      Q.   What did Dr. Shah do for you?

15      A.   I remember him doing the nerve test.

16      Q.   They were negative; correct?

17      A.   Okay. I never saw anything on that. I don't  
18   remember seeing anything on why I went to him. I don't  
19   remember.

20      Q.   Did you have discussion with Dr. Shah about  
21   what kind of treatment that he recommended for you to  
22   address your headaches?

23      A.   Yeah. I remember talking to him. I can't say  
24   exactly what...

25      Q.   Did he give you prescriptions?

1 A. Yes. He might have, yes. Yes.

2 Q. Did you take those prescriptions?

3 A. Sometimes I didn't fill them and -- no, I did  
4 not. He recommended them, but because of side effects,  
5 I -- I didn't take them.

6 Q. Let me refer you to Radar 062 of Exhibit O.  
7 This indicates that you were having symptoms of nausea.  
8 How long did -- is that a fair statement, you were  
9 having -- as of -- I'm sorry. Look at GI. Look in the  
10 middle where it says "GI" on the left, in the first  
11 line, it says, "Positive nausea."

12 A. Nausea?

13 Q. Yeah.

14 MR. KUNZ: I see "GI." I don't see --

15 THE WITNESS: I'm confused.

16 BY MR. ROYAL:

17 Q. Go to "GI," and then work your way on that line  
18 where it says, "Negative" --

19 MR. KUNZ: Okay. Thank you.

20 MR. ROYAL: To the right it says, "Positive  
21 nausea."

22 BY MR. ROYAL:

23 Q. So my question is: Were you experiencing  
24 nausea for several months following the incident at the  
25 Venetian?

1 A. I don't remember nausea for several months, no.

2 Q. Okay. Did you experience nausea for any period  
3 of time following the incident?

4 A. Yes. Yes, I did.

5 Q. And for about how long? For a week? two weeks?

6 A. It wasn't that long, but I can't remember.

7 Q. Okay. You weren't feeling it as of April 11,  
8 2017, which would be six-or-so months after the  
9 incident, five months, six months?

10 A. No. I don't recall when, but no.

11 Q. Okay. This also says -- indicates that you  
12 were having eye pain, blurred vision under "Visual."

13 Do you still experience those things today?

14 A. No.

15 Q. When did -- were you experiencing those  
16 symptoms on 4/11/2017?

17 A. I could not tell you the dates or times.

18 Q. They resolved?

19 A. I'm sorry?

20 Q. Those symptoms resolved?

21 A. Yes.

22 Q. So your nausea resolved, the blurred vision  
23 resolved, and the eye pain resolved; is that correct?

24 A. Yes.

25 Q. Under "Neurologic," it indicates that you were

1 still having problems with headaches on 4/11/2017.

2 A. Uh-huh.

3 Q. Yes?

4 A. Yes.

5 Q. Did those headaches eventually resolve?

6 A. Yes.

7 Q. You're not having them today?

8 A. No.

9 Q. It also says you were then on 4/11/17

10 experiencing neck pain, mid-back pain, low-back pain,  
11 weakness in the arms, weakness in the hands, weakness in  
12 the legs, weakness on walking, numbness or tingling in  
13 the arms, numbness or tingling in the legs.

14 A. Yes.

15 Q. Are you still experiencing those symptoms  
16 today?

17 A. Some.

18 Q. Which ones?

19 A. The walking, sometimes the legs. The numbness  
20 and tingling, sometimes in my right hand. That's it.  
21 Well, the neck pain, yeah, and the mid-back pain, yes.

22 Q. So you're having mid-back pain?

23 A. Lower and right above it. So I don't know if  
24 you call that mid or not.

25 Q. Okay. So your headaches have resolved?

1 A. Yes.

2 Q. Neck pain -- give me an idea of the neck pain  
3 as it is today. Scale of -- you know, the 1-to-10  
4 scale, how is it today?

5 A. The difference is I can move my head back right  
6 here (indicating). This way I cannot (indicating).

7 Q. So just for the record, you've indicated that  
8 you can turn your head to the right to where your chin  
9 is close to your right shoulder --

10 A. Like, right here (indicating), and then as far  
11 as here, right here (indicating). Big difference.

12 Q. Actually, I got it. When you say "right here,"  
13 it's not going to make any sense on the transcript, so I  
14 have to try and explain it.

15 You've turned -- so when you said "right here,"  
16 you turned your head to the right where your chin was  
17 close to your right shoulder?

18 A. Correct.

19 Q. Then you turned over your head to the left and  
20 your chin was approaching your left shoulder and your  
21 testimony is it can't go as far as it can to the right?

22 A. Correct.

23 Q. So you're claiming you still have problems with  
24 your neck today?

25 A. Yes.

1 Q. Okay. And you can't turn it to the left as far  
2 as you can the right because your neck -- it's painful?

3 A. Yes.

4 Q. Okay. Are you getting treatment for your neck  
5 today? I mean, presently. Not today, but are you  
6 seeing anyone for your neck right now?

7 A. No.

8 Q. Was your neck ever accepted as a covered body  
9 part by your workers' compensation carrier?

10 A. I don't know.

11 Q. Okay. You've got attorneys handling all of  
12 that; right?

13 A. Yes.

14 Q. You said weakness on walking.

15 What do you mean?

16 A. Before the accident, I could -- I went running,  
17 I worked out. I did a lot. Now I can't jog and I  
18 cannot walk. I can't stand long or sit long. You, on  
19 the other hand, have these chairs that I've never been  
20 able to sit this long. You know what I mean? They're  
21 really comfortable. Normally I'm up and down and...

22 Q. Okay. But the weakness and walking, does that  
23 mean that you're walking and all of a sudden --

24 A. I can't walk distances.

25 Q. Okay. What I'm getting at is: Do you have

1 moments when you're walking and your legs just give out?

