

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

Electronically Filed
Dec 09 2021 08:27 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

**REAL PARTY IN
INTEREST'S APPENDIX,
VOLUME 8
(Nos. 1476–1699)**

Sean K. Claggett, Esq.

Nevada Bar No. 8407

William T. Sykes, Esq.

Nevada Bar No. 9916

Geordan G. Logan, Esq.

Nevada Bar No. 13910

Micah S. Echols, Esq.

Nevada Bar No. 8437

David P. Snyder, Esq.

Nevada Bar No. 15333

CLAGGETT & SYKES LAW FIRM

4101 Meadows Ln., Ste.100

Las Vegas, Nevada 89107

(702) 655-2346 – Telephone

(702) 655-3763 – Facsimile

micah@claggettlaw.com

david@claggettlaw.com

Keith E. Galliher, Jr., Esq.

Nevada Bar No. 220

THE GALLIHER LAW FIRM

1850 East Sahara Ave., #107

Las Vegas, Nevada 89104

(702) 735-0049 – Telephone

(702) 735-0204 – Facsimile

kgalliher@galliherlawfirm.com

Attorneys for Real Party in Interest, Joyce Sekera

INDEX TO REAL PARTY IN INTEREST'S APPENDIX

| <u>DOCUMENT DESCRIPTION</u> | <u>LOCATION</u> |
|--|---|
| Plaintiff Joyce Sekera's Early Case Conference Disclosure Statement, List of Documents and Witnesses, and NRCP 16.1(a)(3) Pre-Trial Disclosure (served 07/04/2018) | Vol. 1, 1–229 Vol. 2, 230–459 Vol. 3, 460–689 |
| Plaintiff Joyce Sekera's First Supplemental Early Case Conference Disclosure Statement, List of Documents and Witnesses, and NRCP 16.1(a)(3) Pre-Trial Disclosure (served 07/20/2018) | Vol. 3, 690–703 |
| Plaintiff Joyce Sekera's Second Supplemental Early Case Conference Disclosure Statement, List of Documents and Witnesses, and NRCP 16.1(a)(3) Pre-Trial Disclosure (served 09/28/2018) | Vol. 4, 704–917 |
| Transcript of October 11, 2018 Deposition of Joseph Larson | Vol. 4, 918–954 |
| Plaintiff Joyce Sekera's Third Supplemental Early Case Conference Disclosure Statement, List of Documents and Witnesses, and NRCP 16.1(a)(3) Pre-Trial Disclosure (served 10/31/2018) | Vol. 5, 955–973 |
| Plaintiff Joyce Sekera's Fourth Supplemental Early Case Conference Disclosure Statement, List of Documents and Witnesses, and NRCP 16.1(a)(3) Pre-Trial Disclosure (served 12/17/2018) | Vol. 5, 974–1058 |
| Transcript of March 14, 2019 Deposition of Joyce P. Sekera | Vol. 6, 1059–1258 Vol. 7, 1259–1475 |

| <u>DOCUMENT DESCRIPTION</u> | <u>LOCATION</u> |
|---|------------------------|
| Plaintiff Joyce Sekera's Fifth Supplemental Early Case Conference Disclosure Statement, List of Documents and Witnesses, and NRCP 16.1(a)(3) Pre-Trial Disclosure (served 03/20/2019) | Vol. 8, 1476–1497 |
| Transcript of April 17, 2019 Deposition of Maria Consuelo Cruz | Vol. 8, 1498–1560 |
| Transcript of April 22, 2019 Deposition of Milan Graovac | Vol. 8, 1561–1609 |
| Plaintiff Joyce Sekera's Sixth Supplemental Early Case Conference Disclosure Statement, List of Documents and Witnesses, and NRCP 16.1(a)(3) Pre-Trial Disclosure (served 06/17/2019) | Vol. 8, 1610–1623 |
| Plaintiff Joyce Sekera's Seventh Supplemental Early Case Conference Disclosure Statement, List of Documents and Witnesses, and NRCP 16.1(a)(3) Pre-Trial Disclosure (served 06/21/2019) | Vol. 8, 1624–1642 |
| Plaintiff Joyce Sekera's Eighth Supplemental Early Case Conference Disclosure Statement, List of Documents and Witnesses, and NRCP 16.1(a)(3) Pre-Trial Disclosure (served 06/27/2019) | Vol. 8, 1643–1658 |
| Plaintiff Joyce Sekera's Ninth Supplemental Early Case Conference Disclosure Statement, List of Documents and Witnesses, and NRCP 16.1(a)(3) Pre-Trial Disclosure (served 07/10/2019) | Vol. 8, 1659–1699 |

| <u>DOCUMENT DESCRIPTION</u> | <u>LOCATION</u> |
|--|------------------------|
| Plaintiff Joyce Sekera's Tenth Supplemental Early Case Conference Disclosure Statement, List of Documents and Witnesses, and NRCP 16.1(a)(3) Pre-Trial Disclosure (served 07/16/2019) | Vol. 9, 1700–1722 |
| Plaintiff Joyce Sekera's Eleventh Supplemental Early Case Conference Disclosure Statement, List of Documents and Witnesses, and NRCP 16.1(a)(3) Pre-Trial Disclosure (served 07/25/2019) | Vol. 9, 1723–1759 |
| Plaintiff Joyce Sekera's Twelfth Supplemental Early Case Conference Disclosure Statement, List of Documents and Witnesses, and NRCP 16.1(a)(3) Pre-Trial Disclosure (served 08/13/2019) | Vol. 9, 1760–1777 |
| Plaintiff Joyce Sekera's Thirteenth Supplemental Early Case Conference Disclosure Statement, List of Documents and Witnesses, and NRCP 16.1(a)(3) Pre-Trial Disclosure (served 08/23/2019) | Vol. 9, 1778–1796 |
| Plaintiff Joyce Sekera's Fourteenth Supplemental Early Case Conference Disclosure Statement, List of Documents and Witnesses, and NRCP 16.1(a)(3) Pre-Trial Disclosure (served 09/03/2019) | Vol. 9, 1797–1815 |
| Answer to First Amended Complaint (filed 09/20/2019) | Vol. 9, 1816–1820 |

| <u>DOCUMENT DESCRIPTION</u> | | <u>LOCATION</u> |
|---|--|------------------------|
| Plaintiff Joyce Sekera's Fifteenth Supplemental Early Case Conference Disclosure Statement, List of Documents and Witnesses, and NRCP 16.1(a)(3) Pre-Trial Disclosure (served 10/11/2019) | | Vol. 9, 1821–1840 |
| Plaintiff Joyce Sekera's Sixteenth Supplemental Early Case Conference Disclosure Statement, List of Documents and Witnesses, and NRCP 16.1(a)(3) Pre-Trial Disclosure (served 04/15/2020) | | Vol. 10, 1841–1860 |
| Exhibits to Plaintiff Joyce Sekera's Sixteenth Supplemental Early Case Conference Disclosure Statement | | |
| Exhibit | Document Description | |
| 40 | Medical and Billing Records from SimonMed | Vol. 10, 1861–1866 |
| 41 | Medical and Billing Records from Desert Institute of Spine Care | Vol. 10, 1867–1919 |
| 42 | Medical Records from Desert Chiropractic & Rehab/Core Rehab | Vol. 10, 1920–1943 |
| 43 | Medical and Billing Records from Las Vegas Neurosurgical Institute | Vol. 10, 1944–2024 |
| 44 | Medical and Billing Records from Pain Institute of Nevada | Vol. 11, 2025–2144 |
| 45 | Medical and Billing Records from Radar Medical Group | Vol. 12, 2145–2341 |

| <u>DOCUMENT DESCRIPTION</u> | | <u>LOCATION</u> |
|---|---|------------------------|
| Plaintiff Joyce Sekera's Seventeenth Supplemental Early Case Conference Disclosure Statement, List of Documents and Witnesses, and NRCP 16.1(a)(3) Pre-Trial Disclosure (served 10/13/2020) | | Vol. 13, 2342–2361 |
| Exhibits to Plaintiff Joyce Sekera's Seventeenth Supplemental Early Case Conference Disclosure Statement | | |
| Exhibit | Document Description | |
| 45 | Medical and Billing Records from Radar Medical Group | Vol. 13, 2362–2382 |
| 46 | Pharmacy records from PayLater Pharmacy | Vol. 13, 2383–2390 |
| 47 | Declaration page Pain Institute of Nevada | Vol. 13, 2391–2395 |
| 48 | Declaration page and billing from Desert Radiologists | Vol. 13, 2396–2398 |
| Plaintiff Joyce Sekera's Eighteenth Supplemental Early Case Conference Disclosure Statement, List of Documents and Witnesses, and NRCP 16.1(a)(3) Pre-Trial Disclosure (served 11/04/2020) | | Vol. 13, 2399–2418 |
| Exhibit to Plaintiff Joyce Sekera's Eighteenth Supplemental Early Case Conference Disclosure Statement | | |
| Exhibit | Document Description | |
| 49 | Worker's Compensation file | Vol. 13, 2419–2577 |

| <u>DOCUMENT DESCRIPTION</u> | <u>LOCATION</u> |
|--|--|
| Exhibit 38 to Fifth Supplement to Defendants' 16.1 List of Witnesses and Production of Documents for Early Case Conference (served 01/04/2019) | Vol. 14, 2578–2797 Vol. 15, 2798–3017 Vol. 16, 3018–3237 |
| Exhibit 56 to Eleventh Supplement to Defendants' 16.1 List of Witnesses and Production of Documents for Early Case Conference (served 05/13/2019) | Vol. 17, 3238–3256 |
| Exhibit 81 to Sixteenth Supplement to Defendants' 16.1 List of Witnesses and Production of Documents for Early Case Conference (served 07/22/2019) | Vol. 17, 3257–3277 |

THE GALLIHER LAW FIRM
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
702-735-0049 Fax: 702-735-0204

1 THE GALLIHER LAW FIRM
2 Keith E. Galliher, Jr., Esq.
3 Nevada Bar No. 220
4 Jeffrey L. Galliher, Esq.
5 Nevada Bar No. 8078
6 George J. Kunz, Esq.
7 Nevada Bar No. 12245
8 1850 East Sahara Avenue, Suite 107
9 Las Vegas, Nevada 89104
10 Telephone: (702) 735-0049
11 Facsimile: (702) 735-0204
12 kgalliher@galliherlawfirm.com
13 jgalliher@galliherlawfirm.com
14 gkunz@lvlawguy.com
15 Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

12 JOYCE SEKERA, an Individual,) CASE NO.: A-18-772761-C
13) DEPT. NO.: 25
14 Plaintiff,)
15 v.)
16 VENETIAN CASINO RESORT, LLC,)
17 d/b/a THE VENETIAN LAS VEGAS, a)
18 Nevada Limited Liability Company;)
19 LAS VEGAS SANDS, LLC d/b/a THE)
20 VENETIAN LAS VEGAS, a Nevada)
21 Limited Liability Company; YET)
22 UNKNOWN EMPLOYEE; DOES I)
23 through X, inclusive,)
24 Defendants.)

PLAINTIFF JOYCE SEKERA'S FIFTH SUPPLEMENTAL EARLY CASE CONFERENCE

DISCLOSURE STATEMENT, LIST OF DOCUMENTS AND WITNESSES, AND NRCP

16.1(a)(3) PRE-TRIAL DISCLOSURE

26 COMES NOW, JOYCE SEKERA, by and through her attorneys of record, THE GALLIHER
27 LAW FIRM, hereby submits the following Fifth Supplement to the Early Case Conference
28

THE GALLIHER LAW FIRM
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
702-735-0049 Fax: 702-735-0204

THE GALLIHER LAW FIRM
Keith E. Galliher, Jr., Esq.
Nevada Bar No. 220
Jeffrey L. Galliher, Esq.
Nevada Bar No. 8078
George J. Kunz, Esq.
Nevada Bar No. 12245
1850 East Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
Telephone: (702) 735-0049
Facsimile: (702) 735-0204
kgalliher@galliherlawfirm.com
jgalliher@galliherlawfirm.com
gkunz@lvlawguy.com
Attorneys for Plaintiffs

DISTRICT COURT

CLARK COUNTY, NEVADA

| | | |
|-----------------------------------|---|-------------------------|
| JOYCE SEKERA, an Individual, |) | CASE NO.: A-18-772761-C |
| |) | DEPT. NO.: 25 |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| 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. |) | |

PLAINTIFF JOYCE SEKERA'S FIFTH SUPPLEMENTAL EARLY CASE CONFERENCE

DISCLOSURE STATEMENT, LIST OF DOCUMENTS AND WITNESSES, AND NRCP

16.1(a)(3) PRE-TRIAL DISCLOSURE

COMES NOW, JOYCE SEKERA, by and through her attorneys of record, THE GALLIHER LAW FIRM, hereby submits the following Fifth Supplement to the Early Case Conference

1 Disclosure Statement List of Documents and Witnesses and NRCP 16.1(a)(3) Pre-Trial Disclosure,
2 as Plaintiff intends to introduce the following documents and witnesses at the trial of this matter.

3 **NEW ITEMS LISTED IN BOLD.**

4
5 **I**

6 **LIST OF WITNESSES**

- 7 1. Joyce Sekera
8 c/o The Galliher Law Firm
9 1850 E. Sahara Avenue, Suite 107
10 Las Vegas, Nevada 89104

11 *Expected to testify regarding the facts and circumstances of the incident, the injuries sustained as a
12 result thereof and the effects those injuries have had on her life.

- 13 2. Yet to be identified employees
14 The Venetian Las Vegas
15 c/o Royal & Miles LLP
16 1522 W. Warm Springs Road
17 Henderson, Nevada 89014

18 *Expected to testify regarding the facts and circumstances of the incident which occurred on
19 November 4, 2016.

- 20 3. Person Most Knowledgeable and/or
21 Custodian of Records
22 The Venetian Las Vegas
23 c/o Royal & Miles LLP
24 1522 W. Warm Springs Road
25 Henderson, Nevada 89014

26 *Expected to testify regarding the facts and circumstances of the incident which occurred on
27 November 4, 2016.

- 28 4. Person Most Knowledgeable and/or
Custodian of Records
Centennial Hills Hospital
6900 N. Durango Drive
Las Vegas, Nevada 89149

*The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
regarding medical causation of injury and the reasonableness and necessity of medical treatment and
billing. They will also testify regarding future medical treatment and future medical expenses, if any.
Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
billing records associated with Plaintiff's care and treatment.

- 1 5. Person Most Knowledgeable and/or
2 Custodian of Records
3 Shadow Emergency Physicians
4 1000 River Road, Suite 100
5 Conshohocken, Pennsylvania 19428

6 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
7 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
8 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
9 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
10 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
11 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
12 billing records associated with Plaintiff's care and treatment.

- 13 6. Person Most Knowledgeable and/or
14 Custodian of Records
15 Desert Radiologists
16 2020 Palomino Lane #100
17 Las Vegas, Nevada 89106

18 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
19 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
20 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
21 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
22 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
23 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
24 billing records associated with Plaintiff's care and treatment.

- 25 7. Jordan B. Webber D.C.
26 Person Most Knowledgeable and/or
27 Custodian of Records
28 Desert Chiropractic & Rehab/Core Rehab
29 10620 Southern Highlands Parkway, Suite 110-329
30 Las Vegas, Nevada 89141

31 *It is expected that Dr. Webber will testify as a non-retained expert in his capacity as medical
32 physicians who provided medical care to Plaintiff, following the subject incident. Dr. Webber is
33 expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
34 rendered, the causation of the necessity for past and future medical treatment, his expert opinion as
35 to past and future restrictions of activities, including work activities, caused by the incident. His
36 opinions shall include the cost of past and future medical care and whether those medical costs fall
37 within the ordinary and customary charges for similar medical care and treatment. His testimony
38 may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
39 work capacity, and/or life expectancy as a result of the incident.

40 In rendering his expert opinions he will rely upon the records of all physicians, health care
41 providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his
42 respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
43 reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges
44 for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
45 medical community.

1 He will render expert opinions that all of the past and future medical care provided to
2 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
3 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
4 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
5 life expectancy and a diminished life expectancy. The basis for Dr. Webber's opinions include, but
6 are not limited to, his education, training, and experience, the nature of the trauma Plaintiff was
7 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
8 tests that were performed, his review of Plaintiff's medical records. In addition, Dr. Webber will
9 testify as a rebuttal expert to any medically designated defense experts in which he is qualified.

- 7 8. Person Most Knowledgeable and/or
8 Custodian of Records
9 Las Vegas Radiology
3201 S. Maryland Parkway, Suite 102
Las Vegas, Nevada 89109

10 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
11 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
12 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
13 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
14 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
15 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
16 billing records associated with Plaintiff's care and treatment.

- 14 9. Michelle Hyla, D.O.
15 Person Most Knowledgeable and/or
16 Custodian of Records
17 Southern Nevada Medical Group
1485 E. Flamingo Road
Las Vegas, Nevada 89119

18 *It is expected that Dr. Hyla will testify as a non-retained expert in her capacity as medical
19 physicians who provided medical care to Plaintiff, following the subject incident. Dr. Hyla is
20 expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
21 rendered, the causation of the necessity for past and future medical treatment, her expert opinion as
22 to past and future restrictions of activities, including work activities, caused by the incident. Her
23 opinions shall include the cost of past and future medical care and whether those medical costs fall
24 within the ordinary and customary charges for similar medical care and treatment. Her testimony
25 may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
26 work capacity, and/or life expectancy as a result of the incident.

23 In rendering her expert opinions she will rely upon the records of all physicians, health care
24 providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and her
25 respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
26 reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges
27 for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
28 medical community.

27 She will render expert opinions that all of the past and future medical care provided to
28 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to

1 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
2 life expectancy and a diminished life expectancy. The basis for Dr. Hyla's opinions include, but are
3 not limited to, her education, training, and experience, the nature of the trauma Plaintiff was
4 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
5 tests that were performed, her review of Plaintiff's medical records. In addition, Dr. Hyla will testify
6 as a rebuttal expert to any medically designated defense experts in which she is qualified.

7 10. Russell J. Shah, M.D.

8 Person Most Knowledgeable and/or
9 Custodian of Records
10 Radar Medical Group
11 10624 S. Eastern Avenue, #A-425
12 Henderson, Nevada 89052

13 *It is expected that Dr. Shah will testify as a non-retained expert in his capacity as medical
14 physicians who provided medical care to Plaintiff, following the subject incident. Dr. Shah is
15 expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
16 rendered, the causation of the necessity for past and future medical treatment, his expert opinion as
17 to past and future restrictions of activities, including work activities, caused by the incident. His
18 opinions shall include the cost of past and future medical care and whether those medical costs fall
19 within the ordinary and customary charges for similar medical care and treatment. His testimony
20 may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
21 work capacity, and/or life expectancy as a result of the incident.

22 In rendering his expert opinions he will rely upon the records of all physicians, health care
23 providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his
24 respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
25 reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges
26 for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
27 medical community.

28 He will render expert opinions that all of the past and future medical care provided to
Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
life expectancy and a diminished life expectancy. The basis for Dr. Shah's opinions include, but are
not limited to, his education, training, and experience, the nature of the trauma Plaintiff was
subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
tests that were performed, his review of Plaintiff's medical records. In addition, Dr. Shah will testify
as a rebuttal expert to any medically designated defense experts in which he is qualified.

11. Person Most Knowledgeable and/or

Custodian of Records
PayLater/WellCare Pharmacy
P.O. Box 1200
Las Vegas, Nevada 89125

*The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
regarding medical causation of injury and the reasonableness and necessity of medical treatment and

1 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
2 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
3 billing records associated with Plaintiff's care and treatment.

4 12. Person Most Knowledgeable and/or
5 Custodian of Records
6 Las Vegas Pharmacy
7 2600 W. Sahara Avenue, Suite 120
8 Las Vegas, Nevada 89102

9 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
10 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
11 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
12 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
13 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
14 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
15 billing records associated with Plaintiff's care and treatment.

16 13. Katherine D. Travnick, M.D.
17 Person Most Knowledgeable and/or
18 Custodian of Records
19 Pain Institute of Nevada
20 7435 W. Azure Drive, Suite 190
21 Las Vegas, Nevada 89130

22 *It is expected that Dr. Travnick will testify as a non-retained expert in her capacity as medical
23 physicians who provided medical care to Plaintiff, following the subject incident. Dr. Travnick is
24 expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
25 rendered, the causation of the necessity for past and future medical treatment, her expert opinion as
26 to past and future restrictions of activities, including work activities, caused by the incident. Her
27 opinions shall include the cost of past and future medical care and whether those medical costs fall
28 within the ordinary and customary charges for similar medical care and treatment. Her testimony
may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
work capacity, and/or life expectancy as a result of the incident.

In rendering her expert opinions she will rely upon the records of all physicians, health care
providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and her
respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges
for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
medical community.

She will render expert opinions that all of the past and future medical care provided to
Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
life expectancy and a diminished life expectancy. The basis for Dr. Travnick's opinions include,
but are not limited to, her education, training, and experience, the nature of the trauma Plaintiff was
subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
tests that were performed, her review of Plaintiff's medical records. In addition, Dr. Travnick will
testify as a rebuttal expert to any medically designated defense experts in which she is qualified.

14. Person Most Knowledgeable and/or
Custodian of Records
Valley View Surgery Center
1330 S. Valley View Blvd.
Las Vegas, Nevada 89102

*The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as any pre and post incident care and treatment of the Plaintiff. They are also expected to testify regarding medical causation of injury and the reasonableness and necessity of medical treatment and billing. They will also testify regarding future medical treatment and future medical expenses, if any. Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and billing records associated with Plaintiff's care and treatment.

15. Person Most Knowledgeable and/or
Custodian of Records
Steinberg Diagnostics
P.O. Box 36900
Las Vegas, Nevada 89133

*The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as any pre and post incident care and treatment of the Plaintiff. They are also expected to testify regarding medical causation of injury and the reasonableness and necessity of medical treatment and billing. They will also testify regarding future medical treatment and future medical expenses, if any. Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and billing records associated with Plaintiff's care and treatment.

16. Andrew Cash, M.D.
Person Most Knowledgeable and/or
Custodian of Records
Desert Institute of Spine Care
9339 W. Sunset Road, Suite 100
Las Vegas, Nevada 89148

*It is expected that Dr. Cash will testify as a non-retained expert in his capacity as medical physicians who provided medical care to Plaintiff, following the subject incident. Dr. Cash is expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment rendered, the causation of the necessity for past and future medical treatment, his expert opinion as to past and future restrictions of activities, including work activities, caused by the incident. His opinions shall include the cost of past and future medical care and whether those medical costs fall within the ordinary and customary charges for similar medical care and treatment. His testimony may also include expert opinions as to whether Plaintiff has a diminished work life expectancy, work capacity, and/or life expectancy as a result of the incident.

In rendering his expert opinions he will rely upon the records of all physicians, health care providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges

1 for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
2 medical community.

3 He will render expert opinions that all of the past and future medical care provided to
4 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
5 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
6 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
7 life expectancy and a diminished life expectancy. The basis for Dr. Cash's opinions include, but are
8 not limited to, his education, training, and experience, the nature of the trauma Plaintiff was
9 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
10 tests that were performed, his review of Plaintiff's medical records. In addition, Dr. Cash will testify
11 as a rebuttal expert to any medically designated defense experts in which he is qualified.

12 17. William D. Smith, M.D.

13 Person Most Knowledgeable and/or
14 Custodian of Records

15 Western Regional Center for Brain & Spine
16 3061 S. Maryland Parkway, Suite 200
17 Las Vegas, Nevada 89109

18 *It is expected that Dr. Cash will testify as a non-retained expert in his capacity as medical
19 physicians who provided medical care to Plaintiff, following the subject incident. Dr. Cash is
20 expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
21 rendered, the causation of the necessity for past and future medical treatment, his expert opinion as
22 to past and future restrictions of activities, including work activities, caused by the incident. His
23 opinions shall include the cost of past and future medical care and whether those medical costs fall
24 within the ordinary and customary charges for similar medical care and treatment. His testimony
25 may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
26 work capacity, and/or life expectancy as a result of the incident.

27 In rendering his expert opinions he will rely upon the records of all physicians, health care
28 providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his
29 respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
30 reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges
31 for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
32 medical community.

33 He will render expert opinions that all of the past and future medical care provided to
34 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
35 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
36 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
37 life expectancy and a diminished life expectancy. The basis for Dr. Cash's opinions include, but are
38 not limited to, his education, training, and experience, the nature of the trauma Plaintiff was
39 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
40 tests that were performed, his review of Plaintiff's medical records. In addition, Dr. Cash will testify
41 as a rebuttal expert to any medically designated defense experts in which he is qualified.

18. Marissa Freeman
8929 Monte Oro Drive
Las Vegas, Nevada 89131

*Expected to testify as to the Plaintiffs physical condition before and after the incident which occurred on November 4, 2016.

19. Brian Freeman
8929 Monte Oro Drive
Las Vegas, Nevada 89131

*Expected to testify as to the Plaintiffs physical condition before and after the incident which occurred on November 4, 2016.

20. Carole Divito
7840 Nesting Pine Place
Las Vegas, Nevada 89143

*Expected to testify as to the Plaintiffs physical condition before and after the incident which occurred on November 4, 2016.

21. Any and all witnesses named by the Defendant.

II

COMPUTATION OF DAMAGES

| | |
|--------------------------------|-------------|
| 1. Centennial Hills Hospital | \$4,454.00 |
| 2. Shadow Emergency Physicians | \$1,272.00 |
| 3. Desert Radiologists | \$77.00 |
| 4. Dr. Webber | \$10,756.00 |
| 5. Las Vegas Radiology | \$848.00 |
| 6. Dr. Hyla | \$1,975.00 |
| 7. Dr. Shah | \$17,613.50 |
| 8. PayLater/WellCare Pharmacy | \$282.33 |
| 9. Las Vegas Pharmacy | \$1,090.93 |
| 10. Dr. Travnicek | \$16,000.00 |
| 11. Valley View Surgery Center | \$15,489.48 |

| | |
|--|--------------------------|
| 12. Steinberg Diagnostics | \$1,400.00 |
| 13. Dr. Cash | \$1,750.00 |
| 14. Dr. Smith | \$1,675.00 |
| 15. Wage loss and loss of earning capacity | (To be determined) |
| 16. Past and future pain and suffering | \$350,000.00 (estimated) |

III

LIST OF DOCUMENTS

1. Records and billing from Centennial Hills Hospital (Bates #JS001 to 074)
2. Billing from Shadow Emergency Services (Bates #JS075 to 076)
3. Records and billing from Desert Radiologists (Bates #JS077 to 082)
4. Records and billing from Dr. Webber (Bates #JS083 to 243)
5. Records and billing from Las Vegas Radiology (Bates #JS244 to 262)
6. Records and billing from Dr. Hyla (Bates #JS263 to 303)
7. Records and billing from Dr. Shah (Bates #JS304 to 378)
8. Billing from PayLater Pharmacy (Bates #JS379)
9. Billing from Las Vegas Pharmacy (Bates #JS380 to 381)
10. Records and billing from Dr. Travnicek (Bates #JS382 to 475)
11. Records and billing from Valley View Surgery Center (Bates #JS476 to 601)
12. Records and billing from Steinberg Diagnostics (Bates #JS602 to 608)
13. Records and billing from Dr. Cash (Bates #JS609 to 658)
14. Records from Dr. Smith (Bates #JS659 to 661)
15. Wage loss document (Bates #JS662)

Second Supplement

16. Records and billing from Dr. Smith (Bates #JS663 to 847)

17. Tax returns from 2016 (Bates #JS848 to 864)

Third Supplement

18. Certificate of Custodian of Medical Records from Dr. Smith (Bates #JS865)

19. Records from Dr. Travnicek (Bates #JS866 to 868)

Fourth Supplement

20. Records from Core Rehab (Bates #JS869 to 938)

Fifth Supplement

21. Records and billing from Dr. Smith (Bates #JS939 to 945)

22. Any and all documents disclosed by the Defendants.

IV

DEMONSTRATIVE EXHIBITS

Plaintiffs may offer at trial, certain Exhibits for demonstrative purposes including, but not limited to, the following:

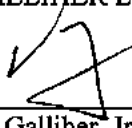
- a. Actual surgical hardware, plates screws, surgical tools, and surgical equipment as used in Plaintiff's medical treatment and anticipated to be used in future treatment;
- b. Demonstrative and actual photographs and videos of surgical procedures and other diagnostic tests Plaintiff has undergone and will undergo in the future;
- c. Actual diagnostic studies and computer digitized diagnostic studies;
- d. Samples of tools used in surgical procedures;
- e. Diagrams, drawings, pictures, photos, film, video, DVD and CD ROM of various parts of the human body, diagnostic tests and surgical procedures;
- f. Computer simulation, finite element analysis, mabymo and similar forms of computer visualization;

- 1 g. Power point images/drawings/diagrams/animations/story boards, of the related vehicles
- 2 involved, the parties involved, the location of the motor vehicle accident and what
- 3 occurred in the motor vehicle accident;
- 4
- 5 h. Pictures of Plaintiff's Prior and Subsequent to the Subject accident;
- 6 i. Surgical Timeline;
- 7 j. Medical treatment timeline;
- 8 k. Future Medical timeline;
- 9 l. Charts depicting Plaintiff's Life Care Plans;
- 10 m. Charts depicting Plaintiff's Loss of Hedonic Damages;
- 11 n. Charts depicting Plaintiff's Loss of Household Services;
- 12 o. Photographs of Plaintiff's Witnesses;
- 13 p. Charts depicting Plaintiff's Life Expectancy;
- 14 q. Story boards and computer digitized power point images;
- 15 r. Blow-ups/transparencies/digitized images of medical records, medical bills, photographs
- 16 and other exhibits;
- 17
- 18 s. Diagrams/story boards/computer re-enactment of motor vehicle accident;
- 19 t. Diagrams of various parts of the human body related to Plaintiff's injuries;
- 20 u. Photographs of various parts of the human body related to Plaintiff's injuries;
- 21 v. Models of the human body related to Plaintiff's injuries;
- 22 w. Samples of a spinal cord stimulator and leads;
- 23 x. Sample of an intrathecal drug delivery system and leads;
- 24 y. Samples of the needles and surgical tools used in Plaintiff's various diagnostic and
- 25 therapeutic pain management procedures
- 26
- 27
- 28

1 Plaintiff reserves the right to supplement these disclosures with any and all other relevant
2 information and documents and records that come into her possession during discovery.

3 DATED this 19th day of March, 2019

4 THE GALLIHER LAW FIRM

5
6 
7 Keith E. Galliher, Jr., Esq.
8 Nevada Bar Number 220
9 1850 E. Sahara Avenue, Suite 107
10 Las Vegas, Nevada 89104
11 Attorneys for Plaintiff

12 THE GALLIHER LAW FIRM
13 1850 E. Sahara Avenue, Suite 107
14 Las Vegas, Nevada 89104
15 702-735-0049 Fax: 702-735-0204
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of THE GALLIHER LAW FIRM and that service of a true and correct copy of the above and foregoing **FIFTH SUPPLEMENTAL EARLY CASE CONFERENCE DISCLOSURE STATEMENT** was served on the 20th day of March, 2019, to the following addressed parties by:

☐ First Class Mail, postage prepaid from Las Vegas, Nevada pursuant to N.R.C.P 5(b)

☐ Facsimile, pursuant to EDCR 7.26 (as amended)

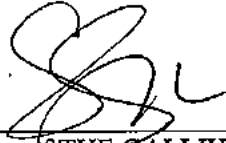
☒ Electronic Mail/Electronic Transmission

☐ Hand Delivered to the addressee(s) indicated

☐ Receipt of Copy on this _____ day of _____, 2019,

acknowledged by, _____

Michael A. Royal, Esq.
Gregory A. Miles, Esq.
ROYAL & MILES LLP
1522 W. Warm Springs Road
Henderson, Nevada 89014
Attorneys for Defendants



An employee of THE GALLIHER LAW FIRM

THE GALLIHER LAW FIRM
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
702-735-0049 Fax: 702-735-0204



Doc-Request

www.docrequest.com

P.O. Box 530718, Henderson, NV 89053

Phone: 702-629-5189 Fax: 888-341-5040

Certificate of Medical Records Custodian

STATE OF NEVADA)

COUNTY OF CLARK)

NOW COMES Cecilia Roman

who after first duly sworn, deposes and says the following:

1. That the deponent is the **Copy Technician** in the Health Information Management Department and such capacity is the custodian of the Medical Records at

Western Regional Center

2. That on Jan 28, 2019 the deponent received a release of information requesting medical records

pertaining to:

Joyce Sekera

Date of Birth:

3.22.56

3. That the deponent has examined the original or microfilmed original or scanned original of those medical records and has made a true and exact copy of them and that the reproduction of them attached hereto contains 53 pages of medical records and 2 of billing records and is true and complete.

Date of Service: 2.23.18 TO PRESENT

☐ Films on CD

☐

Sheets of Films

☒ No Films

☐

No films requested

Films located at:

Billing records located at:

4. That the original of those medical records was made at or near the time of the acts, event, conditions, opinions, or diagnoses recited therein by or from information transmitted by a person with knowledge in the course of a regularly conducted activity of the deponent or the office or institution in which the deponent is engaged.
5. To the extent that the medical records being provided herewith contain medical records received from a different provider of health care, I am unable to make any representation as to the authenticity of such a records.

CERTIFICATION OF NO RECORDS:

- A through search of our files, carried out under my direction using the specific information provided in your request
- ☐ revealed no documents, records, or other materials or images. It is to be understood that this does not mean that records do not exist under another spelling, name, or other classification.

Date of Service: _____

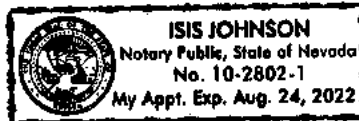
I declare under penalty of perjury that the foregoing is true and correct:

By: _____

Subscribed and Sworn to before me

This 28 day of January, 2019

Notary Signature _____



JS939

William D. Smith, MD



Street: 3061 S. Maryland Parkway, Suite 200
City/State/Zip: Las Vegas, NV 89109
Phone: (702) 737-1948
Fax: (702) 737-7195

Patient: Joyce P. Sekera

Patient #: 379090

DOB: 03/22/1956 (62 years)

Date of Encounter: 02/07/2019

History of Present Illness

The patient is a 62 year old female who presents for a follow-up visit. Note for "Follow-up visit": I had the opportunity and pleasure of seeing this woman in my office today. This woman is here via the Worker's Compensation system. This 61-year-old woman was a salesperson at a ticket booth. She slipped on a wet floor striking her head and had a loss of consciousness. This date of injury occurred in 2016. She has been through rhizotomies and has had a brief relief of pain. She has pain when changing position. She does use a heating pad. Recumbency also helps. She was sent to my office for a surgical consultation. Unfortunately, I cannot find notes from Nevada Pain Institute. While she has had rhizotomies, I am not sure if she has had a directed facet block at L5-S1 for identification of pain generator.

Additional reasons for visit:

Transition into care is described as the following:

The patient is transitioning into care and a summary of care was reviewed.

Allergies

No Known Allergies 02/26/2018

No Known Drug Allergies 02/26/2018

Past Medical History

Lumbar spondylosis with myelopathy

Cervical spondylosis with myelopathy

Other secondary scoliosis, lumbosacral region

Back pain, sacroiliac

Family History

Mother: In good health

Father: Deceased

Brother 1: In good health

Sister 1: In good health

Social History

Occupation/Work Status: Retirement (Health Related)

Marital Status: Single

Children: 1.

Living situation: Lives with his mother.

Tobacco use: Current some day smoker; Smokes 1-2 cigarettes a week.

Alcohol Use: No alcohol use

Illicit drug use: Never

HIV risk factors: None

Highest recreation level prior to spine condition; No Response.

Past Surgical

None (02/26/2018)

Joyce P. Sekera

Patient #: 379090

DOB: 03/22/1956 (62 years)

Page 1 / 2

0003/004

Feb 22 2019 11:13am

WROSS

JS940

Diagnostic Studies

Chiropractor
Exercise Therapy
MRI Brain, Brain Stem
MRI, Cervical Spine
MRI, Lumbar Spine
Lumbar Spine X-ray

Vitals

02/07/2019 06:03 AM

Assessment & Plan

Other secondary scoliosis, lumbosacral region (737.43 | M41.57)

Current Plans:

- Patient Education: Low Back Pain: low back
- Patient Education: Smoking: Ways to Quit: smoking cessation
- Referral to Pain Management
- How to access health information online
- Instructed / counseled on smoking cessation including modes of cessation. Readiness to quit and motivation assessed.

• Review of Diagnostic Test

Comments: We had ordered a CT scan. The CT scan is really quite interesting. It does show a rotatory subluxation at L5-S1 of approximately ten degrees. There are significant facet changes including what appears to be a poorly healed fracture on the superior articular facet. There is moderate foraminal stenosis at this level. She does also have bilateral signs of SI joint dysfunction.

I believe that she should also have bilateral SI joint injections. If she has had these and has not had improvement then we would discuss surgical treatment. At this time, my working diagnosis would be most likely the L5-S1 region although I cannot rule out the SI joint unless I see pain management injection notes. I hope this answers any questions you have. This woman remains on temporary total disability.

Cc: Farmers W/C (866) 846-3114 (faxed)
Doug Clark, ESQ (702) 862-8562
Walter M. Kidwell, MD (702) 878-9096
Jeffrey Webb, DC (702) 457-7083



William D. Smith, MD

Joyce P. Sekera

Patient #: 379090

DOB: 03/22/1956 (62 years)

Page 2 / 2

PO04/004

Feb 22 2019 11:14am

WROBSS

JS941

1493

Encounter #1

History & Physical Report

9/10/2018: Office Visit - Other secondary scoliosis, lumbosacral region (737.43 | M41.57) (William D. Smith, MD)

Joyce P. Sekera

9/10/2018 8:32 AM

Location: WRCBSS Maryland Parkway

Patient #: 379090

DOB: 3/22/1956

Single / Language: English / Race: White

Female

History of Present Illness (William D. Smith MD; 9/11/2018 3:35 PM)

The patient is a 62 year old female who presents for a follow-up visit. Note for "Follow-up visit": I had the opportunity and pleasure of seeing this woman back in my office today. This woman's original consultation was on 02/22/18. She had a documented Workers' Comp injury regarding her low back. She has had multiple injections including facet rhizotomies without significant relief. She was seen by myself.

Additional reasons for visit:

Transition into care is described as the following:

The patient is transitioning into care and a summary of care was reviewed.

Problem List/Past Medical (William D. Smith, MD; 9/10/2018 4:35 PM)

No Known Problems (09/10/2018): (Marked as Inactive)

Cervical spondylosis with myelopathy (721.1 | M47.12)

Lumbar spondylosis with myelopathy (721.42 | M47.16)

Other secondary scoliosis, lumbosacral region (737.43 | M41.57)

Back pain, sacroiliac (724.6 | M53.3)

Allergies (William D. Smith, MD; 9/10/2018 4:35 PM)

No Known Allergies (02/26/2018):

No Known Drug Allergies (02/26/2018):

Family History (William D. Smith, MD; 9/10/2018 4:35 PM)

Mother In good health.

Father Deceased.

Brother 1 In good health.

Sister 1 In good health.

Social History (William D. Smith, MD; 9/10/2018 4:35 PM)

Occupation/Work Status Retirement (Health-Related).

Marital Status Single.

Children 1.

Living situation Lives with his mother.

Tobacco use Current some day smoker. Smokes 1-2 cigarettes a week.

Alcohol Use No alcohol use.

Illicit drug use Never.

HIV risk factors None.

Highest recreation level prior to spine condition No Response.

Medication History (William D. Smith, MD; 9/10/2018 4:35 PM)

Naprosyn (500MG Tablet, 1 (one) Tablet Oral two times daily, as needed, Taken starting 09/10/2018) Active.

No Current Medications (Taken starting 09/10/2018)

Medications Reconciled

Past Surgical History (William D. Smith, MD; 9/10/2018 4:35 PM)

None (02/26/2018):

Diagnostic Studies History (William D. Smith, MD; 9/10/2018 4:35 PM)

Chiropractor

Exercise Therapy

MRI Brain, Brain Stem

MRI, Cervical Spine

MRI, Lumbar Spine

Lumbar Spine X-ray

Vitals (William D. Smith MD; 9/10/2018 4:35 PM)

9/10/2018 4:35 PM

Weight Measurement Declined

Height Measurement Declined

Physical Exam (William D. Smith MD; 9/11/2018 3:36 PM)

The physical exam findings are as follows:

Note: Her examination today also is consistent with bilateral SI joint dysfunction with bilateral finger Fortin maneuvers.

Assessment & Plan (William D. Smith MD; 9/14/2018 2:03 PM)
Other secondary scoliosis, lumbosacral region (737.43 | M41.57)
Current Plans

- X-RAY OF ENTIRE SPINE, AP AND LATERAL INCLUDING RIGHT AND LEFT BENDING 3 FOOT STANDING VIEWS (72083)
- X-RAY OF LUMBOSACRAL SPINE, AP, LATERAL AND FLEXION- EXTENSION VIEWS (72110) (LATERAL VIEW OF LUMBAR SPINE X-RAY MUST INCLUDE SUPERIOR ENDPLATE OF L1 AND FEMORAL HEAD.)
- Referral to Pain Management
- Started Naprosyn 500MG, 1 (one) Tablet two times daily, as needed, #100, 90 days starting 09/10/2018, No Refill.
- Pt Education - Low Back Pain: low back
- Pt Education - How to access health information online: discussed with patient and provided information.
- Pt Education - Smoking: Ways to Quit: smoking cessation
- Instructed / counseled on smoking cessation including modes of cessation. Readiness to quit and motivation assessed.
- Review of Diagnostic Test

Comments: Her MRI of the cervical spine did show a C5-6 bulging disc with foraminal stenosis as well as a slight loss of lordosis. She, on her lumbar spine, showed division at L4-5 and modic changes L1-2, L2-3, and mildly at L4-5. There is a question as to whether or not she had an L4-5 synovial cyst as well. I have had a chance to review her CT scan of the lumbar spine. The CT scan is actually quite interesting. The CT scan shows that she has a rotatory subluxation at L5-S1 of approximately 15 degrees. She has retrolisthesis shown on CT scan at L5-S1. She appears to have also an old healing fracture of the left superior articular facet at S1. There is perhaps some mild foraminal stenosis as well. Flexion and extension images are poor and they do not show the hips.