2 A. I've had them before, yes.

3 Q. Since the incident?

4 A. Gave out, you mean you can't walk?

5 Q. Well, I mean -- I don't know. I'm just asking  
6 you, when you say weakness in walking, to me, weakness  
7 in walking might mean many things.

8 A. Oh, I'm sorry. Stiff. The back, stiff.

9 Q. The back of what?

10 A. My leg.

11 Q. Okay. Like your calves?

12 A. Yes.

13 Q. They get stiff?

14 A. Uh-huh.

15 Q. Yes?

16 A. Uh-huh -- yes.

17 Q. You're indicated positive for depression,  
18 anxiety, restlessness.

19 Did you experience any of those things prior to  
20 the accident?

21 A. No.

22 Q. Were you ever treated for depression before the  
23 accident?

24 A. No.

25 Q. For anxiety?



1 A. No.

2 Q. Were you ever prescribed anything, like Xanax  
3 or anything like that, to address --

4 A. If I was, I don't remember, and I would  
5 probably have thrown them out.

6 Q. Okay. On page -- the next page, 063 of  
7 Exhibit O, it indicates -- it says your memory was  
8 better, you were less forgetful, and noted improvement.

9 What were you doing, if anything, to improve  
10 your memory after the incident? Did you do any  
11 exercises or anything like that that you recall?

12 A. I don't recall.

13 Q. It indicates that you got some injections, pain  
14 shots from Dr. Kidwell's group?

15 A. Yes.

16 Q. What kind of injections -- what part of your  
17 body? Do you remember?

18 A. Lower back.

19 Q. Have you received injections anywhere other  
20 than your lower back?

21 A. No.

22 Q. You never received injections for your neck?

23 A. No.

24 Q. Let's turn to Radar 064. Under "Impression,"  
25 it says, No. 1, post-traumatic brain syndrome.

1 Did you have a discussion with Dr. Shah about  
2 that diagnosis?

3 A. I don't remember that.

4 Q. Did you get a CAT scan or MRI of your brain,  
5 your head?

6 A. I remember getting -- whether it was x-rays  
7 or -- I remember getting some.

8 Q. Do you remember -- I'm sorry?

9 A. I believe it was the MRI.

10 Q. Do you remember having a discussion with  
11 Dr. Shah about the results?

12 A. Yes.

13 Q. What did he tell you?

14 A. I should have gotten copies. You know what, I  
15 can't remember exactly.

16 Q. Do you remember him telling you that they were  
17 normal?

18 A. I don't remember that.

19 Q. Do you remember him telling you that the other  
20 tests, that the EMG studies, that they were normal?

21 A. I do not remember.

22 Q. Do you remember having a discussion with him  
23 about cervical strain and headaches?

24 A. I remember saying I have headaches now and  
25 then, yes.

1 Q. The next page indicates -- I'm going to skip  
2 down to No. 6, carpal tunnel syndrome. It says, "Wrist  
3 splint to continue."

4 A. Oh, I remember him saying about he wears a  
5 wrist splint, that would help me.

6 Q. Did you ever wear a wrist splint?

7 A. No.

8 Q. You were holding your right arm.

9 Was it just your right arm where he diagnosed  
10 carpal tunnel syndrome?

11 A. It could have been both, but it's my right one  
12 that I remember.

13 Q. Okay. Do you remember Dr. Shah attributing  
14 that to the accident?

15 A. No, I do not.

16 Q. Okay. Hold on a second.

17 MR. KUNZ: Are we done with this?

18 MR. ROYAL: Yeah.

19 (Exhibit P was marked.)

20 BY MR. ROYAL:

21 Q. This is Bates-stamped 36739, Exhibit P.

22 Do you recognize your signature?

23 A. Yes.

24 Q. Do you recognize this document to know what it  
25 is?

1 A. Yes.

2 Q. Do you know why you signed it?

3 A. I'm not sure of the question.

4 Q. Do you know why you signed this document?

5 A. So I could see the doctor.

6 Q. Okay.

7 MR. ROYAL: This next one is Q.

8 (Exhibit Q was marked.)

9 BY MR. ROYAL:

10 Q. And this is 367 -- I thought these were  
11 Bates-stamped. Maybe they're not. Well, this is  
12 Exhibit Q, and this is -- these are documents -- it says  
13 "Pain Chart," and it is dated 12/1/2016.

14 That's your signature at the bottom?

15 A. Yes.

16 Q. And then look at the next page.

17 That's also your signature at the bottom,  
18 bottom left?

19 A. Yes.

20 Q. Do you remember filling out these two forms?

21 A. Yes.

22 Q. Okay. There's a lot of these actually in the  
23 file. I'm not going to go through all of them, but on  
24 this particular date, it looks to me like you indicated  
25 that you were having pain.

1           If you look at the first page --

2           A.    Yes.

3           Q.    -- you were having pain from hip to hip on the  
4   back, your left shoulder, and that's all I see marked.

5           A.    Lower back and the -- that's what I was  
6   experiencing.

7           Q.    Right, right. Well, when I say from hip to hip  
8   in the back, I meant the lower back because you X'd all  
9   the way across.

10          A.    Yes.

11          Q.    And you've indicated your pain was worse and it  
12   was 8 out of 10.

13          A.    Yes.

14          Q.    On the next one, you've got a bunch of Xs here  
15   that indicate aching, according to the legend above;  
16   right?

17          A.    Yes.

18          Q.    So according to this, you've indicated -- and  
19   I'm not sure the difference between the first page and  
20   the second page. But this indicates aching throughout  
21   the back from the shoulders all the way down to the  
22   buttocks; correct?