Note: At this time, this woman really seems to be having a very complicated issue. The CT scan is indicative of the L5-S1 region being a major pain generator. Certainly, this is consistent with trauma of at least two years ago. With this in mind, this woman will need 3ft standing x-rays so we can document her sagittal alignment and pelvic incidence to assure that her spinal pelvic parameters are within normal. At the same time, I would recommend that she go to Pain Management for a bilateral SI joint injection. These will hopefully be both diagnostic and therapeutic.

At this time, I recommend that she be given a prescription for naproxen. As long as she does not develop gastric issues, I would recommend that she remain on anti-inflammatories to avoid opioid therapy if possible. This woman understands and agrees with this plan. At this time, I find this woman to be without signs of malingering. She certainly has a significant issue with documented radiographic changes. We will continue to work closely with her.

Please don't hesitate to call me with questions. As a note, this woman was interviewed by myself and all films were reviewed by myself as well.

Cc: Farmers W/C (866) 846-3114 (faxed)
Doug Clark, ESQ (702) 862-8562
Walter M. Kidwell, MD (702) 878-9096
Jeffrey Webb, DC (702) 457-7083



Signed by William D Smith, MD (9/14/2018 2:04 PM)

Procedures

X-RAY OF ENTIRE SPINE, AP AND LATERAL INCLUDING RIGHT AND LEFT BENDING 3 FOOT STANDING VIEWS (72083) Performed: 09/10/2018 (Ordered)

X-RAY OF LUMBOSACRAL SPINE, AP, LATERAL AND FLEXION- EXTENSION VIEWS (72110) Performed: 09/10/2018 (Ordered)

Account Inquiry

Page 1 of 2

Western Regional Ctr for Brain and Spine

3051 S Maryland Pkwy #200 Las Vegas NV 891096227
Tel: (702) 737-3945 Fax: (702) 737-7195

ACCOUNT INQUIRY

03/14/2019 9:07 AM (PST)

Account# 3716100

Guarantor Information:

Joyce P Sekera
7840 Nesting Pine Place
Las Vegas, NV 89143

Home Tel#: (702) 467-5457
Work Tel#:

Patient Information:

Patient# 3716100

Joyce P Sekera
7840 Nesting Pine Place
Las Vegas, NV 89143

Home Tel#: (702) 467-5457
Work Tel#:

| Payor | Current | 31-60 Days | 61-90 Days | Over 90 | Balance |
|----------------|------------|------------|------------|---------|------------|
| Self | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$8.00 |
| Insur | \$1,225.00 | \$0.00 | \$0.00 | \$0.00 | \$1,225.00 |
| Collect | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 |
| Unassigned: | | | | | \$0.00 |
| Total Balance: | | | | | \$1,225.00 |

| Service Date | Voucher# | Provider | Chg Amt | Pmts/Adjs | Balance | Payor | Coverage Type | Billed Date | Age | Patient |
|--------------|----------|----------|----------|-----------|---------|--------|---------------|-------------|-----|----------------|
| 09/10/2018 | 2201110 | SMITHWM | \$700.00 | \$700.00 | \$0.00 | FARMWC | Worker's Comp | 09/24/2018 | 0 | Joyce P Sekera |

| Claim# | Bill Media | Billing Prov | Local Use Text | Orig Voucher# | Orig Payor | Orig Bill Date | Orig Media |
|---------|------------|--------------|----------------|---------------|------------|----------------|------------|
| 2201110 | Paper | SMITHWM | | 2201110 | FARMWC | 09/24/2018 | Paper |

| Dates of Service | Procedure | Mdcs | Description | Diag1 | Description | TOS | Units | Fee Amt | Pmts/Adjs | Amt Due |
|------------------|-----------|------|-------------------------|--------|---|---------|-------|----------|-----------|---------|
| 09/10/2018 | 99215 | | Office Outpt Est 40 Min | M91.57 | Other secondary scoliosis, lumbosacral region | MEDICAL | 1.00 | \$700.00 | \$700.00 | \$0.00 |

| Mapped ICD9-1 | Description | Mapped ICD9-2 | Description | Mapped ICD9-3 | Description | Mapped ICD9-4 | Description |
|---------------|-----------------------------------|---------------|-------------|---------------|-------------|---------------|-------------|
| 737.43 | Scoliosis assoc w/other condition | | | | | | |

| Payment Date | Reference | Coverage Type | Insurance | Transaction | Pmt Amt | Transfer To | Trsf Amt | Batch# | Status | Date Updated | Void Batch# | Date Voided | Voided By |
|--------------|----------------|---------------|-----------|----------------------------|----------|-------------|----------|-----------|---------|--------------|-------------|-------------|-----------|
| 11/20/2018 | CHK#8817051556 | Worker's Comp | FARMWC | Workers Comp NV Payment | \$137.57 | | | 111918AD2 | Updated | 11/20/2018 | | | |
| 11/20/2018 | CHK#8817051556 | Worker's Comp | FARMWC | Workers Comp NV Adjustment | \$562.43 | | | 111918AD2 | Updated | 11/20/2018 | | | |

| Service Date | Voucher# | Provider | Chg Amt | Pmts/Adjs | Balance | Payor | Coverage Type | Billed Date | Age | Patient |
|--------------|----------|----------|----------|-----------|----------|--------|---------------|-------------|-----|----------------|
| 02/07/2019 | 2233730 | SMITHWM | \$525.00 | \$0.00 | \$525.00 | FARMWC | Worker's Comp | 02/20/2019 | 22 | Joyce P Sekera |

| Claim# | Bill Media | Billing Prov | Local Use Text | Orig Voucher# | Orig Payor | Orig Bill Date | Orig Media |
|---------|------------|--------------|----------------|---------------|------------|----------------|------------|
| 2233730 | Paper | SMITHWM | | 2233730 | FARMWC | 02/20/2019 | Paper |

file:///D:/Users/Maria.Donato3/AppData/Local/Temp/116/csimViewer/csi217B.tmp

3/14/2019

JS944

1496

Account Inquiry

Page 2 of 2

| Dates of Service | Procedure | Mod | Description | Diag1 | Description | TOS | Units | Fee Amt | Pmts/Adjs | Amt Due |
|------------------|-----------|-----|-------------------------|--------|---|----------|-------|----------|-----------|----------|
| 02/07/2019 | 99214 | | Office Outpt Est 25 Min | M41.57 | Other secondary scoliosis, lumbosacral region | SURGICAL | 1.00 | \$525.00 | \$0.00 | \$525.00 |

| Mapped ICD9-1 | Description | Mapped ICD9-2 | Description | Mapped ICD9-3 | Description | Mapped ICD9-4 | Description |
|---------------|-----------------------------------|---------------|-------------|---------------|-------------|---------------|-------------|
| 737.43 | Scoliosis assoc w/other condition | | | | | | |

| Service Date | Voucher# | Provider | Chg Amt | Pmts/Adjs | Balance | Payer | Coverage Type | Billed Date | Age | Paient |
|--------------|----------|----------|----------|-----------|----------|--------|---------------|-------------|-----|----------------|
| 03/07/2019 | 2237200 | SMITHWM | \$700.00 | \$0.00 | \$700.00 | FARMWC | Worker's Comp | 03/14/2019 | 0 | Joyce P Sela's |

| Claim# | Bill Media | Billing Prov | Local Use Text | Orig Voucher# | Orig Payer | Orig Bill Date | Orig Media |
|---------|------------|--------------|----------------|---------------|------------|----------------|------------|
| 2237200 | Paper | SMITHWM | | 2237200 | FARMWC | 03/14/2019 | Paper |

| Dates of Service | Procedure | Mod | Description | Diag1 | Description | TOS | Units | Fee Amt | Pmts/Adjs | Amt Due |
|------------------|-----------|-----|-------------------------|--------|---|---------|-------|----------|-----------|----------|
| 03/07/2019 | 99215 | | Office Outpt Est 40 Min | M41.57 | Other secondary scoliosis, lumbosacral region | MEDICAL | 1.00 | \$700.00 | \$0.00 | \$700.00 |

| Mapped ICD9-1 | Description | Mapped ICD9-2 | Description | Mapped ICD9-3 | Description | Mapped ICD9-4 | Description |
|---------------|-----------------------------------|---------------|-------------|---------------|-------------|---------------|-------------|
| 737.43 | Scoliosis assoc w/other condition | | | | | | |

file:///D:/Users/Maria.Donato3/AppData/Local/Temp/116/csimViewer/csi217B.tmp

3/14/2019

JS945

1497

DISTRICT COURT
CLARK COUNTY, NEVADA

JOYCE SEKERA, an Individual,

Plaintiff,

vs.

Case No. A-18-772761-C
Dept. 25

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 MARIA CONSUELO CRUZ

Taken at the Galliher Law Firm
1850 East Sahara Avenue, Suite 107
Las Vegas, Nevada 89104

On Wednesday, April 17, 2019
At 2:00 p.m.

Reported By: PAULINE C. MAY
CCR 286, RPR

1 APPEARANCES:

2 For the Plaintiff: KEITH E. GALLIHER, JR., ESQ.
Galliher Law Firm
3 1850 East Sahara Avenue
Suite 107
4 Las Vegas, Nevada 89104
(702)735-0049

5
6 For the Defendants: MICHAEL A. ROYAL, ESQ.
Royal & Miles LLP
7 1522 West Warm Springs Road
Henderson, Nevada 89014
8 (702)471-6777

9
10
11
12
13
14
15 * * * * *

16
17
18 I N D E X

| | | |
|----|-------------------------------------|------|
| 19 | | |
| 20 | WITNESS | PAGE |
| | MARIA CONSUELO CRUZ | |
| 21 | Examination By Mr. Galliher | 3 |
| | Examination By Mr. Royal | 30 |
| 22 | Further Examination By Mr. Galliher | 41 |

23
24
25 -oOo-

1 GRACIA M. FELDMAN, SPANISH INTERPRETER,
2 having been first duly sworn to interpret Spanish into
3 English and English into Spanish, interpreted as
4 follows:
5 MARIA CONSUELO CRUZ,
6 having been first duly sworn to tell the truth, the
7 whole truth and nothing but the truth, was examined
8 and testified as follows:
9
10 EXAMINATION
11 BY MR. GALLIHER:
12 Q Would you state your name, please.
13 A Maria Consuelo Cruz.
14 Q Your address.
15 A I live at 911 Melrose Drive, Las Vegas,
16 Nevada 89101.
17 Q Is that a home?
18 A Yes.
19 Q Do you own the home or rent it?
20 A It's mine.
21 Q Have you ever had your deposition taken
22 before?
23 A No.
24 Q Do you understand today we're going to take
25 your testimony under oath?

1 A Yes.
2 Q How many?
3 A Three.
4 Q And how old are you?
5 A 34, 36, and 39.
6 Q Do any of your children still live with you?
7 A One lives with me.
8 Q And which one would that be?
9 A The middle one.
10 Q All right. Are you presently working?
11 A Oh, yes. I work.
12 Q And where do you work now?
13 A Me?
14 Q Yes.
15 A At the Plaza Hotel.
16 Q The Plaza downtown?
17 A Yes.
18 Q How long have you been at the Plaza?
19 A It's going to be two years and two months.
20 Q What do you do at the Plaza?
21 A Casino porter.
22 Q Were you ever employed at the Venetian?
23 A Yes, for 13 years.
24 Q And why did you leave Venetian and go to the
25 Plaza?

1 A Yes.
2 Q The oath you've taken today carries with it
3 the same solemnity as if you were testifying in court
4 before a judge or a jury.
5 Do you understand that?
6 A Yes.
7 Q It also carries with it the penalties of
8 perjury. Do you know what "perjury" means?
9 A I would be fined.
10 Q Perjury means lying under oath.
11 A Oh. Okay.
12 Q Do you understand?
13 A Yes.
14 Q A little general background on you first.
15 How long have you lived in Las Vegas?
16 A Almost 16 years.
17 Q Where did you come from?
18 A I came from my country in Guatemala, but I
19 lived in California for about 13 years before.
20 Q So you have lived 29 years in the United
21 States?
22 A Yes.
23 Q Are you married?
24 A No. I was married.
25 Q Do you have any children?

1 A Problems.
2 Q Were they problems with you at the Venetian?
3 A Yes.
4 Q Can you tell me what the problems were?
5 A It's personal.
6 Q Well, I understand that. Did you leave the
7 Venetian voluntarily or were you fired?
8 A I was fired.
9 Q And do you believe the firing was justified?
10 A No, but -- but if they do it, there's
11 nothing that I could say.
12 Q How long were you out of work before you
13 went to the Plaza after leaving the Venetian?
14 A A week.
15 Q So let's back up, then, to your time at the
16 Venetian.
17 What was your position when you worked at
18 the Venetian?
19 A Casino porter.
20 Q Were you a casino porter for the entire 13
21 years you worked at the Venetian?
22 A No, I was a maid for one year.
23 Q Is that -- were you a maid when you first
24 started at the Venetian for one year?
25 A Yes.

1 Q Then, were you a casino porter for the next
2 12 years?
3 A Yes.
4 Q Tell me what a casino porter does at the
5 Venetian.
6 A Cleans slot machines, takes care of the
7 floors, no spills, no trash, vacuum, clean bathrooms,
8 pick up the trash and customer service.
9 Q When you say "customer service," what do you
10 mean?
11 A We are aware if the customer needs something
12 and offer assistance.
13 Q When you worked at the Venetian, did you
14 work in a specific area of the hotel?
15 A No, they moved us around. They switched us
16 to a different station every day.
17 Q Do you know how many stations there are on
18 the ground floor at the Venetian?
19 A Gosh, so many. That's a very large casino.
20 Q Do you know how many casino porters work the
21 same shift that you worked at the Venetian when you
22 worked there?
23 A Like 20, maybe, or 24.
24 Q Is that your best estimate?
25 A Approximation.

1 to 8:00.
2 Q And did it ever change?
3 A Those were shifts, you know, that for a
4 season you would work like that, and then they would
5 be switched.
6 Q My question is, was the graveyard shift ever
7 from 11:00 to 7:00 and then changed from 12:00 to
8 8:00 like the other shifts?
9 A Yes. When one shifts, the three of them
10 change.
11 Q Did you work one shift more than any of the
12 other shifts?
13 A No.
14 Q When I say worked more, did you spend more
15 time working the day shift versus the afternoon shift
16 versus the evening shift?
17 A I was more at night.
18 Q And when you talk "more at night," you are
19 talking about the 11:00 a.m. -- or 11:00 p.m. to
20 7:00 a.m. or 12:00 a.m. to 8:00 a.m. shift?
21 A What happened is, while we worked from
22 11:00 to 7:00 and then somehow we were switched from
23 midnight to 8:00 a.m. It was not me, the one who was
24 switched.
25 Q But it's your recollection that most of the

1 Q All right. So when you were working at the
2 Venetian as a casino porter, there were approximately
3 20 other casino porters working the same shift?
4 A Yes.
5 Q And do you understand I'm talking strictly
6 about the Venetian and not the Plaza?
7 A Yes.
8 Q So when we're talking about 20 casino
9 porters, we're talking strictly about the Venetian?
10 A Yes.
11 Q Did you have a specific shift that you
12 worked at the Venetian?
13 A I was working for some time in the
14 afternoon, then later on in the night shift, and then
15 during toward the end, in the morning.
16 Q So you actually worked all three shifts at
17 the Venetian when you were employed there as a casino
18 porter?
19 A Yes, yes.
20 Q What are the hours of the morning shift?
21 A It used to be from 7:00 to 3:00, and then it
22 was switched to from 8:00 to 4:00 in the daytime.
23 Q And then what about the afternoon shift?
24 A It was from 3:00 to 11:00, and then it was
25 3:00 -- 4:00 to 12:00, and graveyard was from midnight

1 time when you worked at the Venetian, you worked the
2 evening shift?
3 A Yes.
4 Q We call it graveyard. Do you understand
5 what I mean?
6 A Yes.
7 Q You talked earlier about one of your duties
8 as a casino porter was to clean and maintain the
9 floors.
10 A Yes.
11 Q When you talk about the floors, I'm talking
12 strictly now about the ground floor. Is that where
13 you worked?
14 A Yes.
15 Q So for the 13 years that you were employed
16 at the Venetian, you would work on the ground floor?
17 A When I was in the day shift; yes.
18 Q And --
19 A Also when I was in the graveyard shift. But
20 since they would switch us around to different
21 stations, there were times when I was assigned to the
22 small tower and another day I would be assigned close
23 to the food court.
24 But they were the ones -- say somebody does
25 not show up for a shift, and then we are placed in a

1 different station.
 2 Q All right. So as I understand it, you are
 3 saying most of the time you would work on the ground
 4 floor, but on occasion you would be called upon to
 5 work near the food court or, as you referred to it,
 6 the small tower?
 7 A Oh, no. Food court is the ground floor,
 8 yes.
 9 Q I understand. When you worked the small
 10 tower, did you work the ground floor or did you work
 11 another floor?
 12 A No. I was on the third floor, below the
 13 fourth floor.
 14 Q Did you ever work the same floor as the
 15 Bouchon Restaurant was located?
 16 A Oh, yes.
 17 Q Is the Bouchon Restaurant in the small
 18 tower?
 19 A Yes.
 20 Q So when you worked in the small tower, did
 21 you work on the same floor as the Bouchon Restaurant?
 22 A Yes.
 23 Q How would you describe the floors at the
 24 Venetian? In other words, what their composition is.
 25 A Well, I guess they are floors, they call it

1 tile or --
 2 Q Marble?
 3 A -- marble, and they shampoo a lot -- no, no,
 4 not shampoo. There is wax.
 5 Q All right. So the floors, the ground floor
 6 of the Venetian, the floors are marble?
 7 A They are marble.
 8 Q And the floor where the Venetian is located
 9 or the Bouchon Restaurant is located, is that also
 10 marble?
 11 A Yes. All around it.
 12 Q You talked earlier about the marble floors
 13 being cleaned. Can you tell me how that's done?
 14 A Me or who?
 15 Q Well, if you did the cleaning.
 16 A We were just trying to see that there were
 17 no spills and no trash, but the special cleaning was
 18 done by their graveyard shift.
 19 Q And when we talk about "special cleaning,"
 20 did you ever do any special cleaning yourself?
 21 A No, not me. That's done with a special
 22 machinery. I can't use them.
 23 Q And that's a machine that you did not
 24 operate?
 25 A No, no. I couldn't.

1 Q Did you have a specific area that you were
 2 supposed to keep watch on when you were working as
 3 casino porter?
 4 A Usually by the restaurants or around the
 5 restaurants in the food court, because that also
 6 includes the area where the dealers are.
 7 Q And was that -- when you talk about the
 8 restaurants, are we talking about the Lux Cafe?
 9 A All of that, all around it. The stations
 10 were pretty large.
 11 Q When you say pretty large, can you give me
 12 an idea of how large the stations were?
 13 A Like -- I don't know if you know the place.
 14 From where the bathrooms are, all the way around the
 15 corner where the bathrooms are going by the security
 16 podium. It also includes where the escalators are,
 17 close to the elevators.
 18 Q And does it include the areas that are next
 19 to the Lux Cafe in the food court?
 20 A Yes.
 21 Q So when you worked that area, were you the
 22 only person responsible for making sure that area was
 23 clean?
 24 A No. From the stairs where the escalators,
 25 to that side, there was someone else.

1 Q And when you say "to that side," are you
 2 talking about the side that's adjacent to the food
 3 court and the Bouchon Bakery?
 4 A No, the Grand Lux Cafe.
 5 Q And so what I'm trying to determine is, it
 6 sounds like you are splitting the area in two
 7 stations. Would that be correct?
 8 A Correct, yes. Uh-huh.
 9 Q Were you ever responsible for making sure
 10 that one station versus the other station was safe?
 11 A Yes. That's our duty.
 12 Q Was there a concern on your part about what
 13 would happen if there was water or liquid on these
 14 floors?
 15 A Yes, even though it wasn't my station.
 16 Q And were these floors -- when they were wet,
 17 were they slippery?
 18 A Yes, because we are pretty careful. Even
 19 just a little tiny spill of coffee, we would clean it
 20 up.
 21 Q And why would you do that?
 22 A It was -- otherwise, we would have been
 23 disciplined. That was our job.
 24 Q And did you -- did you have an understanding
 25 that the floors, when they were wet, were dangerous to

1 your customers?
 2 MR. ROYAL: Objection, form.
 3 THE WITNESS: Yes, yes.
 4 BY MR. GALLIHER:
 5 Q So you knew the floors, when they were wet,
 6 they were slippery and dangerous to customers?
 7 MR. ROYAL: Same objection.
 8 THE WITNESS: Yes.
 9 BY MR. GALLIHER:
 10 Q And did you --
 11 A You don't move away from them.
 12 Q Did you find that yourself, or did anyone at
 13 the Venetian tell you that the floors were dangerous
 14 when they were slippery?
 15 MR. ROYAL: Objection, form.
 16 THE WITNESS: No. We are pretty
 17 conscientious about it and we have seen videos.
 18 BY MR. GALLIHER:
 19 Q So my question is, do you know if -- who
 20 were your supervisors?
 21 A Oh, gosh. I had so many.
 22 Q Do you know what their titles were -- job
 23 titles were?
 24 A Supervisor.
 25 Q Did your supervisors ever tell you that the

1 A Yes.
 2 Q All right. So you carried cloth towels, a
 3 broom and a dust mop with you when you worked as a
 4 casino porter?
 5 A Yes. We also had a locker as well.
 6 Q So what was in the locker?
 7 A More towels, glass cleaner, towels for vomit
 8 and red bags.
 9 Q And what?
 10 A Red bags.
 11 Q Red bags?
 12 A For -- for throw-ups.
 13 Q Anything else?
 14 A No, not that I can remember.
 15 Q So when you saw a larger spill on the floor
 16 at the Venetian and called for help, did that usually
 17 mean that someone would come to the spill with a mop?
 18 A Yes, with a bucket.
 19 Q So for the larger spills, someone would come
 20 by and clean it up with a mop and a bucket; is that
 21 right?
 22 A Yes, uh-huh. And also the security would be
 23 close by.
 24 Q All right. So what I'm trying to get at is,
 25 when you talked about calling for help earlier when

1 floors at the Venetian, the marble floors, were
 2 slippery and dangerous when wet?
 3 A Of course.
 4 Q Is that why you kept a close -- you tried to
 5 keep a close eye on the floors, to make sure they
 6 didn't get wet?
 7 A Yes. We had a radio. If they were pretty
 8 wet, we needed to call to have someone come help us.
 9 Q And when you see a floor that was pretty
 10 wet, who did you call to come help you?
 11 A Our supervisor, that we call the supervisor
 12 to ask for someone to come.
 13 Q And when you asked for someone to come, who
 14 would usually come?
 15 A Whoever it was close by.
 16 Q So was it another casino porter?
 17 A Yes.
 18 Q Now, when you worked as a casino porter, did
 19 you use or carry around any specific equipment?
 20 A Yeah, our cleaners, a broom and a dust mop.
 21 Q Did you say "cleaners"?
 22 A No, no, towels.
 23 Q So how many towels would you carry?
 24 A Two.
 25 Q Were they cloth towels?

1 you saw a larger spill, that would usually mean that
 2 another casino porter would come to the scene of the
 3 spill with a mop and a bucket?
 4 A Yes. If it was large, we would say: Please
 5 send someone with a bucket.
 6 Because there are people that have
 7 containers with ice and sometimes they drop it on the
 8 floor, so we have to call someone.
 9 Q Have you ever seen situations where people
 10 spill water on the floor?
 11 A Yes, yes. That's why we are keeping an eye.
 12 Otherwise, you have to follow them to see where that
 13 spill is coming from.
 14 Q What about soft drinks?
 15 A Same; we clean. It's just the same; we're
 16 cleaning everything.
 17 Q But what I'm trying to get at, though, is
 18 have you ever seen spills at the Venetian, when you
 19 were employed there as a casino porter, involving soft
 20 drinks?
 21 A No, not that. Mostly water, because people
 22 carry some ice coolers.
 23 Q Have you ever seen people carrying water
 24 bottles?
 25 A Yes.

1 Q So do you actually know where the water
2 would come from? Whether it would come from the ice
3 or whether it would come from a bottle?
4 MR. ROYAL: Objection, form.
5 THE WITNESS: No. When the water spill is
6 from a water cooler, you can see the water coming from
7 it.
8 BY MR. GALLIHER:
9 Q When you say water cooler, what do you mean?
10 A An ice cooler.
11 Q So people carry ice coolers over those
12 floors?
13 A Yes.
14 Q Now, have you ever seen anyone use the food
15 court and leave the food court with drinks?
16 A Sometimes, yes.
17 Q And how about the Bouchon Bakery; have you
18 ever seen anyone order drinks from the Bouchon Bakery
19 and leave from it?
20 A No, hu-huh.
21 Q Have you ever seen anyone walk around with
22 liquor or alcohol in a glass or cup?
23 A Everyone does it in the casino; yep.
24 Q So would it be fair to say that you have
25 seen that?

1 A Oh, yes.
2 Q Now I want you to isolate, on a given
3 shift -- we'll say the day shift.
4 On the average, what's your best estimate of
5 how many spills you would see during the day shift
6 when you were a casino porter at the Venetian?
7 A Sometimes I did, but I did not work always
8 at the same station.
9 Q Well, I understand. What I'm looking for is
10 your best estimate of the number of times on one shift
11 that you would see spills when you were employed at
12 the Venetian.
13 MR. ROYAL: Object to form.
14 THE WITNESS: At times two or three times.
15 BY MR. GALLIHER:
16 Q Would that be an average?
17 A Yes.
18 Q And we're talking about spills that would be
19 in the area that you were responsible for?
20 A The floor close to the food court and Lux
21 Cafe, it's floor. But there are areas that are
22 carpeted.
23 Q Well, I'm talking strictly about the marble
24 floors.
25 A In rare occasions.

1 Q So are you saying that on rare occasions,
2 you would see spills on the floor, the marble floors,
3 next to the Lux Cafe or the food court?
4 A Not spills -- spills, but say that someone
5 just dropped a little bit of a soda.
6 Q And if someone dropped a little bit of soda,
7 that's something that you would clean up?
8 A Yes, yes.
9 Q And why would you do that?
10 A Because I had to. I was being paid to do
11 that.
12 Q And was there a concern about whether or not
13 the floor was dangerous with that little bit of liquid
14 on it?
15 MR. ROYAL: Objection, form.
16 THE WITNESS: Yes. It also gets stained.
17 BY MR. GALLIHER:
18 Q And is that why you cleaned it up, to
19 protect the customers?
20 A Yes.
21 Q That was your job; right?
22 A Yes, and I would also get tips.
23 Q When you say you get tips, who would give
24 you tips?
25 A The guests, when they say that you are

1 keeping an eye to make sure that they didn't fall.
2 Q During your time at the Venetian, had you
3 ever seen a customer fall on liquid on the marble
4 floor?
5 A Yes.
6 Q And how many occasions?
7 A The one I recall is a lady that fell with a
8 coffee.
9 Q And you recall a lady that fell with a
10 coffee?
11 A Yes.
12 Q And how do you recall that?
13 A Well, we were cleaning and suddenly I think
14 a lady came out with a coffee from a bakery, the
15 Bouchon Bakery on the first floor.
16 Q And so was that a fall that you personally
17 saw?
18 A Well, we saw her fall and we were close by.
19 I had been checking the floor.
20 Q So is that the only time that you've seen a
21 customer fall at the Venetian on the marble floor?
22 A Oh, many, but they were drunk.
23 Q So you've seen a lot of drunk people fall on
24 the marble floor at the Venetian?
25 A No, just that they had fallen because they

1 were drunk.
 2 Q And how do you know that?
 3 A Because you can see it.
 4 Q Did you witness those falls?
 5 A Yes.
 6 Q So how many of these falls did you witness?
 7 A Well, about three I would say, the ones that
 8 I watched.
 9 Q When you saw these people that you described
 10 as drunk fall, were they hurt?
 11 A These people were not alone. There were
 12 other drinkers.
 13 Q All right. But my question is when you saw
 14 these people fall, were they hurt?
 15 MR. ROYAL: Objection, form.
 16 THE WITNESS: I don't know because we can't
 17 get involved with that. And if they're drunk, they
 18 get up. They are to get up on their own or someone
 19 picks them up.
 20 BY MR. GALLIHER:
 21 Q So it sounds to me like you are saying you
 22 don't know whether they were hurt or not.
 23 A Well, no. No.
 24 Q Is that right?
 25 A Yes, because if they were drunk, they would

1 showed a fall on November 4, 2016; right?
 2 A Yes.
 3 Q And you watched the video?
 4 A Yes.
 5 Q And that fall was a fall that you personally
 6 saw when it occurred?
 7 A Yes. I was there.
 8 Q So when you talked about a fall involving a
 9 lady with coffee, is that the fall you were talking
 10 about?
 11 A She's the one.
 12 Q So how is it that you determined that she
 13 fell carrying coffee?
 14 A Because I was there.
 15 Q Did anyone discuss this fall with you?
 16 A No, but I remember it. But I no longer work
 17 at the Venetian.
 18 Q I understand. Did you meet with anyone in
 19 preparation for today's deposition?
 20 A I just received some documents stating that
 21 I had to come.
 22 Q Did you -- so you did not meet with anyone
 23 to discuss today's deposition?
 24 A No.
 25 Q Did you discuss today's deposition with

1 just get up and go. We can't stick our hands in that
 2 situation.
 3 Q I understand. But you don't know whether
 4 those people, when they got up, were hurt?
 5 A No.
 6 Q We're here today basically to -- because
 7 we're involved in a lawsuit as a result of a fall
 8 occurring on November 4, 2016. It happened in the
 9 early afternoon hours.
 10 A Early wasn't it?
 11 Q Yeah. Do you know?
 12 A I was in that morning shift.
 13 Q So how is it that you know which fall I'm
 14 talking about?
 15 A Because I was sent the video.
 16 Q And you were sent the video by whom?
 17 A I don't know who.
 18 Q So you've seen the video showing the fall?
 19 A Yes.
 20 Q So you didn't see the fall until you saw the
 21 video?
 22 A No, I remember that lady.
 23 Q Do you remember seeing the lady fall?
 24 A Yes.
 25 Q All right. So you were sent a video that

1 anyone over the telephone?
 2 A I was only called and told to be here today.
 3 Q So what I'm trying to determine is, where
 4 did you form your opinion that the lady was carrying
 5 coffee?
 6 A Because I know that she was coming from
 7 purchasing coffee.
 8 Q And you testified that she was coming from
 9 purchasing coffee at the Bouchon Bakery; right?
 10 A I think so, because she was coming down next
 11 to the area where they sell coffee.
 12 Q So you did not discuss your testimony of
 13 today's deposition with anyone before you showed up?
 14 A No.
 15 Q And I want to make sure I'm clear on this:
 16 That you personally witnessed this fall when it
 17 happened, separate and apart from what you saw in the
 18 video?
 19 A Yes.
 20 Q So you actually saw the fall twice. You saw
 21 the fall in person when it happened and then you saw
 22 it again on the video; is that right?
 23 A Yes, yes. I was there. I was cleaning in
 24 the surroundings.
 25 Q When the video was sent to you, was it sent

1 to you in a letter?
 2 A No.
 3 Q How was it sent to you?
 4 A I don't know. I received -- no. The next
 5 day I received these papers.
 6 Q Well, my question was, how was the video
 7 sent to you?
 8 A I don't know.
 9 Q Well, did you receive it at your home?
 10 A No, my phone.
 11 Q All right. So the video that you described
 12 was sent to you on your telephone?
 13 A Uh-huh, yes.
 14 Q And you don't know who sent it?
 15 A No.
 16 Q Did the sender identify themselves in any
 17 way to tell you who sent it to you?
 18 A No. I was only mailed these papers and then
 19 I was called from the telephone.
 20 Q All right. When you say you were called
 21 from the telephone, did the call from the telephone
 22 result in the video being sent to you?
 23 A I believe so. That's how I got it.
 24 Q So when the person called you on the
 25 telephone, did they identify themselves?

1 Q So when the person that talked to you on the
 2 telephone about this case, did they tell you they were
 3 from the Venetian?
 4 A Yes. It was from the Venetian, about an
 5 accident that happened at the Venetian.
 6 Q Did the video that was sent to you, was it
 7 accompanied by any type of a message?
 8 A No.
 9 Q No text or anything of that nature?
 10 A No. I was only sent the video and that
 11 paper that I received.
 12 Q All right. So you were sent the video, you
 13 were sent the paper, which is the subpoena to today's
 14 deposition.
 15 A And I don't even know why.
 16 Q And you weren't sent anything else?
 17 A No. I don't even know why I'm here.
 18 Q So have you understood all my questions
 19 today?
 20 A Yes.
 21 Q Anything you want me to repeat or rephrase
 22 for you?
 23 A No.
 24 MR. GALLIHER: Pass the witness.
 25 /////

1 A Yes. I was told that it was from here.
 2 Q From where?
 3 A From this page, what it says on this page.
 4 Q So did someone tell you that the video was
 5 coming from my office?
 6 A No, no. I didn't pay attention. They only
 7 send me a video and this letter stating that I had to
 8 be here. And I don't know why I'm involved in this.
 9 Q I'm still trying to figure out how you
 10 received the video.
 11 So when the person called you on the
 12 telephone, did they -- how did they get your telephone
 13 number?
 14 MR. ROYAL: I'm going to -- I'm sorry -- a
 15 belated objection as to form.
 16 Go ahead.
 17 BY MR. GALLIHER:
 18 Q So when the person called, did you ask them
 19 how they got your telephone number?
 20 A No, but since it was coming from the
 21 Venetian, they know my telephone number.
 22 Q All right. So then, you knew that the video
 23 that was being sent to you on your telephone was
 24 coming from the Venetian; is that right?
 25 A Yes.

1 EXAMINATION
 2 BY MR. ROYAL:
 3 Q Okay. I just have a few questions for you.
 4 A Again?
 5 Q I'm going to show you -- strike that.
 6 You testified that you saw a video, and I'm
 7 going to show you what's been identified -- I'm not
 8 sure how you want to do this, but I've got it right
 9 here.
 10 MR. GALLIHER: Okay. Just for the record,
 11 you are showing her your -- the video on computer.
 12 MR. ROYAL: Exactly.
 13 BY MR. ROYAL:
 14 Q So it's been identified as VEN019. And I
 15 have a laptop and I'm going to try and turn this so
 16 you can see it with the witness as best I can. A
 17 little bit tricky here. One second. You can scoot
 18 back just a little bit.
 19 Okay. I'm just going to -- and what I'm
 20 going to do for the record, I'm just going to indicate
 21 numbers so we can identify what we're looking at.
 22 Right now it's paused. It's at 12:31:33 of the -- of
 23 the footage.
 24 Do you recognize the area?
 25 A That's in front of the Grand Lux Cafe.

1 Q And when you said that you patrolled an
2 area -- strike that. What would this --
3 When you're assigned to work this area, what
4 would the area be called?
5 A Station 2.
6 Q Okay. And you kind of broadly told us what
7 you did in Station 2. Did that include cleaning the
8 restroom?
9 A No, not -- the bathrooms were something
10 separate.
11 Q Okay. So you weren't cleaning bathrooms?
12 A No, no.
13 Q Do you know who was cleaning bathrooms on
14 the day this happened?
15 A I don't remember.
16 Q Okay. So if you are not cleaning bathrooms,
17 what was your general job -- strike that. Let me ask
18 it again.
19 Looking at VEN019 at 12:31:33, does this
20 depict an area that you would have been patrolling on
21 the day of the incident?
22 A That's called the rotunda. It's a big round
23 circle and then you take the hallway on the way to the
24 corner. Around the corner by security that passes in
25 front of the Grand Lux Cafe, that's Station 2.

1 What was that person doing?
2 A Me?
3 Q Yeah. What were you doing?
4 A Checking around.
5 Q Okay.
6 A We went to the bathroom to check the towels
7 to get a clean towel.
8 Q Okay. Do you recall, or can you tell
9 watching this at 12:33:52, whether or not you noticed
10 there was anything on the floor in the area to your
11 immediate right?
12 A No, no. I was -- I would have walked right
13 over it.
14 Q You didn't see anything?
15 A No.
16 Q All right. You were -- okay.
17 I'm going to continue and we're now moving
18 ahead to about 12:38:40, we'll call it. There is a
19 woman depicted sitting on the floor and a couple of
20 men in suit jackets.
21 Do you remember this scene as it's depicted
22 here generally?
23 A You mean where she fell?
24 Q Yes. Do you remember seeing something
25 similar to this?

1 Q Okay. Okay. I'm going to let this run
2 starting at 12:33:10, and I'm going to make it go a
3 little bit faster to kind of move it along here.
4 There's a -- at 12:33:35, there's a woman
5 approaching a man. He's looking down. Do you know
6 who that woman is?
7 A No.
8 Q I want you to watch from the left over here.
9 Okay. It's 12:33 -- I'm going to go back here, sorry.
10 12:33:52. I want -- there's a woman coming from the
11 left with a broom and so forth.
12 Do you recognize that person?
13 A No. Maybe it was me.
14 Q Well, that's my question. I want you to
15 watch again.
16 A I think I am.
17 Q Okay.
18 A Yes.
19 Q Do you think that was you?
20 A Yes, it's me. It's me.
21 Q So starting at -- I want to get the times
22 right. So starting at 12:33:52, on the left side
23 that's a person. You think that's you?
24 A I think so.
25 Q Okay. And what was -- what did you notice?

1 A That's not the lady that fell.
2 Q Well, okay. Let's move to --
3 A Or this is her.
4 Q Okay. At 12:39:37 we see a PAD -- a male
5 PAD person. Do you know who that is kind of at the
6 top of the screen? Okay. I'm just trying to identify
7 people. Maybe you can't tell from this.
8 At 12:39:48, do you see yourself?
9 A Yes.
10 Q Okay. And that's you on the right?
11 A As I said, the other one is David.
12 Q There is a man with a bucket at 12:39:51.
13 Who is that?
14 A That's David.
15 Q David Martinez?
16 A Yes, uh-huh.
17 Q Now he's pointing to someone at 12:40:01.
18 Do you know who that is?
19 A I don't know.
20 Q Okay. Now, Mr. Martinez, you see him
21 mopping up an area?
22 A But it wasn't wet there.
23 Q Okay. Do you know -- well, that was my
24 question. You see him -- we're at 12:40:15. He's got
25 a bucket.

1 What's your recollection of what he was
2 doing at this particular time depicted here on the
3 video?
4 A It seems like she dropped something -- she
5 spilled some coffee.
6 Q Okay. Did you actually see anything on the
7 floor?
8 A No.
9 Q And then I'm going to fast-forward a little
10 here. Okay. I'm going to go back.
11 At 12:41:07, do you see yourself?
12 A Before she fell, you mean?
13 Q No. I'm looking at -- right now it's at
14 12:41:09, the video. Do you see yourself in the
15 video?
16 A Yes.
17 Q Okay, I'm going to let it run now. What are
18 you doing?
19 A Drying whatever the other one has been
20 cleaning.
21 Q Okay. So just tell me the process. You've
22 got a towel on the floor that you are using under your
23 foot.
24 A To dry whatever. To dry whatever is being
25 wet by the other one with a bucket, but there was

1 but...
2 Q Okay. So...
3 A What happened to -- the floor right there
4 you see is waxed.
5 THE COURT REPORTER: I'm sorry, I'm having a
6 hard time.
7 THE INTERPRETER: "It was waxed."
8 THE COURT REPORTER: Could you repeat the
9 whole response?
10 MR. ROYAL: Well, I don't think there's a
11 question pending, but go ahead.
12 THE WITNESS: The floor is heavy with wax
13 right there.
14 BY MR. ROYAL:
15 Q Okay. Now, do you remember cleaning the
16 area beyond what we watched on the video as you
17 remember what you did?
18 A Yes. We clean the entire surroundings.
19 People left beer, soda, coffee.
20 Q When you say the entire surroundings, what
21 were you making reference to?
22 A Well, look, we have to be careful going
23 around this column because the floor -- everything
24 that has to do with cleaning.
25 Q Well, okay. I just want to make sure. I'm

1 nothing there.
2 Q I see, okay.
3 So when Mr. Martinez goes over an area with
4 a mop, your job was to follow with a dry towel?
5 A Well, yes. At that moment, yes.
6 Q Okay. Now I'm going to go back. I'm going
7 to go back to -- okay. I'm going to go back to
8 12:36:49 and I want you to watch. I'm going to start
9 it.
10 A They are in suits.
11 Q Is that something that you recall seeing,
12 what we just watched there? I stopped it at 12:36:58.
13 A Yes. I remember the lady falling.
14 Q Did you ever talk to the lady who was --
15 A No, you can't. You can't.
16 Q Do you remember hearing any conversations
17 between the lady who fell and anyone else as you were
18 at the scene?
19 A No, because the security guards are the ones
20 that speak to them.
21 Q Okay. You didn't hear any of the
22 conversation?
23 A No.
24 Q Now, I heard you say something about shoes.
25 A Some people fake falls to get something,

1 going to show you -- I'm just going to show this. I'm
2 not going to run it at 12:43:17.
3 Okay. You mentioned something about beer,
4 sodas and so forth. What are you making reference to?
5 A Right there at the corner, people leave beer
6 cans, soda cans, so we have to clean it.
7 Q I meant in what we're looking at at
8 12:43:17. Do you see any beer cans or soda cans
9 there?
10 A No, no. No, but this is the least busy
11 time.
12 Q Okay. All right. I just want to focus on
13 this time. So I'm clear with my question, do you
14 remember completing the task of cleaning up this area
15 or working with David Martinez after the woman got up
16 and left?
17 A Well, yes. It was cleaned. We had to clean
18 because she spilled coffee.
19 Q Okay. Other than her -- the woman spilling
20 coffee, did you see anything else on the floor when
21 you were cleaning after she fell?
22 A No, but we have to check everything anyway.
23 Q Okay. Now, earlier when you're talking
24 about equipment, I heard you say you have cleaners,
25 towels, broom and dust pans.

1 A Yes.
2 Q Okay. Because I made a note here that I was
3 confused whether you had a dust pan or dust mop.
4 A Dust pan.
5 Q So when I showed that video of you earlier
6 walking around the area when you were carrying some
7 things, can you tell us what you had in your hands?
8 A Dust pan and a broom.
9 Q Okay. You were also asked about the tower.
10 Does that area have, like, the bridge? Does that have
11 a bridge that goes over the Las Vegas Boulevard?
12 A No.
13 Q I wasn't clear what you meant by "tower." I
14 know there's a bell tower or a clock tower.
15 A I was talking about the small tower where
16 there was sun coming in.
17 Q Oh, I see what you mean. I see. I was
18 confused.
19 A And now they have Bouchon Bakery around it,
20 but the restaurant is at the small tower.
21 Q Okay. All right. You were asked earlier
22 about when mops and a bucket would come to an area.
23 And in this particular case, what we just saw in the
24 video was a mop and a bucket came to the area.
25 A David is the one who brought it to see if

1 A Yes. It's the most recent. She's the one
2 that I remember.
3 MR. ROYAL: Thanks. I'll pass.
4
5 FURTHER EXAMINATION
6 BY MR. GALLIHER:
7 Q I heard you remark during your testimony in
8 response to Mr. Royal's question, some people, they
9 fall to get something. What did you mean by that?
10 A Sometimes they look like they fall.
11 Q And is that what you saw in the video,
12 someone who looked like they fell?
13 A I don't know. I don't know her intentions,
14 but there was no water there.
15 Q Did she look like she fell or not?
16 A Yes, she slips, but it must have been her
17 shoe. It wasn't water.
18 Q And you mentioned also that the area where
19 the fall happened had been heavily waxed. What did
20 you mean by that?
21 A I wasn't talking about that area in
22 particular. Those floors are cleaned every night.
23 Q Are they waxed every night?
24 A No, no. They clean them with a machine.
25 Q And that's every night?

1 there was a big spill.
2 Q Was there a big spill?
3 A No, no, there was not. I had just walked by
4 that area.
5 Q Was there a little spill?
6 A No, no.
7 Q Were there pieces of ice that you found on
8 the floor?
9 A No, no.
10 Q You testified about drunk people that you
11 have seen in the past fall.
12 A Yes.
13 Q For any of those people, do you recall
14 inquiring as to why they fell?
15 A No. What for? They drink and then they
16 fall and then between each other, they pick up each
17 other. They usually are not alone.
18 Q Okay. And I want to make sure I understand.
19 When you were asked about falls and you said the lady
20 that fell with coffee, is that the lady that we saw in
21 the video that I showed you that's been marked as
22 VEN019?
23 A Yes. I remember the lady falling.
24 Q And that's the lady you were making
25 reference to?

1 A No. I don't recall.
2 Q Do you know one way or the other?
3 A Yes, they do it.
4 Q So as I understand what you are saying, you
5 never saw anything liquid on the floor where the fall
6 happened at any time that day; is that right?
7 MR. ROYAL: I object. Misstates testimony.
8 THE WITNESS: No, no, that is correct.
9 BY MR. GALLIHER:
10 Q All right. So you didn't see any water on
11 the floor, you didn't see any coffee on the floor, you
12 didn't see anything wet on the floor; is that right?
13 A No -- yes, that is correct.
14 Q So the only fluid you saw in connection with
15 this fall on that day was a dry floor?
16 A Yes. I think what you see is that she
17 slipped, but it was her shoe.
18 Q All right. So your testimony is that she
19 didn't slip because she hit anything wet, she slipped
20 because of her shoe?
21 A Because of her shoe.
22 Q All right. So the answer to my question is
23 yes?
24 A Yes.
25 Q Thank you. Nothing further.

1 THE WITNESS: Is that it?
2 MR. ROYAL: Yes. Nothing for me.
3 MR. GALLIHER: Okay, we're done. Thank you.
4 (The deposition concluded at 3:09 p.m.)
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

REPORTER'S DECLARATION

1
2 STATE OF NEVADA)
3)
4 COUNTY OF CLARK)

5 I, Pauline C. May, CCR No. 286, declare as
6 follows:

7 That I reported the taking of the deposition of the
8 witness, MARIA CONSUELO CRUZ, commencing on Wednesday,
9 April 17, 2019 at the hour of 2:00 p.m.

10 That prior to being examined, the witness was by me
11 duly sworn to testify to the truth, the whole truth,
12 and nothing but the truth.

13 That I thereafter transcribed said shorthand notes
14 into typewriting and that the typewritten transcript
15 of said deposition is a complete, true and accurate
16 transcription of said shorthand notes taken down at
17 said time, and that a request has not been made to
18 review the transcript.

19 I further declare that I am not a relative or
20 employee of counsel of any party involved in said
21 action, nor a relative or employee of the parties
22 involved in said action, nor a person financially
23 interested in the action.

24 Dated at Las Vegas, Nevada this _____ day of
25 _____, 2019.

Pauline C. May, CCR 286, RPR

| | | | | |
|--|--|--|---|---|
| <p>A</p> <p>A-18-772761-C 1:6 a.m. 9:19,20,20,20,23 accident 29:5 accompanied 29:7 accurate 44:14 action 44:20,21,22 address 3:14 adjacent 14:2 afternoon 8:14,23 9:15 24:9 ahead 28:16 33:18 37:11 alcohol 19:22 answer 42:22 anyway 38:22 apart 26:17 APPEARANCES 2:1 approaching 32:5 approximately 8:2 Approximation 7:25 April 1:18 44:8 area 7:14 13:1,6,21 13:22 14:6 20:19 26:11 30:24 31:2,3 31:4,20 33:10 34:21 36:3 37:16 38:14 39:6,10,22,24 40:4 41:18,21 areas 13:18 20:21 asked 16:13 39:9,21 40:19 assigned 10:21,22 31:3 assistance 7:12 attention 28:6 Avenue 1:16 2:3 average 20:4,16 aware 7:11</p> | <p>basically 24:6 bathroom 33:6 bathrooms 7:7 13:14 13:15 31:9,11,13,16 beer 37:19 38:3,5,8 belated 28:15 believe 6:9 27:23 bell 39:14 best 7:24 20:4,10 30:16 beyond 37:16 big 31:22 40:1,2 bit 21:5,6,13 30:17 30:18 32:3 bottle 19:3 bottles 18:24 Bouchon 11:15,17,21 12:9 14:3 19:17,18 22:15 26:9 39:19 Boulevard 39:11 bridge 39:10,11 broadly 31:6 broom 16:20 17:3 32:11 38:25 39:8 brought 39:25 bucket 17:18,20 18:3 18:5 34:12,25 35:25 39:22,24 busy 38:10</p> | <p>carry 16:19,23 18:22 19:11 carrying 18:23 25:13 26:4 39:6 case 1:6 29:2 39:23 casino 1:8 5:21 6:19 6:20 7:1,4,19,20 8:2,3,8,17 10:8 13:3 16:16,18 17:4 18:2,19 19:23 20:6 CCR 1:25 44:4,25 change 9:2,10 changed 9:7 check 33:6 38:22 checking 22:19 33:4 children 4:25 5:6 circle 31:23 CLARK 1:2 44:3 clean 7:7 10:8 13:23 14:19 17:20 18:15 21:7 33:7 37:18 38:6,17 41:24 cleaned 12:13 21:18 38:17 41:22 cleaner 17:7 cleaners 16:20,21 38:24 cleaning 12:15,17,19 12:20 18:16 22:13 26:23 31:7,11,13,16 35:20 37:15,24 38:14,21 Cleans 7:6 clear 26:15 38:13 39:13 clock 39:14 close 10:22 13:17 16:4,5,15 17:23 20:20 22:18 cloth 16:25 17:2 coffee 14:19 22:8,10 22:14 25:9,13 26:5 26:7,9,11 35:5 37:19 38:18,20 40:20 42:11 column 37:23 come 4:17 16:8,10,12 16:13,14 17:17,19 18:2 19:2,2,3 25:21</p> | <p>39:22 coming 18:13 19:6 26:6,8,10 28:5,20 28:24 32:10 39:16 commencing 44:7 Company 1:9,11 complete 44:14 completing 38:14 composition 11:24 computer 30:11 concern 14:12 21:12 concluded 43:4 confused 39:3,18 connection 42:14 conscientious 15:17 Consuelo 1:15 2:20 3:5,13 44:7 containers 18:7 continue 33:17 conversation 36:22 conversations 36:16 cooler 19:6,9,10 coolers 18:22 19:11 corner 13:15 31:24 31:24 38:5 correct 14:7,8 42:8 42:13 counsel 44:19 country 4:18 COUNTY 1:2 44:3 couple 33:19 course 16:3 court 1:1 4:3 10:23 11:5,7 13:5,19 14:3 19:15,15 20:20 21:3 37:5,8 Cruz 1:15 2:20 3:5 3:13 44:7 cup 19:22 customer 7:8,9,11 22:3,21 customers 15:1,6 21:19</p> | <p>Dated 44:23 David 34:11,14,15 38:15 39:25 day 7:16 9:15 10:17 10:22 20:3,5 27:5 31:14,21 42:6,15 44:23 daytime 8:22 dealers 13:6 DECLARATION 44:1 declare 44:4,18 Defendants 1:12 2:6 depict 31:20 depicted 33:19,21 35:2 deposition 1:15 3:21 25:19,23,25 26:13 29:14 43:4 44:6,14 Dept 1:7 describe 11:23 described 23:9 27:11 determine 14:5 26:3 determined 25:12 different 7:16 10:20 11:1 disciplined 14:23 discuss 25:15,23,25 26:12 DISTRICT 1:1 documents 25:20 doing 33:1,3 35:2,18 downtown 5:16 drink 40:15 drinkers 23:12 drinks 18:14,20 19:15,18 Drive 3:15 drop 18:7 dropped 21:5,6 35:4 drunk 22:22,23 23:1 23:10,17,25 40:10 dry 35:24,24 36:4 42:15 Drying 35:19 duly 3:2,6 44:10 dust 16:20 17:3 38:25 39:3,3,4,8 duties 10:7</p> |
| <p>B</p> <p>back 6:15 30:18 32:9 35:10 36:6,7,7 background 4:14 bags 17:8,10,11 bakery 14:3 19:17,18 22:14,15 26:9 39:19</p> | <p>C</p> <p>C 1:24 44:4,25 Cafe 13:8,19 14:4 20:21 21:3 30:25 31:25 California 4:19 call 10:4 11:25 16:8 16:10,11 18:8 27:21 33:18 called 11:4 17:16 26:2 27:19,20,24 28:11,18 31:4,22 calling 17:25 cans 38:6,6,8,8 care 7:6 careful 14:18 37:22 carpeted 20:22 carried 17:2 carries 4:2,7</p> | <p>18:2 19:2,2,3 25:21</p> | <p>D</p> <p>D 2:18 d/b/a 1:8,10 dangerous 14:25 15:6,13 16:2 21:13</p> | |

| | | | | |
|------------------------------|------------------------------|------------------------------|-----------------------------|-------------------------------|
| duty 14:11 | figure 28:9 | 42:9 43:3 | hotel 5:15 7:14 | know 4:8 7:17,20 9:3 |
| E | financially 44:21 | general 4:14 31:17 | hour 44:8 | 13:13,13 15:19,22 |
| E 2:2,18 | find 15:12 | generally 33:22 | hours 8:20 24:9 | 19:1 23:2,16,22 |
| earlier 10:7 12:12 | fined 4:9 | give 13:11 21:23 | hu-huh 19:20 | 24:3,11,13,17 26:6 |
| 17:25 38:23 39:5 | fired 6:7,8 | given 20:2 | hurt 23:10,14,22 | 27:4,8,14 28:8,21 |
| 39:21 | firing 6:9 | glass 17:7 19:22 | 24:4 | 29:15,17 31:13 |
| early 24:9,10 | Firm 1:16 2:2 | go 5:24 24:1 28:16 | I | 32:5 34:5,18,19,23 |
| East 1:16 2:3 | first 3:2,6 4:14 6:23 | 32:2,9 35:10 36:6,7 | ice 18:7,22 19:2,10 | 39:14 41:13,13 |
| elevators 13:17 | 22:15 | 36:7 37:11 | 19:11 40:7 | 42:2 |
| employed 5:22 8:17 | floor 7:18 10:12,16 | goes 36:3 39:11 | idea 13:12 | L |
| 10:15 18:19 20:11 | 11:4,7,10,11,12,13 | going 3:24 5:19 | identified 30:7,14 | lady 22:7,9,14 24:22 |
| employee 1:11 44:19 | 11:14,21 12:5,8 | 13:15 28:14 30:5,7 | identify 27:16,25 | 24:23 25:9 26:4 |
| 44:20 | 16:9 17:15 18:8,10 | 30:15,19,20,20 32:1 | 30:21 34:6 | 34:1 36:13,14,17 |
| English 3:3,3 | 20:20,21 21:2,13 | 32:2,9 33:17 35:9 | immediate 33:11 | 40:19,20,23,24 |
| entire 6:20 37:18,20 | 22:4,15,19,21,24 | 35:10,17 36:6,6,7,8 | incident 31:21 | laptop 30:15 |
| equipment 16:19 | 33:10,19 35:7,22 | 37:22 38:1,1,2 | include 13:18 31:7 | large 7:19 13:10,11 |
| 38:24 | 37:3,12,23 38:20 | gosh 7:19 15:21 | includes 13:6,16 | 13:12 18:4 |
| escalators 13:16,24 | 40:8 42:5,11,11,12 | GRACIA 3:1 | inclusive 1:11 | larger 17:15,19 18:1 |
| ESQ 2:2,6 | 42:15 | Grand 14:4 30:25 | indicate 30:20 | Las 1:8,9,10,17 2:4 |
| estimate 7:24 20:4,10 | floors 7:7 10:9,11 | 31:25 | Individual 1:5 | 3:15 4:15 39:11 |
| evening 9:16 10:2 | 11:23,25 12:5,6,12 | graveyard 8:25 9:6 | inquiring 40:14 | 44:23 |
| Exactly 30:12 | 14:14,16,25 15:5,13 | 10:4,19 12:18 | intentions 41:13 | Law 1:16 2:2 |
| Examination 2:21,21 | 16:1,1,5 19:12 | ground 7:18 10:12 | interested 44:22 | lawsuit 24:7 |
| 2:22 3:10 30:1 41:5 | 20:24 21:2 41:22 | 10:16 11:3,7,10 | interpret 3:2 | leave 5:24 6:6 19:15 |
| examined 3:7 44:9 | fluid 42:14 | 12:5 | interpreted 3:3 | 19:19 38:5 |
| eye 16:5 18:11 22:1 | focus 38:12 | guards 36:19 | INTERPRETER 3:1 | leaving 6:13 |
| F | follow 18:12 36:4 | Guatemala 4:18 | 37:7 | left 32:8,11,22 37:19 |
| fair 19:24 | follows 3:4,8 44:5 | guess 11:25 | involved 23:17 24:7 | 38:16 |
| fake 36:25 | food 10:23 11:5,7 | guests 21:25 | 28:8 44:19,21 | let's 6:15 34:2 |
| fall 22:1,3,16,18,21 | 13:5,19 14:2 19:14 | H | involving 18:19 25:8 | letter 27:1 28:7 |
| 22:23 23:10,14 | 19:15 20:20 21:3 | hallway 31:23 | isolate 20:2 | Liability 1:9,10 |
| 24:7,13,18,20,23 | foot 35:23 | hands 24:1 39:7 | J | Limited 1:9,10 |
| 25:1,5,5,8,9,15 | footage 30:23 | happen 14:13 | jackets 33:20 | liquid 14:13 21:13 |
| 26:16,20,21 40:11 | form 15:2,15 19:4 | happened 9:21 24:8 | job 14:23 15:22 | 22:3 42:5 |
| 40:16 41:9,10,19 | 20:13 21:15 23:15 | 26:17,21 29:5 | 21:21 31:17 36:4 | liquor 19:22 |
| 42:5,15 | 26:4 28:15 | 31:14 37:3 41:19 | JOYCE 1:5 | little 4:14 14:19 21:5 |
| fallen 22:25 | forth 32:11 38:4 | 42:6 | JR 2:2 | 21:6,13 30:17,18 |
| falling 36:13 40:23 | found 40:7 | hard 37:6 | judge 4:4 | 32:3 35:9 40:5 |
| falls 23:4,6 36:25 | fourth 11:13 | hear 36:21 | jury 4:4 | live 3:15 5:6 |
| 40:19 | front 30:25 31:25 | heard 36:24 38:24 | justified 6:9 | lived 4:15,19,20 |
| fast-forward 35:9 | further 2:22 41:5 | 41:7 | K | lives 5:7 |
| faster 32:3 | 42:25 44:18 | hearing 36:16 | keep 13:2 16:5 | LLC 1:8,9 |
| FELDMAN 3:1 | G | heavily 41:19 | keeping 18:11 22:1 | LLP 2:6 |
| fell 22:7,9 25:13 | Gallihier 1:16 2:2,2 | heavy 37:12 | KEITH 2:2 | located 11:15 12:8,9 |
| 33:23 34:1 35:12 | 2:21,22 3:11 15:4,9 | help 16:8,10 17:16,25 | kept 16:4 | locker 17:5,6 |
| 36:17 38:21 40:14 | 15:18 19:8 20:15 | Henderson 2:7 | kind 31:6 32:3 34:5 | long 4:15 5:18 6:12 |
| 40:20 41:12,15 | 21:17 23:20 28:17 | hit 42:19 | knew 15:5 28:22 | longer 25:16 |
| | 29:24 30:10 41:6 | home 3:17,19 27:9 | | look 37:22 41:10,15 |

| | | | | |
|----------------------|----------------------|-----------------------|-----------------------|-----------------------|
| looked 41:12 | moment 36:5 | 15:21 20:1 22:22 | 27:24 28:11,18 | recognize 30:24 |
| looking 20:9 30:21 | months 5:19 | 39:17 | 29:1 32:12,23 33:1 | 32:12 |
| 31:19 32:5 35:13 | mop 16:20 17:3,17 | okay 4:11 30:3,10,19 | 34:5 44:21 | recollection 9:25 |
| 38:7 | 17:20 18:3 36:4 | 31:6,11,16 32:1,1,9 | personal 6:5 | 35:1 |
| lot 12:3 22:23 | 39:3,24 | 32:17,25 33:5,8,16 | personally 22:16 | record 30:10,20 |
| Lux 13:8,19 14:4 | mopping 34:21 | 34:2,4,6,10,20,23 | 25:5 26:16 | red 17:8,10,11 |
| 20:20 21:3 30:25 | mops 39:22 | 35:6,10,17,21 36:2 | phone 27:10 | reference 37:21 38:4 |
| 31:25 | morning 8:15,20 | 36:6,7,21 37:2,15 | pick 7:8 40:16 | 40:25 |
| lying 4:10 | 24:12 | 37:25 38:3,12,19,23 | picks 23:19 | referred 11:5 |
| | move 15:11 32:3 34:2 | 39:2,9,21 40:18 | pieces 40:7 | relative 44:18,20 |
| M | moved 7:15 | 43:3 | place 13:13 | remark 41:7 |
| M 3:1 | moving 33:17 | old 5:4 | placed 10:25 | remember 17:14 |
| machine 12:23 41:24 | N | ones 10:24 23:7 | Plaintiff 1:6 2:2 | 24:22,23 25:16 |
| machinery 12:22 | N 2:18 | 36:19 | Plaza 5:15,16,18,20 | 31:15 33:21,24 |
| machines 7:6 | name 3:12 | operate 12:24 | 5:25 6:13 8:6 | 36:13,16 37:15,17 |
| maid 6:22,23 | nature 29:9 | opinion 26:4 | please 3:12 18:4 | 38:14 40:23 41:2 |
| mailed 27:18 | near 11:5 | order 19:18 | podium 13:16 | rent 3:19 |
| maintain 10:8 | needed 16:8 | P | pointing 34:17 | repeat 29:21 37:8 |
| making 13:22 14:9 | needs 7:11 | p.m 1:18 9:19 43:4 | porter 5:21 6:19,20 | rephrase 29:21 |
| 37:21 38:4 40:24 | Nevada 1:2,9,10,17 | 44:8 | 7:1,4 8:2,18 10:8 | reported 1:24 44:6 |
| male 34:4 | 2:4,7 3:16 44:2,23 | PAD 34:4,5 | 13:3 16:16,18 17:4 | REPORTER 37:5,8 |
| man 32:5 34:12 | never 42:5 | page 2:20 28:3,3 | 18:2,19 20:6 | REPORTER'S 44:1 |
| marble 12:2,3,6,7,10 | night 8:14 9:17,18 | paid 21:10 | porters 7:20 8:3,9 | request 44:16 |
| 12:12 16:1 20:23 | 41:22,23,25 | pan 39:3,4,8 | position 6:17 | RESORT 1:8 |
| 21:2 22:3,21,24 | note 39:2 | pans 38:25 | preparation 25:19 | response 37:9 41:8 |
| Maria 1:15 2:20 3:5 | notes 44:12,15 | paper 29:11,13 | presently 5:10 | responsible 13:22 |
| 3:13 44:7 | notice 32:25 | papers 27:5,18 | pretty 13:10,11 | 14:9 20:19 |
| marked 40:21 | noticed 33:9 | part 14:12 | 14:18 15:16 16:7,9 | restaurant 11:15,17 |
| married 4:23,24 | November 24:8 25:1 | particular 35:2 39:23 | prior 44:9 | 11:21 12:9 39:20 |
| Martinez 34:15,20 | number 20:10 28:13 | 41:22 | problems 6:1,2,4 | restaurants 13:4,5,8 |
| 36:3 38:15 | 28:19,21 | parties 44:20 | process 35:21 | restroom 31:8 |
| mean 7:10 10:5 | numbers 30:21 | party 44:19 | protect 21:19 | result 24:7 27:22 |
| 17:17 18:1 19:9 | O | pass 29:24 41:3 | purchasing 26:7,9 | review 44:17 |
| 33:23 35:12 39:17 | o0o- 2:25 | passes 31:24 | Q | right 5:10 8:1 11:2 |
| 41:9,20 | oath 3:25 4:2,10 | patrolled 31:1 | question 9:6 15:19 | 12:5 17:2,21,24 |
| means 4:8,10 | object 20:13 42:7 | patrolling 31:20 | 23:13 27:6 32:14 | 21:21 23:13,24 |
| meant 38:7 39:13 | objection 15:2,7,15 | Pauline 1:24 44:4,25 | 34:24 37:11 38:13 | 24:25 25:1 26:9,22 |
| meet 25:18,22 | 19:4 21:15 23:15 | paused 30:22 | 41:8 42:22 | 27:11,20 28:22,24 |
| Melrose 3:15 | 28:15 | pay 28:6 | questions 29:18 30:3 | 29:12 30:8,22 |
| men 33:20 | occasion 11:4 | penalties 4:7 | R | 32:22 33:11,12,16 |
| mentioned 38:3 | occasions 20:25 21:1 | pending 37:11 | radio 16:7 | 34:10 35:13 37:3 |
| 41:18 | 22:6 | people 18:6,9,21,23 | rare 20:25 21:1 | 37:13 38:5,12 |
| message 29:7 | occurred 25:6 | 19:11 22:23 23:9 | recall 22:7,9,12 33:8 | 39:21 42:6,10,12,18 |
| MICHAEL 2:6 | occurring 24:8 | 23:11,14 24:4 34:7 | 36:11 40:13 42:1 | 42:22 |
| middle 5:9 | offer 7:12 | 36:25 37:19 38:5 | receive 27:9 | Road 2:7 |
| midnight 8:25 9:23 | office 28:5 | 40:10,13 41:8 | received 25:20 27:4,5 | rotunda 31:22 |
| Miles 2:6 | Oh 4:11 5:11 11:7,16 | perjury 4:8,8,10 | 28:10 29:11 | round 31:22 |
| mine 3:20 | | person 13:22 26:21 | | Royal 2:6,6,21 15:2,7 |
| Misstates 42:7 | | | | 15:15 19:4 20:13 |

| | | | | |
|--|---|--|---|---|
| 21:15 23:15 28:14 30:2,12,13 37:10,14 41:3 42:7 43:2 Royal's 41:8 RPR 1:25 44:25 run 32:1 35:17 38:2 | 29:6,10,12,13,16 separate 26:17 31:10 service 7:8,9 shampoo 12:3,4 shift 7:21 8:3,11,14 8:20,23 9:6,11,15 9:15,16,20 10:2,17 10:19,25 12:18 20:3,3,5,10 24:12 shifts 8:16 9:3,8,9,12 shoe 41:17 42:17,20 42:21 shoes 36:24 shorthand 44:12,15 show 10:25 30:5,7 38:1,1 showed 25:1 26:13 39:5 40:21 showing 24:18 30:11 side 13:25 14:1,2 32:22 similar 33:25 sitting 33:19 situation 24:2 situations 18:9 slip 42:19 slipped 42:17,19 slippery 14:17 15:6 15:14 16:2 slips 41:16 slot 7:6 small 10:22 11:6,9,17 11:20 39:15,20 soda 21:5,6 37:19 38:6,8 sodas 38:4 soft 18:14,19 solemnity 4:3 somebody 10:24 sorry 28:14 32:9 37:5 sounds 14:6 23:21 Spanish 3:1,2,3 speak 36:20 special 12:17,19,20 12:21 specific 7:14 8:11 13:1 16:19 spend 9:14 spill 14:19 17:15,17 | 18:1,3,10,13 19:5 40:1,2,5 spilled 35:5 38:18 spilling 38:19 spills 7:7 12:17 17:19 18:18 20:5,11,18 21:2,4,4 splitting 14:6 Springs 2:7 stained 21:16 stairs 13:24 start 36:8 started 6:24 starting 32:2,21,22 state 3:12 44:2 States 4:21 stating 25:20 28:7 station 7:16 11:1 14:10,10,15 20:8 31:5,7,25 stations 7:17 10:21 13:9,12 14:7 stick 24:1 stopped 36:12 strictly 8:5,9 10:12 20:23 strike 30:5 31:2,17 subpoena 29:13 suddenly 22:13 suit 33:20 Suite 1:16 2:3 suits 36:10 sun 39:16 supervisor 15:24 16:11,11 supervisors 15:20,25 supposed 13:2 sure 13:22 14:9 16:5 22:1 26:15 30:8 37:25 40:18 surroundings 26:24 37:18,20 switch 10:20 switched 7:15 8:22 9:5,22,24 sworn 3:2,6 44:10 | taken 1:16 3:21 4:2 44:15 takes 7:6 talk 9:18 10:11 12:19 13:7 36:14 talked 10:7 12:12 17:25 25:8 29:1 talking 8:5,8,9 9:19 10:11 13:8 14:2 20:18,23 24:14 25:9 38:23 39:15 41:21 task 38:14 telephone 26:1 27:12 27:19,21,21,25 28:12,12,19,21,23 29:2 tell 3:6 6:4 7:4 12:13 15:13,25 27:17 28:4 29:2 33:8 34:7 35:21 39:7 testified 3:8 26:8 30:6 40:10 testify 44:10 testifying 4:3 testimony 3:25 26:12 41:7 42:7,18 text 29:9 Thank 42:25 43:3 Thanks 41:3 things 39:7 think 22:13 26:10 32:16,19,23,24 37:10 42:16 third 11:12 three 5:3 8:16 9:9 20:14 23:7 throw-ups 17:12 tile 12:1 time 6:15 8:13 9:15 10:1 11:3 22:2,20 35:2 37:6 38:11,13 42:6 44:16 times 10:21 20:10,14 20:14 32:21 tiny 14:19 tips 21:22,23,24 titles 15:22,23 today 3:24 4:2 24:6 | 26:2 29:19 today's 25:19,23,25 26:13 29:13 told 26:2 28:1 31:6 top 34:6 towel 33:7 35:22 36:4 towels 16:22,23,25 17:2,7,7 33:6 38:25 tower 10:22 11:6,10 11:18,20 39:9,13,14 39:14,15,20 transcribed 44:12 transcript 44:13,17 transcription 44:15 trash 7:7,8 12:17 tricky 30:17 tried 16:4 true 44:14 truth 3:6,7,7 44:10 44:10,11 try 30:15 trying 12:16 14:5 17:24 18:17 26:3 28:9 34:6 turn 30:15 twice 26:20 two 5:19,19 14:6 16:24 20:14 type 29:7 typewriting 44:13 typewritten 44:13 |
| S | | | | |
| safe 14:10 Sahara 1:16 2:3 SANDS 1:9 saw 17:15 18:1 22:17 22:18 23:9,13 24:20 25:6 26:17 26:20,20,21 30:6 39:23 40:20 41:11 42:5,14 saying 11:3 21:1 23:21 42:4 says 28:3 scene 18:2 33:21 36:18 scoot 30:17 screen 34:6 season 9:4 second 30:17 security 13:15 17:22 31:24 36:19 see 12:16 16:9 18:12 19:6 20:5,11 21:2 23:3 24:20 30:16 33:14 34:4,8,20,24 35:6,11,14 36:2 37:4 38:8,20 39:17 39:17,25 42:10,11 42:12,16 seeing 24:23 33:24 36:11 seen 15:17 18:9,18,23 19:14,18,21,25 22:3 22:20,23 24:18 40:11 SEKERA 1:5 sell 26:11 send 18:5 28:7 sender 27:16 sent 24:15,16,25 26:25,25 27:3,7,12 27:14,17,22 28:23 | | | | |
| T | | | | |
| take 3:24 31:23 | | | | |
| U | | | | |
| uh-huh 14:8 17:22 27:13 34:16 understand 3:24 4:5 4:12 6:6 8:5 10:4 11:2,9 20:9 24:3 25:18 40:18 42:4 understanding 14:24 understood 29:18 United 4:20 UNKNOWN 1:11 use 12:22 16:19 19:14 usually 13:4 16:14 17:16 18:1 40:17 | | | | |
| V | | | | |

| | | | |
|------------------------------|----------------------------|------------------------------|------------------------------|
| vacuum 7:7 | 41:14,17 42:10 | year 6:22,24 | 3 |
| Vegas 1:8,9,10,17 2:4 | wax 12:4 37:12 | years 4:16,19,20 5:19 | 3 2:21 |
| 3:15 4:15 39:11 | waxed 37:4,7 41:19 | 5:23 6:21 7:2 10:15 | 3:00 8:21,24,25 |
| 44:23 | 41:23 | yep 19:23 | 3:09 43:4 |
| VEN019 30:14 31:19 | way 13:14 27:17 | | 30 2:21 |
| 40:22 | 31:23 42:2 | Z | 34 5:5 |
| Venetian 1:8,8,10 | we'll 20:3 33:18 | 0 | 36 5:5 |
| 5:22,24 6:2,7,13,16 | we're 3:24 8:8,9 | 1 | 39 5:5 |
| 6:18,21,24 7:5,13 | 18:15 20:18 24:6,7 | | 4 |
| 7:18,21 8:2,6,9,12 | 30:21 33:17 34:24 | 107 1:16 2:3 | 4 24:8 25:1 |
| 8:17 10:1,16 11:24 | 38:7 43:3 | 11:00 8:24 9:7,19,19 | 4:00 8:22,25 |
| 12:6,8 15:13 16:1 | Wednesday 1:18 | 9:22 | 41 2:22 |
| 17:16 18:18 20:6 | 44:7 | 12 7:2 | |
| 20:12 22:2,21,24 | week 6:14 | 12:00 8:25 9:7,20 | 5 |
| 25:17 28:21,24 | went 6:13 33:6 | 12:31:33 30:22 31:19 | 6 |
| 29:3,4,5 | weren't 29:16 31:11 | 12:33 32:9 | 7 |
| versus 9:15,16 14:10 | West 2:7 | 12:33:10 32:2 | 7:00 8:21 9:7,20,22 |
| video 24:15,16,18,21 | wet 14:16,25 15:5 | 12:33:35 32:4 | 702)471-6777 2:8 |
| 24:25 25:3 26:18 | 16:2,6,8,10 34:22 | 12:33:52 32:10,22 | 702)735-0049 2:4 |
| 26:22,25 27:6,11,22 | 35:25 42:12,19 | 33:9 | |
| 28:4,7,10,22 29:6 | witness 2:20 15:3,8 | 12:36:49 36:8 | 8 |
| 29:10,12 30:6,11 | 15:16 19:5 20:14 | 12:36:58 36:12 | 8:00 8:22 9:1,8,20,23 |
| 35:3,14,15 37:16 | 21:16 23:4,6,16 | 12:38:40 33:18 | 89014 2:7 |
| 39:5,24 40:21 | 29:24 30:16 37:12 | 12:39:37 34:4 | 89101 3:16 |
| 41:11 | 42:8 43:1 44:7,9 | 12:39:48 34:8 | 89104 1:17 2:4 |
| videos 15:17 | witnessed 26:16 | 12:39:51 34:12 | |
| voluntarily 6:7 | woman 32:4,6,10 | 12:40:01 34:17 | 9 |
| vomit 17:7 | 33:19 38:15,19 | 12:40:15 34:24 | 911 3:15 |
| vs 1:7 | words 11:24 | 12:41:07 35:11 | |
| | work 5:11,12 6:12 | 12:41:09 35:14 | |
| W | 7:14,20 9:4,11 | 12:43:17 38:2,8 | |
| walk 19:21 | 10:16 11:3,5,10,10 | 13 4:19 5:23 6:20 | |
| walked 33:12 40:3 | 11:14,21 20:7 | 10:15 | |
| walking 39:6 | 25:16 31:3 | 1522 2:7 | |
| want 20:2 26:15 | worked 6:17,21 7:13 | 16 4:16 | |
| 29:21 30:8 32:8,10 | 7:21,22 8:12,16 | 17 1:18 44:8 | |
| 32:14,21 36:8 | 9:14,21 10:1,1,13 | 1850 1:16 2:3 | |
| 37:25 38:12 40:18 | 11:9,20 13:21 | | |
| Warm 2:7 | 16:18 17:3 | 2 | |
| wasn't 14:15 24:10 | working 5:10 8:1,3 | 2 31:5,7,25 | |
| 34:22 39:13 41:17 | 8:13 9:15 13:2 | 2:00 1:18 44:8 | |
| 41:21 | 38:15 | 20 7:23 8:3,8 | |
| watch 13:2 32:8,15 | | 2016 24:8 25:1 | |
| 36:8 | X | 2019 1:18 44:8,23 | |
| watched 23:8 25:3 | X 1:11 2:18 | 24 7:23 | |
| 36:12 37:16 | Y | 25 1:7 | |
| watching 33:9 | Yeah 16:20 24:11 | 286 1:25 44:4,25 | |
| water 14:13 18:10,21 | 33:3 | 29 4:20 | |
| 18:23 19:1,5,6,6,9 | | | |

DISTRICT COURT
CLARK COUNTY, NEVADA

**CERTIFIED
COPY**

JOYCE SEKERA, an Individual,

Plaintiff,

vs.

Case No. A-18-772761-C
Dept. 25

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 MARIA CONSUELO CRUZ

Taken at the Galliher Law Firm
1850 East Sahara Avenue, Suite 107
Las Vegas, Nevada 89104

On Wednesday, April 17, 2019
At 2:00 p.m.

Reported By: PAULINE C. MAY
CCR 286, RPR

Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676

1 APPEARANCES:

2 For the Plaintiff:

3 **KEITH E. GALLIHER, JR., ESQ.**
4 Galliher Law Firm
5 1850 East Sahara Avenue
6 Suite 107
7 Las Vegas, Nevada 89104
8 (702) 735-0049

9 For the Defendants:

10 **MICHAEL A. ROYAL, ESQ.**
11 Royal & Miles LLP
12 1522 West Warm Springs Road
13 Henderson, Nevada 89014
14 (702) 471-6777

15 * * * * *

16 I N D E X

| | | |
|----|-------------------------------------|------|
| 17 | WITNESS | PAGE |
| 18 | MARIA CONSUELO CRUZ | |
| 19 | Examination By Mr. Galliher | 3 |
| 20 | Examination By Mr. Royal | 30 |
| 21 | Further Examination By Mr. Galliher | 41 |

22 -oOo-

23 Canyon Court Reporting, Inc.
24 6655 West Sahara Avenue, Suite B200
25 Las Vegas, NV 89146 (702) 419-9676

1 **GRACIA M. FELDMAN, SPANISH INTERPRETER,**
2 having been first duly sworn to interpret Spanish into
3 English and English into Spanish, interpreted as
4 follows:

5 **MARIA CONSUELO CRUZ,**
6 having been first duly sworn to tell the truth, the
7 whole truth and nothing but the truth, was examined
8 and testified as follows:

9
10 **EXAMINATION**

11 **BY MR. GALLIHER:**

12 Q Would you state your name, please.

13 A Maria Consuelo Cruz.

14 Q Your address.

15 A I live at 911 Melrose Drive, Las Vegas,
16 Nevada 89101.

17 Q Is that a home?

18 A Yes.

19 Q Do you own the home or rent it?

20 A It's mine.

21 Q Have you ever had your deposition taken
22 before?

23 A No.

24 Q Do you understand today we're going to take
25 your testimony under oath?

*Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676*

1 A Yes.

2 Q The oath you've taken today carries with it
3 the same solemnity as if you were testifying in court
4 before a judge or a jury.

5 Do you understand that?

6 A Yes.

7 Q It also carries with it the penalties of
8 perjury. Do you know what "perjury" means?

9 A I would be fined.

10 Q Perjury means lying under oath.

11 A Oh. Okay.

12 Q Do you understand?

13 A Yes.

14 Q A little general background on you first.
15 How long have you lived in Las Vegas?

16 A Almost 16 years.

17 Q Where did you come from?

18 A I came from my country in Guatemala, but I
19 lived in California for about 13 years before.

20 Q So you have lived 29 years in the United
21 States?

22 A Yes.

23 Q Are you married?

24 A No. I was married.

25 Q Do you have any children?

*Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676*

1 A Yes.
2 Q How many?
3 A Three.
4 Q And how old are you?
5 A 34, 36, and 39.
6 Q Do any of your children still live with you?
7 A One lives with me.
8 Q And which one would that be?
9 A The middle one.
10 Q All right. Are you presently working?
11 A Oh, yes. I work.
12 Q And where do you work now?
13 A Me?
14 Q Yes.
15 A At the Plaza Hotel.
16 Q The Plaza downtown?
17 A Yes.
18 Q How long have you been at the Plaza?
19 A It's going to be two years and two months.
20 Q What do you do at the Plaza?
21 A Casino porter.
22 Q Were you ever employed at the Venetian?
23 A Yes, for 13 years.
24 Q And why did you leave Venetian and go to the
25 Plaza?

*Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676*

1 A Problems.

2 Q Were they problems with you at the Venetian?

3 A Yes.

4 Q Can you tell me what the problems were?

5 A It's personal.

6 Q Well, I understand that. Did you leave the

7 Venetian voluntarily or were you fired?

8 A I was fired.

9 Q And do you believe the firing was justified?

10 A No, but -- but if they do it, there's

11 nothing that I could say.

12 Q How long were you out of work before you

13 went to the Plaza after leaving the Venetian?

14 A A week.

15 Q So let's back up, then, to your time at the

16 Venetian.

17 What was your position when you worked at

18 the Venetian?

19 A Casino porter.

20 Q Were you a casino porter for the entire 13

21 years you worked at the Venetian?

22 A No, I was a maid for one year.

23 Q Is that -- were you a maid when you first

24 started at the Venetian for one year?

25 A Yes.

*Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676*

1 Q Then, were you a casino porter for the next
2 12 years?

3 A Yes.

4 Q Tell me what a casino porter does at the
5 Venetian.

6 A Cleans slot machines, takes care of the
7 floors, no spills, no trash, vacuum, clean bathrooms,
8 pick up the trash and customer service.

9 Q When you say "customer service," what do you
10 mean?

11 A We are aware if the customer needs something
12 and offer assistance.

13 Q When you worked at the Venetian, did you
14 work in a specific area of the hotel?

15 A No, they moved us around. They switched us
16 to a different station every day.

17 Q Do you know how many stations there are on
18 the ground floor at the Venetian?

19 A Gosh, so many. That's a very large casino.

20 Q Do you know how many casino porters work the
21 same shift that you worked at the Venetian when you
22 worked there?

23 A Like 20, maybe, or 24.

24 Q Is that your best estimate?

25 A Approximation.

*Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676*

1 Q All right. So when you were working at the
2 Venetian as a casino porter, there were approximately
3 20 other casino porters working the same shift?

4 A Yes.

5 Q And do you understand I'm talking strictly
6 about the Venetian and not the Plaza?

7 A Yes.

8 Q So when we're talking about 20 casino
9 porters, we're talking strictly about the Venetian?

10 A Yes.

11 Q Did you have a specific shift that you
12 worked at the Venetian?

13 A I was working for some time in the
14 afternoon, then later on in the night shift, and then
15 during toward the end, in the morning.