23          A.    Correct.

24          Q.    And then you've got it pretty much on the  
25   entire left side of the back of your head?

1 A. Right.

2 Q. You've also got it on the top of your head down  
3 to the left side, your neck and both shoulders, and  
4 you've indicated also -- I'm not sure if this is pain in  
5 your hands.

6 A. That's the tingling, the stars.

7 Q. Okay. Thank you.

8 And then what have you indicated on the feet?  
9 Pins and needles?

10 A. Yes.

11 Q. Okay. And are these symptoms that you were  
12 experiencing since the accident?

13 A. No.

14 Q. They just gradually --

15 A. Every day was different. That day I was in  
16 pain.

17 Q. So when you say every day was different,  
18 sometimes you'd have days when you would have these pins  
19 and needles, tingling --

20 A. It was more or less, like you said, radiating.  
21 It just went down to my feet.

22 Q. Okay.

23 MR. KUNZ: You need a break?

24 THE WITNESS: No. I'm good.

25 (Discussion held off the record.)

1 (A lunch recess was taken from 1:49 p.m.  
2 to 2:28 p.m.)

3 (Exhibit R was marked.)

4 BY MR. ROYAL:

5 Q. So I am going to show you what we have marked  
6 as Exhibit R. This is identified as Southern 14 through  
7 18, and this is another visit to Dr. Hyla.

8 Can I just ask you, what was Dr. Hyla doing for  
9 you specifically, if you know?

10 A. I don't know. I'd have to read.

11 Q. She wasn't giving you injections; right?

12 A. No.

13 Q. She wasn't providing you with any kind of  
14 therapy, was she? Like, physical therapy.

15 Was she just writing you prescriptions? Was  
16 she --

17 A. In Dr. Webber's office, he has an office, and  
18 then around the corner would be hers and he had the  
19 equipment. I mean, for him it was hot packs and the  
20 massage, cold packs, and the machinery, is she part of  
21 that?

22 Q. Well, I don't know.

23 A. Okay. I'm sorry. Okay.

24 Q. I was just trying to figure this out. So  
25 let's -- this is dated 12/5. So, again, let's go to

1 Southern 015, and there's a list here of concussion  
2 symptoms. So it says, for example, "Nausea: Yes.  
3 Headache: Yes. Dizziness: Yes. Tinnitus: Yes.  
4 Trouble remembering: Yes." Ah, let me back up.  
5 Tinnitus says it's resolved.

6 Do you know what that is, ringing in the ears?

7 A. Yes.

8 Q. Did you have that after the incident?

9 A. A little bit, yeah.

10 Q. But as of this date, it says it was resolved.

11 A. Yes.

12 Q. You were having drowsiness, balance problems.

13 What kind of balance problems were you having?

14 A. It was hard to walk. All of a sudden, I had to  
15 catch myself.

16 Q. Because of dizziness?

17 A. Yeah. Yes.

18 Q. When you said earlier you have weakness in  
19 walking, that doesn't have to do with balance, that has  
20 to do with something else?

21 A. The lower back, the pain, I -- I can't walk  
22 long distances and...

23 Q. Okay. Just look at these concussion symptoms,  
24 if you would, on Southern 015 of Exhibit R. Let me know  
25 how many of these are continuing today, if any.



1 A. Starting at the top, you said?

2 Q. You don't have to read out loud. Just look at  
3 them and identify which one of these -- if they've all  
4 resolved, fine.

5 A. Gotcha.

6 The headache, once in a moon [sic]. You know,  
7 it's not like it was.

8 Q. I'm sorry. These also go on to the next page.

9 A. So -- sorry.

10 Q. Look at the next two on Southern 016.

11 A. Well, I don't have a problem finding my words.  
12 I did back then, yes. I -- my headaches took a toll on  
13 me.

14 Q. So have you reviewed all of the symptoms?

15 MR. KUNZ: Anything else on this page that's  
16 resolved?

17 THE WITNESS: The headaches, just normal --

18 BY MR. ROYAL:

19 Q. So let me ask it like this: Are there any of  
20 these symptoms that are listed on Southern 015 and -16  
21 under "Concussion Symptoms" of Exhibit R that you are  
22 still experiencing today?

23 A. (Reading document.)

24 Find ones that aren't resolved?

25 Q. Right.

1 MR. KUNZ: You have got those two there.

2 THE WITNESS: Right.

3 MR. KUNZ: These ones you're still  
4 experiencing?

5 THE WITNESS: No.

6 BY MR. ROYAL:

7 Q. My question was: Of those items listed on  
8 Southern 015 and 016 of Exhibit R, those concussion  
9 symptoms listed out over those two pages, are you  
10 experiencing any of those today?

11 A. No.

12 Q. Okay. So now I'm going to show you what we'll  
13 mark as...

14 (Exhibit S marked.)

15 BY MR. ROYAL:

16 Q. This is called "Head Injury Follow-Up  
17 Questionnaire."

18 That's your signature; correct?

19 A. Correct.

20 Q. And it's dated 12/9/16.

21 Based on your last -- based on your testimony  
22 from the last question makes this less relevant, but I'm  
23 going to ask you: If you were to fill this out today,  
24 would you say that you were a hundred percent well as to  
25 all of the things listed here?

1           So let me give you an example. Anxiety,  
2 nervousness, or worry, you can either say getting worse,  
3 staying same, getting better, a hundred percent well.

4           See how you filled that out back on 12/9/16?

5       A.    Okay.

6       Q.    I'd like you to look at those and just tell me  
7 how would you --

8       A.    If I feel that today?

9       Q.    Right. If you feel like you are a hundred  
10 percent well as to each of those symptoms, and if you're  
11 not, I just want you to tell me which ones you're still  
12 having trouble with.