16 Q So you actually worked all three shifts at
17 the Venetian when you were employed there as a casino
18 porter?

19 A Yes, yes.

20 Q What are the hours of the morning shift?

21 A It used to be from 7:00 to 3:00, and then it
22 was switched to from 8:00 to 4:00 in the daytime.

23 Q And then what about the afternoon shift?

24 A It was from 3:00 to 11:00, and then it was
25 3:00 -- 4:00 to 12:00, and graveyard was from midnight

1 to 8:00.

2 Q And did it ever change?

3 A Those were shifts, you know, that for a
4 season you would work like that, and then they would
5 be switched.

6 Q My question is, was the graveyard shift ever
7 from 11:00 to 7:00 and then changed from 12:00 to
8 8:00 like the other shifts?

9 A Yes. When one shifts, the three of them
10 change.

11 Q Did you work one shift more than any of the
12 other shifts?

13 A No.

14 Q When I say worked more, did you spend more
15 time working the day shift versus the afternoon shift
16 versus the evening shift?

17 A I was more at night.

18 Q And when you talk "more at night," you are
19 talking about the 11:00 a.m. -- or 11:00 p.m. to
20 7:00 a.m. or 12:00 a.m. to 8:00 a.m. shift?

21 A What happened is, while we worked from
22 11:00 to 7:00 and then somehow we were switched from
23 midnight to 8:00 a.m. It was not me, the one who was
24 switched.

25 Q But it's your recollection that most of the

1 time when you worked at the Venetian, you worked the
2 evening shift?

3 A Yes.

4 Q We call it graveyard. Do you understand
5 what I mean?

6 A Yes.

7 Q You talked earlier about one of your duties
8 as a casino porter was to clean and maintain the
9 floors.

10 A Yes.

11 Q When you talk about the floors, I'm talking
12 strictly now about the ground floor. Is that where
13 you worked?

14 A Yes.

15 Q So for the 13 years that you were employed
16 at the Venetian, you would work on the ground floor?

17 A When I was in the day shift; yes.

18 Q And --

19 A Also when I was in the graveyard shift. But
20 since they would switch us around to different
21 stations, there were times when I was assigned to the
22 small tower and another day I would be assigned close
23 to the food court.

24 But they were the ones -- say somebody does
25 not show up for a shift, and then we are placed in a

1 different station.

2 Q All right. So as I understand it, you are
3 saying most of the time you would work on the ground
4 floor, but on occasion you would be called upon to
5 work near the food court or, as you referred to it,
6 the small tower?

7 A Oh, no. Food court is the ground floor,
8 yes.

9 Q I understand. When you worked the small
10 tower, did you work the ground floor or did you work
11 another floor?

12 A No. I was on the third floor, below the
13 fourth floor.

14 Q Did you ever work the same floor as the
15 Bouchon Restaurant was located?

16 A Oh, yes.

17 Q Is the Bouchon Restaurant in the small
18 tower?

19 A Yes.

20 Q So when you worked in the small tower, did
21 you work on the same floor as the Bouchon Restaurant?

22 A Yes.

23 Q How would you describe the floors at the
24 Venetian? In other words, what their composition is.

25 A Well, I guess they are floors, they call it

1 tile or --

2 Q Marble?

3 A -- marble, and they shampoo a lot -- no, no,
4 not shampoo. There is wax.

5 Q All right. So the floors, the ground floor
6 of the Venetian, the floors are marble?

7 A They are marble.

8 Q And the floor where the Venetian is located
9 or the Bouchon Restaurant is located, is that also
10 marble?

11 A Yes. All around it.

12 Q You talked earlier about the marble floors
13 being cleaned. Can you tell me how that's done?

14 A Me or who?

15 Q Well, if you did the cleaning.

16 A We were just trying to see that there were
17 no spills and no trash, but the special cleaning was
18 done by their graveyard shift.

19 Q And when we talk about "special cleaning,"
20 did you ever do any special cleaning yourself?

21 A No, not me. That's done with a special
22 machinery. I can't use them.

23 Q And that's a machine that you did not
24 operate?

25 A No, no. I couldn't.

*Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676*

1 Q Did you have a specific area that you were
2 supposed to keep watch on when you were working as
3 casino porter?

4 A Usually by the restaurants or around the
5 restaurants in the food court, because that also
6 includes the area where the dealers are.

7 Q And was that -- when you talk about the
8 restaurants, are we talking about the Lux Cafe?

9 A All of that, all around it. The stations
10 were pretty large.

11 Q When you say pretty large, can you give me
12 an idea of how large the stations were?

13 A Like -- I don't know if you know the place.
14 From where the bathrooms are, all the way around the
15 corner where the bathrooms are going by the security
16 podium. It also includes where the escalators are,
17 close to the elevators.

18 Q And does it include the areas that are next
19 to the Lux Cafe in the food court?

20 A Yes.

21 Q So when you worked that area, were you the
22 only person responsible for making sure that area was
23 clean?

24 A No. From the stairs where the escalators,
25 to that side, there was someone else.

1 Q And when you say "to that side," are you
2 talking about the side that's adjacent to the food
3 court and the Bouchon Bakery?

4 A No, the Grand Lux Cafe.

5 Q And so what I'm trying to determine is, it
6 sounds like you are splitting the area in two
7 stations. Would that be correct?

8 A Correct, yes. Uh-huh.

9 Q Were you ever responsible for making sure
10 that one station versus the other station was safe?

11 A Yes. That's our duty.

12 Q Was there a concern on your part about what
13 would happen if there was water or liquid on these
14 floors?

15 A Yes, even though it wasn't my station.

16 Q And were these floors -- when they were wet,
17 were they slippery?

18 A Yes, because we are pretty careful. Even
19 just a little tiny spill of coffee, we would clean it
20 up.

21 Q And why would you do that?

22 A It was -- otherwise, we would have been
23 disciplined. That was our job.

24 Q And did you -- did you have an understanding
25 that the floors, when they were wet, were dangerous to

1 your customers?

2 **MR. ROYAL:** Objection, form.

3 **THE WITNESS:** Yes, yes.

4 **BY MR. GALLIHER:**

5 Q So you knew the floors, when they were wet,
6 they were slippery and dangerous to customers?

7 **MR. ROYAL:** Same objection.

8 **THE WITNESS:** Yes.

9 **BY MR. GALLIHER:**

10 Q And did you --

11 A You don't move away from them.

12 Q Did you find that yourself, or did anyone at
13 the Venetian tell you that the floors were dangerous
14 when they were slippery?

15 **MR. ROYAL:** Objection, form.

16 **THE WITNESS:** No. We are pretty
17 conscientious about it and we have seen videos.

18 **BY MR. GALLIHER:**

19 Q So my question is, do you know if -- who
20 were your supervisors?

21 A Oh, gosh. I had so many.

22 Q Do you know what their titles were -- job
23 titles were?

24 A Supervisor.

25 Q Did your supervisors ever tell you that the

1 floors at the Venetian, the marble floors, were
2 slippery and dangerous when wet?

3 A Of course.

4 Q Is that why you kept a close -- you tried to
5 keep a close eye on the floors, to make sure they
6 didn't get wet?

7 A Yes. We had a radio. If they were pretty
8 wet, we needed to call to have someone come help us.

9 Q And when you see a floor that was pretty
10 wet, who did you call to come help you?

11 A Our supervisor, that we call the supervisor
12 to ask for someone to come.

13 Q And when you asked for someone to come, who
14 would usually come?

15 A Whoever it was close by.

16 Q So was it another casino porter?

17 A Yes.

18 Q Now, when you worked as a casino porter, did
19 you use or carry around any specific equipment?

20 A Yeah, our cleaners, a broom and a dust mop.

21 Q Did you say "cleaners"?

22 A No, no, towels.

23 Q So how many towels would you carry?

24 A Two.

25 Q Were they cloth towels?

1 A Yes.

2 Q All right. So you carried cloth towels, a
3 broom and a dust mop with you when you worked as a
4 casino porter?

5 A Yes. We also had a locker as well.

6 Q So what was in the locker?

7 A More towels, glass cleaner, towels for vomit
8 and red bags.

9 Q And what?

10 A Red bags.

11 Q Red bags?

12 A For -- for throw-ups.

13 Q Anything else?

14 A No, not that I can remember.

15 Q So when you saw a larger spill on the floor
16 at the Venetian and called for help, did that usually
17 mean that someone would come to the spill with a mop?

18 A Yes, with a bucket.

19 Q So for the larger spills, someone would come
20 by and clean it up with a mop and a bucket; is that
21 right?

22 A Yes, uh-huh. And also the security would be
23 close by.

24 Q All right. So what I'm trying to get at is,
25 when you talked about calling for help earlier when

1 you saw a larger spill, that would usually mean that
2 another casino porter would come to the scene of the
3 spill with a mop and a bucket?

4 A Yes. If it was large, we would say: Please
5 send someone with a bucket.

6 Because there are people that have
7 containers with ice and sometimes they drop it on the
8 floor, so we have to call someone.

9 Q Have you ever seen situations where people
10 spill water on the floor?

11 A Yes, yes. That's why we are keeping an eye.
12 Otherwise, you have to follow them to see where that
13 spill is coming from.

14 Q What about soft drinks?

15 A Same; we clean. It's just the same; we're
16 cleaning everything.

17 Q But what I'm trying to get at, though, is
18 have you ever seen spills at the Venetian, when you
19 were employed there as a casino porter, involving soft
20 drinks?

21 A No, not that. Mostly water, because people
22 carry some ice coolers.

23 Q Have you ever seen people carrying water
24 bottles?

25 A Yes.

1 Q So do you actually know where the water
2 would come from? Whether it would come from the ice
3 or whether it would come from a bottle?

4 MR. ROYAL: Objection, form.

5 THE WITNESS: No. When the water spill is
6 from a water cooler, you can see the water coming from
7 it.

8 BY MR. GALLIHER:

9 Q When you say water cooler, what do you mean?

10 A An ice cooler.

11 Q So people carry ice coolers over those
12 floors?

13 A Yes.

14 Q Now, have you ever seen anyone use the food
15 court and leave the food court with drinks?

16 A Sometimes, yes.

17 Q And how about the Bouchon Bakery; have you
18 ever seen anyone order drinks from the Bouchon Bakery
19 and leave from it?

20 A No, hu-huh.

21 Q Have you ever seen anyone walk around with
22 liquor or alcohol in a glass or cup?

23 A Everyone does it in the casino; yep.

24 Q So would it be fair to say that you have
25 seen that?

1 A Oh, yes.

2 Q Now I want you to isolate, on a given
3 shift -- we'll say the day shift.

4 On the average, what's your best estimate of
5 how many spills you would see during the day shift
6 when you were a casino porter at the Venetian?

7 A Sometimes I did, but I did not work always
8 at the same station.

9 Q Well, I understand. What I'm looking for is
10 your best estimate of the number of times on one shift
11 that you would see spills when you were employed at
12 the Venetian.

13 **MR. ROYAL:** Object to form.

14 **THE WITNESS:** At times two or three times.

15 **BY MR. GALLIHER:**

16 Q Would that be an average?

17 A Yes.

18 Q And we're talking about spills that would be
19 in the area that you were responsible for?

20 A The floor close to the food court and Lux
21 Cafe, it's floor. But there are areas that are
22 carpeted.

23 Q Well, I'm talking strictly about the marble
24 floors.

25 A In rare occasions.

1 Q So are you saying that on rare occasions,
2 you would see spills on the floor, the marble floors,
3 next to the Lux Cafe or the food court?

4 A Not spills -- spills, but say that someone
5 just dropped a little bit of a soda.

6 Q And if someone dropped a little bit of soda,
7 that's something that you would clean up?

8 A Yes, yes.

9 Q And why would you do that?

10 A Because I had to. I was being paid to do
11 that.

12 Q And was there a concern about whether or not
13 the floor was dangerous with that little bit of liquid
14 on it?

15 **MR. ROYAL:** Objection, form.

16 **THE WITNESS:** Yes. It also gets stained.

17 **BY MR. GALLIHER:**

18 Q And is that why you cleaned it up, to
19 protect the customers?

20 A Yes.

21 Q That was your job; right?

22 A Yes, and I would also get tips.

23 Q When you say you get tips, who would give
24 you tips?

25 A The guests, when they say that you are

1 keeping an eye to make sure that they didn't fall.

2 Q During your time at the Venetian, had you
3 ever seen a customer fall on liquid on the marble
4 floor?

5 A Yes.

6 Q And how many occasions?

7 A The one I recall is a lady that fell with a
8 coffee.

9 Q And you recall a lady that fell with a
10 coffee?

11 A Yes.

12 Q And how do you recall that?

13 A Well, we were cleaning and suddenly I think
14 a lady came out with a coffee from a bakery, the
15 Bouchon Bakery on the first floor.

16 Q And so was that a fall that you personally
17 saw?

18 A Well, we saw her fall and we were close by.
19 I had been checking the floor.

20 Q So is that the only time that you've seen a
21 customer fall at the Venetian on the marble floor?

22 A Oh, many, but they were drunk.

23 Q So you've seen a lot of drunk people fall on
24 the marble floor at the Venetian?

25 A No, just that they had fallen because they

1 were drunk.

2 Q And how do you know that?

3 A Because you can see it.

4 Q Did you witness those falls?

5 A Yes.

6 Q So how many of these falls did you witness?

7 A Well, about three I would say, the ones that
8 I watched.

9 Q When you saw these people that you described
10 as drunk fall, were they hurt?

11 A These people were not alone. There were
12 other drinkers.

13 Q All right. But my question is when you saw
14 these people fall, were they hurt?

15 **MR. ROYAL:** Objection, form.

16 **THE WITNESS:** I don't know because we can't
17 get involved with that. And if they're drunk, they
18 get up. They are to get up on their own or someone
19 picks them up.

20 **BY MR. GALLIHER:**

21 Q So it sounds to me like you are saying you
22 don't know whether they were hurt or not.

23 A Well, no. No.

24 Q Is that right?

25 A Yes, because if they were drunk, they would

1 just get up and go. We can't stick our hands in that
2 situation.

3 Q I understand. But you don't know whether
4 those people, when they got up, were hurt?

5 A No.

6 Q We're here today basically to -- because
7 we're involved in a lawsuit as a result of a fall
8 occurring on November 4, 2016. It happened in the
9 early afternoon hours.

10 A Early wasn't it?

11 Q Yeah. Do you know?

12 A I was in that morning shift.

13 Q So how is it that you know which fall I'm
14 talking about?

15 A Because I was sent the video.

16 Q And you were sent the video by whom?

17 A I don't know who.

18 Q So you've seen the video showing the fall?

19 A Yes.

20 Q So you didn't see the fall until you saw the
21 video?

22 A No, I remember that lady.

23 Q Do you remember seeing the lady fall?

24 A Yes.

25 Q All right. So you were sent a video that

1 showed a fall on November 4, 2016; right?

2 A Yes.

3 Q And you watched the video?

4 A Yes.

5 Q And that fall was a fall that you personally
6 saw when it occurred?

7 A Yes. I was there.

8 Q So when you talked about a fall involving a
9 lady with coffee, is that the fall you were talking
10 about?

11 A She's the one.

12 Q So how is it that you determined that she
13 fell carrying coffee?

14 A Because I was there.

15 Q Did anyone discuss this fall with you?

16 A No, but I remember it. But I no longer work
17 at the Venetian.

18 Q I understand. Did you meet with anyone in
19 preparation for today's deposition?

20 A I just received some documents stating that
21 I had to come.

22 Q Did you -- so you did not meet with anyone
23 to discuss today's deposition?

24 A No.

25 Q Did you discuss today's deposition with

1 anyone over the telephone?

2 A I was only called and told to be here today.

3 Q So what I'm trying to determine is, where
4 did you form your opinion that the lady was carrying
5 coffee?

6 A Because I know that she was coming from
7 purchasing coffee.

8 Q And you testified that she was coming from
9 purchasing coffee at the Bouchon Bakery; right?

10 A I think so, because she was coming down next
11 to the area where they sell coffee.

12 Q So you did not discuss your testimony of
13 today's deposition with anyone before you showed up?

14 A No.

15 Q And I want to make sure I'm clear on this:
16 That you personally witnessed this fall when it
17 happened, separate and apart from what you saw in the
18 video?

19 A Yes.

20 Q So you actually saw the fall twice. You saw
21 the fall in person when it happened and then you saw
22 it again on the video; is that right?

23 A Yes, yes. I was there. I was cleaning in
24 the surroundings.

25 Q When the video was sent to you, was it sent

1 to you in a letter?

2 A No.

3 Q How was it sent to you?

4 A I don't know. I received -- no. The next
5 day I received these papers.

6 Q Well, my question was, how was the video
7 sent to you?

8 A I don't know.

9 Q Well, did you receive it at your home?

10 A No, my phone.

11 Q All right. So the video that you described
12 was sent to you on your telephone?

13 A Uh-huh, yes.

14 Q And you don't know who sent it?

15 A No.

16 Q Did the sender identify themselves in any
17 way to tell you who sent it to you?

18 A No. I was only mailed these papers and then
19 I was called from the telephone.

20 Q All right. When you say you were called
21 from the telephone, did the call from the telephone
22 result in the video being sent to you?

23 A I believe so. That's how I got it.

24 Q So when the person called you on the
25 telephone, did they identify themselves?

1 A Yes. I was told that it was from here.

2 Q From where?

3 A From this page, what it says on this page.

4 Q So did someone tell you that the video was
5 coming from my office?

6 A No, no. I didn't pay attention. They only
7 send me a video and this letter stating that I had to
8 be here. And I don't know why I'm involved in this.

9 Q I'm still trying to figure out how you
10 received the video.

11 So when the person called you on the
12 telephone, did they -- how did they get your telephone
13 number?

14 **MR. ROYAL:** I'm going to -- I'm sorry -- a
15 belated objection as to form.

16 Go ahead.

17 **BY MR. GALLIHER:**

18 Q So when the person called, did you ask them
19 how they got your telephone number?

20 A No, but since it was coming from the
21 Venetian, they know my telephone number.

22 Q All right. So then, you knew that the video
23 that was being sent to you on your telephone was
24 coming from the Venetian; is that right?

25 A Yes.

1 Q So when the person that talked to you on the
2 telephone about this case, did they tell you they were
3 from the Venetian?

4 A Yes. It was from the Venetian, about an
5 accident that happened at the Venetian.

6 Q Did the video that was sent to you, was it
7 accompanied by any type of a message?

8 A No.

9 Q No text or anything of that nature?

10 A No. I was only sent the video and that
11 paper that I received.

12 Q All right. So you were sent the video, you
13 were sent the paper, which is the subpoena to today's
14 deposition.

15 A And I don't even know why.

16 Q And you weren't sent anything else?

17 A No. I don't even know why I'm here.

18 Q So have you understood all my questions
19 today?

20 A Yes.

21 Q Anything you want me to repeat or rephrase
22 for you?

23 A No.

24 **MR. GALLIHER:** Pass the witness.

25 / / / / /

*Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676*

EXAMINATION

BY MR. ROYAL:

Q Okay. I just have a few questions for you.

A Again?

Q I'm going to show you -- strike that.

You testified that you saw a video, and I'm going to show you what's been identified -- I'm not sure how you want to do this, but I've got it right here.

MR. GALLIHER: Okay. Just for the record, you are showing her your -- the video on computer.

MR. ROYAL: Exactly.

BY MR. ROYAL:

Q So it's been identified as VEN019. And I have a laptop and I'm going to try and turn this so you can see it with the witness as best I can. A little bit tricky here. One second. You can scoot back just a little bit.

Okay. I'm just going to -- and what I'm going to do for the record, I'm just going to indicate numbers so we can identify what we're looking at. Right now it's paused. It's at 12:31:33 of the -- of the footage.

Do you recognize the area?

A That's in front of the Grand Lux Cafe.

*Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676*

1 Q And when you said that you patrolled an
2 area -- strike that. What would this --

3 When you're assigned to work this area, what
4 would the area be called?

5 A Station 2.

6 Q Okay. And you kind of broadly told us what
7 you did in Station 2. Did that include cleaning the
8 restroom?

9 A No, not -- the bathrooms were something
10 separate.

11 Q Okay. So you weren't cleaning bathrooms?

12 A No, no.

13 Q Do you know who was cleaning bathrooms on
14 the day this happened?

15 A I don't remember.

16 Q Okay. So if you are not cleaning bathrooms,
17 what was your general job -- strike that. Let me ask
18 it again.

19 Looking at VEN019 at 12:31:33, does this
20 depict an area that you would have been patrolling on
21 the day of the incident?

22 A That's called the rotunda. It's a big round
23 circle and then you take the hallway on the way to the
24 corner. Around the corner by security that passes in
25 front of the Grand Lux Cafe, that's Station 2.

1 Q Okay. Okay. I'm going to let this run
2 starting at 12:33:10, and I'm going to make it go a
3 little bit faster to kind of move it along here.

4 There's a -- at 12:33:35, there's a woman
5 approaching a man. He's looking down. Do you know
6 who that woman is?

7 A No.

8 Q I want you to watch from the left over here.
9 Okay. It's 12:33 -- I'm going to go back here, sorry.
10 12:33:52. I want -- there's a woman coming from the
11 left with a broom and so forth.

12 Do you recognize that person?

13 A No. Maybe it was me.

14 Q Well, that's my question. I want you to
15 watch again.

16 A I think I am.

17 Q Okay.

18 A Yes.

19 Q Do you think that was you?

20 A Yes, it's me. It's me.

21 Q So starting at -- I want to get the times
22 right. So starting at 12:33:52, on the left side
23 that's a person. You think that's you?

24 A I think so.

25 Q Okay. And what was -- what did you notice?

1 What was that person doing?

2 A Me?

3 Q Yeah. What were you doing?

4 A Checking around.

5 Q Okay.

6 A We went to the bathroom to check the towels

7 to get a clean towel.

8 Q Okay. Do you recall, or can you tell

9 watching this at 12:33:52, whether or not you noticed

10 there was anything on the floor in the area to your

11 immediate right?

12 A No, no. I was -- I would have walked right

13 over it.

14 Q You didn't see anything?

15 A No.

16 Q All right. You were -- okay.

17 I'm going to continue and we're now moving

18 ahead to about 12:38:40, we'll call it. There is a

19 woman depicted sitting on the floor and a couple of

20 men in suit jackets.

21 Do you remember this scene as it's depicted

22 here generally?

23 A You mean where she fell?

24 Q Yes. Do you remember seeing something

25 similar to this?

*Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676*

1 A That's not the lady that fell.
2 Q Well, okay. Let's move to --
3 A Or this is her.
4 Q Okay. At 12:39:37 we see a PAD -- a male
5 PAD person. Do you know who that is kind of at the
6 top of the screen? Okay. I'm just trying to identify
7 people. Maybe you can't tell from this.
8 At 12:39:48, do you see yourself?
9 A Yes.
10 Q Okay. And that's you on the right?
11 A As I said, the other one is David.
12 Q There is a man with a bucket at 12:39:51.
13 Who is that?
14 A That's David.
15 Q David Martinez?
16 A Yes, uh-huh.
17 Q Now he's pointing to someone at 12:40:01.
18 Do you know who that is?
19 A I don't know.
20 Q Okay. Now, Mr. Martinez, you see him
21 mopping up an area?
22 A But it wasn't wet there.
23 Q Okay. Do you know -- well, that was my
24 question. You see him -- we're at 12:40:15. He's got
25 a bucket.

*Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676*

1 What's your recollection of what he was
2 doing at this particular time depicted here on the
3 video?

4 A It seems like she dropped something -- she
5 spilled some coffee.

6 Q Okay. Did you actually see anything on the
7 floor?

8 A No.

9 Q And then I'm going to fast-forward a little
10 here. Okay. I'm going to go back.

11 At 12:41:07, do you see yourself?

12 A Before she fell, you mean?

13 Q No. I'm looking at -- right now it's at
14 12:41:09, the video. Do you see yourself in the
15 video?

16 A Yes.

17 Q Okay, I'm going to let it run now. What are
18 you doing?

19 A Drying whatever the other one has been
20 cleaning.

21 Q Okay. So just tell me the process. You've
22 got a towel on the floor that you are using under your
23 foot.

24 A To dry whatever. To dry whatever is being
25 wet by the other one with a bucket, but there was

1 nothing there.

2 Q I see, okay.

3 So when Mr. Martinez goes over an area with
4 a mop, your job was to follow with a dry towel?

5 A Well, yes. At that moment, yes.

6 Q Okay. Now I'm going to go back. I'm going
7 to go back to -- okay. I'm going to go back to
8 12:36:49 and I want you to watch. I'm going to start
9 it.

10 A They are in suits.

11 Q Is that something that you recall seeing,
12 what we just watched there? I stopped it at 12:36:58.

13 A Yes. I remember the lady falling.

14 Q Did you ever talk to the lady who was --

15 A No, you can't. You can't.

16 Q Do you remember hearing any conversations
17 between the lady who fell and anyone else as you were
18 at the scene?

19 A No, because the security guards are the ones
20 that speak to them.

21 Q Okay. You didn't hear any of the
22 conversation?

23 A No.

24 Q Now, I heard you say something about shoes.

25 A Some people fake falls to get something,

1 but...

2 Q Okay. So...

3 A What happened to -- the floor right there
4 you see is waxed.

5 **THE COURT REPORTER:** I'm sorry, I'm having a
6 hard time.

7 **THE INTERPRETER:** "It was waxed."

8 **THE COURT REPORTER:** Could you repeat the
9 whole response?

10 **MR. ROYAL:** Well, I don't think there's a
11 question pending, but go ahead.

12 **THE WITNESS:** The floor is heavy with wax
13 right there.

14 **BY MR. ROYAL:**

15 Q Okay. Now, do you remember cleaning the
16 area beyond what we watched on the video as you
17 remember what you did?

18 A Yes. We clean the entire surroundings.
19 People left beer, soda, coffee.

20 Q When you say the entire surroundings, what
21 were you making reference to?

22 A Well, look, we have to be careful going
23 around this column because the floor -- everything
24 that has to do with cleaning.

25 Q Well, okay. I just want to make sure. I'm

1 going to show you -- I'm just going to show this. I'm
2 not going to run it at 12:43:17.

3 Okay. You mentioned something about beer,
4 sodas and so forth. What are you making reference to?

5 A Right there at the corner, people leave beer
6 cans, soda cans, so we have to clean it.

7 Q I meant in what we're looking at at
8 12:43:17. Do you see any beer cans or soda cans
9 there?

10 A No, no. No, but this is the least busy
11 time.

12 Q Okay. All right. I just want to focus on
13 this time. So I'm clear with my question, do you
14 remember completing the task of cleaning up this area
15 or working with David Martinez after the woman got up
16 and left?

17 A Well, yes. It was cleaned. We had to clean
18 because she spilled coffee.

19 Q Okay. Other than her -- the woman spilling
20 coffee, did you see anything else on the floor when
21 you were cleaning after she fell?

22 A No, but we have to check everything anyway.

23 Q Okay. Now, earlier when you're talking
24 about equipment, I heard you say you have cleaners,
25 towels, broom and dust pans.

1 A Yes.

2 Q Okay. Because I made a note here that I was
3 confused whether you had a dust pan or dust mop.

4 A Dust pan.

5 Q So when I showed that video of you earlier
6 walking around the area when you were carrying some
7 things, can you tell us what you had in your hands?

8 A Dust pan and a broom.

9 Q Okay. You were also asked about the tower.
10 Does that area have, like, the bridge? Does that have
11 a bridge that goes over the Las Vegas Boulevard?

12 A No.

13 Q I wasn't clear what you meant by "tower." I
14 know there's a bell tower or a clock tower.

15 A I was talking about the small tower where
16 there was sun coming in.

17 Q Oh, I see what you mean. I see. I was
18 confused.

19 A And now they have Bouchon Bakery around it,
20 but the restaurant is at the small tower.

21 Q Okay. All right. You were asked earlier
22 about when mops and a bucket would come to an area.
23 And in this particular case, what we just saw in the
24 video was a mop and a bucket came to the area.

25 A David is the one who brought it to see if

1 there was a big spill.

2 Q Was there a big spill?

3 A No, no, there was not. I had just walked by
4 that area.

5 Q Was there a little spill?

6 A No, no.

7 Q Were there pieces of ice that you found on
8 the floor?

9 A No, no.

10 Q You testified about drunk people that you
11 have seen in the past fall.

12 A Yes.

13 Q For any of those people, do you recall
14 inquiring as to why they fell?

15 A No. What for? They drink and then they
16 fall and then between each other, they pick up each
17 other. They usually are not alone.

18 Q Okay. And I want to make sure I understand.
19 When you were asked about falls and you said the lady
20 that fell with coffee, is that the lady that we saw in
21 the video that I showed you that's been marked as
22 VEN019?

23 A Yes. I remember the lady falling.

24 Q And that's the lady you were making
25 reference to?

1 A Yes. It's the most recent. She's the one
2 that I remember.

3 **MR. ROYAL:** Thanks. I'll pass.
4

5 **FURTHER EXAMINATION**

6 **BY MR. GALLIHER:**

7 Q I heard you remark during your testimony in
8 response to Mr. Royal's question, some people, they
9 fall to get something. What did you mean by that?

10 A Sometimes they look like they fall.

11 Q And is that what you saw in the video,
12 someone who looked like they fell?

13 A I don't know. I don't know her intentions,
14 but there was no water there.

15 Q Did she look like she fell or not?

16 A Yes, she slips, but it must have been her
17 shoe. It wasn't water.

18 Q And you mentioned also that the area where
19 the fall happened had been heavily waxed. What did
20 you mean by that?

21 A I wasn't talking about that area in
22 particular. Those floors are cleaned every night.

23 Q Are they waxed every night?

24 A No, no. They clean them with a machine.

25 Q And that's every night?

1 A No. I don't recall.

2 Q Do you know one way or the other?

3 A Yes, they do it.

4 Q So as I understand what you are saying, you
5 never saw anything liquid on the floor where the fall
6 happened at any time that day; is that right?

7 **MR. ROYAL:** I object. Misstates testimony.

8 **THE WITNESS:** No, no, that is correct.

9 **BY MR. GALLIHER:**

10 Q All right. So you didn't see any water on
11 the floor, you didn't see any coffee on the floor, you
12 didn't see anything wet on the floor; is that right?

13 A No -- yes, that is correct.

14 Q So the only fluid you saw in connection with
15 this fall on that day was a dry floor?

16 A Yes. I think what you see is that she
17 slipped, but it was her shoe.

18 Q All right. So your testimony is that she
19 didn't slip because she hit anything wet, she slipped
20 because of her shoe?

21 A Because of her shoe.

22 Q All right. So the answer to my question is
23 yes?

24 A Yes.

25 Q Thank you. Nothing further.

1 **THE WITNESS:** Is that it?

2 **MR. ROYAL:** Yes. Nothing for me.

3 **MR. GALLIHER:** Okay, we're done. Thank you.

4 (The deposition concluded at 3:09 p.m.)

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

*Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676*

REPORTER'S DECLARATION

1
2 STATE OF NEVADA)
3)
4 COUNTY OF CLARK)

5 I, Pauline C. May, CCR No. 286, declare as
6 follows:

7 That I reported the taking of the deposition of the
8 witness, **MARIA CONSUELO CRUZ**, commencing on Wednesday,
9 April 17, 2019 at the hour of 2:00 p.m.

10 That prior to being examined, the witness was by me
11 duly sworn to testify to the truth, the whole truth,
12 and nothing but the truth.

13 That I thereafter transcribed said shorthand notes
14 into typewriting and that the typewritten transcript
15 of said deposition is a complete, true and accurate
16 transcription of said shorthand notes taken down at
17 said time, and that a request has not been made to
18 review the transcript.

19 I further declare that I am not a relative or
20 employee of counsel of any party involved in said
21 action, nor a relative or employee of the parties
22 involved in said action, nor a person financially
23 interested in the action.

24 Dated at Las Vegas, Nevada this 29th day of
25 April, 2019.

Pauline C. May
Pauline C. May, CCR 286, RPR

Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676

DISTRICT COURT
CLARK COUNTY, NEVADA

JOYCE SEKERA, an Individual,
Plaintiff,

Case No. A-18-772761-C
Dept. 25

vs.

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 MILAN GRAOVAC

Taken at the Galliher Law Firm
1850 East Sahara Avenue, Suite 107
Las Vegas, Nevada 89104

On Monday, April 22, 2019
At 2:40 p.m.

Reported By: PAULINE C. MAY
CCR 286, RPR

1 APPEARANCES:

2 For the Plaintiff: KEITH E. GALLIHER, JR., ESQ.
 Galliher Law Firm
 3 1850 East Sahara Avenue
 Suite 107
 4 Las Vegas, Nevada 89104
 (702)735-0049

5
 6 For the Defendants: MICHAEL A. ROYAL, ESQ.
 Royal & Miles LLP
 7 1522 West Warm Springs Road
 Henderson, Nevada 89014
 8 (702)471-6777

9
 10
 11
 12
 13
 14
 15 * * * * *

16
 17
 18 I N D E X

| | | |
|----|-------------------------------------|------|
| 19 | | |
| 20 | WITNESS | PAGE |
| | MILAN GRAOVAC | |
| 21 | Examination By Mr. Galliher | 3 |
| | Examination By Mr. Royal | 21 |
| 22 | Further Examination By Mr. Galliher | 28 |
| | Further Examination By Mr. Royal | 30 |
| 23 | Further Examination By Mr. Galliher | 31 |

24
 25 -oOo-

1 MIKI KUZMANOVIC, SERBIAN INTERPRETER,
2 having been first duly sworn to interpret Serbian into
3 English and English into Serbian, interpreted as
4 follows:

5 MILAN GRAOVAC,
6 having been first duly sworn to tell the truth, the
7 whole truth and nothing but the truth, was examined
8 and testified as follows:

9

10 EXAMINATION

11 BY MR. GALLIHER:

12 Q Would you state your name, please.

13 A Milan Graovac. M-i-l-a-n. Last name,
14 G-r-a-o-v-a-c.

15 Q Your address.

16 A 7660 West Eldorado, Apartment Number 140.
17 ZIP code is 89113.

18 Q Is that in Las Vegas?

19 A Yes.

20 Q Have you ever had your deposition taken
21 before?

22 A No.

23 Q Do you understand that you are under oath
24 today?

25 A Yes.

1 Q And the oath you've been given today carries
2 with it the same solemnity as if you were testifying
3 in court before a judge or a jury?

4 A Yes.

5 Q And it also carries with it the penalties of
6 perjury. Do you understand that?

7 A Yes, I understand.

8 Q How did you prepare for today's deposition?

9 A As soon as I got the paper, what I know I'll
10 tell you and what I don't, I don't.

11 Q Did you meet with anyone before today's
12 deposition to prepare?

13 A Yes, I met with the gentleman. He showed me
14 the picture of what happened and that's all.

15 Q All right. You said you met with the
16 gentleman, who was the gentleman in the room with us?

17 A Yes, it is.

18 Q That would be Mr. Royal and you say he
19 showed you a picture. Is that what we call the
20 surveillance video?

21 A Yes, it is.

22 Q And when you met with Mr. Royal, did you
23 bring your interpreter with you?

24 A It was a megaphone connected.

25 Q A what?

1 THE INTERPRETER: On the phone, he had
2 someone interpreting over the phone.

3 BY MR. GALLIHER:

4 Q All right. So who was the person who
5 interpreted over the phone?

6 A The girl, I don't know the name. Just a
7 girl that was interpreting. Her name, I don't
8 remember.

9 Q Did you arrange for the girl to be on the
10 phone to interpret, or someone else?

11 A I asked for interpreter because I'm not very
12 good in English, so they arrange it.

13 Q When you say "they," you are referring to
14 Mr. Royal's office?

15 A Where I was. If that's his office, that's
16 where it was. I'm not sure.

17 Q And how long were you in the office
18 preparing for your deposition?

19 A What I was asked, I answered, and it was
20 maybe half an hour to 40 minutes at most.

21 Q So your preparation consisted of meeting
22 with Mr. Royal, having an interpreter present,
23 responding to the questions and reviewing surveillance
24 video; is that right?

25 A That's correct.

1 Q How long have you worked at the Venetian?

2 A Twenty years.

3 Q And when you started at the Venetian, what
4 was your job title?

5 A Casino porter.

6 Q Is that still your job title?

7 A Yes, it is.

8 Q Have you remained with your same job title
9 over the past 20 years?

10 A Yes, it is.

11 Q In reviewing the surveillance video of this
12 fall, did you see yourself?

13 A Yes, I have. When I was watching it, I saw
14 myself.

15 Q Did you actually see the fall happen?

16 A When I was watching the video, then I saw
17 the fall. But they called us when there was a spill.

18 Q And when you say "they called us," do you
19 know who called you?

20 A My supervisor.

21 Q Who is your supervisor?

22 A Maybe Dina or somebody. They change them
23 every six months to a year.

24 Q You said Dina?

25 A Dina.

1 Q Is that a male or female?
 2 A Female.
 3 Q And you see the video. You are the person
 4 in the video that's holding the mop.
 5 A Yes. My colleague was holding it.
 6 Q All right, so your colleague was holding the
 7 mop?
 8 A Yes.
 9 Q So what did you do at the scene?
 10 A When the spill happens, they called for us
 11 to come immediately. If we don't have the equipment
 12 that we need to clean it, we got to stand there so
 13 nobody else -- nobody falls.
 14 Q So did you arrive at the scene before the
 15 colleague with the mop arrived at the scene?
 16 A Yes, I did.
 17 Q How long were you at the scene before the
 18 colleague with the mop arrived?
 19 A Very short. It was couple of minutes.
 20 Q Did you make any calls that day?
 21 A No, I didn't. They were calling us to come
 22 there and stand there.
 23 Q And did you bring any equipment with you to
 24 the scene?
 25 A No, because I don't know if I was in the

1 bathroom or just passing by when I heard that on the
 2 radio, so I came there. And maybe the rag was in my
 3 hand that I was cleaning the machines with.
 4 Q So the colleague that arrived with the mop,
 5 do you know his name?
 6 A David. I know that his name was David.
 7 Q So how long after you arrived at the scene
 8 did David arrive?
 9 A Very short time.
 10 Q What did David do with the mop?
 11 A I was standing on the left side next to the
 12 pillar and he was standing on the right side of me.
 13 Q And so what did he do with the mop?
 14 A I don't know if there was a drop of
 15 something there. He was looking down to see.
 16 Q Did you see him mop the floor?
 17 A Yes.
 18 Q Did you see him wring out the mop in the
 19 pail?
 20 A No.
 21 Q Did you see that on the video?
 22 A Yes.
 23 Q Have you ever used a mop at the Venetian to
 24 clean up a spill?
 25 A Yes. Not that particular one, but another

1 one.
 2 Q So in your 20 years, have you only used a
 3 mop once on a spill?
 4 A If it's soaked, then we wipe it up and then
 5 we take a small mop to go over it. For that
 6 particular time, it wasn't needed to do that.
 7 Q So I'm trying to get the answer.
 8 During the 20 years that you've worked at
 9 the Venetian, have you only cleaned up one spill with
 10 a mop?
 11 THE INTERPRETER: He still didn't answer
 12 your question. He said: People walk around with a
 13 cup and they spill. I warn them not to keep spilling
 14 it and I go over with them with a rag and I clean it
 15 after them.
 16 Would you like me to explain?
 17 BY MR. GALLIHER:
 18 Q We'll try a little different. Why is it
 19 that you immediately clean up the spill at the
 20 Venetian? And I presume you are talking about the
 21 marble floor.
 22 A Yes, marble floor.
 23 Q And is that because the floor becomes
 24 dangerous when it's wet?
 25 A They're very dangerous. Even one drop.

1 Q So tell me about that. What makes you think
 2 it becomes very dangerous with one drop?
 3 A The shoes, if it's -- you know, the shoes
 4 and contact with the shoes, and the drop of something
 5 on marble, it's like ice. You can slip and fall real
 6 easy.
 7 Q Have you, in your 20 years, ever seen
 8 anybody slip and fall on a wet spot at the Venetian on
 9 the marble floor?
 10 A No, I have not.
 11 Q Go back to the question earlier. During
 12 your 20 years, on how many occasions have you had to
 13 clean up a spill on the marble floor at the Venetian?
 14 A It's not every day. When they call us, we
 15 go and we clean it up.
 16 Q So can you give me your best estimate of,
 17 say, how many times a week you would clean up a spill
 18 at the Venetian on the marble floor?
 19 A Maybe once, maybe not at all. And I'm not
 20 the only one.
 21 Q And I think we had previous testimony
 22 regarding the number of PAD workers that were
 23 stationed on the marble floors at the ground floor at
 24 the Venetian.
 25 Do you know how many there are?

1 A On the marble floor? On the cleaning?
 2 Q How many are stationed for the marble floor?
 3 A There's six or eight stations in the casino.
 4 I'm the only one in my station.
 5 Q And how about the other stations? Do you
 6 only have one?
 7 A We have the first shift, second shift and
 8 third shift.
 9 Q How many people are stationed in each
 10 station?
 11 A Just one.
 12 Q So on the day of this fall, were you
 13 stationed in the restroom?
 14 A I think I was. I cannot guarantee.
 15 Q How often are you stationed in the restroom
 16 as a PAD employee at the Venetian?
 17 A I am there nonstop, my eight hours.
 18 Q All right. So would it be fair to state
 19 that in your time at the Venetian as a PAD employee,
 20 you've been principally stationed in the restroom?
 21 A Not all the time. We were being shifted
 22 around like every three months, six months, but now
 23 for a year we've been staying in the same place.
 24 Q And when you say you've been staying in the
 25 same place, where is that?