13      A.    I still...

14      Q.    Just make sure you get through the whole list.

15           MR. KUNZ: Why don't you read each one and tell  
16 him how you're feeling.

17           MR. ROYAL: I can go through them individually,  
18 if that will work.

19 BY MR. ROYAL:

20      Q.    We'll do the first one.

21           Anxiety, nervousness, or worry, do you still  
22 have issues with that?

23      A.    No.

24      Q.    Depression, crying, or more emotional, is that  
25 resolved?

1 A. Yes.

2 Q. Irritable or getting angry easily, has that  
3 resolved?

4 A. No.

5 Q. Has it gotten better? How would you rate it  
6 based on this form?

7 MR. KUNZ: One of those categories: Staying  
8 the same, getting better, a hundred percent, and never  
9 had.

10 THE WITNESS: Getting better.

11 BY MR. ROYAL:

12 Q. Okay. Difficulty finding simple words when  
13 talking?

14 A. A hundred percent.

15 Q. Difficulty concentrating or thinking slowly?

16 A. A hundred percent.

17 Q. Memory problems or forgetting things?

18 A. Better. A hundred.

19 Q. I'm sorry. You said better and then you said a  
20 hundred.

21 A. That's because I thought I misplaced my keys in  
22 the kitchen and it just triggered the sentence. Sorry.

23 Q. So that one, you're still having memory or  
24 forgetfulness?

25 A. Getting better.

1 Q. "Understanding what people say to me"?

2 A. I understand.

3 Q. A hundred percent?

4 A. Yes.

5 Q. Sleep disturbance or disruption of sleeping  
6 patterns?

7 A. I still have that. I'm getting better.

8 Q. Fatigue, tiring more easily, or low energy?

9 A. I do have that.

10 Q. Is it getting worse? Staying the same?  
11 Getting better?

12 A. Same.

13 Q. Staying the same?

14 So if you were to put a check mark in a box,  
15 would you put it in "Staying the same" or "Getting  
16 worse"?

17 MR. KUNZ: "Staying the same" is the --

18 THE WITNESS: Staying the same.

19 BY MR. ROYAL:

20 Q. Okay. You don't take anything for your sleep?

21 A. No, I don't. I don't like pills.

22 Q. Fatigue, tiring more easily, or low energy.

23 Did we cover that?

24 You see that one? Fatigue, tiring more easily,  
25 or low energy, how is that? Getting worse? Staying the

1 same? Getting better?

2 A. That's when I was saying -- oh, I see. I would  
3 have to say that's staying the same.

4 Q. Okay. So you had the check box "Getting  
5 worse," you would check the box "Staying the same" for  
6 that one?

7 A. Yes.

8 Q. "The overall level of my physical pain," how  
9 would you rate that today based on these boxes?

10 A. I would say getting better.

11 Q. Feeling behind, never caught up, or  
12 overwhelmed, how would you check that today?

13 A. Feeling behind what?

14 Q. It's just the form -- this is the form you  
15 filled out on 12/9/16.

16 A. Oh, I see. You want to know --

17 Q. How would you check it today?

18 A. Getting better and a hundred percent, right  
19 between there.

20 Q. Okay. "Relationship with my partner or  
21 family," you indicated it was a hundred percent at the  
22 time.

23 Is that still the case today?

24 A. No.

25 Q. How would you write that today?

1           A.    Before the accident, everything was  
2   different -- or before I fell, everything was different.  
3   I've been very irritable, and it's caused me to  
4   family -- it's different in the family. I couldn't do  
5   the things I did before. So it's a little strain there.  
6   Living with my mother, yes, a little strained because I  
7   had all the pain I did.

8           Q.    You filled this out on 12/9/16; correct?

9           A.    Okay.

10          Q.    According to this.

11          A.    Okay.

12          Q.    At the time you filled this out on 12/9/16,  
13   you're about five weeks after the incident, and you've  
14   indicated here, "Relationship with my partner or family:  
15   A hundred percent well."

16                That's what you indicated on this form. You  
17   see that?

18          A.    Yeah, I do see that. I don't understand. I  
19   guess because it's not 24/7 like that, but I notice a  
20   difference in myself.

21          Q.    Okay.

22          A.    I don't know why I put the check mark there,  
23   but -- maybe that day, but it's been a strain.

24          Q.    "Able to enjoy my hobbies or leisure  
25   activities," you wrote on 12/9/16, "Getting better."

1                   How would you write that today?

2           A.    You can -- getting better.

3           Q.    "Ability to exercise or play sports I enjoy,"  
4   you wrote "Getting better" on this occasion.

5                   How would you rate that today?

6           A.    Getting better.

7           Q.    "The quality or quantity of how much work I can  
8   do, 'Getting worse'" is what you said on 12/9/16.

9                   How is that today?

10          A.    This is so generic. I do what I can when I get  
11   up.

12          Q.    So is it -- you wrote "Getting worse" at this  
13   time.

14                   Is it getting better or staying the same?

15          A.    Staying the same.

16          Q.    How much you enjoy life, you wrote "100 percent  
17   well" on 12/9/16.

18                   Is that the case today?

19          A.    That's -- yes. That's because it's my  
20   attitude, and every day I'm just a happy person, and I  
21   will stay that way. So that's probably why I put that.

22          Q.    "Loud noises, noisy rooms, or crowds bother  
23   me." You wrote "Staying same."

24                   Is that still the same today?

25          A.    Yeah. I don't -- yes.



1 Q. You attribute that to the incident?

2 A. Sometimes.

3 Q. "Bright lights bother me or I have to wear  
4 sunglasses." You wrote "Staying the same."

5 Has that improved since 12/9/16?

6 A. Yes. Getting better.

7 Q. "Feeling like I want to socialize with friends  
8 or family," on 12/9/16, you wrote "Getting worse."

9 Has that improved?

10 A. Yes.

11 Q. Is that a hundred percent improved?

12 A. Yes.

13 (Exhibit T was marked.)

14 BY MR. ROYAL:

15 Q. Let's go to Exhibit T. This is a document I  
16 believe you filled out. It's Steinberg Diagnostic,  
17 SD 030 to 031. Your signature's on the second page.

18 Do you recognize your handwriting on both of  
19 these pages?

20 A. Yes, I do.

21 Q. This looks like -- as I recall, this is -- you  
22 went there for a CT scan of your head, I believe.

23 Do you know what I mean by "CT"?

24 A. Yes, I do.

25 Q. Do you remember filling out this form?

1 A. Yes. I see it's my handwriting, yes.

2 Q. Okay. So this -- I'm looking for the date.

3 Now that I look at this, I don't see a date on here.

4 MR. KUNZ: That's when they sent it, I think.

5 BY MR. ROYAL:

6 Q. Yeah. I do see a -- what looks like a fax date  
7 of December 16, 2016, and it says, "MRI of the brain."

8 At any rate, it says here a reason for your  
9 exam. Headaches, dizziness, vision with nausea [sic],  
10 memory loss -- I'll stop there.

11 You recall that at least for a period of time  
12 you were experiencing all those things after the  
13 incident?

14 A. Yes.

15 Q. And all of those -- the headaches, dizziness,  
16 the vision with nausea, memory loss, that is all  
17 resolved --

18 Is that fair to say?

19 A. Yes.

20 Q. -- those symptoms?

21 (Exhibit U was marked.)

22 BY MR. ROYAL:

23 Q. This is, again, from Steinberg Diagnostic.

24 It's dated 12/20/16. The first page has your signature.

25 Did you fill this out?

1 A. Yes.

2 Q. Then the next page, it looks to me to be your  
3 handwriting.

4 Did you fill that out?

5 A. Yes.

6 Q. Okay. So this indicates that you were  
7 presenting to Steinberg Diagnostics with complaints of  
8 pain in the lower back and neck.

9 Do you recall why you were at Steinberg  
10 Diagnostic on 12/20/16?

11 It's okay if you don't recall.

12 A. I don't.

13 Q. Okay. Now, at SD 025, this indicates that you  
14 were having -- I want you to look at the symptoms.

15 A. Okay.

16 Q. And on SD 025, it says neck pain, mid-back  
17 pain, low-back pain all due to trauma.

18 You circled those; correct?

19 A. Yes. I -- yes.

20 Q. Then it says at the bottom, "Body pain,  
21 right" -- it says, "Bilateral."

22 You were having pain all over, it sounds like,  
23 at this time?

24 A. Yes.

25 Q. So then it says -- going to the right, it says,

1 "Radiculopathy: Arm numbness, arm pain, leg pain,  
2 bilateral."

3 So according to this, you were having bilateral  
4 radicular pain shooting down your arms and your legs at  
5 this particular time five months -- or five weeks after  
6 the incident?

7 A. I don't remember this. When I -- all these  
8 medical forms, I would go up to the nurse or the girl  
9 that was at the desk and ask her, "What does this mean?  
10 What does this mean?" So I don't remember doing that.

11 Q. Well, I'm just asking. Here's what I'm asking,  
12 because this is what it indicates. This indicates that  
13 you were having radiating pain going down both arms and  
14 both legs when you went to Steinberg Diagnostic on  
15 12/20/2016, which would be about five to six weeks after  
16 the incident.

17 Were you experiencing those kinds of symptoms  
18 at that time?

19 A. I was in a lot of pain back then, yes. It's  
20 why I kept going to the doctors and trying stuff, and  
21 even though I've been treated, I still have the pain.

22 (Exhibit V was marked.)

23 BY MR. ROYAL:

24 Q. This is Exhibit V. This is another medical  
25 lien. To just indicate, it's PAIN -- the Bates stamp is

1 PAIN 142. It's Pain Institute of Nevada.

2 That's your signature?

3 A. Yes.

4 Q. And we've established what -- why you  
5 understood that you were signing a lien?

6 A. Yes.

7 Q. I end up singing the song in my head, the  
8 Alphabet song.

9 A. I thought so. I would do something like that.

10 Q. Tell me about -- what I'm going to do right  
11 now, I'm just going to try and get through this more  
12 quickly. Tell me about why you went to the Pain  
13 Institute of Nevada.

14 A. Because things -- I wasn't feeling like I  
15 should, and I went there to try the injections to see if  
16 they could help.

17 Q. Who sent you there?

18 A. I don't remember.

19 Q. Okay. I'm going to show you what we'll mark as  
20 Exhibit W. This is another pain diagram. It's got your  
21 signature.

22 (Exhibit W was marked.)

23 BY MR. ROYAL:

24 Q. Is that your signature?

25 A. Okay. Yes.

1 Q. And the markings on the diagram, are these  
2 yours?

3 A. Yes.

4 Q. So as of -- the date of this is 1/9/17.

5 When you went to the Pain Institute of Nevada,  
6 were you having -- on 1/9/17, were you having bilateral  
7 pain in your knees?

8 A. I'm not sure if that was -- like, you explained  
9 to me radiating, and I'm not sure if it went from the  
10 lower back down just above the knee. I just don't  
11 remember that exact marking.

12 Q. So you were -- at that time, you were having  
13 tingling of your hands bilaterally?

14 A. Yes.

15 Q. It looks like -- then you were having aching in  
16 your low back and in your neck and both shoulders --  
17 shoulder blades or --

18 A. Yes.

19 Q. I don't know. Not shoulder blades. You know  
20 what I mean, where indicated in this. I don't want to  
21 misrepresent it. And -- okay.