1 A Restroom Number 2.
 2 Q And Restroom Number 2 is off the marble
 3 flooring in the casino?
 4 A Yes, it is.
 5 Q So you've been stationed solely in Restroom
 6 Number 2 over the past year. And did you mention to
 7 me that you were in the restroom at the time that you
 8 learned about this fall?
 9 A Most likely I was working then there, but
 10 it's been more than two, two and a half years.
 11 Q When you say working then there, you mean
 12 working in Restroom Number 2?
 13 A Yes.
 14 Q So we'll say over the past five years, how
 15 would you allocate the time that you spent as a PAD
 16 employee at the Venetian in terms of the restroom
 17 versus other stations?
 18 A We have like a poker room close by that I go
 19 and I check two bathrooms there and immediately I go
 20 back to my station, and then I go to lunch for one
 21 hour and that's all.
 22 Q Is that your station for the past five
 23 years, you're stationed in Restroom Number 2?
 24 A Last one year. I was working in the garage.
 25 Q Working in where?

1 A In the garage.
 2 Q So how long did you work in the garage?
 3 A Six months or three months, you know. It
 4 depends.
 5 Q And where else have you worked in the
 6 Venetian as a PAD employee?
 7 A Casino.
 8 Q I'm talking about the past five years.
 9 A The garage, Las Vegas Boulevard, the casino
 10 station and the balconies, casino.
 11 Q When you talk about Las Vegas Boulevard,
 12 what does that mean?
 13 A We have -- towards the Las Vegas Boulevard,
 14 if there's anything, or any trash or anything, we have
 15 to clean it up.
 16 Q Is that outside work?
 17 A Yes, it is.
 18 Q Okay. So you work outside, you have worked
 19 in the garages, you've worked in Restroom Number 2 and
 20 then you said you worked in casino stations?
 21 A Yes, everywhere. We keep rotating.
 22 Q Is that correct in terms of all the
 23 locations you've worked at over the past five years?
 24 A Yes, it is.
 25 Q When you talked about the casino stations,

1 can you tell me where you are positioned when you are
 2 working with the casino stations?
 3 A Cleaning the machines, carpet, ashtrays for
 4 cigarettes, pick up the glasses from the machines, put
 5 them away. If there's any spill, we clean it up. If
 6 not, not.
 7 Q When you talk about spills, sounds like when
 8 you were working at the casino you are talking about
 9 spills on the carpeted areas.
 10 A If someone spills something on the carpet,
 11 then you got to stand there and the machine -- they
 12 bring the machine to vacuum it and special cleaning so
 13 that it's not wet anywhere there.
 14 Q So when you work in the casino station,
 15 would it be fair to say, when there are spills, the
 16 spills happen on carpet?
 17 A Yeah. I have to call the supervisor if
 18 there is a spill to send the machine over.
 19 Q But is it your experience, as a PAD employee
 20 in the casino station, that when you clean up the
 21 spill or someone cleans up the spill, it's on the
 22 carpet?
 23 A Yes, it is.
 24 Q So let's go back to the scene of this fall.
 25 You said you arrived, you were called to the scene.

1 Do you remember who called you?
 2 (Crosstalk.)
 3 THE COURT REPORTER: Wait, wait. Your words
 4 are drowning his out.
 5 BY MR. GALLIHER:
 6 Q Yeah. Wait until you finish to interpret.
 7 I know what you're trying to do here.
 8 A What I said is, Dina or some other
 9 supervisor -- but I know it was some other supervisor
 10 who called. I didn't remember the name.
 11 Q When you arrived at the scene, did you do
 12 anything in terms of cleaning up the spill or anything
 13 of that nature?
 14 A I couldn't clean anything because she was
 15 still sitting on the floor.
 16 Q So the answer to my question is you didn't
 17 do anything to clean up anything that day?
 18 A Nothing. We cannot touch it until the
 19 person is moved from there.
 20 Q And the only person you saw clean it up is
 21 David?
 22 A David was cleaning it behind her back, but
 23 we couldn't see anything there. The mop was kind of
 24 dry.
 25 Q And so did you actually watch David clean

1 A No, I didn't. The only way to see it, we
 2 looked at the video.
 3 Q Did you -- did you see any liquid on the
 4 floor after the fall?
 5 A I saw some drops from the liquid, I was
 6 telling her, but I've seen it on the video as well.
 7 Q All right. So you have seen drops of liquid
 8 on the floor when you came to the scene of the fall?
 9 A Yes, and they were reaching a little bit to
 10 the carpet as well.
 11 Q All right. So but you don't know where that
 12 liquid came from?
 13 A It cannot come from anywhere except from
 14 her. Yeah, you could see when she was there and the
 15 other guests are walking by, if there was a little
 16 more of liquid, some other guest could have slipped.
 17 Q But do you know whether there was any liquid
 18 on the floor before she fell?
 19 A You cannot see it because she was on the
 20 floor sitting, so you can't see it whether it was or
 21 not.
 22 Q So the answer to my question is, you don't
 23 know whether there was any liquid on the floor before
 24 the fall?
 25 A That's -- I couldn't have seen anything

1 the floor?
 2 A Yes, I did.
 3 Q So you then saw David take his mop and put
 4 it in the bucket and wring it out?
 5 A No, no.
 6 Q You didn't see that?
 7 A No.
 8 Q Did you see it on the video?
 9 A I think I have seen it, but I can't really
 10 recall it.
 11 Q What else did you do at the scene other than
 12 stand there?
 13 A I didn't do anything because I didn't see
 14 anything that I needed to do. But there's a
 15 possibility that when she's carrying her own glass,
 16 that something could have spilled from her own glass.
 17 Q And what glass was she carrying?
 18 A I think that she was carrying the white
 19 plastic glass, from what I've seen on the picture.
 20 Q And how is it that you assumed that she was
 21 carrying a glass and that's what resulted in water or
 22 liquid on the floor?
 23 A When she was falling in the picture, she
 24 threw away the glass from her hand.
 25 Q Did you see the top come off the cup?

1 then.
 2 Q All right. I want to make sure we're clear
 3 on this.
 4 A I am sure on myself.
 5 Q All right. So you do not know, as you
 6 testify here today, whether there was any liquid on
 7 the floor before the fall?
 8 A I don't know.
 9 Q All right. How long did you remain at the
 10 scene?
 11 A I didn't stay much there because David was
 12 there. I left the scene.
 13 Q So did you leave the scene after David
 14 arrived?
 15 A Yes. He came with a mop and I left.
 16 Q So how long after David arrived did you
 17 leave?
 18 A Very short time.
 19 Q Were you there when the EMT security guard
 20 arrived?
 21 A No, I don't think I was there.
 22 Q Did you leave your name with anyone?
 23 A No.
 24 Q Did anybody contacted you after the date of
 25 the fall to get a statement from you?

1 A One time I went to see the -- to view the
2 footage, if I can remember anything, and that was such
3 a long time ago. But no.
4 Q So when did you go review the footage?
5 A Three or four months ago.
6 Q And it was at somewhere other than
7 Mr. Royal's office?
8 A This gentleman wasn't there. It was just a
9 secretary and in the office.
10 Q What office?
11 A This gentleman's office; yes.
12 Q So you went to Mr. Royal's office and you
13 watched the video with the secretary present?
14 A Well, where the secretary is sitting, that's
15 where I --
16 Q But that was at Mr. Royal's office?
17 A Where I was sitting with him, it was a
18 different office.
19 Q Was it the same location?
20 A Same location.
21 Q So apart from the two times you've seen the
22 surveillance video at Mr. Royal's office, have you
23 seen it anywhere else?
24 A No. Just with him at this office and the
25 lady's office.

1 Q Have you told me everything you can remember
2 about the fall and your involvement in it?
3 A Everything.
4 Q Is there anything else that you can recall
5 about the fall that we haven't talked about?
6 A I wouldn't have anything, and I wouldn't
7 want to add anything that I'm not sure of and that I
8 don't know about.
9 Q Have you understood all my questions today?
10 A Yes, yes, I understood questions and my
11 translation.
12 Q And any questions you want me to repeat or
13 rephrase for you?
14 A Not really. What bugs me is when somebody
15 falls and won't move from that spot until security
16 comes so that we can see if there is any water or
17 anything there.
18 Q So what if that person is injured to the
19 point where they were unable to move?
20 A Then they should sit and wait and see who's
21 spilled that, whether it's their spill or somebody
22 else.
23 Q And is that what the lady you saw on the
24 floor did in this case?
25 A She was waiting for security and I left.

1 When people are walking around with a glass
2 in their hand, they are looking around and a lot of
3 times they accidentally, you know, turn the glass and
4 start spilling. So we have to remind them to watch it
5 so that whatever they have, they don't spill around.
6 Q And that's because one drop on a marble
7 floor at the Venetian makes it extremely dangerous?
8 MR. ROYAL: Objection, foundation.
9 Go ahead.
10 THE WITNESS: Very dangerous.
11 MR. GALLIHER: Pass the witness.
12

EXAMINATION

14 BY MR. ROYAL:
15 Q When you reviewed footage of the incident,
16 did you have to leave the Venetian property?
17 A I continued to work after.
18 Q Okay. Today you are at a deposition. Did
19 you drive here?
20 A Yes, I have.
21 Q When you reviewed video either of the times
22 that you referenced in your responses to
23 Mr. Galliher's questions, did you ever have to drive
24 and leave the property?
25 A After I finished work, I drive home.

1 Q Okay. Okay. When you first arrived at the
2 scene -- strike that. You know what? Hold on, strike
3 that.
4 I'm going to show you what has been
5 identified as VEN019, and this is a video and it's at
6 12:39:34.
7 MR. GALLIHER: If he's going to commentate,
8 I think we need to know what you're saying.
9 THE INTERPRETER: I'm going to come from the
10 left side.
11 BY MR. ROYAL:
12 Q So wait for a question. All right. At
13 12:39:34, I'm going to start this. I want you to
14 watch for yourself, okay? I stopped it at three --
15 sorry -- 12:39:36. Can you see yourself?
16 A Yes, right here.
17 Q Is that you in a PAD uniform?
18 A Yes, it is.
19 Q And there's a column to your right in at
20 least what's depicted here?
21 A Yes, it is.
22 Q Do you see a woman on the floor?
23 A Yes.
24 Q As you look at this, does this refresh your
25 memory about anything you've testified to?

1 A Yes, it does.
 2 Q In what way?
 3 A That when I came, I saw that she was
 4 sitting. I was bending my head to look at the spill
 5 and I didn't see any at all where I'm looking at.
 6 Q Did you look anywhere else in this area for
 7 a spill?
 8 A That part, the part over there, I couldn't
 9 see it.
 10 Q Okay.
 11 A I'm moving.
 12 Q Hold on. I'm going to let it run from that
 13 point. I'm going to stop it at 12:39:51.
 14 Do you see David?
 15 A I think that's David there.
 16 Q Okay. And that would be at the top right
 17 area of this stopped video?
 18 A Yeah.
 19 Q Do you see someone else from PAD there?
 20 A I think Maria is her name.
 21 Q Okay. Do you know Maria's last name?
 22 A No. On the last name, I don't.
 23 Q I'm going to now run it a little further.
 24 I'm going to stop it at 12:39:55.
 25 A They took a mop and they started to clean.

1 See how he's bending his head looking for a spill?
 2 Q Okay. You are still there at 12:39:53?
 3 A Yes, I am.
 4 Q 55, I should say.
 5 Were you watching David mop at this time?
 6 A I was standing there so nobody walks into it
 7 to protect the area.
 8 Q Okay. Did you see anything on the floor
 9 where David was mopping at this particular point, at
 10 12:39:55?
 11 A We have to check and then go over it just in
 12 case there is something.
 13 Q Okay. Starting again, okay. I'm going to
 14 stop it at 12:40:01. You were just doing something
 15 with your foot. Do you recall? I'm going to go
 16 backward.
 17 A I was showing that there was a little bit
 18 there where it had spilled from her glass.
 19 Q Okay. So at 12:39:57, I'm going to start
 20 it. I want you to watch yourself.
 21 A Okay.
 22 Q Pointing with your foot. I'll stop it at
 23 12:40:01. Do you remember having a conversation with
 24 David?
 25 A Yeah. What I said was -- and he told me to

1 stand there so that nobody goes into it.
 2 Q Okay. Now at 12:40:04, you have now left.
 3 A Yes, to my station.
 4 Q Okay. Now, David's mop at that point is in
 5 the area where you are pointing with your foot
 6 earlier.
 7 A Yes, it is.
 8 Now he's draining it.
 9 Q Okay. So at any time, do you specifically
 10 recall seeing something on the floor other than the
 11 woman sitting?
 12 A Not really. The only thing it could be was
 13 that there was a little -- a little spill from a glass
 14 that would be on the floor.
 15 Q What glass do you have -- but did you
 16 actually see anything on the floor?
 17 A When I came there, only her spill would be
 18 from the white coffee or something.
 19 Q Did you talk with Maria or David after the
 20 incident?
 21 A No. We don't talk about that.
 22 Q You said you worked in the casino area and
 23 there's a lot of carpet. Is there also a marble floor
 24 that goes through the casino area?
 25 A Marble is usually when you're going towards

1 the exit or to front desk or sports book.
 2 Q I see. When you were working Restroom 2, I
 3 think you testified that you also do poker the
 4 restroom.
 5 A Yes. That's the same job that I have.
 6 Q Okay. And how far away are the restrooms
 7 between the poker rooms and the one by the Grand Lux
 8 in the casino area?
 9 A Three or four machines, maybe one table, and
 10 then I move into poker room about 20 yards, my first
 11 room on the right.
 12 When I finish with that one, I go further
 13 forward on the corner on the left, and then further
 14 forward on the right side. I check what I need to do,
 15 I have some paper and then I go back.
 16 Q I see, okay. In between the two restrooms,
 17 as you walk in between, do you have any kind of
 18 responsibility?
 19 A If I see anything in the way of spill or
 20 dirty papers or anything, I'm supposed to take care of
 21 it. I need to clean it up.
 22 Q In your experience in your 20 years at the
 23 Venetian as a PAD employee, what are some of the
 24 reasons that you have to use a mop as a PAD employee?
 25 A To pick up spill and clean it so

1 everything's okay.
 2 Q Do you use a mop in the bathrooms?
 3 A Yes.
 4 Q Do you only use it in the bathroom if
 5 there's a spill, or do you use it for other reasons?
 6 A The complete cleaning for the floor and
 7 everything.
 8 Q In your experience as a Venetian PAD
 9 employee, how important is it to you to maintain the
 10 floors in the course of your duties?
 11 MR. GALLIHER: Objection, foundation.
 12 But you can answer.
 13 THE WITNESS: To me, it's the most important
 14 because of the company and because of me so that
 15 nobody can fall down.
 16 BY MR. ROYAL:
 17 Q All right. And you saw the woman on the
 18 floor when you got to the scene?
 19 A Yes.
 20 Q How many times have you seen that occur in
 21 your 20 years?
 22 A Maybe I've seen a couple of times. It
 23 doesn't happen to all the stations. I can be here and
 24 it could happen half of the casino, so I don't go all
 25 the way there to look.

1 Q I'm just asking about what you have
 2 personally seen.
 3 A Personally that I've seen, maybe two times.
 4 Q All right. Would this be one of those two
 5 times?
 6 A I'm including this time as the second time.
 7 Q All right. Thank you.
 8
 9 FURTHER EXAMINATION
 10 BY MR. GALLIHER:
 11 Q So let me clarify this. So in the 20 years
 12 you've worked at the Venetian as a PAD employee, you
 13 have seen two falls on the marble floors with liquid?
 14 A That's for sure. Two times, but not more.
 15 Q Two times at the most?
 16 A From all these 20 years that since I started
 17 working.
 18 Q And you've never seen or heard of any other
 19 falls, other than the two that you've witnessed, of
 20 the marble?
 21 A Only what I see with my eyes I believe it's
 22 true, but not what else you talk about.
 23 Q All right. So I want to make sure we're
 24 clear. Two falls at the most?
 25 A At the most, me personally with my eyes.

1 Q Is the poker room carpeted?
 2 A Yes. There's one circle of marble and,
 3 yeah, it's a combination. They're like little squares
 4 of marble and then carpet and so on, repeated like
 5 that.
 6 Q How about where the players walk and sit?
 7 A That's carpet there.
 8 Q And would that also be true of the casino?
 9 A Where the machines are, the casino, yes, and
 10 tables too.
 11 Q So wherever the players walk or sit is
 12 carpeted in the casino?
 13 A Yes.
 14 Q I think you testified earlier that as a PAD
 15 employee, you've used a mop on a number of occasions;
 16 is that right?
 17 A That mop that we use when there's a spill
 18 outside of the bathroom. But if it's being used in
 19 the bathroom, it's not being used outside of the
 20 bathroom.
 21 Q I want to make sure we're clear on this. In
 22 your 20 years, you've presumed you've used a mop in
 23 your 20 years as PAD employee.
 24 A If something dirty. There's no people, no
 25 spill, I've never used it.

1 Q So let's try this again. In your 20 years
 2 as a PAD employee at the Venetian, have you used a mop
 3 and a bucket?
 4 A I always use it in the bathroom and then if
 5 there's a spill outside.
 6 Q So on how many occasions would you say
 7 you've used your mop and bucket in the last 20 years?
 8 A When I'm working in the bathroom, I use it
 9 more than five times a day, maybe 10 times a day
 10 because of urinary.
 11 Q And so when we talk about using it in the
 12 bathroom, you've used the mop to clean up liquids?
 13 A Yes.
 14 Q And then after you clean up the liquids,
 15 what do you do with the mop and your bucket?
 16 A I wash it in a bucket, I change the water.
 17 Q Do you wring out the mop?
 18 A Of course.
 19 MR. GALLIHER: Pass the witness.
 20 THE WITNESS: I can't allow it if somebody
 21 falls, then I carry it on myself.
 22
 23 FURTHER EXAMINATION
 24 BY MR. ROYAL:
 25 Q In the times you've used -- or strike that.

1 Do you also use a mop to clean up scuffs?
 2 A Yeah. You have to clean it.
 3 Q Have you ever used a mop as a precautionary
 4 measure?
 5 MR. GALLIHER: Objection, vague.
 6 You may answer.
 7 THE WITNESS: If there's anything dirty, any
 8 spill, I have to. I cannot leave it dirty anywhere.
 9 BY MR. ROYAL:
 10 Q You don't -- you don't -- when David was
 11 using a mop in this case or in this instance, when you
 12 arrived at the scene, you didn't see what he was
 13 mopping up; correct?
 14 A If there was a spill, I guarantee that I
 15 would have seen it. If it was a lot of spill, yeah,
 16 you would have seen a lot of spill.
 17 If they spill a big glass, it would be the
 18 size of half of this table, the area.
 19 Q Okay. You didn't see -- strike that.
 20 Did you see anything that looked like water
 21 in the area on the floor when you were there?
 22 A No.
 23 MR. ROYAL: That's it.
 24
 25 /////

1 wearing; right?
 2 A No, I don't. And I cannot even ask.
 3 MR. GALLIHER: Thank you. Nothing further.
 4 MR. ROYAL: That's it for me.
 5 MR. GALLIHER: All right. Thanks very much,
 6 sir.
 7 (The deposition concluded at 3:35 p.m.)
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

1 FURTHER EXAMINATION
 2 BY MR. GALLIHER:
 3 Q But a little spot of water at that location
 4 would have made that lady fall; right?
 5 MR. ROYAL: Objection, form; calls for
 6 speculation.
 7 BY MR. GALLIHER:
 8 Q You may answer.
 9 A Depends on the shoes.
 10 Q So what would make a difference in her
 11 shoes?
 12 A Some shoes that are easily -- you slip with.
 13 Q Some shoes that would easily slip on a spot
 14 of water?
 15 A One drop you can slip if the shoe is not
 16 good.
 17 Q So one drop you can slip on the shoes on the
 18 marble floor at the Venetian if the shoe wasn't good?
 19 MR. ROYAL: Objection, foundation.
 20 THE WITNESS: Yes, you could.
 21 BY MR. GALLIHER:
 22 Q So did you look carefully at this lady's
 23 shoes?
 24 A No.
 25 Q So you don't know what shoes she was

REPORTER'S DECLARATION

1
2 STATE OF NEVADA)
3)
4 COUNTY OF CLARK)

5 I, Pauline C. May, CCR No. 286, declare as
6 follows:

7 That I reported the taking of the deposition of the
8 witness, MILAN GRAOVAC, commencing on Monday,
9 April 22, 2019 at the hour of 2:40 p.m.

10 That prior to being examined, the witness was by me
11 duly sworn to testify to the truth, the whole truth,
12 and nothing but the truth.

13 That I thereafter transcribed said shorthand notes
14 into typewriting and that the typewritten transcript
15 of said deposition is a complete, true and accurate
16 transcription of said shorthand notes taken down at
17 said time, and that a request has not been made to
18 review the transcript.

19 I further declare that I am not a relative or
20 employee of counsel of any party involved in said
21 action, nor a relative or employee of the parties
22 involved in said action, nor a person financially
23 interested in the action.

24 Dated at Las Vegas, Nevada this _____ day of
25 _____, 2019.

Pauline C. May, CCR 286, RPR

| | | | | |
|---|---|--|--|--|
| <p>A</p> <p>A-18-772761-C 1:6 accidentally 21:3 accurate 34:14 action 34:20,21,22 add 20:7 address 3:15 ago 19:3,5 ahead 21:9 allocate 12:15 allow 30:20 answer 9:7,11 15:16 17:22 27:12 31:6 32:8 answered 5:19 anybody 10:8 18:24 apart 19:21 Apartment 3:16 APPEARANCES 2:1 April 1:18 34:8 area 23:6,17 24:7 25:5,22,24 26:8 31:18,21 areas 14:9 arrange 5:9,12 arrive 7:14 8:8 arrived 7:15,18 8:4,7 14:25 15:11 18:14 18:16,20 22:1 31:12 ashtrays 14:3 asked 5:11,19 asking 28:1 assumed 16:20 Avenue 1:16 2:3</p> | <p>best 10:16 big 31:17 bit 17:9 24:17 book 26:1 Boulevard 13:9,11 13:13 bring 4:23 7:23 14:12 bucket 16:4 30:3,7 30:15,16 bugs 20:14</p> <p>C</p> <p>C 1:24 34:4,25 call 4:19 10:14 14:17 called 6:17,18,19 7:10 14:25 15:1,10 calling 7:21 calls 7:20 32:5 care 26:20 carefully 32:22 carpet 14:3,10,16,22 17:10 25:23 29:4,7 carpeted 14:9 29:1 29:12 carries 4:1,5 carry 30:21 carrying 16:15,17,18 16:21 case 1:6 20:24 24:12 31:11 casino 1:8 6:5 11:3 12:3 13:7,9,10,20 13:25 14:2,8,14,20 25:22,24 26:8 27:24 29:8,9,12 CCR 1:25 34:4,25 change 6:22 30:16 check 12:19 24:11 26:14 cigarettes 14:4 circle 29:2 clarify 28:11 CLARK 1:2 34:3 clean 7:12 8:24 9:14 9:19 10:13,15,17 13:15 14:5,20 15:14,17,20,25 23:25 26:21,25</p> | <p>30:12,14 31:1,2 cleaned 9:9 cleaning 8:3 11:1 14:3,12 15:12,22 27:6 cleans 14:21 clear 18:2 28:24 29:21 close 12:18 code 3:17 coffee 25:18 colleague 7:5,6,15,18 8:4 column 22:19 combination 29:3 come 7:11,21 16:25 17:13 22:9 comes 20:16 commencing 34:7 commentate 22:7 company 1:9,11 27:14 complete 27:6 34:14 concluded 33:7 connected 4:24 consisted 5:21 contact 10:4 contacted 18:24 continued 21:17 conversation 24:23 corner 26:13 correct 5:25 13:22 31:13 counsel 34:19 COUNTY 1:2 34:3 couple 7:19 27:22 course 27:10 30:18 court 1:1 4:3 15:3 Crosstalk 15:2 cup 9:13 16:25</p> <p>D</p> <p>D 2:18 d/b/a 1:8,10 dangerous 9:24,25 10:2 21:7,10 date 18:24 Dated 34:23 David 8:6,6,8,10</p> | <p>15:21,22,25 16:3 18:11,13,16 23:14 23:15 24:5,9,24 25:19 31:10 David's 25:4 day 7:20 10:14 11:12 15:17 30:9,9 34:23 DECLARATION 34:1 declare 34:4,18 Defendants 1:12 2:6 depends 13:4 32:9 depicted 22:20 deposition 1:15 3:20 4:8,12 5:18 21:18 33:7 34:6,14 Dept 1:7 desk 26:1 difference 32:10 different 9:18 19:18 Dina 6:22,24,25 15:8 dirty 26:20 29:24 31:7,8 DISTRICT 1:1 doing 24:14 draining 25:8 drive 21:19,23,25 drop 8:14 9:25 10:2,4 21:6 32:15,17 drops 17:5,7 drowning 15:4 dry 15:24 duly 3:2,6 34:10 duties 27:10</p> <p>E</p> <p>E 2:2,18 earlier 10:11 25:6 29:14 easily 32:12,13 East 1:16 2:3 easy 10:6 eight 11:3,17 either 21:21 Eldorado 3:16 employee 1:11 11:16 11:19 12:16 13:6 14:19 26:23,24 27:9 28:12 29:15</p> | <p>29:23 30:2 34:19 34:20 EMT 18:19 English 3:3,3 5:12 equipment 7:11,23 ESQ 2:2,6 estimate 10:16 everything's 27:1 Examination 2:21,21 2:22,22,23 3:10 21:13 28:9 30:23 32:1 examined 3:7 34:9 exit 26:1 experience 14:19 26:22 27:8 explain 9:16 extremely 21:7 eyes 28:21,25</p> <p>F</p> <p>fair 11:18 14:15 fall 6:12,15,17 10:5,8 11:12 12:8 14:24 17:4,8,24 18:7,25 20:2,5 27:15 32:4 falling 16:23 falls 7:13 20:15 28:13 28:19,24 30:21 far 26:6 fell 17:18 female 7:1,2 financially 34:21 finish 15:6 26:12 finished 21:25 Firm 1:16 2:2 first 3:2,6 11:7 22:1 26:10 five 12:14,22 13:8,23 30:9 floor 8:16 9:21,22,23 10:9,13,18,23 11:1 11:2 15:15 16:1,22 17:4,8,18,20,23 18:7 20:24 21:7 22:22 24:8 25:10 25:14,16,23 27:6,18 31:21 32:18 flooring 12:3</p> |
|---|---|--|--|--|

| | | | |
|---|---|---|--|
| floors 10:23 27:10 28:13 follows 3:4,8 34:5 foot 24:15,22 25:5 footage 19:2,4 21:15 form 32:5 forward 26:13,14 foundation 21:8 27:11 32:19 four 19:5 26:9 front 26:1 further 2:22,22,23 23:23 26:12,13 28:9 30:23 32:1 33:3 34:18 <hr/> G G-r-a-o-v-a-c 3:14 Gallihier 1:16 2:2,2 2:21,22,23 3:11 5:3 9:17 15:5 21:11 22:7 27:11 28:10 30:19 31:5 32:2,7 32:21 33:3,5 Gallihier's 21:23 garage 12:24 13:1,2 13:9 garages 13:19 gentleman 4:13,16 4:16 19:8 gentleman's 19:11 girl 5:6,7,9 give 10:16 given 4:1 glass 16:15,16,17,19 16:21,24 21:1,3 24:18 25:13,15 31:17 glasses 14:4 go 9:5,14 10:11,15 12:18,19,20 14:24 19:4 21:9 24:11,15 26:12,15 27:24 goes 25:1,24 going 22:4,7,9,13 23:12,13,23,24 24:13,15,19 25:25 good 5:12 32:16,18 Grand 26:7 | Graovac 1:15 2:20 3:5,13 34:7 ground 10:23 guarantee 11:14 31:14 guard 18:19 guest 17:16 guests 17:15 <hr/> H half 5:20 12:10 27:24 31:18 hand 8:3 16:24 21:2 happen 6:15 14:16 27:23,24 happened 4:14 happens 7:10 head 23:4 24:1 heard 8:1 28:18 Henderson 2:7 Hold 22:2 23:12 holding 7:4,5,6 home 21:25 hour 5:20 12:21 34:8 hours 11:17 <hr/> I ice 10:5 identified 22:5 immediately 7:11 9:19 12:19 important 27:9,13 incident 21:15 25:20 including 28:6 inclusive 1:11 Individual 1:5 injured 20:18 instance 31:11 interested 34:22 interpret 3:2 5:10 15:6 interpreted 3:3 5:5 interpreter 3:1 4:23 5:1,11,22 9:11 22:9 interpreting 5:2,7 involved 34:19,21 involvement 20:2 <hr/> J job 6:4,6,8 26:5 | JOYCE 1:5 JR 2:2 judge 4:3 jury 4:3 <hr/> K keep 9:13 13:21 KEITH 2:2 kind 15:23 26:17 know 4:9 5:6 6:19 7:25 8:5,6,14 10:3 10:25 13:3 15:7,9 17:11,17,23 18:5,8 20:8 21:3 22:2,8 23:21 32:25 KUZMANOVIC 3:1 <hr/> L lady 20:23 32:4 lady's 19:25 32:22 Las 1:8,9,10,17 2:4 3:18 13:9,11,13 34:23 Law 1:16 2:2 learned 12:8 leave 18:13,17,22 21:16,24 31:8 left 8:11 18:12,15 20:25 22:10 25:2 26:13 let's 14:24 30:1 Liability 1:9,10 Limited 1:9,10 liquid 16:22 17:3,5,7 17:12,16,17,23 18:6 28:13 liquids 30:12,14 little 9:18 17:9,15 23:23 24:17 25:13 25:13 29:3 32:3 LLC 1:8,9 LLP 2:6 location 19:19,20 32:3 locations 13:23 long 5:17 6:1 7:17 8:7 13:2 18:9,16 19:3 look 22:24 23:4,6 27:25 32:22 looked 17:2 31:20 looking 8:15 21:2 23:5 24:1 lot 21:2 25:23 31:15 31:16 lunch 12:20 Lux 26:7 <hr/> M M-i-l-a-n 3:13 machine 14:11,12,18 machines 8:3 14:3,4 26:9 29:9 maintain 27:9 male 7:1 marble 9:21,22 10:5 10:9,13,18,23 11:1 11:2 12:2 21:6 25:23,25 28:13,20 29:2,4 32:18 Maria 23:20 25:19 Maria's 23:21 mean 12:11 13:12 measure 31:4 meet 4:11 meeting 5:21 megaphone 4:24 memory 22:25 mention 12:6 met 4:13,15,22 MICHAEL 2:6 MIKI 3:1 Milan 1:15 2:20 3:5 3:13 34:7 Miles 2:6 minutes 5:20 7:19 Monday 1:18 34:7 months 6:23 11:22 11:22 13:3,3 19:5 mop 7:4,7,15,18 8:4 8:10,13,16,18,23 9:3,5,10 15:23 16:3 18:15 23:25 24:5 25:4 26:24 27:2 29:15,17,22 30:2,7 30:12,15,17 31:1,3 31:11 mopping 24:9 31:13 | move 20:15,19 26:10 moved 15:19 moving 23:11 <hr/> N N 2:18 name 3:12,13 5:6,7 8:5,6 15:10 18:22 23:20,21,22 nature 15:13 need 7:12 22:8 26:14 26:21 needed 9:6 16:14 Nevada 1:2,9,10,17 2:4,7 34:2,23 never 28:18 29:25 nonstop 11:17 notes 34:12,15 number 3:16 10:22 12:1,2,6,12,23 13:19 29:15 <hr/> O o0o- 2:25 oath 3:23 4:1 Objection 21:8 27:11 31:5 32:5,19 occasions 10:12 29:15 30:6 occur 27:20 office 5:14,15,17 19:7 19:9,10,11,12,16,18 19:22,24,25 okay 13:18 21:18 22:1,1,14 23:10,16 23:21 24:2,8,13,13 24:19,21 25:2,4,9 26:6,16 27:1 31:19 once 9:3 10:19 outside 13:16,18 29:18,19 30:5 <hr/> P p.m 1:18 33:7 34:8 PAD 10:22 11:16,19 12:15 13:6 14:19 22:17 23:19 26:23 26:24 27:8 28:12 29:14,23 30:2 PAGE 2:20 |
|---|---|---|--|

| | | | | |
|--|--|--|--|--|
| <p> pail 8:19 paper 4:9 26:15 papers 26:20 part 23:8,8 particular 8:25 9:6 24:9 parties 34:20 party 34:19 Pass 21:11 30:19 passing 8:1 Pauline 1:24 34:4,25 penalties 4:5 people 9:12 11:9 21:1 29:24 perjury 4:6 person 5:4 7:3 15:19 15:20 20:18 34:21 personally 28:2,3,25 phone 5:1,2,5,10 pick 14:4 26:25 picture 4:14,19 16:19 16:23 pillar 8:12 place 11:23,25 Plaintiff 1:6 2:2 plastic 16:19 players 29:6,11 please 3:12 point 20:19 23:13 24:9 25:4 pointing 24:22 25:5 poker 12:18 26:3,7 26:10 29:1 porter 6:5 positioned 14:1 possibility 16:15 precautionary 31:3 preparation 5:21 prepare 4:8,12 preparing 5:18 present 5:22 19:13 presume 9:20 presumed 29:22 previous 10:21 principally 11:20 prior 34:9 property 21:16,24 protect 24:7 put 14:4 16:3 </p> | <p> Q question 9:12 10:11 15:16 17:22 22:12 questions 5:23 20:9 20:10,12 21:23 R radio 8:2 rag 8:2 9:14 reaching 17:9 real 10:5 really 16:9 20:14 25:12 reasons 26:24 27:5 recall 16:10 20:4 24:15 25:10 referenced 21:22 referring 5:13 refresh 22:24 regarding 10:22 relative 34:18,20 remain 18:9 remained 6:8 remember 5:8 15:1 15:10 19:2 20:1 24:23 remind 21:4 repeat 20:12 repeated 29:4 rephrase 20:13 reported 1:24 34:6 REPORTER 15:3 REPORTER'S 34:1 request 34:16 RESORT 1:8 responding 5:23 responses 21:22 responsibility 26:18 restroom 11:13,15,20 12:1,2,5,7,12,16,23 13:19 26:2,4 restrooms 26:6,16 resulted 16:21 review 19:4 34:17 reviewed 21:15,21 reviewing 5:23 6:11 right 4:15 5:4,24 7:6 8:12 11:18 17:7,11 18:2,5,9 22:12,16 </p> | <p> 22:19 23:16 26:11 26:14 27:17 28:4,7 28:23 29:16 32:4 33:1,5 Road 2:7 room 4:16 12:18 26:10,11 29:1 rooms 26:7 rotating 13:21 Royal 2:6,6,21,22 4:18,22 5:22 21:8 21:14 22:11 27:16 30:24 31:9,23 32:5 32:19 33:4 Royal's 5:14 19:7,12 19:16,22 RPR 1:25 34:25 run 23:12,23 S Sahara 1:16 2:3 SANDS 1:9 saw 6:13,16 15:20 16:3 17:5 20:23 23:3 27:17 saying 22:8 scene 7:9,14,15,17,24 8:7 14:24,25 15:11 16:11 17:8 18:10 18:12,13 22:2 27:18 31:12 scuffs 31:1 second 11:7 28:6 secretary 19:9,13,14 security 18:19 20:15 20:25 see 6:12,15 7:3 8:15 8:16,18,21 15:23 16:6,8,13,25 17:1,3 17:14,19,20 19:1 20:16,20 22:15,22 23:5,9,14,19 24:1,8 25:16 26:2,16,19 28:21 31:12,19,20 seeing 25:10 seen 10:7 16:9,19 17:6,7,25 19:21,23 27:20,22 28:2,3,13 28:18 31:15,16 </p> | <p> SEKERA 1:5 send 14:18 Serbian 3:1,2,3 shift 11:7,7,8 shifted 11:21 shoe 32:15,18 shoes 10:3,3,4 32:9 32:11,12,13,17,23 32:25 short 7:19 8:9 18:18 shorthand 34:12,15 show 22:4 showed 4:13,19 showing 24:17 side 8:11,12 22:10 26:14 sir 33:6 sit 20:20 29:6,11 sitting 15:15 17:20 19:14,17 23:4 25:11 six 6:23 11:3,22 13:3 size 31:18 slip 10:5,8 32:12,13 32:15,17 slipped 17:16 small 9:5 soaked 9:4 solely 12:5 solemnity 4:2 somebody 6:22 20:14 20:21 30:20 soon 4:9 sorry 22:15 sounds 14:7 special 14:12 specifically 25:9 speculation 32:6 spent 12:15 spill 6:17 7:10 8:24 9:3,9,13,19 10:13 10:17 14:5,18,21,21 15:12 20:21 21:5 23:4,7 24:1 25:13 25:17 26:19,25 27:5 29:17,25 30:5 31:8,14,15,16,17 spilled 16:16 20:21 24:18 </p> | <p> spilling 9:13 21:4 spills 14:7,9,10,15,16 sports 26:1 spot 10:8 20:15 32:3 32:13 Springs 2:7 squares 29:3 stand 7:12,22 14:11 16:12 25:1 standing 8:11,12 24:6 start 21:4 22:13 24:19 started 6:3 23:25 28:16 Starting 24:13 state 3:12 11:18 34:2 statement 18:25 station 11:4,10 12:20 12:22 13:10 14:14 14:20 25:3 stationed 10:23 11:2 11:9,13,15,20 12:5 12:23 stations 11:3,5 12:17 13:20,25 14:2 27:23 stay 18:11 staying 11:23,24 stop 23:13,24 24:14 24:22 stopped 22:14 23:17 strike 22:2,2 30:25 31:19 Suite 1:16 2:3 supervisor 6:20,21 14:17 15:9,9 supposed 26:20 sure 5:16 18:2,4 20:7 28:14,23 29:21 surveillance 4:20 5:23 6:11 19:22 sworn 3:2,6 34:10 T table 26:9 31:18 tables 29:10 take 9:5 16:3 26:20 taken 1:16 3:20 </p> |
|--|--|--|--|--|

| | | | | |
|--|---|--|--|--|
| 34:15 talk 13:11 14:7 25:19 25:21 28:22 30:11 talked 13:25 20:5 talking 9:20 13:8 14:8 tell 3:6 4:10 10:1 14:1 telling 17:6 terms 12:16 13:22 15:12 testified 3:8 22:25 26:3 29:14 testify 18:6 34:10 testifying 4:2 testimony 10:21 Thank 28:7 33:3 Thanks 33:5 thing 25:12 think 10:1,21 11:14 16:9,18 18:21 22:8 23:15,20 26:3 29:14 third 11:8 three 11:22 13:3 19:5 22:14 26:9 threw 16:24 time 8:9 9:6 11:19,21 12:7,15 18:18 19:1 19:3 24:5 25:9 28:6 28:6 34:16 times 10:17 19:21 21:3,21 27:20,22 28:3,5,14,15 30:9,9 30:25 title 6:4,6,8 today 3:24 4:1 18:6 20:9 21:18 today's 4:8,11 told 20:1 24:25 top 16:25 23:16 touch 15:18 transcribed 34:12 transcript 34:13,17 transcription 34:15 translation 20:11 trash 13:14 true 28:22 29:8 34:14 truth 3:6,7,7 34:10 | 34:10,11 try 9:18 30:1 trying 9:7 15:7 turn 21:3 Twenty 6:2 two 12:10,10,19 19:21 26:16 28:3,4 28:13,14,15,19,24 typewriting 34:13 typewritten 34:13 U unable 20:19 understand 3:23 4:6 4:7 understood 20:9,10 uniform 22:17 UNKNOWN 1:11 urinary 30:10 use 26:24 27:2,4,5 29:17 30:4,8 31:1 usually 25:25 V vacuum 14:12 vague 31:5 Vegas 1:8,9,10,17 2:4 3:18 13:9,11,13 34:23 VEN019 22:5 Venetian 1:8,8,10 6:1 6:3 8:23 9:9,20 10:8,13,18,24 11:16 11:19 12:16 13:6 21:7,16 26:23 27:8 28:12 30:2 32:18 versus 12:17 video 4:20 5:24 6:11 6:16 7:3,4 8:21 16:8 17:2,6 19:13 19:22 21:21 22:5 23:17 view 19:1 vs 1:7 W wait 15:3,3,6 20:20 22:12 waiting 20:25 walk 9:12 26:17 29:6 | 29:11 walking 17:15 21:1 walks 24:6 want 18:2 20:7,12 22:13 24:20 28:23 29:21 Warm 2:7 warn 9:13 wash 30:16 wasn't 9:6 19:8 32:18 watch 15:25 21:4 22:14 24:20 watched 19:13 watching 6:13,16 24:5 water 16:21 20:16 30:16 31:20 32:3 32:14 way 17:1 23:2 26:19 27:25 we'll 9:18 12:14 we're 18:2 28:23 29:21 we've 11:23 wearing 33:1 week 10:17 went 19:1,12 West 2:7 3:16 wet 9:24 10:8 14:13 white 16:18 25:18 wipe 9:4 witness 2:20 21:10 21:11 27:13 30:19 30:20 31:7 32:20 34:7,9 witnessed 28:19 woman 22:22 25:11 27:17 words 15:3 work 13:2,16,18 14:14 21:17,25 worked 6:1 9:8 13:5 13:18,19,20,23 25:22 28:12 workers 10:22 working 12:9,11,12 12:24,25 14:2,8 26:2 28:17 30:8 wouldn't 20:6,6 | wring 8:18 16:4 30:17 X X 1:11 2:18 Y yards 26:10 yeah 14:17 15:6 17:14 23:18 24:25 29:3 31:2,15 year 6:23 11:23 12:6 12:24 years 6:2,9 9:2,8 10:7 10:12 12:10,14,23 13:8,23 26:22 27:21 28:11,16 29:22,23 30:1,7 Z ZIP 3:17 0 1 10 30:9 107 1:16 2:3 12:39:34 22:6,13 12:39:36 22:15 12:39:51 23:13 12:39:53 24:2 12:39:55 23:24 24:10 12:39:57 24:19 12:40:01 24:14,23 12:40:04 25:2 140 3:16 1522 2:7 1850 1:16 2:3 2 2 12:1,2,6,12,23 13:19 26:2 2:40 1:18 34:8 20 6:9 9:2,8 10:7,12 26:10,22 27:21 28:11,16 29:22,23 30:1,7 2019 1:18 34:8,23 21 2:21 22 1:18 34:8 | 25 1:7 28 2:22 286 1:25 34:4,25 3 3 2:21 3:35 33:7 30 2:22 31 2:23 4 40 5:20 5 55 24:4 6 7 702)471-6777 2:8 702)735-0049 2:4 7660 3:16 8 89014 2:7 89104 1:17 2:4 89113 3:17 |
|--|---|--|--|--|

DISTRICT COURT
CLARK COUNTY, NEVADA

**CERTIFIED
COPY**

JOYCE SEKERA, an Individual,

Plaintiff,

vs.

Case No. A-18-772761-C
Dept. 25

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 MILAN GRAOVAC

Taken at the Galliher Law Firm
1850 East Sahara Avenue, Suite 107
Las Vegas, Nevada 89104

On Monday, April 22, 2019
At 2:40 p.m.

Reported By: PAULINE C. MAY
CCR 286, RPR

Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676

1 APPEARANCES:

2 For the Plaintiff:

KEITH E. GALLIHER, JR., ESQ.

Galliher Law Firm

1850 East Sahara Avenue

Suite 107

Las Vegas, Nevada 89104

(702) 735-0049

5

6 For the Defendants:

MICHAEL A. ROYAL, ESQ.

Royal & Miles LLP

1522 West Warm Springs Road

Henderson, Nevada 89014

(702) 471-6777

9

10

11

12

13

14

15

* * * * *

16

17

18

I N D E X

19

20 WITNESS

PAGE

MILAN GRAOVAC

21 Examination By Mr. Galliher

3

Examination By Mr. Royal

21

22 Further Examination By Mr. Galliher

28

Further Examination By Mr. Royal

30

23 Further Examination By Mr. Galliher

31

24

25

-oOo-

Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676

1 **MIKI KUZMANOVIC, SERBIAN INTERPRETER,**
2 having been first duly sworn to interpret Serbian into
3 English and English into Serbian, interpreted as
4 follows:

5 **MILAN GRAOVAC,**
6 having been first duly sworn to tell the truth, the
7 whole truth and nothing but the truth, was examined
8 and testified as follows:

9
10 **EXAMINATION**

11 **BY MR. GALLIHER:**

12 Q Would you state your name, please.

13 A Milan Graovac. M-i-l-a-n. Last name,
14 G-r-a-o-v-a-c.

15 Q Your address.

16 A 7660 West Eldorado, Apartment Number 140.
17 ZIP code is 89113.

18 Q Is that in Las Vegas?

19 A Yes.

20 Q Have you ever had your deposition taken
21 before?

22 A No.

23 Q Do you understand that you are under oath
24 today?

25 A Yes.

*Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676*

1 Q And the oath you've been given today carries
2 with it the same solemnity as if you were testifying
3 in court before a judge or a jury?

4 A Yes.

5 Q And it also carries with it the penalties of
6 perjury. Do you understand that?

7 A Yes, I understand.

8 Q How did you prepare for today's deposition?

9 A As soon as I got the paper, what I know I'll
10 tell you and what I don't, I don't.

11 Q Did you meet with anyone before today's
12 deposition to prepare?

13 A Yes, I met with the gentleman. He showed me
14 the picture of what happened and that's all.

15 Q All right. You said you met with the
16 gentleman, who was the gentleman in the room with us?

17 A Yes, it is.

18 Q That would be Mr. Royal and you say he
19 showed you a picture. Is that what we call the
20 surveillance video?

21 A Yes, it is.

22 Q And when you met with Mr. Royal, did you
23 bring your interpreter with you?

24 A It was a megaphone connected.

25 Q A what?

1 **THE INTERPRETER:** On the phone, he had
2 someone interpreting over the phone.

3 **BY MR. GALLIHER:**

4 Q All right. So who was the person who
5 interpreted over the phone?

6 A The girl, I don't know the name. Just a
7 girl that was interpreting. Her name, I don't
8 remember.

9 Q Did you arrange for the girl to be on the
10 phone to interpret, or someone else?

11 A I asked for interpreter because I'm not very
12 good in English, so they arrange it.

13 Q When you say "they," you are referring to
14 Mr. Royal's office?

15 A Where I was. If that's his office, that's
16 where it was. I'm not sure.

17 Q And how long were you in the office
18 preparing for your deposition?

19 A What I was asked, I answered, and it was
20 maybe half an hour to 40 minutes at most.

21 Q So your preparation consisted of meeting
22 with Mr. Royal, having an interpreter present,
23 responding to the questions and reviewing surveillance
24 video; is that right?

25 A That's correct.

1 Q How long have you worked at the Venetian?
2 A Twenty years.
3 Q And when you started at the Venetian, what
4 was your job title?
5 A Casino porter.
6 Q Is that still your job title?
7 A Yes, it is.
8 Q Have you remained with your same job title
9 over the past 20 years?
10 A Yes, it is.
11 Q In reviewing the surveillance video of this
12 fall, did you see yourself?
13 A Yes, I have. When I was watching it, I saw
14 myself.
15 Q Did you actually see the fall happen?
16 A When I was watching the video, then I saw
17 the fall. But they called us when there was a spill.
18 Q And when you say "they called us," do you
19 know who called you?
20 A My supervisor.
21 Q Who is your supervisor?
22 A Maybe Dina or somebody. They change them
23 every six months to a year.
24 Q You said Dina?
25 A Dina.

1 Q Is that a male or female?
2 A Female.
3 Q And you see the video. You are the person
4 in the video that's holding the mop.
5 A Yes. My colleague was holding it.
6 Q All right, so your colleague was holding the
7 mop?
8 A Yes.
9 Q So what did you do at the scene?
10 A When the spill happens, they called for us
11 to come immediately. If we don't have the equipment
12 that we need to clean it, we got to stand there so
13 nobody else -- nobody falls.
14 Q So did you arrive at the scene before the
15 colleague with the mop arrived at the scene?
16 A Yes, I did.
17 Q How long were you at the scene before the
18 colleague with the mop arrived?
19 A Very short. It was couple of minutes.
20 Q Did you make any calls that day?
21 A No, I didn't. They were calling us to come
22 there and stand there.
23 Q And did you bring any equipment with you to
24 the scene?
25 A No, because I don't know if I was in the

1 bathroom or just passing by when I heard that on the
2 radio, so I came there. And maybe the rag was in my
3 hand that I was cleaning the machines with.

4 Q So the colleague that arrived with the mop,
5 do you know his name?

6 A David. I know that his name was David.

7 Q So how long after you arrived at the scene
8 did David arrive?

9 A Very short time.

10 Q What did David do with the mop?

11 A I was standing on the left side next to the
12 pillar and he was standing on the right side of me.

13 Q And so what did he do with the mop?

14 A I don't know if there was a drop of
15 something there. He was looking down to see.

16 Q Did you see him mop the floor?

17 A Yes.

18 Q Did you see him wring out the mop in the
19 pail?

20 A No.

21 Q Did you see that on the video?

22 A Yes.

23 Q Have you ever used a mop at the Venetian to
24 clean up a spill?

25 A Yes. Not that particular one, but another

1 one.

2 Q So in your 20 years, have you only used a
3 mop once on a spill?

4 A If it's soaked, then we wipe it up and then
5 we take a small mop to go over it. For that
6 particular time, it wasn't needed to do that.

7 Q So I'm trying to get the answer.

8 During the 20 years that you've worked at
9 the Venetian, have you only cleaned up one spill with
10 a mop?

11 **THE INTERPRETER:** He still didn't answer
12 your question. He said: People walk around with a
13 cup and they spill. I warn them not to keep spilling
14 it and I go over with them with a rag and I clean it
15 after them.

16 Would you like me to explain?

17 **BY MR. GALLIHER:**

18 Q We'll try a little different. Why is it
19 that you immediately clean up the spill at the
20 Venetian? And I presume you are talking about the
21 marble floor.

22 A Yes, marble floor.

23 Q And is that because the floor becomes
24 dangerous when it's wet?

25 A They're very dangerous. Even one drop.

*Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676*

1 Q So tell me about that. What makes you think
2 it becomes very dangerous with one drop?

3 A The shoes, if it's -- you know, the shoes
4 and contact with the shoes, and the drop of something
5 on marble, it's like ice. You can slip and fall real
6 easy.

7 Q Have you, in your 20 years, ever seen
8 anybody slip and fall on a wet spot at the Venetian on
9 the marble floor?

10 A No, I have not.

11 Q Go back to the question earlier. During
12 your 20 years, on how many occasions have you had to
13 clean up a spill on the marble floor at the Venetian?

14 A It's not every day. When they call us, we
15 go and we clean it up.

16 Q So can you give me your best estimate of,
17 say, how many times a week you would clean up a spill
18 at the Venetian on the marble floor?

19 A Maybe once, maybe not at all. And I'm not
20 the only one.

21 Q And I think we had previous testimony
22 regarding the number of PAD workers that were
23 stationed on the marble floors at the ground floor at
24 the Venetian.

25 Do you know how many there are?

1 A On the marble floor? On the cleaning?

2 Q How many are stationed for the marble floor?

3 A There's six or eight stations in the casino.
4 I'm the only one in my station.

5 Q And how about the other stations? Do you
6 only have one?

7 A We have the first shift, second shift and
8 third shift.

9 Q How many people are stationed in each
10 station?

11 A Just one.

12 Q So on the day of this fall, were you
13 stationed in the restroom?

14 A I think I was. I cannot guarantee.

15 Q How often are you stationed in the restroom
16 as a PAD employee at the Venetian?

17 A I am there nonstop, my eight hours.

18 Q All right. So would it be fair to state
19 that in your time at the Venetian as a PAD employee,
20 you've been principally stationed in the restroom?

21 A Not all the time. We were being shifted
22 around like every three months, six months, but now
23 for a year we've been staying in the same place.

24 Q And when you say you've been staying in the
25 same place, where is that?

1 A Restroom Number 2.

2 Q And Restroom Number 2 is off the marble
3 flooring in the casino?

4 A Yes, it is.

5 Q So you've been stationed solely in Restroom
6 Number 2 over the past year. And did you mention to
7 me that you were in the restroom at the time that you
8 learned about this fall?

9 A Most likely I was working then there, but
10 it's been more than two, two and a half years.

11 Q When you say working then there, you mean
12 working in Restroom Number 2?

13 A Yes.

14 Q So we'll say over the past five years, how
15 would you allocate the time that you spent as a PAD
16 employee at the Venetian in terms of the restroom
17 versus other stations?

18 A We have like a poker room close by that I go
19 and I check two bathrooms there and immediately I go
20 back to my station, and then I go to lunch for one
21 hour and that's all.

22 Q Is that your station for the past five
23 years, you're stationed in Restroom Number 2?

24 A Last one year. I was working in the garage.

25 Q Working in where?

1 A In the garage.

2 Q So how long did you work in the garage?

3 A Six months or three months, you know. It
4 depends.

5 Q And where else have you worked in the
6 Venetian as a PAD employee?

7 A Casino.

8 Q I'm talking about the past five years.

9 A The garage, Las Vegas Boulevard, the casino
10 station and the balconies, casino.

11 Q When you talk about Las Vegas Boulevard,
12 what does that mean?

13 A We have -- towards the Las Vegas Boulevard,
14 if there's anything, or any trash or anything, we have
15 to clean it up.

16 Q Is that outside work?

17 A Yes, it is.

18 Q Okay. So you work outside, you have worked
19 in the garages, you've worked in Restroom Number 2 and
20 then you said you worked in casino stations?

21 A Yes, everywhere. We keep rotating.

22 Q Is that correct in terms of all the
23 locations you've worked at over the past five years?

24 A Yes, it is.

25 Q When you talked about the casino stations,

1 can you tell me where you are positioned when you are
2 working with the casino stations?

3 A Cleaning the machines, carpet, ashtrays for
4 cigarettes, pick up the glasses from the machines, put
5 them away. If there's any spill, we clean it up. If
6 not, not.

7 Q When you talk about spills, sounds like when
8 you were working at the casino you are talking about
9 spills on the carpeted areas.

10 A If someone spills something on the carpet,
11 then you got to stand there and the machine -- they
12 bring the machine to vacuum it and special cleaning so
13 that it's not wet anywhere there.

14 Q So when you work in the casino station,
15 would it be fair to say, when there are spills, the
16 spills happen on carpet?

17 A Yeah. I have to call the supervisor if
18 there is a spill to send the machine over.

19 Q But is it your experience, as a PAD employee
20 in the casino station, that when you clean up the
21 spill or someone cleans up the spill, it's on the
22 carpet?

23 A Yes, it is.

24 Q So let's go back to the scene of this fall.
25 You said you arrived, you were called to the scene.

1 Do you remember who called you?

2 (Crosstalk.)

3 **THE COURT REPORTER:** Wait, wait. Your words
4 are drowning his out.

5 **BY MR. GALLIHER:**

6 Q Yeah. Wait until you finish to interpret.
7 I know what you're trying to do here.

8 A What I said is, Dina or some other
9 supervisor -- but I know it was some other supervisor
10 who called. I didn't remember the name.

11 Q When you arrived at the scene, did you do
12 anything in terms of cleaning up the spill or anything
13 of that nature?

14 A I couldn't clean anything because she was
15 still sitting on the floor.

16 Q So the answer to my question is you didn't
17 do anything to clean up anything that day?

18 A Nothing. We cannot touch it until the
19 person is moved from there.

20 Q And the only person you saw clean it up is
21 David?

22 A David was cleaning it behind her back, but
23 we couldn't see anything there. The mop was kind of
24 dry.

25 Q And so did you actually watch David clean

1 the floor?

2 A Yes, I did.

3 Q So you then saw David take his mop and put
4 it in the bucket and wring it out?

5 A No, no.

6 Q You didn't see that?

7 A No.

8 Q Did you see it on the video?

9 A I think I have seen it, but I can't really
10 recall it.

11 Q What else did you do at the scene other than
12 stand there?

13 A I didn't do anything because I didn't see
14 anything that I needed to do. But there's a
15 possibility that when she's carrying her own glass,
16 that something could have spilled from her own glass.

17 Q And what glass was she carrying?

18 A I think that she was carrying the white
19 plastic glass, from what I've seen on the picture.

20 Q And how is it that you assumed that she was
21 carrying a glass and that's what resulted in water or
22 liquid on the floor?

23 A When she was falling in the picture, she
24 threw away the glass from her hand.

25 Q Did you see the top come off the cup?

1 A No, I didn't. The only way to see it, we
2 looked at the video.

3 Q Did you -- did you see any liquid on the
4 floor after the fall?

5 A I saw some drops from the liquid, I was
6 telling her, but I've seen it on the video as well.

7 Q All right. So you have seen drops of liquid
8 on the floor when you came to the scene of the fall?

9 A Yes, and they were reaching a little bit to
10 the carpet as well.

11 Q All right. So but you don't know where that
12 liquid came from?

13 A It cannot come from anywhere except from
14 her. Yeah, you could see when she was there and the
15 other guests are walking by, if there was a little
16 more of liquid, some other guest could have slipped.

17 Q But do you know whether there was any liquid
18 on the floor before she fell?

19 A You cannot see it because she was on the
20 floor sitting, so you can't see it whether it was or
21 not.

22 Q So the answer to my question is, you don't
23 know whether there was any liquid on the floor before
24 the fall?

25 A That's -- I couldn't have seen anything

1 then.

2 Q All right. I want to make sure we're clear
3 on this.

4 A I am sure on myself.

5 Q All right. So you do not know, as you
6 testify here today, whether there was any liquid on
7 the floor before the fall?

8 A I don't know.

9 Q All right. How long did you remain at the
10 scene?

11 A I didn't stay much there because David was
12 there. I left the scene.

13 Q So did you leave the scene after David
14 arrived?

15 A Yes. He came with a mop and I left.

16 Q So how long after David arrived did you
17 leave?

18 A Very short time.

19 Q Were you there when the EMT security guard
20 arrived?

21 A No, I don't think I was there.

22 Q Did you leave your name with anyone?

23 A No.

24 Q Did anybody contacted you after the date of
25 the fall to get a statement from you?

1 A One time I went to see the -- to view the
2 footage, if I can remember anything, and that was such
3 a long time ago. But no.

4 Q So when did you go review the footage?

5 A Three or four months ago.

6 Q And it was at somewhere other than
7 Mr. Royal's office?

8 A This gentleman wasn't there. It was just a
9 secretary and in the office.

10 Q What office?

11 A This gentleman's office; yes.

12 Q So you went to Mr. Royal's office and you
13 watched the video with the secretary present?

14 A Well, where the secretary is sitting, that's
15 where I --

16 Q But that was at Mr. Royal's office?

17 A Where I was sitting with him, it was a
18 different office.

19 Q Was it the same location?

20 A Same location.

21 Q So apart from the two times you've seen the
22 surveillance video at Mr. Royal's office, have you
23 seen it anywhere else?

24 A No. Just with him at this office and the
25 lady's office.

*Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676*

1 Q Have you told me everything you can remember
2 about the fall and your involvement in it?

3 A Everything.

4 Q Is there anything else that you can recall
5 about the fall that we haven't talked about?

6 A I wouldn't have anything, and I wouldn't
7 want to add anything that I'm not sure of and that I
8 don't know about.

9 Q Have you understood all my questions today?

10 A Yes, yes, I understood questions and my
11 translation.

12 Q And any questions you want me to repeat or
13 rephrase for you?

14 A Not really. What bugs me is when somebody
15 falls and won't move from that spot until security
16 comes so that we can see if there is any water or
17 anything there.

18 Q So what if that person is injured to the
19 point where they were unable to move?

20 A Then they should sit and wait and see who's
21 spilled that, whether it's their spill or somebody
22 else.

23 Q And is that what the lady you saw on the
24 floor did in this case?

25 A She was waiting for security and I left.

1 When people are walking around with a glass
2 in their hand, they are looking around and a lot of
3 times they accidentally, you know, turn the glass and
4 start spilling. So we have to remind them to watch it
5 so that whatever they have, they don't spill around.

6 Q And that's because one drop on a marble
7 floor at the Venetian makes it extremely dangerous?

8 **MR. ROYAL:** Objection, foundation.

9 Go ahead.

10 **THE WITNESS:** Very dangerous.

11 **MR. GALLIHER:** Pass the witness.

12

13 **EXAMINATION**

14 **BY MR. ROYAL:**

15 Q When you reviewed footage of the incident,
16 did you have to leave the Venetian property?

17 A I continued to work after.

18 Q Okay. Today you are at a deposition. Did
19 you drive here?

20 A Yes, I have.

21 Q When you reviewed video either of the times
22 that you referenced in your responses to
23 Mr. Galliher's questions, did you ever have to drive
24 and leave the property?

25 A After I finished work, I drive home.

1 Q Okay. Okay. When you first arrived at the
2 scene -- strike that. You know what? Hold on, strike
3 that.

4 I'm going to show you what has been
5 identified as VEN019, and this is a video and it's at
6 12:39:34.

7 **MR. GALLIHER:** If he's going to commentate,
8 I think we need to know what you're saying.

9 **THE INTERPRETER:** I'm going to come from the
10 left side.

11 **BY MR. ROYAL:**

12 Q So wait for a question. All right. At
13 12:39:34, I'm going to start this. I want you to
14 watch for yourself, okay? I stopped it at three --
15 sorry -- 12:39:36. Can you see yourself?

16 A Yes, right here.

17 Q Is that you in a PAD uniform?

18 A Yes, it is.

19 Q And there's a column to your right in at
20 least what's depicted here?

21 A Yes, it is.

22 Q Do you see a woman on the floor?

23 A Yes.

24 Q As you look at this, does this refresh your
25 memory about anything you've testified to?

1 A Yes, it does.

2 Q In what way?

3 A That when I came, I saw that she was
4 sitting. I was bending my head to look at the spill
5 and I didn't see any at all where I'm looking at.

6 Q Did you look anywhere else in this area for
7 a spill?

8 A That part, the part over there, I couldn't
9 see it.

10 Q Okay.

11 A I'm moving.

12 Q Hold on. I'm going to let it run from that
13 point. I'm going to stop it at 12:39:51.

14 Do you see David?

15 A I think that's David there.

16 Q Okay. And that would be at the top right
17 area of this stopped video?

18 A Yeah.

19 Q Do you see someone else from PAD there?

20 A I think Maria is her name.

21 Q Okay. Do you know Maria's last name?

22 A No. On the last name, I don't.

23 Q I'm going to now run it a little further.
24 I'm going to stop it at 12:39:55.

25 A They took a mop and they started to clean.

1 See how he's bending his head looking for a spill?

2 Q Okay. You are still there at 12:39:53?

3 A Yes, I am.

4 Q 55, I should say.

5 Were you watching David mop at this time?

6 A I was standing there so nobody walks into it
7 to protect the area.

8 Q Okay. Did you see anything on the floor
9 where David was mopping at this particular point, at
10 12:39:55?

11 A We have to check and then go over it just in
12 case there is something.

13 Q Okay. Starting again, okay. I'm going to
14 stop it at 12:40:01. You were just doing something
15 with your foot. Do you recall? I'm going to go
16 backward.

17 A I was showing that there was a little bit
18 there where it had spilled from her glass.

19 Q Okay. So at 12:39:57, I'm going to start
20 it. I want you to watch yourself.

21 A Okay.

22 Q Pointing with your foot. I'll stop it at
23 12:40:01. Do you remember having a conversation with
24 David?

25 A Yeah. What I said was -- and he told me to

1 stand there so that nobody goes into it.

2 Q Okay. Now at 12:40:04, you have now left.

3 A Yes, to my station.

4 Q Okay. Now, David's mop at that point is in
5 the area where you are pointing with your foot
6 earlier.

7 A Yes, it is.

8 Now he's draining it.

9 Q Okay. So at any time, do you specifically
10 recall seeing something on the floor other than the
11 woman sitting?

12 A Not really. The only thing it could be was
13 that there was a little -- a little spill from a glass
14 that would be on the floor.

15 Q What glass do you have -- but did you
16 actually see anything on the floor?

17 A When I came there, only her spill would be
18 from the white coffee or something.

19 Q Did you talk with Maria or David after the
20 incident?

21 A No. We don't talk about that.

22 Q You said you worked in the casino area and
23 there's a lot of carpet. Is there also a marble floor
24 that goes through the casino area?

25 A Marble is usually when you're going towards

1 the exit or to front desk or sports book.

2 Q I see. When you were working Restroom 2, I
3 think you testified that you also do poker the
4 restroom.

5 A Yes. That's the same job that I have.

6 Q Okay. And how far away are the restrooms
7 between the poker rooms and the one by the Grand Lux
8 in the casino area?

9 A Three or four machines, maybe one table, and
10 then I move into poker room about 20 yards, my first
11 room on the right.

12 When I finish with that one, I go further
13 forward on the corner on the left, and then further
14 forward on the right side. I check what I need to do,
15 I have some paper and then I go back.

16 Q I see, okay. In between the two restrooms,
17 as you walk in between, do you have any kind of
18 responsibility?

19 A If I see anything in the way of spill or
20 dirty papers or anything, I'm supposed to take care of
21 it. I need to clean it up.

22 Q In your experience in your 20 years at the
23 Venetian as a PAD employee, what are some of the
24 reasons that you have to use a mop as a PAD employee?

25 A To pick up spill and clean it so

1 everything's okay.

2 Q Do you use a mop in the bathrooms?

3 A Yes.

4 Q Do you only use it in the bathroom if
5 there's a spill, or do you use it for other reasons?

6 A The complete cleaning for the floor and
7 everything.

8 Q In your experience as a Venetian PAD
9 employee, how important is it to you to maintain the
10 floors in the course of your duties?

11 **MR. GALLIHER:** Objection, foundation.

12 But you can answer.

13 **THE WITNESS:** To me, it's the most important
14 because of the company and because of me so that
15 nobody can fall down.

16 **BY MR. ROYAL:**

17 Q All right. And you saw the woman on the
18 floor when you got to the scene?

19 A Yes.

20 Q How many times have you seen that occur in
21 your 20 years?

22 A Maybe I've seen a couple of times. It
23 doesn't happen to all the stations. I can be here and
24 it could happen half of the casino, so I don't go all
25 the way there to look.

1 Q I'm just asking about what you have
2 personally seen.

3 A Personally that I've seen, maybe two times.

4 Q All right. Would this be one of those two
5 times?

6 A I'm including this time as the second time.

7 Q All right. Thank you.

8

9 **FURTHER EXAMINATION**

10 **BY MR. GALLIHER:**

11 Q So let me clarify this. So in the 20 years
12 you've worked at the Venetian as a PAD employee, you
13 have seen two falls on the marble floors with liquid?

14 A That's for sure. Two times, but not more.

15 Q Two times at the most?

16 A From all these 20 years that since I started
17 working.

18 Q And you've never seen or heard of any other
19 falls, other than the two that you've witnessed, of
20 the marble?

21 A Only what I see with my eyes I believe it's
22 true, but not what else you talk about.

23 Q All right. So I want to make sure we're
24 clear. Two falls at the most?

25 A At the most, me personally with my eyes.

1 Q Is the poker room carpeted?

2 A Yes. There's one circle of marble and,
3 yeah, it's a combination. They're like little squares
4 of marble and then carpet and so on, repeated like
5 that.

6 Q How about where the players walk and sit?

7 A That's carpet there.

8 Q And would that also be true of the casino?

9 A Where the machines are, the casino, yes, and
10 tables too.

11 Q So wherever the players walk or sit is
12 carpeted in the casino?

13 A Yes.

14 Q I think you testified earlier that as a PAD
15 employee, you've used a mop on a number of occasions;
16 is that right?

17 A That mop that we use when there's a spill
18 outside of the bathroom. But if it's being used in
19 the bathroom, it's not being used outside of the
20 bathroom.

21 Q I want to make sure we're clear on this. In
22 your 20 years, you've presumed you've used a mop in
23 your 20 years as PAD employee.

24 A If something dirty. There's no people, no
25 spill, I've never used it.

*Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676*

1 Q So let's try this again. In your 20 years
2 as a PAD employee at the Venetian, have you used a mop
3 and a bucket?

4 A I always use it in the bathroom and then if
5 there's a spill outside.

6 Q So on how many occasions would you say
7 you've used your mop and bucket in the last 20 years?

8 A When I'm working in the bathroom, I use it
9 more than five times a day, maybe 10 times a day
10 because of urinary.

11 Q And so when we talk about using it in the
12 bathroom, you've used the mop to clean up liquids?

13 A Yes.

14 Q And then after you clean up the liquids,
15 what do you do with the mop and your bucket?

16 A I wash it in a bucket, I change the water.

17 Q Do you wring out the mop?

18 A Of course.

19 **MR. GALLIHER:** Pass the witness.

20 **THE WITNESS:** I can't allow it if somebody
21 falls, then I carry it on myself.

22

23 **FURTHER EXAMINATION**

24 **BY MR. ROYAL:**

25 Q In the times you've used -- or strike that.

1 Do you also use a mop to clean up scuffs?

2 A Yeah. You have to clean it.

3 Q Have you ever used a mop as a precautionary
4 measure?

5 **MR. GALLIHER:** Objection, vague.

6 You may answer.

7 **THE WITNESS:** If there's anything dirty, any
8 spill, I have to. I cannot leave it dirty anywhere.

9 **BY MR. ROYAL:**

10 Q You don't -- you don't -- when David was
11 using a mop in this case or in this instance, when you
12 arrived at the scene, you didn't see what he was
13 mopping up; correct?

14 A If there was a spill, I guarantee that I
15 would have seen it. If it was a lot of spill, yeah,
16 you would have seen a lot of spill.

17 If they spill a big glass, it would be the
18 size of half of this table, the area.

19 Q Okay. You didn't see -- strike that.

20 Did you see anything that looked like water
21 in the area on the floor when you were there?

22 A No.

23 **MR. ROYAL:** That's it.

24

25 / / / / /

FURTHER EXAMINATION

BY MR. GALLIHER:

Q But a little spot of water at that location would have made that lady fall; right?

MR. ROYAL: Objection, form; calls for speculation.

BY MR. GALLIHER:

Q You may answer.

A Depends on the shoes.

Q So what would make a difference in her shoes?

A Some shoes that are easily -- you slip with.

Q Some shoes that would easily slip on a spot of water?

A One drop you can slip if the shoe is not good.

Q So one drop you can slip on the shoes on the marble floor at the Venetian if the shoe wasn't good?

MR. ROYAL: Objection, foundation.

THE WITNESS: Yes, you could.

BY MR. GALLIHER:

Q So did you look carefully at this lady's shoes?

A No.

Q So you don't know what shoes she was

*Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676*

1 wearing; right?

2 A No, I don't. And I cannot even ask.

3 MR. GALLIHER: Thank you. Nothing further.

4 MR. ROYAL: That's it for me.

5 MR. GALLIHER: All right. Thanks very much,
6 sir.

7 (The deposition concluded at 3:35 p.m.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

*Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676*

1 **REPORTER'S DECLARATION**

2 STATE OF NEVADA)
3)
4 COUNTY OF CLARK)

5 I, Pauline C. May, CCR No. 286, declare as
6 follows:

7 That I reported the taking of the deposition of the
8 witness, **MILAN GRAOVAC**, commencing on Monday,
9 April 22, 2019 at the hour of 2:40 p.m.

10 That prior to being examined, the witness was by me
11 duly sworn to testify to the truth, the whole truth,
12 and nothing but the truth.

13 That I thereafter transcribed said shorthand notes
14 into typewriting and that the typewritten transcript
15 of said deposition is a complete, true and accurate
16 transcription of said shorthand notes taken down at
17 said time, and that a request has not been made to
18 review the transcript.

19 I further declare that I am not a relative or
20 employee of counsel of any party involved in said
21 action, nor a relative or employee of the parties
22 involved in said action, nor a person financially
23 interested in the action.

24 Dated at Las Vegas, Nevada this 30th day of
April, 2019.

25 Pauline C. May
Pauline C. May, CCR 286, RPR

Canyon Court Reporting, Inc.
6655 West Sahara Avenue, Suite B200
Las Vegas, NV 89146 (702) 419-9676

THE GALLIHER LAW FIRM
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
702-735-0049 Fax: 702-735-0204

1 THE GALLIHER LAW FIRM
2 Keith E. Galliher, Jr., Esq.
3 Nevada Bar No. 220
4 Jeffrey L. Galliher, Esq.
5 Nevada Bar No. 8078
6 George J. Kunz, Esq.
7 Nevada Bar No. 12245
8 Kathleen H. Gallagher, Esq.
9 Nevada Bar Number 15043
10 1850 East Sahara Avenue, Suite 107
11 Las Vegas, Nevada 89104
12 Telephone: (702) 735-0049
13 Facsimile: (702) 735-0204
14 kgalliher@galliherlawfirm.com
15 jgalliher@galliherlawfirm.com
16 jkunz@lvlawguy.com
17 kgallagher@galliherlawfirm.com
18 Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

14 JOYCE SEKERA, an Individual,) CASE NO.: A-18-772761-C
15) DEPT. NO.: 25
16 Plaintiff,)
17 v.)
18 VENETIAN CASINO RESORT, LLC,)
19 d/b/a THE VENETIAN LAS VEGAS, a)
20 Nevada Limited Liability Company;)
21 LAS VEGAS SANDS, LLC d/b/a THE)
22 VENETIAN LAS VEGAS, a Nevada)
23 Limited Liability Company; YET)
24 UNKNOWN EMPLOYEE; DOES I)
25 through X, inclusive,)
26 Defendants.)

PLAINTIFF JOYCE SEKERA'S SIXTH SUPPLEMENTAL EARLY CASE CONFERENCE

DISCLOSURE STATEMENT, LIST OF DOCUMENTS AND WITNESSES, AND NRCP

16.1(a)(3) PRE-TRIAL DISCLOSURE

THE GALLIHER LAW FIRM
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
702-735-0049 Fax: 702-735-0204

COMES NOW, JOYCE SEKERA, by and through her attorneys of record, THE GALLIHER LAW FIRM, hereby submits the following Sixth Supplement to the Early Case Conference Disclosure Statement List of Documents and Witnesses and NRCP 16.1(a)(3) Pre-Trial Disclosure, as Plaintiff intends to introduce the following documents and witnesses at the trial of this matter.

NEW ITEMS LISTED IN BOLD.

I

LIST OF WITNESSES

1. Joyce Sekera
c/o The Galliher Law Firm
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104

*Expected to testify regarding the facts and circumstances of the incident, the injuries sustained as a result thereof and the effects those injuries have had on her life.

2. Yet to be identified employees
The Venetian Las Vegas
c/o Royal & Miles LLP
1522 W. Warm Springs Road
Henderson, Nevada 89014

*Expected to testify regarding the facts and circumstances of the incident which occurred on November 4, 2016.

3. Person Most Knowledgeable and/or
Custodian of Records
The Venetian Las Vegas
c/o Royal & Miles LLP
1522 W. Warm Springs Road
Henderson, Nevada 89014

*Expected to testify regarding the facts and circumstances of the incident which occurred on November 4, 2016.

4. Person Most Knowledgeable and/or
Custodian of Records
Centennial Hills Hospital
6900 N. Durango Drive
Las Vegas, Nevada 89149

*The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as any pre and post incident care and treatment of the Plaintiff. They are also expected to testify regarding medical causation of injury and the reasonableness and necessity of medical treatment and

1 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
2 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
3 billing records associated with Plaintiff's care and treatment.

- 4 5. Person Most Knowledgeable and/or
5 Custodian of Records
6 Shadow Emergency Physicians
7 1000 River Road, Suite 100
8 Conshohocken, Pennsylvania 19428

9 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
10 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
11 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
12 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
13 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
14 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
15 billing records associated with Plaintiff's care and treatment.

- 16 6. Person Most Knowledgeable and/or
17 Custodian of Records
18 Desert Radiologists
19 2020 Palomino Lane #100
20 Las Vegas, Nevada 89106

21 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
22 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
23 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
24 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
25 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
26 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
27 billing records associated with Plaintiff's care and treatment.

- 28 7. Jordan B. Webber D.C.
Person Most Knowledgeable and/or
Custodian of Records
Desert Chiropractic & Rehab/Core Rehab
10620 Southern Highlands Parkway, Suite 110-329
Las Vegas, Nevada 89141

*It is expected that Dr. Webber will testify as a non-retained expert in his capacity as medical
physicians who provided medical care to Plaintiff, following the subject incident. Dr. Webber is
expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
rendered, the causation of the necessity for past and future medical treatment, his expert opinion as
to past and future restrictions of activities, including work activities, caused by the incident. His
opinions shall include the cost of past and future medical care and whether those medical costs fall
within the ordinary and customary charges for similar medical care and treatment. His testimony
may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
work capacity, and/or life expectancy as a result of the incident.

In rendering his expert opinions he will rely upon the records of all physicians, health care
providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his

1 respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
2 reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges
3 for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
4 medical community.

5 He will render expert opinions that all of the past and future medical care provided to
6 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
7 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
8 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
9 life expectancy and a diminished life expectancy. The basis for Dr. Webber's opinions include, but
10 are not limited to, his education, training, and experience, the nature of the trauma Plaintiff was
11 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
12 tests that were performed, his review of Plaintiff's medical records. In addition, Dr. Webber will
13 testify as a rebuttal expert to any medically designated defense experts in which he is qualified.

14 8. Person Most Knowledgeable and/or
15 Custodian of Records
16 Las Vegas Radiology
17 3201 S. Maryland Parkway, Suite 102
18 Las Vegas, Nevada 89109

19 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
20 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
21 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
22 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
23 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
24 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
25 billing records associated with Plaintiff's care and treatment.

26 9. Michelle Hyla, D.O.
27 Person Most Knowledgeable and/or
28 Custodian of Records
Southern Nevada Medical Group
1485 E. Flamingo Road
Las Vegas, Nevada 89119

*It is expected that Dr. Hyla will testify as a non-retained expert in her capacity as medical
physicians who provided medical care to Plaintiff, following the subject incident. Dr. Hyla is
expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
rendered, the causation of the necessity for past and future medical treatment, her expert opinion as
to past and future restrictions of activities, including work activities, caused by the incident. Her
opinions shall include the cost of past and future medical care and whether those medical costs fall
within the ordinary and customary charges for similar medical care and treatment. Her testimony
may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
work capacity, and/or life expectancy as a result of the incident.

In rendering her expert opinions she will rely upon the records of all physicians, health care
providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and her
respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges

1 for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
2 medical community.

3 She will render expert opinions that all of the past and future medical care provided to
4 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
5 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
6 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
7 life expectancy and a diminished life expectancy. The basis for Dr. Hyla's opinions include, but are
8 not limited to, her education, training, and experience, the nature of the trauma Plaintiff was
9 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
10 tests that were performed, her review of Plaintiff's medical records. In addition, Dr. Hyla will testify
11 as a rebuttal expert to any medically designated defense experts in which she is qualified.

12 10. Russell J. Shah, M.D.
13 Person Most Knowledgeable and/or
14 Custodian of Records
15 Radar Medical Group
16 10624 S. Eastern Avenue, #A-425
17 Henderson, Nevada 89052

18 *It is expected that Dr. Shah will testify as a non-retained expert in his capacity as medical
19 physicians who provided medical care to Plaintiff, following the subject incident. Dr. Shah is
20 expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
21 rendered, the causation of the necessity for past and future medical treatment, his expert opinion as
22 to past and future restrictions of activities, including work activities, caused by the incident. His
23 opinions shall include the cost of past and future medical care and whether those medical costs fall
24 within the ordinary and customary charges for similar medical care and treatment. His testimony
25 may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
26 work capacity, and/or life expectancy as a result of the incident.

27 In rendering his expert opinions he will rely upon the records of all physicians, health care
28 providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his
29 respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
30 reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges
31 for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
32 medical community.

33 He will render expert opinions that all of the past and future medical care provided to
34 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
35 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
36 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
37 life expectancy and a diminished life expectancy. The basis for Dr. Shah's opinions include, but are
38 not limited to, his education, training, and experience, the nature of the trauma Plaintiff was
39 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
40 tests that were performed, his review of Plaintiff's medical records. In addition, Dr. Shah will testify
41 as a rebuttal expert to any medically designated defense experts in which he is qualified.

42 11. Person Most Knowledgeable and/or
43 Custodian of Records
44 PayLater/WellCare Pharmacy
45 P.O. Box 1200

Las Vegas, Nevada 89125

*The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as any pre and post incident care and treatment of the Plaintiff. They are also expected to testify regarding medical causation of injury and the reasonableness and necessity of medical treatment and billing. They will also testify regarding future medical treatment and future medical expenses, if any. Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and billing records associated with Plaintiff's care and treatment.

12. Person Most Knowledgeable and/or
Custodian of Records
Las Vegas Pharmacy
2600 W. Sahara Avenue, Suite 120
Las Vegas, Nevada 89102

*The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as any pre and post incident care and treatment of the Plaintiff. They are also expected to testify regarding medical causation of injury and the reasonableness and necessity of medical treatment and billing. They will also testify regarding future medical treatment and future medical expenses, if any. Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and billing records associated with Plaintiff's care and treatment.

13. Katherine D. Travnick, M.D.
Person Most Knowledgeable and/or
Custodian of Records
Pain Institute of Nevada
7435 W. Azure Drive, Suite 190
Las Vegas, Nevada 89130

*It is expected that Dr. Travnick will testify as a non-retained expert in her capacity as medical physicians who provided medical care to Plaintiff, following the subject incident. Dr. Travnick is expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment rendered, the causation of the necessity for past and future medical treatment, her expert opinion as to past and future restrictions of activities, including work activities, caused by the incident. Her opinions shall include the cost of past and future medical care and whether those medical costs fall within the ordinary and customary charges for similar medical care and treatment. Her testimony may also include expert opinions as to whether Plaintiff has a diminished work life expectancy, work capacity, and/or life expectancy as a result of the incident.

In rendering her expert opinions she will rely upon the records of all physicians, health care providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and her respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges for Plaintiff's past medical care as being customary for physicians and/or health care providers in the medical community.

She will render expert opinions that all of the past and future medical care provided to Plaintiff was reasonable and necessary, that the need for said care was caused by the subject incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work

1 life expectancy and a diminished life expectancy. The basis for Dr. Travnick's opinions include,
2 but are not limited to, her education, training, and experience, the nature of the trauma Plaintiff was
3 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
4 tests that were performed, her review of Plaintiff's medical records. In addition, Dr. Travnick will
5 testify as a rebuttal expert to any medically designated defense experts in which she is qualified.

6 14. Person Most Knowledgeable and/or
7 Custodian of Records
8 Valley View Surgery Center
9 1330 S. Valley View Blvd.
10 Las Vegas, Nevada 89102

11 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
12 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
13 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
14 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
15 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
16 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
17 billing records associated with Plaintiff's care and treatment.

18 15. Person Most Knowledgeable and/or
19 Custodian of Records
20 Steinberg Diagnostics
21 P.O. Box 36900
22 Las Vegas, Nevada 89133

23 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
24 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
25 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
26 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
27 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
28 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
billing records associated with Plaintiff's care and treatment.