22 Tell me about what they did for you at the Pain  
23 Institute of Nevada.

24 A. I had injections done.

25 Q. Okay. How many injections have you had done?

1 A. Two, and a radiofrequency.

2 Q. Okay. Tell me about the first injection.

3 About when did that occur, approximately?

4 A. I don't recall the date.

5 Q. Were you hesitant to get injections when they  
6 were first recommended to you?

7 A. Yes, because I don't like pain, but if it's --  
8 if it was going to help my back, I was going to do it.  
9 So I just started trying that to see if that would  
10 relieve the pain.

11 Q. So I see a -- sometime, it looks like, mid to  
12 late February of 2017 you received a pain injection, and  
13 you reported -- let me see when the injection was.

14 Did you get an injection in your neck or were  
15 they all in your back?

16 A. In my back.

17 Q. Okay. Did the -- what happened to your neck  
18 pain over time? Did it just -- I mean, did it stop  
19 radiating and just sort of become localized to where it  
20 limited your range of motion?

21 A. Yes.

22 Q. Okay. Have you ever been referred for an  
23 injection of your neck?

24 A. No.

25 Q. Okay. And so the first injection you got was

1 for your low-back pain and tell me how that worked out.

2 I mean, did it provide you with relief?

3 A. Relief? A little bit, yes.

4 Q. It looks like -- now that I'm looking at my  
5 notes, it looks like you went to Valley View Surgical.

6 Do you remember that?

7 A. Yes.

8 Q. And I have a date of March 9th, 2017.

9 A. Okay.

10 Q. You wouldn't know that?

11 A. No.

12 Q. And it looks like it was Dr. -- I can't say her  
13 last name -- Travnicek?

14 MR. KUNZ: Travnicek.

15 BY MR. ROYAL:

16 Q. So she did a -- it looks like she did an  
17 injection at your low back.

18 A. Uh-huh.

19 Q. And she indicates that you had a hundred  
20 percent pain reduction reported after you received it.  
21 In other words, all your pain was gone for a period of  
22 time.

23 A. Yeah.

24 Q. Did the pain come back?

25 A. Yes.



1 Q. How long did that shot or that process, that  
2 procedure give you relief?

3 A. After a couple of weeks, I started feeling a  
4 little bit, and I have to say afterwards, probably about  
5 six months, seven months.

6 Q. So you got six to seven months' relief from  
7 that first; is that right?

8 A. Yeah.

9 Q. And --

10 A. Not a hundred percent but relief.

11 Q. And then the -- I'm looking for the next  
12 injection. It looks to me like you got another  
13 injection, then, on May 8th, 2017.

14 A. Okay.

15 Q. I know you don't know the dates. I'm just  
16 reading off my notes, but I know you said there were two  
17 injections. So I have one in March of 2017 and one in  
18 May of 2017.

19 Do you remember getting those two -- getting  
20 two injections where you got one and it gave you some  
21 relief and then you went back and got another one?

22 A. Right, and then a radiofrequency.

23 Q. What was different -- do you remember anything  
24 different after getting the second injection in your  
25 lumbar spine? Did you feel better? Did you feel worse?

1 A. Or the same. Sorry. I can't remember exactly.

2 Q. Okay. So I have a note here that says -- the  
3 doctor's note indicates that you had a couple of days of  
4 a hundred percent relief after the injection you  
5 received on May 8, 2017, and a few days later you  
6 reported about 60 percent relief. So in other words,  
7 you had total relief --

8 A. Right.

9 Q. And then it started to come back?

10 A. Yes.

11 Q. And then tell me about when you had this next  
12 procedure.

13 A. The radiofrequency?

14 Q. Yeah.

15 A. When I wasn't feeling any better, the doctor  
16 said I could try the radiofrequency where they burn the  
17 nerves in the lower spine. I said okay. I thought it  
18 would help, you know, relieve the pressure.

19 Q. So my notes indicate that you had that  
20 performed on November 30, 2017. I know you're not going  
21 to know the exact date.

22 A. I do remember that one.

23 Q. What do you remember -- why do you remember  
24 that one?

25 A. Because it was the last one before today. I

1 remember 11/30.

2 Q. Okay. What kind of relief did you receive from  
3 that procedure?

4 A. I could get out of bed easier. I did feel  
5 relief on that one.

6 Q. Okay. And since that particular injection or  
7 that procedure, you haven't had any other procedures for  
8 your low back; is that correct?

9 A. That's correct.

10 Q. There have been no injections, you haven't had  
11 any other radiofrequency rhizotomy?

12 Have you been referred for any procedures since  
13 then?

14 A. No, but they did explain to me that a lot of  
15 people feel -- some people feel comfort a year and a  
16 half, some people six months. You don't know. But it's  
17 a thing that -- where you just have it done because it  
18 grows back the nerves.

19 Q. Okay. How are you feeling today?

20 A. The same, as far as my lower back.

21 Q. Right. What do you mean "the same"?

22 A. I have a constant aching.

23 Q. Okay. You went to see Dr. Cash.

24 Do you remember that?

25 A. Yes. I forgot. One time. Yeah.

1 Q. Why did you go see Dr. Cash?

2 A. I don't know.

3 Q. What did Dr. Cash -- what did he do for you?

4 A. Nothing.

5 Q. Well, tell me about your visit to see Dr. Cash.

6 A. If I can only remember. I remember going to  
7 his office and I wasn't there that long.

8 Q. Well --

9 A. I just don't remember. You'll have to excuse  
10 me. I don't remember because it was only one time that  
11 I met him.

12 Q. Okay. Well, again, you went to see Dr. Cash --  
13 I'm sorry. I'm just flipping through here trying to  
14 find his records. Sorry. Give me a second here.

15 I think what I'm going to do is if you give me  
16 a second here, I'm going to combine some of these so I  
17 just can kind of -- I'm going to combine these, and I'm  
18 going to put the rest of these pain diagrams in one  
19 exhibit and just have her look at them and -- she filled  
20 them out and...

21 MR. KUNZ: Sure.

22 (Pause in proceedings.)

23 (Exhibit X was marked.)

24 BY MR. ROYAL:

25 Q. So while we were off the record, I presented

1 you with Exhibit X, which is -- which are records from  
2 the Pain Institute of Nevada, Bates-stamped PAIN 069  
3 through 088, but they're in kind of reverse numerical  
4 order and they're not consecutive. They are dated  
5 1/30/17, 2/20/17, 5/11/17, 6/26/17, 7/10/17, 7/23/17,  
6 and 1/27/17.

7 Have you reviewed all those documents?

8 A. Yes.

9 Q. And your signature is located at the bottom  
10 left of each of those documents?

11 A. Yes.

12 Q. And you've correctly indicated the pain that  
13 you were experiencing on each of these different  
14 occasions based upon the diagram and the markings on the  
15 diagram?

16 A. Yes. That day, yeah.

17 Q. Okay. If you were to fill out one of these  
18 diagrams today, could you just explain to me -- just  
19 using a diagram -- we'll use PAIN 088, for example. I'm  
20 not going to ask you to mark anything. Just describe  
21 starting at the head and let's work our way down.

22 MR. KUNZ: Do you want the front side or the  
23 back side?

24 BY MR. ROYAL:

25 Q. Well, we'll start on the left, the front side,

1 and then go to the other side. So let's start on the  
2 left.

3 Would you mark anything on the front part of  
4 the head?

5 A. No.

6 Q. Would you mark anything on the left or right  
7 arm?

8 A. The -- right --

9 Q. The front part.

10 A. Just a little ache here.

11 Q. Okay. But you pointed to the back of your left  
12 shoulder. So that would be the back. Let's focus on  
13 the front.

14 A. I see. Sorry.

15 Q. So just focus on the front. For example, on  
16 PAIN 088 at 1/30/17, it looks like you have some  
17 markings on both shoulders and then you've got the  
18 tingling in the hands.

19 A. Not now.

20 Q. Okay. So you would not -- you wouldn't mark  
21 anything -- this would be completely unmarked, the one  
22 on the left --

23 A. Correct.

24 Q. Okay. Now let's look at the back part, then.  
25 What would you mark today as being pain,

1 tingling, numbness, aching? You know, what would you  
2 identify on this one on the right?

3 A. The back side, yes?

4 Q. Right.

5 A. Lower back. Not tingling but the lower back.

6 Q. And it would be aching?

7 A. Aching.

8 Q. Not radiating down your legs?

9 A. No.

10 Q. And then how about the back of the arms or the  
11 legs?

12 A. Oh, I'm sorry.

13 Q. Let me take them one at a time.

14 The back of the legs?

15 A. Back of the legs, little stiffness.

16 Q. Okay. But is that something you would mark on  
17 this?

18 A. Let me see.

19 No. I probably wouldn't.

20 Q. Okay. And how about anything else above -- so  
21 far we've just got -- you would mark the low back as  
22 aching pain and then let's go up from the low back.

23 A. Okay.

24 Q. What else would you mark?

25 A. My back. The shoulder, the neck -- you know,

1 this going down.

2 Q. So you've got -- again, we've already talked  
3 about this, but you would mark the left side of the back  
4 of your neck going down kind of to the left shoulder?

5 A. Yes.

6 Q. Okay. Any other things that you would mark  
7 here?

8 A. Not today.

9 Q. Okay. Now I want to show you what you  
10 completed at Dr. Cash's office, I believe.

11 This is Exhibit Y.

12 (Exhibit Y was marked.)

13 BY MR. ROYAL:

14 Q. And oddly enough, this doesn't have a date, but  
15 I do believe I have the date. So my records indicate  
16 you saw Dr. Cash in October of 2017.

17 Does that sound about right?

18 A. I don't remember that. Is this DISC...

19 Q. Yes. It's the Desert Institute of Spine Care,  
20 and I think -- so that's the acronym for that. I  
21 will -- let me ask it this way: Is that your  
22 handwriting on document Y -- Exhibit Y, which is  
23 Bates-stamped DISC 007?

24 A. Yes.

25 Q. And did you make the markings on the pain



1 drawing?

2 A. Yes.

3 Q. And could you read to me what it says? It  
4 reads near the bottom, "If your injury resulted from a  
5 slip, trip, or fall, date of accident or injury," it  
6 says 11/4/2016.

7 Is that your handwriting?

8 A. Yes.

9 Q. Then after that, it requests -- it asks the  
10 question, "Describe what happened."

11 A. Right.

12 Q. I'm going to -- I guess I'm going to try to  
13 read this.

14 You want to read this?

15 A. Sure.

16 Q. Okay. I'll let you read it.

17 A. "I slipped on liquid that was on the floor" --  
18 oh, marble floor -- "at the Venetian. I fell back. I  
19 just remember I hit the floor very hard. My feet  
20 were -- were up in front of me. I fell on my left side  
21 elbow and back."

22 Q. Okay. Did you have a discussion -- do you  
23 remember this -- having a discussion with Dr. Cash about  
24 how the incident occurred or...

25 A. (Shakes head.)

1 Q. No?

2 A. I don't. But he was examining me, looking at  
3 me, and then he showed me something on a screen, I  
4 thought. But it was so short I felt because I only saw  
5 him once.