16. Andrew Cash, M.D.
Person Most Knowledgeable and/or
Custodian of Records
Desert Institute of Spine Care
9339 W. Sunset Road, Suite 100
Las Vegas, Nevada 89148

*It is expected that Dr. Cash will testify as a non-retained expert in his capacity as medical
physicians who provided medical care to Plaintiff, following the subject incident. Dr. Cash is
expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
rendered, the causation of the necessity for past and future medical treatment, his expert opinion as
to past and future restrictions of activities, including work activities, caused by the incident. His
opinions shall include the cost of past and future medical care and whether those medical costs fall
within the ordinary and customary charges for similar medical care and treatment. His testimony
may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
work capacity, and/or life expectancy as a result of the incident.

1 In rendering his expert opinions he will rely upon the records of all physicians, health care
2 providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his
3 respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
4 reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges
for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
medical community.

5 He will render expert opinions that all of the past and future medical care provided to
6 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
7 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
8 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
9 life expectancy and a diminished life expectancy. The basis for Dr. Cash's opinions include, but are
not limited to, his education, training, and experience, the nature of the trauma Plaintiff was
subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
tests that were performed, his review of Plaintiff's medical records. In addition, Dr. Cash will testify
as a rebuttal expert to any medically designated defense experts in which he is qualified.

10 17. William D. Smith, M.D.

11 Person Most Knowledgeable and/or

12 Custodian of Records

13 Western Regional Center for Brain & Spine

3061 S. Maryland Parkway, Suite 200

Las Vegas, Nevada 89109

14 *It is expected that Dr. Cash will testify as a non-retained expert in his capacity as medical
15 physicians who provided medical care to Plaintiff, following the subject incident. Dr. Cash is
16 expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
17 rendered, the causation of the necessity for past and future medical treatment, his expert opinion as
18 to past and future restrictions of activities, including work activities, caused by the incident. His
19 opinions shall include the cost of past and future medical care and whether those medical costs fall
20 within the ordinary and customary charges for similar medical care and treatment. His testimony
21 may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
22 work capacity, and/or life expectancy as a result of the incident.

23 In rendering his expert opinions he will rely upon the records of all physicians, health care
24 providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his
25 respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
26 reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges
27 for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
28 medical community.

He will render expert opinions that all of the past and future medical care provided to
Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
life expectancy and a diminished life expectancy. The basis for Dr. Cash's opinions include, but are
not limited to, his education, training, and experience, the nature of the trauma Plaintiff was
subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
tests that were performed, his review of Plaintiff's medical records. In addition, Dr. Cash will testify
as a rebuttal expert to any medically designated defense experts in which he is qualified.

18. Marissa Freeman
8929 Monte Oro Drive
Las Vegas, Nevada 89131

*Expected to testify as to the Plaintiffs physical condition before and after the incident which occurred on November 4, 2016.

19. Brian Freeman
8929 Monte Oro Drive
Las Vegas, Nevada 89131

*Expected to testify as to the Plaintiffs physical condition before and after the incident which occurred on November 4, 2016.

20. Carole Divito
7840 Nesting Pine Place
Las Vegas, Nevada 89143

*Expected to testify as to the Plaintiffs physical condition before and after the incident which occurred on November 4, 2016.

21. David Elliott, P.E.
2125 Marsh Tern Court
N. Las Vegas, Nevada 89084

*Expected to testify regarding his employment by the Venetian to achieve an aesthetically pleasing flooring material that met a .5 wet coefficient of friction and his advice and recommendations to the Venetian concerning the use of ceramic tile instead of marble as a floor surface at the Venetian.

22. Any and all witnesses named by the Defendant.

II

COMPUTATION OF DAMAGES

| | |
|--------------------------------|-------------|
| 1. Centennial Hills Hospital | \$4,454.00 |
| 2. Shadow Emergency Physicians | \$1,272.00 |
| 3. Desert Radiologists | \$77.00 |
| 4. Dr. Webber | \$10,756.00 |
| 5. Las Vegas Radiology | \$848.00 |

| | |
|--|----------------------------|
| 6. Dr. Hyla | \$1,975.00 |
| 7. Dr. Shah | \$17,613.50 |
| 8. PayLater/WellCare Pharmacy | \$282.33 |
| 9. Las Vegas Pharmacy | \$1,090.93 |
| 10. Dr. Travnicek | \$16,000.00 |
| 11. Valley View Surgery Center | \$15,489.48 |
| 12. Steinberg Diagnostics | \$1,400.00 |
| 13. Dr. Cash | \$1,750.00 |
| 14. Dr. Smith | \$1,675.00 |
| 15. Wage loss and loss of earning capacity | (To be determined) |
| 16. Past and future pain and suffering | \$350,000.00 (estimated) |
| 17. Future lower back surgery with Dr. Smith and Rhizotomies from Dr. Travnicek | \$1,500,000.00 (estimated) |

III

LIST OF DOCUMENTS

1. Records and billing from Centennial Hills Hospital (Bates #JS001 to 074)
2. Billing from Shadow Emergency Services (Bates #JS075 to 076)
3. Records and billing from Desert Radiologists (Bates #JS077 to 082)
4. Records and billing from Dr. Webber (Bates #JS083 to 243)
5. Records and billing from Las Vegas Radiology (Bates #JS244 to 262)
6. Records and billing from Dr. Hyla (Bates #JS263 to 303)
7. Records and billing from Dr. Shah (Bates #JS304 to 378)
8. Billing from PayLater Pharmacy (Bates #JS379)
9. Billing from Las Vegas Pharmacy (Bates #JS380 to 381)

10. Records and billing from Dr. Travnicek (Bates #JS382 to 475)
11. Records and billing from Valley View Surgery Center (Bates #JS476 to 601)
12. Records and billing from Steinberg Diagnostics (Bates #JS602 to 608)
13. Records and billing from Dr. Cash (Bates #JS609 to 658)
14. Records from Dr. Smith (Bates #JS659 to 661)
15. Wage loss document (Bates #JS662)

Second Supplement

16. Records and billing from Dr. Smith (Bates #JS663 to 847)
17. Tax returns from 2016 (Bates #JS848 to 864)

Third Supplement

18. Certificate of Custodian of Medical Records from Dr. Smith (Bates #JS865)
19. Records from Dr. Travnicek (Bates #JS866 to 868)

Fourth Supplement

20. Records from Core Rehab (Bates #JS869 to 938)

Fifth Supplement

21. Records and billing from Dr. Smith (Bates #JS939 to 945)
22. Any and all documents disclosed by the Defendants.

IV

DEMONSTRATIVE EXHIBITS

Plaintiffs may offer at trial, certain Exhibits for demonstrative purposes including, but not limited to, the following:

- a. Actual surgical hardware, plates screws, surgical tools, and surgical equipment as used in Plaintiff's medical treatment and anticipated to be used in future treatment;
- b. Demonstrative and actual photographs and videos of surgical procedures and other diagnostic tests Plaintiff has undergone and will undergo in the future;

- c. Actual diagnostic studies and computer digitized diagnostic studies;
- d. Samples of tools used in surgical procedures;
- e. Diagrams, drawings, pictures, photos, film, video, DVD and CD ROM of various parts of the human body, diagnostic tests and surgical procedures;
- f. Computer simulation, finite element analysis, mabymo and similar forms of computer visualization;
- g. Power point images/drawings/diagrams/animations/story boards, of the related vehicles involved, the parties involved, the location of the motor vehicle accident and what occurred in the motor vehicle accident;
- h. Pictures of Plaintiff's Prior and Subsequent to the Subject accident;
- i. Surgical Timeline;
- j. Medical treatment timeline;
- k. Future Medical timeline;
- l. Charts depicting Plaintiff's Life Care Plans;
- m. Charts depicting Plaintiff's Loss of Hedonic Damages;
- n. Charts depicting Plaintiff's Loss of Household Services;
- o. Photographs of Plaintiff's Witnesses;
- p. Charts depicting Plaintiff's Life Expectancy;
- q. Story boards and computer digitized power point images;
- r. Blow-ups/transparencies/digitized images of medical records, medical bills, photographs and other exhibits;
- s. Diagrams/story boards/computer re-enactment of motor vehicle accident;
- t. Diagrams of various parts of the human body related to Plaintiff's injuries;


THE GALLIHER LAW FIRM
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
702-735-0049 Fax: 702-735-0204

- u. Photographs of various parts of the human body related to Plaintiff's injuries;
- v. Models of the human body related to Plaintiff's injuries;
- w. Samples of a spinal cord stimulator and leads;
- x. Sample of an intrathecal drug delivery system and leads;
- y. Samples of the needles and surgical tools used in Plaintiff's various diagnostic and therapeutic pain management procedures

Plaintiff reserves the right to supplement these disclosures with any and all other relevant information and documents and records that come into her possession during discovery.

DATED this 12th day of June, 2019

THE GALLIHER LAW FIRM



Keith E. Galliher, Jr., Esq.
Nevada Bar Number 220
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
Attorneys for Plaintiff

THE GALLIHER LAW FIRM
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
702-735-0049 Fax: 702-735-0204

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of THE GALLIHER LAW FIRM and that service of a true and correct copy of the above and foregoing **SIXTH SUPPLEMENTAL EARLY CASE CONFERENCE DISCLOSURE STATEMENT** was served on the 17th day of June, 2019, to the following addressed parties by:

☐ First Class Mail, postage prepaid from Las Vegas, Nevada pursuant to N.R.C.P 5(b)

☐ Facsimile, pursuant to EDCR 7.26 (as amended)

☒ Electronic Mail/Electronic Transmission

☐ Hand Delivered to the addressee(s) indicated

☐ Receipt of Copy on this _____ day of _____, 2019,

acknowledged by, _____

Michael A. Royal, Esq.
Gregory A. Miles, Esq.
ROYAL & MILES LLP
1522 W. Warm Springs Road
Henderson, Nevada 89014
Attorneys for Defendants



An employee of THE GALLIHER LAW FIRM

THE GALLIHER LAW FIRM
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
702-735-0049 Fax: 702-735-0204

THE GALLIHER LAW FIRM
Keith E. Galliher, Jr., Esq.
Nevada Bar No. 220
Jeffrey L. Galliher, Esq.
Nevada Bar No. 8078
George J. Kunz, Esq.
Nevada Bar No. 12245
Kathleen H. Gallagher, Esq.
Nevada Bar Number 15043
1850 East Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
Telephone: (702) 735-0049
Facsimile: (702) 735-0204
kgalliher@galliherlawfirm.com
jgalliher@galliherlawfirm.com
gkunz@lvlawguy.com
kgallagher@galliherlawfirm.com
Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

| | | |
|-----------------------------------|---|-------------------------|
| JOYCE SEKERA, an Individual, |) | CASE NO.: A-18-772761-C |
| |) | DEPT. NO.: 25 |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| 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. |) | |

PLAINTIFF JOYCE SEKERA'S SEVENTH SUPPLEMENTAL EARLY CASE
CONFERENCE DISCLOSURE STATEMENT, LIST OF DOCUMENTS AND WITNESSES.
AND NRCP 16.1(a)(3) PRE-TRIAL DISCLOSURE

COMES NOW, JOYCE SEKERA, by and through her attorneys of record, THE GALLIHER LAW FIRM, hereby submits the following Seventh Supplement to the Early Case Conference Disclosure Statement List of Documents and Witnesses and NRCP 16.1(a)(3) Pre-Trial Disclosure, as Plaintiff intends to introduce the following documents and witnesses at the trial of this matter.

NEW ITEMS LISTED IN BOLD.

I

LIST OF WITNESSES

1. Joyce Sekera
c/o The Galliher Law Firm
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104

*Expected to testify regarding the facts and circumstances of the incident, the injuries sustained as a result thereof and the effects those injuries have had on her life.

2. Yet to be identified employees
The Venetian Las Vegas
c/o Royal & Miles LLP
1522 W. Warm Springs Road
Henderson, Nevada 89014

*Expected to testify regarding the facts and circumstances of the incident which occurred on November 4, 2016.

3. Person Most Knowledgeable and/or
Custodian of Records
The Venetian Las Vegas
c/o Royal & Miles LLP
1522 W. Warm Springs Road
Henderson, Nevada 89014

*Expected to testify regarding the facts and circumstances of the incident which occurred on November 4, 2016.

4. Person Most Knowledgeable and/or
Custodian of Records
Centennial Hills Hospital
6900 N. Durango Drive
Las Vegas, Nevada 89149

*The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as any pre and post incident care and treatment of the Plaintiff. They are also expected to testify regarding medical causation of injury and the reasonableness and necessity of medical treatment and

1 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
2 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
3 billing records associated with Plaintiff's care and treatment.

- 3 5. Person Most Knowledgeable and/or
4 Custodian of Records
5 Shadow Emergency Physicians
6 1000 River Road, Suite 100
7 Conshohocken, Pennsylvania 19428

8 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
9 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
10 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
11 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
12 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
13 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
14 billing records associated with Plaintiff's care and treatment.

- 11 6. Person Most Knowledgeable and/or
12 Custodian of Records
13 Desert Radiologists
14 2020 Palomino Lane #100
15 Las Vegas, Nevada 89106

16 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
17 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
18 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
19 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
20 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
21 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
22 billing records associated with Plaintiff's care and treatment.

- 18 7. Jordan B. Webber D.C.
19 Person Most Knowledgeable and/or
20 Custodian of Records
21 Desert Chiropractic & Rehab/Core Rehab
22 10620 Southern Highlands Parkway, Suite 110-329
23 Las Vegas, Nevada 89141

24 *It is expected that Dr. Webber will testify as a non-retained expert in his capacity as medical
25 physicians who provided medical care to Plaintiff, following the subject incident. Dr. Webber is
26 expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
27 rendered, the causation of the necessity for past and future medical treatment, his expert opinion as
28 to past and future restrictions of activities, including work activities, caused by the incident. His
29 opinions shall include the cost of past and future medical care and whether those medical costs fall
30 within the ordinary and customary charges for similar medical care and treatment. His testimony
31 may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
32 work capacity, and/or life expectancy as a result of the incident.

33 In rendering his expert opinions he will rely upon the records of all physicians, health care
34 providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his

1 respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
2 reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges
3 for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
4 medical community.

5 He will render expert opinions that all of the past and future medical care provided to
6 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
7 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
8 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
9 life expectancy and a diminished life expectancy. The basis for Dr. Webber's opinions include, but
10 are not limited to, his education, training, and experience, the nature of the trauma Plaintiff was
11 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
12 tests that were performed, his review of Plaintiff's medical records. In addition, Dr. Webber will
13 testify as a rebuttal expert to any medically designated defense experts in which he is qualified.

14 8. Person Most Knowledgeable and/or
15 Custodian of Records
16 Las Vegas Radiology
17 3201 S. Maryland Parkway, Suite 102
18 Las Vegas, Nevada 89109

19 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
20 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
21 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
22 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
23 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
24 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
25 billing records associated with Plaintiff's care and treatment.

26 9. Michelle Hyla, D.O.
27 Person Most Knowledgeable and/or
28 Custodian of Records
29 Southern Nevada Medical Group
30 1485 E. Flamingo Road
31 Las Vegas, Nevada 89119

32 *It is expected that Dr. Hyla will testify as a non-retained expert in her capacity as medical
33 physicians who provided medical care to Plaintiff, following the subject incident. Dr. Hyla is
34 expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
35 rendered, the causation of the necessity for past and future medical treatment, her expert opinion as
36 to past and future restrictions of activities, including work activities, caused by the incident. Her
37 opinions shall include the cost of past and future medical care and whether those medical costs fall
38 within the ordinary and customary charges for similar medical care and treatment. Her testimony
39 may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
40 work capacity, and/or life expectancy as a result of the incident.

41 In rendering her expert opinions she will rely upon the records of all physicians, health care
42 providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and her
43 respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
44 reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges

1 for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
2 medical community.

3 She will render expert opinions that all of the past and future medical care provided to
4 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
5 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
6 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
7 life expectancy and a diminished life expectancy. The basis for Dr. Hyla's opinions include, but are
8 not limited to, her education, training, and experience, the nature of the trauma Plaintiff was
9 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
10 tests that were performed, her review of Plaintiff's medical records. In addition, Dr. Hyla will testify
11 as a rebuttal expert to any medically designated defense experts in which she is qualified.

12 10. Russell J. Shah, M.D.

13 Person Most Knowledgeable and/or
14 Custodian of Records
15 Radar Medical Group
16 10624 S. Eastern Avenue, #A-425
17 Henderson, Nevada 89052

18 *It is expected that Dr. Shah will testify as a non-retained expert in his capacity as medical
19 physicians who provided medical care to Plaintiff, following the subject incident. Dr. Shah is
20 expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
21 rendered, the causation of the necessity for past and future medical treatment, his expert opinion as
22 to past and future restrictions of activities, including work activities, caused by the incident. His
23 opinions shall include the cost of past and future medical care and whether those medical costs fall
24 within the ordinary and customary charges for similar medical care and treatment. His testimony
25 may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
26 work capacity, and/or life expectancy as a result of the incident.

27 In rendering his expert opinions he will rely upon the records of all physicians, health care
28 providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his
29 respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
30 reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges
31 for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
32 medical community.

33 He will render expert opinions that all of the past and future medical care provided to
34 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
35 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
36 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
37 life expectancy and a diminished life expectancy. The basis for Dr. Shah's opinions include, but are
38 not limited to, his education, training, and experience, the nature of the trauma Plaintiff was
39 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
40 tests that were performed, his review of Plaintiff's medical records. In addition, Dr. Shah will testify
41 as a rebuttal expert to any medically designated defense experts in which he is qualified.

42 11. Person Most Knowledgeable and/or

43 Custodian of Records
44 PayLater/WellCare Pharmacy
45 P.O. Box 1200

1 Las Vegas, Nevada 89125

2 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
3 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
4 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
5 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
6 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
7 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
8 billing records associated with Plaintiff's care and treatment.

9 12. Person Most Knowledgeable and/or
10 Custodian of Records
11 Las Vegas Pharmacy
12 2600 W. Sahara Avenue, Suite 120
13 Las Vegas, Nevada 89102

14 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
15 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
16 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
17 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
18 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
19 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
20 billing records associated with Plaintiff's care and treatment.

21 13. Katherine D. Travnick, M.D.
22 Person Most Knowledgeable and/or
23 Custodian of Records
24 Pain Institute of Nevada
25 7435 W. Azure Drive, Suite 190
26 Las Vegas, Nevada 89130

27 *It is expected that Dr. Travnick will testify as a non-retained expert in her capacity as medical
28 physicians who provided medical care to Plaintiff, following the subject incident. Dr. Travnick is
expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
rendered, the causation of the necessity for past and future medical treatment, her expert opinion as
to past and future restrictions of activities, including work activities, caused by the incident. Her
opinions shall include the cost of past and future medical care and whether those medical costs fall
within the ordinary and customary charges for similar medical care and treatment. Her testimony
may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
work capacity, and/or life expectancy as a result of the incident.

In rendering her expert opinions she will rely upon the records of all physicians, health care
providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and her
respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges
for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
medical community.

She will render expert opinions that all of the past and future medical care provided to
Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work

1 life expectancy and a diminished life expectancy. The basis for Dr. Travnick's opinions include,
2 but are not limited to, her education, training, and experience, the nature of the trauma Plaintiff was
3 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
4 tests that were performed, her review of Plaintiff's medical records. In addition, Dr. Travnick will
5 testify as a rebuttal expert to any medically designated defense experts in which she is qualified.

6 14. Person Most Knowledgeable and/or
7 Custodian of Records
8 Valley View Surgery Center
9 1330 S. Valley View Blvd.
10 Las Vegas, Nevada 89102

11 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
12 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
13 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
14 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
15 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
16 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
17 billing records associated with Plaintiff's care and treatment.

18 15. Person Most Knowledgeable and/or
19 Custodian of Records
20 Steinberg Diagnostics
21 P.O. Box 36900
22 Las Vegas, Nevada 89133

23 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
24 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
25 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
26 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
27 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
28 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
billing records associated with Plaintiff's care and treatment.

16. Andrew Cash, M.D.
Person Most Knowledgeable and/or
Custodian of Records
Desert Institute of Spine Care
9339 W. Sunset Road, Suite 100
Las Vegas, Nevada 89148

*It is expected that Dr. Cash will testify as a non-retained expert in his capacity as medical
physicians who provided medical care to Plaintiff, following the subject incident. Dr. Cash is
expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
rendered, the causation of the necessity for past and future medical treatment, his expert opinion as
to past and future restrictions of activities, including work activities, caused by the incident. His
opinions shall include the cost of past and future medical care and whether those medical costs fall
within the ordinary and customary charges for similar medical care and treatment. His testimony
may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
work capacity, and/or life expectancy as a result of the incident.

1 In rendering his expert opinions he will rely upon the records of all physicians, health care
2 providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his
3 respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
4 reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges
for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
medical community.

5 He will render expert opinions that all of the past and future medical care provided to
6 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
7 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
8 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
9 life expectancy and a diminished life expectancy. The basis for Dr. Cash's opinions include, but are
not limited to, his education, training, and experience, the nature of the trauma Plaintiff was
subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
tests that were performed, his review of Plaintiff's medical records. In addition, Dr. Cash will testify
as a rebuttal expert to any medically designated defense experts in which he is qualified.

10 17. Willian D. Smith, M.D.

11 Person Most Knowledgeable and/or
12 Custodian of Records

13 Western Regional Center for Brain & Spine
3061 S. Maryland Parkway, Suite 200
Las Vegas, Nevada 89109

14 *It is expected that Dr. Cash will testify as a non-retained expert in his capacity as medical
15 physicians who provided medical care to Plaintiff, following the subject incident. Dr. Cash is
16 expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
17 rendered, the causation of the necessity for past and future medical treatment, his expert opinion as
18 to past and future restrictions of activities, including work activities, caused by the incident. His
opinions shall include the cost of past and future medical care and whether those medical costs fall
within the ordinary and customary charges for similar medical care and treatment. His testimony
may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
work capacity, and/or life expectancy as a result of the incident.

19 In rendering his expert opinions he will rely upon the records of all physicians, health care
20 providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his
21 respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
22 reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges
for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
medical community.

23 He will render expert opinions that all of the past and future medical care provided to
24 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
25 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
26 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
27 life expectancy and a diminished life expectancy. The basis for Dr. Cash's opinions include, but are
not limited to, his education, training, and experience, the nature of the trauma Plaintiff was
subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
tests that were performed, his review of Plaintiff's medical records. In addition, Dr. Cash will testify
as a rebuttal expert to any medically designated defense experts in which he is qualified.

18. Marissa Freeman
8929 Monte Oro Drive
Las Vegas, Nevada 89131

*Expected to testify as to the Plaintiffs physical condition before and after the incident which occurred on November 4, 2016.

19. Brian Freeman
8929 Monte Oro Drive
Las Vegas, Nevada 89131

*Expected to testify as to the Plaintiffs physical condition before and after the incident which occurred on November 4, 2016.

20. Carole Divito
7840 Nesting Pine Place
Las Vegas, Nevada 89143

*Expected to testify as to the Plaintiffs physical condition before and after the incident which occurred on November 4, 2016.

21. David Elliott, P.E.
2125 Marsh Tern Court
N. Las Vegas, Nevada 89084

*Expected to testify regarding his employment by the Venetian to achieve an aesthetically pleasing flooring material that met a .5 wet coefficient of friction and his advice and recommendations to the Venetian concerning the use of ceramic tile instead of marble as a floor surface at the Venetian.

22. Any and all witnesses named by the Defendant.

II

COMPUTATION OF DAMAGES

| | |
|--------------------------------|-------------|
| 1. Centennial Hills Hospital | \$4,454.00 |
| 2. Shadow Emergency Physicians | \$1,272.00 |
| 3. Desert Radiologists | \$77.00 |
| 4. Dr. Webber | \$10,756.00 |
| 5. Las Vegas Radiology | \$848.00 |
| 6. Dr. Hyla | \$1,975.00 |

| | | |
|----|--|--------------------------|
| 1 | 7. Dr. Shah | \$17,613.50 |
| 2 | 8. PayLater/WellCare Pharmacy | \$282.33 |
| 3 | 9. Las Vegas Pharmacy | \$1,090.93 |
| 4 | 10. Dr. Travnicek | \$16,000.00 |
| 5 | 11. Valley View Surgery Center | \$15,489.48 |
| 6 | 12. Steinberg Diagnostics | \$1,400.00 |
| 7 | 13. Dr. Cash | \$1,750.00 |
| 8 | 14. Dr. Smith | \$1,675.00 |
| 9 | 15. Wage loss and loss of earning capacity | (To be determined) |
| 10 | 16. Past and future pain and suffering | \$350,000.00 (estimated) |
| 11 | 17. Future lower back surgery with Dr. Smith | \$350,000.00 (estimated) |
| 12 | 18. Future Rhizotomies from Dr. Travnicek | \$297,900.00 (estimated) |

III

LIST OF DOCUMENTS

1. Records and billing from Centennial Hills Hospital (Bates #JS001 to 074)
2. Billing from Shadow Emergency Services (Bates #JS075 to 076)
3. Records and billing from Desert Radiologists (Bates #JS077 to 082)
4. Records and billing from Dr. Webber (Bates #JS083 to 243)
5. Records and billing from Las Vegas Radiology (Bates #JS244 to 262)
6. Records and billing from Dr. Hyla (Bates #JS263 to 303)
7. Records and billing from Dr. Shah (Bates #JS304 to 378)
8. Billing from PayLater Pharmacy (Bates #JS379)
9. Billing from Las Vegas Pharmacy (Bates #JS380 to 381)
10. Records and billing from Dr. Travnicek (Bates #JS382 to 475)

11. Records and billing from Valley View Surgery Center (Bates #JS476 to 601)

12. Records and billing from Steinberg Diagnostics (Bates #JS602 to 608)

13. Records and billing from Dr. Cash (Bates #JS609 to 658)

14. Records from Dr. Smith (Bates #JS659 to 661)

15. Wage loss document (Bates #JS662)

Second Supplement

16. Records and billing from Dr. Smith (Bates #JS663 to 847)

17. Tax returns from 2016 (Bates #JS848 to 864)

Third Supplement

18. Certificate of Custodian of Medical Records from Dr. Smith (Bates #JS865)

19. Records from Dr. Travnicek (Bates #JS866 to 868)

Fourth Supplement

20. Records from Core Rehab (Bates #JS869 to 938)

Fifth Supplement

21. Records and billing from Dr. Smith (Bates #JS939 to 945)

Seventh Supplement

22. Records from Dr. Travnicek (Bates #JS946 to 949)

23. Supplemental report from Dr. Travnicek (Bates #JS950)

24. Any and all documents disclosed by the Defendants.

IV

DEMONSTRATIVE EXHIBITS

Plaintiffs may offer at trial, certain Exhibits for demonstrative purposes including, but not limited to, the following:

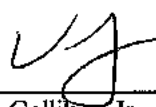
- a. Actual surgical hardware, plates screws, surgical tools, and surgical equipment as used in Plaintiff's medical treatment and anticipated to be used in future treatment;
- b. Demonstrative and actual photographs and videos of surgical procedures and other diagnostic tests Plaintiff has undergone and will undergo in the future;
- c. Actual diagnostic studies and computer digitized diagnostic studies;
- d. Samples of tools used in surgical procedures;
- e. Diagrams, drawings, pictures, photos, film, video, DVD and CD ROM of various parts of the human body, diagnostic tests and surgical procedures;
- f. Computer simulation, finite element analysis, mabymo and similar forms of computer visualization;
- g. Power point images/drawings/diagrams/animations/story boards, of the related vehicles involved, the parties involved, the location of the motor vehicle accident and what occurred in the motor vehicle accident;
- h. Pictures of Plaintiff's Prior and Subsequent to the Subject accident;
- i. Surgical Timeline;
- j. Medical treatment timeline;
- k. Future Medical timeline;
- l. Charts depicting Plaintiff's Life Care Plans;
- m. Charts depicting Plaintiff's Loss of Hedonic Damages;
- n. Charts depicting Plaintiff's Loss of Household Services;
- o. Photographs of Plaintiff's Witnesses;
- p. Charts depicting Plaintiff's Life Expectancy;
- q. Story boards and computer digitized power point images;
- r. Blow-ups/transparencies/digitized images of medical records, medical bills, photographs and other exhibits;

- s. Diagrams/story boards/computer re-enactment of motor vehicle accident;
- t. Diagrams of various parts of the human body related to Plaintiff's injuries;
- u. Photographs of various parts of the human body related to Plaintiff's injuries;
- v. Models of the human body related to Plaintiff's injuries;
- w. Samples of a spinal cord stimulator and leads;
- x. Sample of an intrathecal drug delivery system and leads;
- y. Samples of the needles and surgical tools used in Plaintiff's various diagnostic and therapeutic pain management procedures

Plaintiff reserves the right to supplement these disclosures with any and all other relevant information and documents and records that come into her possession during discovery.

DATED this 28th day of June, 2019

THE GALLIHER LAW FIRM



Keith E. Galliher, Jr., Esq.
Nevada Bar Number 220
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of THE GALLIHER LAW FIRM and that service of a true and correct copy of the above and foregoing **SEVENTH SUPPLEMENTAL EARLY CASE CONFERENCE DISCLOSURE STATEMENT** was served on the 01st day of June, 2019, to the following addressed parties by:

☐ First Class Mail, postage prepaid from Las Vegas, Nevada pursuant to N.R.C.P 5(b)

☐ Facsimile, pursuant to EDCR 7.26 (as amended)

☒ Electronic Mail/Electronic Transmission

☐ Hand Delivered to the addressee(s) indicated

☐ Receipt of Copy on this _____ day of _____, 2019,

acknowledged by, _____

Michael A. Royal, Esq.
Gregory A. Miles, Esq.
ROYAL & MILES LLP
1522 W. Warm Springs Road
Henderson, Nevada 89014
Attorneys for Defendants



An employee of THE GALLIHER LAW FIRM

THE GALLIHER LAW FIRM
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
702-735-0049 Fax: 702-735-0204

PAIN INSTITUTE OF NEVADA
 7435 W. Azure Drive, Ste 190
 Las Vegas, NV 89130
 Tel 702-878-8262
 Fax 702-878-9096

OFFICE VISIT

Date of Service: June 10, 2019

Patient Name: Joyce P Sekera
 Patient DOB: 3/22/1956

PAIN COMPLAINTS

Neck
 Left shoulder
 Low back

Joyce returns for follow up today.

Neck and left shoulder pains - these are mild and come and go and not as bothersome as her low back pain
 Activities that aggravate the pain: Walking, standing, sitting, house chores
 Activities that relieve the pain: Stretch, heat pad, laying on pillows
 Description of the pain: Sharp and shooting
 Least pain throughout day (0-10): 1/10
 Most pain throughout day (0-10): 5/10

Bilateral low back pain is constant and does not radiate down her legs. She will have pain into her buttock and posterior thighs but not past the knees. She denies leg weakness and bladder/bowel dysfunction.
 Activities that aggravate the pain: Walking, house chores and getting of her bed
 Activities that relieve the pain: Stretching, heat pad, putting pressure
 Description of the pain: Sharp and shooting
 Least pain throughout day (0-10): 3/10
 Most pain throughout day (0-10): 6/10
 She had done well with RFA and pain returned. She had forgotten it was a repeat procedure if pain returned. She wants to avoid spine surgery per Dr. Smith's recommendations. I recommend repeat RFA.

INTERIM HISTORY

Hospitalizations or ER visits: None
 Changes in health: None
 Problems with medications: None
 Obtaining pain meds from other physicians: Patient denies.
 New injuries or MVA's: Yes. Patient rolled out her bed and hurt her right knee, denies injury to neck or low back.
 Work Status: Unemployed
 Therapy: Pt is not currently receiving physical or chiropractic therapy.

IMAGING/TESTING

MRI brain without contrast: Report dated 12/16/2016
 Brain normal for age.

MRI cervical spine without contrast: Report dated 12/21/2016
 Mild dextrocurvature with straightening of cervical lordosis.
 C3-4: Mild bilateral facet hypertrophy.
 C4-5: Mild bilateral facet hypertrophy. Mild left uncovertebral arthropathy.
 C5-6: Mild disc protrusion with mild bilateral facet hypertrophy. Bilateral uncovertebral arthropathy with mild left greater than right neural foraminal stenosis.
 C6-7: Mild broad disc protrusion AP diameter spinal canal 10 mm.

MRI lumbar spine without contrast: Report dated 12/21/2016
 L1-2: Mild disc bulge.
 L2-3: Minimal spondylosis and disc bulge.
 L3-4: Mild disc bulge with mild facet and ligamentum flavum hypertrophy bilaterally. AP dimension of the spinal canal 11 mm.
 L4-5: Left paracentral disc bulge with annular fissuring. Assessment and ligamentum flavum hypertrophy bilaterally. AP dimension spinal canal 11 mm.
 L5-S1: Central disc bulge with facet hypertrophy bilaterally. AP dimension spinal canal 10 mm.

XRAYS cervical spine with Flex/Ext : Report dated 7/31/2018
 Cervical spine straightening with mild degenerative disc disease at C5, there is 6 to a lesser degree. C4-C5. Multilevel mild spondylosis. Flexion and extension views demonstrate no ligamentous laxity or instability.

AP and lateral thoracic and lumbar spine with right and left lateral bending: Report dated 7/31/2018
 Mild endplate osteophytosis of the mid thoracic and lumbar spine. Equal excursion of right and left lateral bending. No significant scoliosis measured on chronic exam.

X-ray lumbar spine with flexion and extension: Report dated 7/31/2018
 Mild degenerative disc disease at L1-L2 mL, 2-3 with multilevel mild spondylosis, most evident at L4-S1. Vascular calcifications noted with slight levoconvex curvature. No evidence of subluxation with flexion extension views.

CT lumbar spine: Without contrast: Report dated 7/31/2018
 Mild levoscoliosis of the lumbar spine with anterior osteophyte formation at L1-L3. Moderate facet hypertrophy is seen at right L4-S1 levels and mild facet hypertrophy seen within the remainder of the lumbar spine.

JS946

Disc bulges causing mild spinal canal narrowing at L2-L3, L3-L4, and L4-L5 with bilateral lateral recess narrowing at L4-L5.

X-rays lumbar spine: Report dated 8/22/2018

Spurring seen mildly throughout lumbar spine, or focal involving L2-L3. Mild sclerosing of left SI joint.

PROCEDURES

03/09/2017

FJI B L5S1

Post Injection: Complete resolution of usual pain

Sustained: No relief of usual pain.

05/06/2017

MBB B L5S1

Post Injection: Complete Resolution of usual pain.

Sustained: 2 days at 100% relief and pain eventually returned

11/30/2017

RFA B L5S1

Sustained: ROM has improve significantly, 80% resolution of usual pain. Tender ache with right side more than left.

MEDICAL HISTORY

Diabetes type 2, HbA1C 6.5 %

Memory impairment from mild TB1

Low back pain

ALLERGIES

No known drug allergies

MEDICATIONS

Metformin 500mg qd

NV & CA PMP REVIEWED 6/5/17-6/5/19 NO MEDS FOUND

SURGICAL HISTORY

No prior surgeries reported.

FAMILY HISTORY

Lung Cancer

SOCIAL HISTORY

Family Status: Single / not married , has children , lives with family

Occupation: Customer service / Unemployed

Habits: The patient smokes rarely. The patient does not drink. The patient denies recreational drug use.

SYSTEMS REVIEW

Constitutional Symptoms: Negative

Visual: Negative

ENT: Headaches

Cardiovascular: Negative

Respiratory: Negative

Gastrointestinal: Negative

Genitourinary: Negative

Endocrine: Negative

Musculoskeletal: See HPI

Neurological: See HPI

Hematologic: Negative

Integumentary: Negative

Psychological: Negative

VITAL SIGNS

Height: 66.00 Inches

Weight: 200.00 Pounds

Blood Press: 140/76 mmHg

Pulse: 64 BPM

BMI: 32.3

Pain: 05

PHYSICAL EXAMINATION

GENERAL APPEARANCE

Appearance: Mod discomfort

Transition: Difficult

Ambulation: Patient can ambulate without assistance.

Gait: Gait is antalgic

LUMBAR SPINE

Appearance: Grossly normal. No scars, redness, lesions, swelling or deformities.

Alignment: lordosis increased

Tenderness: Moderate tenderness noted bilateral lower lumbar spine, bilateral SIJ and gluteals

Trigger Points: None noted.

JS947

Spasm: Moderate spasm is noted in the paravertebral musculature.
Facet Tenderness: Facet joint tenderness is noted.
Spinous Tenderness: Spinous processes are non-tender.
ROM: Full ROM with pain on extension only today.
Straight Leg Raising: Negative at 90 deg bilaterally. Does not produce radicular pain.
Pelvic Rock: Negative for SIJ pain bilaterally
Patrick's (FABER): Mildly positive bilaterally
Yeoman: Negative bilaterally

Motor/Strength Testing:

Hip flexion (L2-L3): L 5/5, R 5/5
 Hip abduction (L4-S1): L 5/5, R 5/5
 Knee extension (L3-L4): L 5/5, R 5/5
 Knee flexion (L5-S1): L 5/5, R 5/5
 Ankle inversion (L4): L 5/5, R 5/5
 Ankle eversion (S1): L 5/5, R 5/5
 Ankle dorsiflexion (L4, L5): L 5/5, R 5/5
 Ankle plantarflexion (S1): L 5/5, R 5/5
 EHL(L5): L 5/5, R 5/5

Sensory:

L1: Normal bilaterally
 L2: Normal bilaterally
 L3: Normal bilaterally
 L4: Normal bilaterally
 L5: Normal bilaterally
 S1: Normal bilaterally

Reflexes:

Knee (L4): Left 2+, right 2+
 Ankle (S1): Left 2+, right 2+
 No Clonus bilaterally

LOWER EXTREMITIES – hip exam

Appearance: No masses, lesions, swelling, edema, discoloration.

Palpation: No Tenderness, trigger points, or spasm.

Range of Motion: Full range of motion in bilateral hips and no pain on hip exam

PSYCHOLOGICAL EXAMINATION

Orientation: The patient is alert and oriented.

Mood/Affect: The patient is anxious.

Thought Processes: Thought processes are intact.

Memory: Memory is intact.

Concentration: Concentration is intact.

Suicidal Ideation: The patient denies suicidal ideation.

DIAGNOSIS

M47.817 LUMBOSACRAL FACET JOINT ARTHROPATHY / SPONDYLOSIS

M53.3 SACROILIAC JOINT PAIN / COCCYX PAIN

M46.1 SACROILIITIS

M51.27 LUMBOSACRAL DISCOPATHY

COUNSELING

Radiofrequency Rhizotomy

The patient received extensive counseling regarding radiofrequency rhizotomy (RFR). The procedure to be performed was explained in detail using skeletal and anatomic model. The patient understands that RFR is a neurodestructive procedure intended to cauterize nerves for pain relief. It is expected that the nerves will re-generate in 6-24 months and repeat RFR would be needed if the pain returns. The type of sedation to be used was explained as well. All questions were answered.

Informed Consent: The procedure(s) was reviewed with the patient in detail using a skeletal model. All questions were answered. The risk were reviewed and include but are not limited to increase in pain, bleeding, infection, discitis, damage to nerves, spinal cord, structures of the neck and back, spinal headache, reaction to medication, loss of airway, pneumothorax, seizure, stroke, paralysis and death. No guarantees were made regarding outcome. The risks of injection of corticosteroids include but are not limited to thinning of bones, fractures, avascular necrosis of the hips, cataracts, weakening of structures such as ligaments, fat necrosis, dimpling of skin, adrenal suppression. Common side effects include water retention, flushing, insomnia, increased pulse and blood pressure. Diabetics will have increased blood sugars for about a week after injection. The patient has the option for sedation for the procedure. I advised the patient that conscious sedation may be utilized to provide a "twilight" effect. The patient will be arousable and able to respond throughout the procedure. This will not be a deep sedation. The patient may or may not have recall of the procedure. The risk of sedation includes loss of airway, aspiration, reaction to medication and damage to nerves.

PRESCRIPTIONS

None

PLAN

** RADIOFREQUENCY RHIZOTOMY (S4635) BILATERAL L5-S1

** RETURN: 2 weeks after injection with kdt

Katherine D Travnick MD

Copy to: William Smith MD Referring Provider Primary care provider

JS948

Jun. 12. 2019 9:30AM

No. 6351 P. 4/4

Electronically signed by KATHERINE TRAVNICEK Date: 6/10/2019 Time: 13:53:09

JS949

1641

PAIN INSTITUTE OF NEVADA
7435 W. Azure Dr. Ste 190
Las Vegas, NV 89130
Phone: 702-878-8252
Fax: 702-878-8088

Supplemental Report

Patient: Joyce Sekera
DOB: 3/22/1958
Date of Report: June 16, 2019

To Whom this May Concern:

I was asked to provide a future cost of care for Ms. Joyce Sekera, who is a 63-year-old female and was involved in a slip and fall on November 4th, 2018. I forgot to add the formal numbers in my last report with life expectancy. Based on National Vitals Statistics Reports, Mrs. Sekera is expected to live another 23 years.

FUTURE COSTS:

1. Low back facet mediated pain, bilateral

She will need repeat lumbar facet joint RFA when her pain returns. This can range 6 months up to 2 years and most patients pain returns around 12 months so 1 per year. This will need to include office visits before and after each procedure.

Interventional pain medicine visits are \$450 / visit for 2 yearly visits makes \$900.00 / year. For 23 years total the cost is \$20,700.00.