6 Q. Did he refer you to anyone that you recall?

7 A. I don't recall.

8 Q. Did he provide you with a prescription of any  
9 kind?

10 A. No, not to my knowledge.

11 Q. Did he ask you to come back?

12 A. No.

13 Q. Did he provide you with any kind of counsel on  
14 how to manage your symptoms?

15 A. I don't recall.

16 Q. If I -- were you with Dr. Cash for more than  
17 30 minutes?

18 A. That, I couldn't tell you.

19 Q. Let's look at this next one we'll mark as  
20 Exhibit Z.

21 (Exhibit Z was marked.)

22 BY MR. ROYAL:

23 Q. This is dated 2/22/18. I'm thinking that this  
24 was maybe completed when you went to see Dr. William  
25 Smith.

1 Do you remember seeing him, Dr. Smith?

2 A. Yes.

3 Q. I think you've seen him two or three times?

4 A. Yes.

5 Q. And you were sent -- were you sent to him  
6 through -- why did you go see Dr. Smith, to your  
7 knowledge?

8 A. He -- well, you'd have to ask...

9 Q. It's okay if you don't know.

10 A. I don't know.

11 Q. Looking at Exhibit Z, is this a document you  
12 filled out?

13 A. That's my writing, yes.

14 Q. Okay. So at the time of February 22nd, 2018,  
15 you were having, what? It looks like 4-out-of-10 neck  
16 pain, 4-out-of-10 left-arm pain, 3-out-of-10 right-arm  
17 pain, 6-out-of-10 back pain, 3-out-of-10 left-leg pain,  
18 and 3-out-of-10 right-leg pain; is that right?

19 A. That was -- it was constant.

20 Q. And you've also indicated on this diagram, it  
21 looks like you've indicated, as you have today, pain on  
22 the back of -- the left side back of your neck and pain  
23 at the low-back area?

24 A. Yes.

25 Q. Am I missing something?

1 A. There's an "X" at the lower back and then the  
2 neck portion.

3 Q. Yeah, I see that. Are there any -- I didn't  
4 see markings on your legs --

5 A. No.

6 Q. -- or markings on your arms, unless on the left  
7 side.

8 Are those intended to be markings on the hands?

9 A. That's what it looks like.

10 Q. Do you know what they represent?

11 A. I would have to say tingling. That's -- I'm  
12 guessing, though, so I don't want to say. I don't know.

13 MR. ROYAL: We'll call this next one AA.

14 (Exhibit AA was marked.)

15 BY MR. ROYAL:

16 Q. We're getting near the end here.

17 This is a document that it looks like you  
18 completed at Valley View Surgery on 11/30/17. This  
19 would be when you had your last procedure; is that  
20 right? No. I don't think that's right. This is -- let  
21 me think about that. Maybe you filled this out before  
22 your first procedure. I'm just trying to think of the  
23 timing here.

24 At any rate, it's 11/30/17, it's got your  
25 signature, and you filled out this report; correct?

1 A. Correct.

2 Q. Now, under "History" on No. 33, the question is  
3 a history of back problems -- it says, "Have you had a  
4 history of back, neck problems?" You said yes. Hold  
5 on.

6 When you said yes, are you referring to the  
7 fact that you had been experiencing back and neck  
8 problems for the prior year as a result of the incident?

9 A. Yes.

10 Q. Okay. You're not indicating that you  
11 experienced any of those problems prior to the incident?

12 A. Correct.

13 Q. Okay.

14 A. Thank you for explaining.

15 MR. ROYAL: We'll call this one BB.

16 (Exhibit BB was marked.)

17 BY MR. ROYAL:

18 Q. Let's look at this. This is a document that I  
19 think you completed. It's Bates-stamped WRC 045 through  
20 048.

21 Can you just look at that and indicate if you  
22 completed this form?

23 A. Yeah. That's my writing.

24 Q. Is that your signature on the last page, WRC  
25 048?

1 MR. KUNZ: Make sure this is your writing here.

2 THE WITNESS: Yes. That is my signature.

3 BY MR. ROYAL:

4 Q. Okay. So I think we've -- if you were to fill  
5 this out today, going -- looking at the signature page,  
6 WRC 048, where it says, "Musculoskeletal," you would  
7 just indicate neck pain, back pain; is that correct?

8 A. Yes.

9 Q. Okay. Now, above it says -- under  
10 "Cardiovascular," it says, "Leg pain and/or swelling,"  
11 and you've checked that.

12 What kind of swelling were you experiencing?

13 A. It just says pain. Is that leg?

14 Q. You're right. Let me read it again. "Leg pain  
15 and/or swelling." Okay.

16 Does this just refer to radicular pain?

17 A. Yes.

18 Q. Which you're not experiencing on a regular  
19 basis --

20 A. No.

21 Q. -- is that correct?

22 A. That's correct.

23 Q. Okay. And is it your testimony that you  
24 cannot -- that you are entirely unable to work today?

25 A. Yes.

1 MR. ROYAL: I guess I'll mark this one. CC.

2 (Exhibit CC was marked.)

3 BY MR. ROYAL:

4 Q. This is another Steinberg Diagnostic form that  
5 looks like you completed. It's SD 017 and SD 018, and  
6 it's dated 4/27/18.

7 Now, I just want to be clear from your earlier  
8 testimony about this. This looks like it may be  
9 unrelated to the incident. On SD 018, this is where you  
10 fell off the bed. You see what --

11 A. Yes. It's unrelated.

12 Q. So on top where it says, "Pain on medial side  
13 of knee swelling," is that your handwriting or is that a  
14 doctor or someone else? I'm guessing that's a doctor.  
15 It looks different.

16 A. That's a doctor, definitely.

17 Q. You were just experiencing right-knee pain  
18 related to a fall which you do not attribute to anything  
19 related to this incident?

20 A. Correct.

21 MR. ROYAL: Let's go off the record for just a  
22 second.

23 (Pause in proceedings.)

24 (Exhibit DD was marked.)

25 ///