Bilateral one level lumbar RFA (L5-S1) – PINV professional fees are \$6,000.00 and the VVSC facility fee is \$5,600.00 for a total of \$ 11,600.00. The total cost for one repeat yearly for the next 23 years is \$266,800.00.

2. Sacroiliac joint dysfunction and pain, bilateral

Dr. William Smith MD did recommend bilateral sacroiliac joint injections for diagnostic and therapeutic purposes. I will allow a one time injection. If the SI joint is a significant pain generator, I would recommend repeat SI joint injections, RFA and/or SI joint fusion depending on outcomes to the procedures.

Bilateral SIJ Injection costs – PINV professional fees are \$4,000.00 and the VVSC facility fee is \$6,400.00. The total cost for one injection is \$10,400.00.

Katherine D. Travnick M.D.
Physical Medicine and Rehabilitation
Pain Medicine

Electronically signed by KATHERINE TRAVNICEK Date: 6/18/2019 Time: 16:21:25

JS950

THE GALLIHER LAW FIRM
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
702-735-0049 Fax: 702-735-0204

THE GALLIHER LAW FIRM
Keith E. Galliher, Jr., Esq.
Nevada Bar No. 220
Jeffrey L. Galliher, Esq.
Nevada Bar No. 8078
George J. Kunz, Esq.
Nevada Bar No. 12245
Kathleen H. Gallagher, Esq.
Nevada Bar Number 15043
1850 East Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
Telephone: (702) 735-0049
Facsimile: (702) 735-0204
kgalliher@galliherlawfirm.com
jgalliher@galliherlawfirm.com
gkunz@lvlawguy.com
kgallagher@galliherlawfirm.com
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

| | | |
|-----------------------------------|---|-------------------------|
| JOYCE SEKERA, an Individual, |) | CASE NO.: A-18-772761-C |
| |) | DEPT. NO.: 25 |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| 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. |) | |

PLAINTIFF JOYCE SEKERA'S EIGHTH SUPPLEMENTAL EARLY CASE
CONFERENCE DISCLOSURE STATEMENT, LIST OF DOCUMENTS AND WITNESSES,
AND NRCP 16.1(a)(3) PRE-TRIAL DISCLOSURE

COMES NOW, JOYCE SEKERA, by and through her attorneys of record, THE GALLIHER LAW FIRM, hereby submits the following Seventh Supplement to the Early Case Conference Disclosure Statement List of Documents and Witnesses and NRCP 16.1(a)(3) Pre-Trial Disclosure, as Plaintiff intends to introduce the following documents and witnesses at the trial of this matter.

NEW ITEMS LISTED IN BOLD.

I

LIST OF WITNESSES

1. Joyce Sekera
c/o The Galliher Law Firm
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104

*Expected to testify regarding the facts and circumstances of the incident, the injuries sustained as a result thereof and the effects those injuries have had on her life.

2. Yet to be identified employees
The Venetian Las Vegas
c/o Royal & Miles LLP
1522 W. Warm Springs Road
Henderson, Nevada 89014

*Expected to testify regarding the facts and circumstances of the incident which occurred on November 4, 2016.

3. Person Most Knowledgeable and/or
Custodian of Records
The Venetian Las Vegas
c/o Royal & Miles LLP
1522 W. Warm Springs Road
Henderson, Nevada 89014

*Expected to testify regarding the facts and circumstances of the incident which occurred on November 4, 2016.

4. Person Most Knowledgeable and/or
Custodian of Records
Centennial Hills Hospital
6900 N. Durango Drive
Las Vegas, Nevada 89149

*The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as any pre and post incident care and treatment of the Plaintiff. They are also expected to testify regarding medical causation of injury and the reasonableness and necessity of medical treatment and

1 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
2 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
3 billing records associated with Plaintiff's care and treatment.

- 3 5. Person Most Knowledgeable and/or
4 Custodian of Records
5 Shadow Emergency Physicians
6 1000 River Road, Suite 100
7 Conshohocken, Pennsylvania 19428

8 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
9 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
10 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
11 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
12 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
13 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
14 billing records associated with Plaintiff's care and treatment.

- 11 6. Person Most Knowledgeable and/or
12 Custodian of Records
13 Desert Radiologists
14 2020 Palomino Lane #100
15 Las Vegas, Nevada 89106

16 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
17 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
18 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
19 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
20 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
21 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
22 billing records associated with Plaintiff's care and treatment.

- 18 7. Jordan B. Webber D.C.
19 Person Most Knowledgeable and/or
20 Custodian of Records
21 Desert Chiropractic & Rehab/Core Rehab
22 10620 Southern Highlands Parkway, Suite 110-329
23 Las Vegas, Nevada 89141

24 *It is expected that Dr. Webber will testify as a non-retained expert in his capacity as medical
25 physicians who provided medical care to Plaintiff, following the subject incident. Dr. Webber is
26 expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
27 rendered, the causation of the necessity for past and future medical treatment, his expert opinion as
28 to past and future restrictions of activities, including work activities, caused by the incident. His
opinions shall include the cost of past and future medical care and whether those medical costs fall
within the ordinary and customary charges for similar medical care and treatment. His testimony
may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
work capacity, and/or life expectancy as a result of the incident.

In rendering his expert opinions he will rely upon the records of all physicians, health care
providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his

1 respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
2 reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges
3 for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
4 medical community.

5 He will render expert opinions that all of the past and future medical care provided to
6 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
7 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
8 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
9 life expectancy and a diminished life expectancy. The basis for Dr. Webber's opinions include, but
10 are not limited to, his education, training, and experience, the nature of the trauma Plaintiff was
11 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
12 tests that were performed, his review of Plaintiff's medical records. In addition, Dr. Webber will
13 testify as a rebuttal expert to any medically designated defense experts in which he is qualified.

14 8. Person Most Knowledgeable and/or
15 Custodian of Records
16 Las Vegas Radiology
17 3201 S. Maryland Parkway, Suite 102
18 Las Vegas, Nevada 89109

19 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
20 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
21 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
22 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
23 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
24 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
25 billing records associated with Plaintiff's care and treatment.

26 9. Michelle Hyla, D.O.
27 Person Most Knowledgeable and/or
28 Custodian of Records
Southern Nevada Medical Group
1485 E. Flamingo Road
Las Vegas, Nevada 89119

*It is expected that Dr. Hyla will testify as a non-retained expert in her capacity as medical
physicians who provided medical care to Plaintiff, following the subject incident. Dr. Hyla is
expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
rendered, the causation of the necessity for past and future medical treatment, her expert opinion as
to past and future restrictions of activities, including work activities, caused by the incident. Her
opinions shall include the cost of past and future medical care and whether those medical costs fall
within the ordinary and customary charges for similar medical care and treatment. Her testimony
may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
work capacity, and/or life expectancy as a result of the incident.

In rendering her expert opinions she will rely upon the records of all physicians, health care
providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and her
respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges

1 for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
2 medical community.

3 She will render expert opinions that all of the past and future medical care provided to
4 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
5 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
6 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
7 life expectancy and a diminished life expectancy. The basis for Dr. Hyla's opinions include, but are
8 not limited to, her education, training, and experience, the nature of the trauma Plaintiff was
9 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
10 tests that were performed, her review of Plaintiff's medical records. In addition, Dr. Hyla will testify
11 as a rebuttal expert to any medically designated defense experts in which she is qualified.

12 10. Russell J. Shah, M.D.
13 Person Most Knowledgeable and/or
14 Custodian of Records
15 Radar Medical Group
16 10624 S. Eastern Avenue, #A-425
17 Henderson, Nevada 89052

18 *It is expected that Dr. Shah will testify as a non-retained expert in his capacity as medical
19 physicians who provided medical care to Plaintiff, following the subject incident. Dr. Shah is
20 expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
21 rendered, the causation of the necessity for past and future medical treatment, his expert opinion as
22 to past and future restrictions of activities, including work activities, caused by the incident. His
23 opinions shall include the cost of past and future medical care and whether those medical costs fall
24 within the ordinary and customary charges for similar medical care and treatment. His testimony
25 may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
26 work capacity, and/or life expectancy as a result of the incident.

27 In rendering his expert opinions he will rely upon the records of all physicians, health care
28 providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his
29 respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
30 reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges
31 for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
32 medical community.

33 He will render expert opinions that all of the past and future medical care provided to
34 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
35 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
36 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
37 life expectancy and a diminished life expectancy. The basis for Dr. Shah's opinions include, but are
38 not limited to, his education, training, and experience, the nature of the trauma Plaintiff was
39 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
40 tests that were performed, his review of Plaintiff's medical records. In addition, Dr. Shah will testify
41 as a rebuttal expert to any medically designated defense experts in which he is qualified.

42 11. Person Most Knowledgeable and/or
43 Custodian of Records
44 PayLater/WellCare Pharmacy
45 P.O. Box 1200

1 Las Vegas, Nevada 89125

2 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
3 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
4 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
5 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
6 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
7 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
8 billing records associated with Plaintiff's care and treatment.

9 12. Person Most Knowledgeable and/or
10 Custodian of Records
11 Las Vegas Pharmacy
12 2600 W. Sahara Avenue, Suite 120
13 Las Vegas, Nevada 89102

14 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
15 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
16 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
17 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
18 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
19 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
20 billing records associated with Plaintiff's care and treatment.

21 13. Katherine D. Travnick, M.D.
22 Person Most Knowledgeable and/or
23 Custodian of Records
24 Pain Institute of Nevada
25 7435 W. Azure Drive, Suite 190
26 Las Vegas, Nevada 89130

27 *It is expected that Dr. Travnick will testify as a non-retained expert in her capacity as medical
28 physicians who provided medical care to Plaintiff, following the subject incident. Dr. Travnick is
expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
rendered, the causation of the necessity for past and future medical treatment, her expert opinion as
to past and future restrictions of activities, including work activities, caused by the incident. Her
opinions shall include the cost of past and future medical care and whether those medical costs fall
within the ordinary and customary charges for similar medical care and treatment. Her testimony
may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
work capacity, and/or life expectancy as a result of the incident.

In rendering her expert opinions she will rely upon the records of all physicians, health care
providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and her
respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges
for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
medical community.

She will render expert opinions that all of the past and future medical care provided to
Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work

1 life expectancy and a diminished life expectancy. The basis for Dr. Travnick's opinions include,
2 but are not limited to, her education, training, and experience, the nature of the trauma Plaintiff was
3 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
4 tests that were performed, her review of Plaintiff's medical records. In addition, Dr. Travnick will
5 testify as a rebuttal expert to any medically designated defense experts in which she is qualified.

6 14. Person Most Knowledgeable and/or
7 Custodian of Records
8 Valley View Surgery Center
9 1330 S. Valley View Blvd.
10 Las Vegas, Nevada 89102

11 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
12 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
13 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
14 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
15 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
16 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
17 billing records associated with Plaintiff's care and treatment.

18 15. Person Most Knowledgeable and/or
19 Custodian of Records
20 Steinberg Diagnostics
21 P.O. Box 36900
22 Las Vegas, Nevada 89133

23 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
24 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
25 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
26 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
27 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
28 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
billing records associated with Plaintiff's care and treatment.

16. Andrew Cash, M.D.
Person Most Knowledgeable and/or
Custodian of Records
Desert Institute of Spine Care
9339 W. Sunset Road, Suite 100
Las Vegas, Nevada 89148

*It is expected that Dr. Cash will testify as a non-retained expert in his capacity as medical
physicians who provided medical care to Plaintiff, following the subject incident. Dr. Cash is
expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
rendered, the causation of the necessity for past and future medical treatment, his expert opinion as
to past and future restrictions of activities, including work activities, caused by the incident. His
opinions shall include the cost of past and future medical care and whether those medical costs fall
within the ordinary and customary charges for similar medical care and treatment. His testimony
may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
work capacity, and/or life expectancy as a result of the incident.

1 In rendering his expert opinions he will rely upon the records of all physicians, health care
2 providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his
3 respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
4 reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges
for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
medical community.

5 He will render expert opinions that all of the past and future medical care provided to
6 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
7 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
8 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
9 life expectancy and a diminished life expectancy. The basis for Dr. Cash's opinions include, but are
not limited to, his education, training, and experience, the nature of the trauma Plaintiff was
subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
tests that were performed, his review of Plaintiff's medical records. In addition, Dr. Cash will testify
as a rebuttal expert to any medically designated defense experts in which he is qualified.

10 17. William D. Smith, M.D.

11 Person Most Knowledgeable and/or
12 Custodian of Records
13 Western Regional Center for Brain & Spine
3061 S. Maryland Parkway, Suite 200
Las Vegas, Nevada 89109

14 *It is expected that Dr. Cash will testify as a non-retained expert in his capacity as medical
15 physicians who provided medical care to Plaintiff, following the subject incident. Dr. Cash is
16 expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
17 rendered, the causation of the necessity for past and future medical treatment, his expert opinion as
18 to past and future restrictions of activities, including work activities, caused by the incident. His
19 opinions shall include the cost of past and future medical care and whether those medical costs fall
20 within the ordinary and customary charges for similar medical care and treatment. His testimony
21 may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
22 work capacity, and/or life expectancy as a result of the incident.

23 In rendering his expert opinions he will rely upon the records of all physicians, health care
24 providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his
25 respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
26 reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges
27 for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
28 medical community.

He will render expert opinions that all of the past and future medical care provided to
Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
life expectancy and a diminished life expectancy. The basis for Dr. Cash's opinions include, but are
not limited to, his education, training, and experience, the nature of the trauma Plaintiff was
subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
tests that were performed, his review of Plaintiff's medical records. In addition, Dr. Cash will testify
as a rebuttal expert to any medically designated defense experts in which he is qualified.

18. Marissa Freeman
8929 Monte Oro Drive
Las Vegas, Nevada 89131

*Expected to testify as to the Plaintiffs physical condition before and after the incident which occurred on November 4, 2016.

19. Brian Freeman
8929 Monte Oro Drive
Las Vegas, Nevada 89131

*Expected to testify as to the Plaintiffs physical condition before and after the incident which occurred on November 4, 2016.

20. Carole Divito
7840 Nesting Pine Place
Las Vegas, Nevada 89143

*Expected to testify as to the Plaintiffs physical condition before and after the incident which occurred on November 4, 2016.

21. David Elliott, P.E.
2125 Marsh Tern Court
N. Las Vegas, Nevada 89084

*Expected to testify regarding his employment by the Venetian to achieve an aesthetically pleasing flooring material that met a .5 wet coefficient of friction and his advice and recommendations to the Venetian concerning the use of ceramic tile instead of marble as a floor surface at the Venetian.

22. Any and all witnesses named by the Defendant.

II

COMPUTATION OF DAMAGES

| | |
|--------------------------------|-------------|
| 1. Centennial Hills Hospital | \$4,454.00 |
| 2. Shadow Emergency Physicians | \$1,272.00 |
| 3. Desert Radiologists | \$77.00 |
| 4. Dr. Webber | \$10,756.00 |
| 5. Las Vegas Radiology | \$848.00 |
| 6. Dr. Hyla | \$1,975.00 |

| | | |
|----|--|--------------------------|
| 1 | 7. Dr. Shah | \$17,613.50 |
| 2 | 8. PayLater/WellCare Pharmacy | \$282.33 |
| 3 | 9. Las Vegas Pharmacy | \$1,090.93 |
| 4 | 10. Dr. Travnicek | \$16,000.00 |
| 5 | 11. Valley View Surgery Center | \$15,489.48 |
| 6 | 12. Steinberg Diagnostics | \$1,400.00 |
| 7 | 13. Dr. Cash | \$1,750.00 |
| 8 | 14. Dr. Smith | \$1,675.00 |
| 9 | 15. Wage loss and loss of earning capacity | (To be determined) |
| 10 | 16. Past and future pain and suffering | \$350,000.00 (estimated) |
| 11 | 17. Future lower back surgery with Dr. Smith | \$350,000.00 (estimated) |
| 12 | 18. Future Rhizotomies from Dr. Travnicek | \$297,900.00 (estimated) |

III

LIST OF DOCUMENTS

1. Records and billing from Centennial Hills Hospital (Bates #JS001 to 074)
2. Billing from Shadow Emergency Services (Bates #JS075 to 076)
3. Records and billing from Desert Radiologists (Bates #JS077 to 082)
4. Records and billing from Dr. Webber (Bates #JS083 to 243)
5. Records and billing from Las Vegas Radiology (Bates #JS244 to 262)
6. Records and billing from Dr. Hyla (Bates #JS263 to 303)
7. Records and billing from Dr. Shah (Bates #JS304 to 378)
8. Billing from PayLater Pharmacy (Bates #JS379)
9. Billing from Las Vegas Pharmacy (Bates #JS380 to 381)
10. Records and billing from Dr. Travnicek (Bates #JS382 to 475)

11. Records and billing from Valley View Surgery Center (Bates #JS476 to 601)
12. Records and billing from Steinberg Diagnostics (Bates #JS602 to 608)
13. Records and billing from Dr. Cash (Bates #JS609 to 658)
14. Records from Dr. Smith (Bates #JS659 to 661)
15. Wage loss document (Bates #JS662)

Second Supplement

16. Records and billing from Dr. Smith (Bates #JS663 to 847)
17. Tax returns from 2016 (Bates #JS848 to 864)

Third Supplement

18. Certificate of Custodian of Medical Records from Dr. Smith (Bates #JS865)
19. Records from Dr. Travnicek (Bates #JS866 to 868)

Fourth Supplement

20. Records from Core Rehab (Bates #JS869 to 938)

Fifth Supplement

21. Records and billing from Dr. Smith (Bates #JS939 to 945)

Seventh Supplement

22. Records from Dr. Travnicek (Bates #JS946 to 949)
23. Supplemental report from Dr. Travnicek (Bates #JS950)

Eighth Supplement

24. Supplemental report from Thomas Jennings (JS951 TO 952)
25. Any and all documents disclosed by the Defendants.

IV

DEMONSTRATIVE EXHIBITS

Plaintiffs may offer at trial, certain Exhibits for demonstrative purposes including, but not limited to, the following:

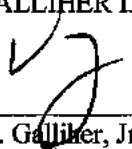
- a. Actual surgical hardware, plates screws, surgical tools, and surgical equipment as used in Plaintiff's medical treatment and anticipated to be used in future treatment;
- b. Demonstrative and actual photographs and videos of surgical procedures and other diagnostic tests Plaintiff has undergone and will undergo in the future;
- c. Actual diagnostic studies and computer digitized diagnostic studies;
- d. Samples of tools used in surgical procedures;
- e. Diagrams, drawings, pictures, photos, film, video, DVD and CD ROM of various parts of the human body, diagnostic tests and surgical procedures;
- f. Computer simulation, finite element analysis, mabymo and similar forms of computer visualization;
- g. Power point images/drawings/diagrams/animations/story boards, of the related vehicles involved, the parties involved, the location of the motor vehicle accident and what occurred in the motor vehicle accident;
- h. Pictures of Plaintiff's Prior and Subsequent to the Subject accident;
- i. Surgical Timeline;
- j. Medical treatment timeline;
- k. Future Medical timeline;
- l. Charts depicting Plaintiff's Life Care Plans;
- m. Charts depicting Plaintiff's Loss of Hedonic Damages;
- n. Charts depicting Plaintiff's Loss of Household Services;
- o. Photographs of Plaintiff's Witnesses;

- p. Charts depicting Plaintiff's Life Expectancy;
- q. Story boards and computer digitized power point images;
- r. Blow-ups/transparencies/digitized images of medical records, medical bills, photographs and other exhibits;
- s. Diagrams/story boards/computer re-enactment of motor vehicle accident;
- t. Diagrams of various parts of the human body related to Plaintiff's injuries;
- u. Photographs of various parts of the human body related to Plaintiff's injuries;
- v. Models of the human body related to Plaintiff's injuries;
- w. Samples of a spinal cord stimulator and leads;
- x. Sample of an intrathecal drug delivery system and leads;
- y. Samples of the needles and surgical tools used in Plaintiff's various diagnostic and therapeutic pain management procedures

Plaintiff reserves the right to supplement these disclosures with any and all other relevant information and documents and records that come into her possession during discovery.

DATED this 27th day of June, 2019

THE GALLIHER LAW FIRM



Keith E. Galliker, Jr., Esq.
Nevada Bar Number 220
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
Attorneys for Plaintiff

THE GALLIHER LAW FIRM
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
702-735-0049 Fax: 702-735-0204

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of THE GALLIHER LAW FIRM and that service of a true and correct copy of the above and foregoing **EIGHTH SUPPLEMENTAL EARLY CASE CONFERENCE DISCLOSURE STATEMENT** was served on the 27th day of June, 2019, to the following addressed parties by:

☐ First Class Mail, postage prepaid from Las Vegas, Nevada pursuant to N.R.C.P 5(b)

☐ Facsimile, pursuant to EDCR 7.26 (as amended)

☒ Electronic Mail/Electronic Transmission

☐ Hand Delivered to the addressee(s) indicated

☐ Receipt of Copy on this _____ day of _____, 2019,

acknowledged by, _____

Michael A. Royal, Esq.
Gregory A. Miles, Esq.
ROYAL & MILES LLP
1522 W. Warm Springs Road
Henderson, Nevada 89014
Attorneys for Defendants


An employee of THE GALLIHER LAW FIRM

Jennings Forensic Services, LLC

Thomas A. Jennings P.E. (CA)
702.203.4192 mobile
calnevsafety@hotmail.com

June 24, 2019

Kryzta A. Alvizo J.D.
702.840.8301 mobile
alvizok2@gmail.com

Keith E. Galliher, Esq.
The Galliher Law Firm
1850 West Sahara Avenue, Suite 107
Las Vegas, NV 89104

Re: Sekera v. Venetian Casino Resort, LLC

Dear Mr. Galliher,

Your firm has retained my services as an expert in the above referenced matter. Please accept this document as my rebuttal report.

To prepare for this report, I have reviewed the defense expert report dated June 13th, 2019.

Opinion #6 Mr. Hayes takes exception with the issue of the 0.50 being accepted as an 'accepted national standard'. He cites OSHA codes referencing the 0.50 standard which is a bit peculiar since the OSHA codes are completely irrelevant as plaintiff was not an employee of the Venetian Casino Resort.

However, it is interesting that OSHA codes do reference the 0.50 as a "reasonable measure" which by any name is a 'standard'. Mr. Hayes contradicts his own opinions.

He then continues to reference the ANSI A1264.2-2001(1) referencing the 0.50 standard for dry or wet conditions and then proceeds to reference the 'Architectural and Transportation Barriers Compliance Board' which recommends a static friction level of 0.60 for 'accessible routes'. The 0.60 level exceeds the national standard of 0.50!

Opinion #7 Again, Mr. Hayes disputes the fact that plaintiff slipped and fell as a result of liquid contamination on the walking surface. He cites witness statements contending there was no liquid on the walking surface and finally opines that *"Any liquid on Ms. Sekera may have come from the coffee cup she was carrying at the time of her fall"*.

This is most interesting to assume the cup of coffee she was carrying would somehow migrate to the walking surface before she landed on the walking surface creating wetness on her back and buttocks!

I accept Ms. Sekera's version of the incident and if indeed there was no liquid contaminant on the walking surface, then the slip resistance of the walking surface at the location must have fallen well below the 0.50 standard when dry!

355 W. Mesquite Blvd. D30, PMB 1-111
Mesquite, NV 89027

JS951

1657

Opinion #8 Mr. Hayes opines that the English XL Tribometer is not a valid test instrument for slip resistance testing. He states; *While there is no longer an approved ASTM standard for its use (ASTM F1679 was withdrawn due to referencing a proprietary product), the English XL continues to be used in the United States. Specifically, according to the 2007 Annual Book of ASTM Standards Volume 15.07, the F1679 Standard test method was "withdrawn as an active standard" by ASTM on September 30, 2006."*

Mr. Hayes is, unfortunately a bit out of date as to his knowledge of applicable ASTM Standards validating walkway tribometers such as the English XL Tribometer!

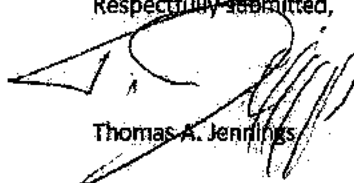
On March 15th, 2011, 'ASTM Standard F2508-11 – Standard Practice for Validation and Calibration of Walkway Tribometers Using Reference Surfaces' was published and the English XL Tribometer was validated as a recognized testing instrument for measuring slip resistance.

Opinion #9 Again, Mr. Hayes references the 'Burnfield and Powers' laboratory study and *"A number of force plate studies"* and conveniently fails to reference those studies and opines that; *"Therefore, a slip index of 0.3 and above, lower than that found during Mr. Jennings' study, provides sufficient frictional force for most people during normal, attentive walking over level surfaces"*

Again, I point to the fact that the 'Burnfield and Powers' study involved taking a group of individuals, placing them in a full body harness, and then tethering them to an overhead steel anchorage (to prevent them from falling to the surface) and informing them that they were going to be exposed to various conditions on the walking surface until they slipped. Of course, it goes without saying that this study in no way accounts for real world walkway conditions along with the endless variables presented to pedestrians on different walkway surfaces under varying conditions.

And again, Mr. Hayes simply refuses to acknowledge and/or reference the seminal study on slip resistance, namely, the; '1983 University of Michigan Work Surface Friction: Definitions, Laboratory and Field measurements and a Comprehensive Bibliography' by Miller, Chaffin and Andres which firmly established the need to set the slip resistance level at 0.50 as a safety standard.

Respectfully submitted,



Thomas A. Jennings

JS952

1658

THE GALLIHER LAW FIRM
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
702-735-0049 Fax: 702-735-0204

THE GALLIHER LAW FIRM
Keith E. Galliher, Jr., Esq.
Nevada Bar No. 220
Jeffrey L. Galliher, Esq.
Nevada Bar No. 8078
George J. Kunz, Esq.
Nevada Bar No. 12245
Kathleen H. Gallagher, Esq.
Nevada Bar Number 15043
1850 East Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
Telephone: (702) 735-0049
Facsimile: (702) 735-0204
kgalliher@galliherlawfirm.com
jgalliher@galliherlawfirm.com
jkunz@lvlawguy.com
kgallagher@galliherlawfirm.com
Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

| | | |
|-----------------------------------|---|-------------------------|
| JOYCE SEKERA, an Individual, |) | CASE NO.: A-18-772761-C |
| |) | DEPT. NO.: 25 |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| 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. |) | |

PLAINTIFF JOYCE SEKERA'S NINTH SUPPLEMENTAL EARLY CASE CONFERENCE

DISCLOSURE STATEMENT, LIST OF DOCUMENTS AND WITNESSES, AND NRCP

16.1(a)(3) PRE-TRIAL DISCLOSURE

COMES NOW, JOYCE SEKERA, by and through her attorneys of record, THE GALLIHER LAW FIRM, hereby submits the following Ninth Supplement to the Early Case Conference Disclosure Statement List of Documents and Witnesses and NRCP 16.1(a)(3) Pre-Trial Disclosure, as Plaintiff intends to introduce the following documents and witnesses at the trial of this matter.

NEW ITEMS LISTED IN BOLD.

I

LIST OF WITNESSES

1. Joyce Sekera
c/o The Galliher Law Firm
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104

*Expected to testify regarding the facts and circumstances of the incident, the injuries sustained as a result thereof and the effects those injuries have had on her life.

2. Yet to be identified employees
The Venetian Las Vegas
c/o Royal & Miles LLP
1522 W. Warm Springs Road
Henderson, Nevada 89014

*Expected to testify regarding the facts and circumstances of the incident which occurred on November 4, 2016.

3. Person Most Knowledgeable and/or
Custodian of Records
The Venetian Las Vegas
c/o Royal & Miles LLP
1522 W. Warm Springs Road
Henderson, Nevada 89014

*Expected to testify regarding the facts and circumstances of the incident which occurred on November 4, 2016.

4. Person Most Knowledgeable and/or
Custodian of Records
Centennial Hills Hospital
6900 N. Durango Drive
Las Vegas, Nevada 89149

*The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as any pre and post incident care and treatment of the Plaintiff. They are also expected to testify regarding medical causation of injury and the reasonableness and necessity of medical treatment and

1 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
2 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
3 billing records associated with Plaintiff's care and treatment.

- 4 5. Person Most Knowledgeable and/or
5 Custodian of Records
6 Shadow Emergency Physicians
7 1000 River Road, Suite 100
8 Conshohocken, Pennsylvania 19428

9 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
10 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
11 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
12 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
13 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
14 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
15 billing records associated with Plaintiff's care and treatment.

- 16 6. Person Most Knowledgeable and/or
17 Custodian of Records
18 Desert Radiologists
19 2020 Palomino Lane #100
20 Las Vegas, Nevada 89106

21 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
22 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
23 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
24 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
25 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
26 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
27 billing records associated with Plaintiff's care and treatment.

- 28 7. Jordan B. Webber D.C.
Person Most Knowledgeable and/or
Custodian of Records
Desert Chiropractic & Rehab/Core Rehab
10620 Southern Highlands Parkway, Suite 110-329
Las Vegas, Nevada 89141

*It is expected that Dr. Webber will testify as a non-retained expert in his capacity as medical
physicians who provided medical care to Plaintiff, following the subject incident. Dr. Webber is
expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
rendered, the causation of the necessity for past and future medical treatment, his expert opinion as
to past and future restrictions of activities, including work activities, caused by the incident. His
opinions shall include the cost of past and future medical care and whether those medical costs fall
within the ordinary and customary charges for similar medical care and treatment. His testimony
may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
work capacity, and/or life expectancy as a result of the incident.

In rendering his expert opinions he will rely upon the records of all physicians, health care
providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his

1 respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
2 reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges
3 for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
4 medical community.

5 He will render expert opinions that all of the past and future medical care provided to
6 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
7 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
8 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
9 life expectancy and a diminished life expectancy. The basis for Dr. Webber's opinions include, but
10 are not limited to, his education, training, and experience, the nature of the trauma Plaintiff was
11 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
12 tests that were performed, his review of Plaintiff's medical records. In addition, Dr. Webber will
13 testify as a rebuttal expert to any medically designated defense experts in which he is qualified.

14 8. Person Most Knowledgeable and/or
15 Custodian of Records
16 Las Vegas Radiology
17 3201 S. Maryland Parkway, Suite 102
18 Las Vegas, Nevada 89109

19 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
20 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
21 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
22 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
23 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
24 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
25 billing records associated with Plaintiff's care and treatment.

26 9. Michelle Hyla, D.O.
27 Person Most Knowledgeable and/or
28 Custodian of Records
Southern Nevada Medical Group
1485 E. Flamingo Road
Las Vegas, Nevada 89119

*It is expected that Dr. Hyla will testify as a non-retained expert in her capacity as medical
physicians who provided medical care to Plaintiff, following the subject incident. Dr. Hyla is
expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
rendered, the causation of the necessity for past and future medical treatment, her expert opinion as
to past and future restrictions of activities, including work activities, caused by the incident. Her
opinions shall include the cost of past and future medical care and whether those medical costs fall
within the ordinary and customary charges for similar medical care and treatment. Her testimony
may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
work capacity, and/or life expectancy as a result of the incident.

In rendering her expert opinions she will rely upon the records of all physicians, health care
providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and her
respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges

1 for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
2 medical community.

3 She will render expert opinions that all of the past and future medical care provided to
4 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
5 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
6 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
7 life expectancy and a diminished life expectancy. The basis for Dr. Hyla's opinions include, but are
8 not limited to, her education, training, and experience, the nature of the trauma Plaintiff was
9 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
10 tests that were performed, her review of Plaintiff's medical records. In addition, Dr. Hyla will testify
11 as a rebuttal expert to any medically designated defense experts in which she is qualified.

12 10. Russell J. Shah, M.D.
13 Person Most Knowledgeable and/or
14 Custodian of Records
15 Radar Medical Group
16 10624 S. Eastern Avenue, #A-425
17 Henderson, Nevada 89052

18 *It is expected that Dr. Shah will testify as a non-retained expert in his capacity as medical
19 physicians who provided medical care to Plaintiff, following the subject incident. Dr. Shah is
20 expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
21 rendered, the causation of the necessity for past and future medical treatment, his expert opinion as
22 to past and future restrictions of activities, including work activities, caused by the incident. His
23 opinions shall include the cost of past and future medical care and whether those medical costs fall
24 within the ordinary and customary charges for similar medical care and treatment. His testimony
25 may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
26 work capacity, and/or life expectancy as a result of the incident.

27 In rendering his expert opinions he will rely upon the records of all physicians, health care
28 providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his
29 respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
30 reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges
31 for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
32 medical community.

33 He will render expert opinions that all of the past and future medical care provided to
34 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
35 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
36 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
37 life expectancy and a diminished life expectancy. The basis for Dr. Shah's opinions include, but are
38 not limited to, his education, training, and experience, the nature of the trauma Plaintiff was
39 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
40 tests that were performed, his review of Plaintiff's medical records. In addition, Dr. Shah will testify
41 as a rebuttal expert to any medically designated defense experts in which he is qualified.

42 11. Person Most Knowledgeable and/or
43 Custodian of Records
44 PayLater/WellCare Pharmacy
45 P.O. Box 1200

1 Las Vegas, Nevada 89125

2 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
3 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
4 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
5 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
6 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
7 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
8 billing records associated with Plaintiff's care and treatment.

9 12. Person Most Knowledgeable and/or
10 Custodian of Records
11 Las Vegas Pharmacy
12 2600 W. Sahara Avenue, Suite 120
13 Las Vegas, Nevada 89102

14 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
15 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
16 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
17 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
18 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
19 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
20 billing records associated with Plaintiff's care and treatment.

21 13. Katherine D. Travnicek, M.D.
22 Person Most Knowledgeable and/or
23 Custodian of Records
24 Pain Institute of Nevada
25 7435 W. Azure Drive, Suite 190
26 Las Vegas, Nevada 89130

27 *It is expected that Dr. Travnicek will testify as a non-retained expert in her capacity as medical
28 physicians who provided medical care to Plaintiff, following the subject incident. Dr. Travnicek is
expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
rendered, the causation of the necessity for past and future medical treatment, her expert opinion as
to past and future restrictions of activities, including work activities, caused by the incident. Her
opinions shall include the cost of past and future medical care and whether those medical costs fall
within the ordinary and customary charges for similar medical care and treatment. Her testimony
may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
work capacity, and/or life expectancy as a result of the incident.

In rendering her expert opinions she will rely upon the records of all physicians, health care
providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and her
respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges
for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
medical community.

She will render expert opinions that all of the past and future medical care provided to
Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work

1 life expectancy and a diminished life expectancy. The basis for Dr. Travnick's opinions include,
2 but are not limited to, her education, training, and experience, the nature of the trauma Plaintiff was
3 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
4 tests that were performed, her review of Plaintiff's medical records. In addition, Dr. Travnick will
5 testify as a rebuttal expert to any medically designated defense experts in which she is qualified.

6 14. Person Most Knowledgeable and/or
7 Custodian of Records
8 Valley View Surgery Center
9 1330 S. Valley View Blvd.
10 Las Vegas, Nevada 89102

11 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
12 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
13 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
14 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
15 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
16 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
17 billing records associated with Plaintiff's care and treatment.

18 15. Person Most Knowledgeable and/or
19 Custodian of Records
20 Steinberg Diagnostics
21 P.O. Box 36900
22 Las Vegas, Nevada 89133

23 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
24 Plaintiff following the November 4, 2016 incident, which is the subject of this litigation, as well as
25 any pre and post incident care and treatment of the Plaintiff. They are also expected to testify
26 regarding medical causation of injury and the reasonableness and necessity of medical treatment and
27 billing. They will also testify regarding future medical treatment and future medical expenses, if any.
28 Additionally, the Custodian of Records is expected to testify as to the authenticity of the medical and
billing records associated with Plaintiff's care and treatment.

16. Andrew Cash, M.D.
Person Most Knowledgeable and/or
Custodian of Records
Desert Institute of Spine Care
9339 W. Sunset Road, Suite 100
Las Vegas, Nevada 89148

*It is expected that Dr. Cash will testify as a non-retained expert in his capacity as medical
physicians who provided medical care to Plaintiff, following the subject incident. Dr. Cash is
expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
rendered, the causation of the necessity for past and future medical treatment, his expert opinion as
to past and future restrictions of activities, including work activities, caused by the incident. His
opinions shall include the cost of past and future medical care and whether those medical costs fall
within the ordinary and customary charges for similar medical care and treatment. His testimony
may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
work capacity, and/or life expectancy as a result of the incident.

1 In rendering his expert opinions he will rely upon the records of all physicians, health care
2 providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his
3 respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
4 reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges
for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
medical community.

5 He will render expert opinions that all of the past and future medical care provided to
6 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
7 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
8 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
9 life expectancy and a diminished life expectancy. The basis for Dr. Cash's opinions include, but are
not limited to, his education, training, and experience, the nature of the trauma Plaintiff was
subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
tests that were performed, his review of Plaintiff's medical records. In addition, Dr. Cash will testify
as a rebuttal expert to any medically designated defense experts in which he is qualified.

10 17. Willian D. Smith, M.D.
11 Person Most Knowledgeable and/or
12 Custodian of Records
13 Western Regional Center for Brain & Spine
3061 S. Maryland Parkway, Suite 200
Las Vegas, Nevada 89109

14 *It is expected that Dr. Cash will testify as a non-retained expert in his capacity as medical
15 physicians who provided medical care to Plaintiff, following the subject incident. Dr. Cash is
16 expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
17 rendered, the causation of the necessity for past and future medical treatment, his expert opinion as
18 to past and future restrictions of activities, including work activities, caused by the incident. His
19 opinions shall include the cost of past and future medical care and whether those medical costs fall
20 within the ordinary and customary charges for similar medical care and treatment. His testimony
21 may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
22 work capacity, and/or life expectancy as a result of the incident.

23 In rendering his expert opinions he will rely upon the records of all physicians, health care
24 providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his
25 respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
26 reasonableness and necessity of the charges for medical treatment rendered to Plaintiff, the charges
27 for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
28 medical community.

He will render expert opinions that all of the past and future medical care provided to
Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
life expectancy and a diminished life expectancy. The basis for Dr. Cash's opinions include, but are
not limited to, his education, training, and experience, the nature of the trauma Plaintiff was
subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
tests that were performed, his review of Plaintiff's medical records. In addition, Dr. Cash will testify
as a rebuttal expert to any medically designated defense experts in which he is qualified.

18. Marissa Freeman
8929 Monte Oro Drive
Las Vegas, Nevada 89131

*Expected to testify as to the Plaintiffs physical condition before and after the incident which occurred on November 4, 2016.

19. Brian Freeman
8929 Monte Oro Drive
Las Vegas, Nevada 89131

*Expected to testify as to the Plaintiffs physical condition before and after the incident which occurred on November 4, 2016.

20. Carole Divito
7840 Nesting Pine Place
Las Vegas, Nevada 89143

*Expected to testify as to the Plaintiffs physical condition before and after the incident which occurred on November 4, 2016.

21. David Elliott, P.E.
2125 Marsh Tern Court
N. Las Vegas, Nevada 89084

*Expected to testify regarding his employment by the Venetian to achieve an aesthetically pleasing flooring material that met a .5 wet coefficient of friction and his advice and recommendations to the Venetian concerning the use of ceramic tile instead of marble as a floor surface at the Venetian.

22. Any and all witnesses named by the Defendant.

II

COMPUTATION OF DAMAGES

| | |
|--------------------------------|-------------|
| 1. Centennial Hills Hospital | \$4,454.00 |
| 2. Shadow Emergency Physicians | \$1,272.00 |
| 3. Desert Radiologists | \$77.00 |
| 4. Dr. Webber | \$10,756.00 |
| 5. Las Vegas Radiology | \$848.00 |
| 6. Dr. Hyla | \$1,975.00 |
| 7. Dr. Shah | \$17,613.50 |

| | |
|--|--------------------------|
| 8. PayLater/WellCare Pharmacy | \$282.33 |
| 9. Las Vegas Pharmacy | \$1,090.93 |
| 10. Dr. Travnick | \$16,000.00 |
| 11. Valley View Surgery Center | \$15,489.48 |
| 12. Steinberg Diagnostics | \$1,400.00 |
| 13. Dr. Cash | \$1,750.00 |
| 14. Dr. Smith | \$1,675.00 |
| 15. Wage loss and loss of earning capacity | (To be determined) |
| 16. Past and future pain and suffering | \$350,000.00 (estimated) |
| 17. Future lower back surgery with Dr. Smith | \$350,000.00 (estimated) |
| 18. Future Rhizotomies from Dr. Travnick | \$297,900.00 (estimated) |

III

LIST OF DOCUMENTS

1. Records and billing from Centennial Hills Hospital (Bates #JS001 to 074)
2. Billing from Shadow Emergency Services (Bates #JS075 to 076)
3. Records and billing from Desert Radiologists (Bates #JS077 to 082)
4. Records and billing from Dr. Webber (Bates #JS083 to 243)
5. Records and billing from Las Vegas Radiology (Bates #JS244 to 262)
6. Records and billing from Dr. Hyla (Bates #JS263 to 303)
7. Records and billing from Dr. Shah (Bates #JS304 to 378)
8. Billing from PayLater Pharmacy (Bates #JS379)
9. Billing from Las Vegas Pharmacy (Bates #JS380 to 381)
10. Records and billing from Dr. Travnick (Bates #JS382 to 475)
11. Records and billing from Valley View Surgery Center (Bates #JS476 to 601)

12. Records and billing from Steinberg Diagnostics (Bates #JS602 to 608)

13. Records and billing from Dr. Cash (Bates #JS609 to 658)

14. Records from Dr. Smith (Bates #JS659 to 661)

15. Wage loss document (Bates #JS662)

Second Supplement

16. Records and billing from Dr. Smith (Bates #JS663 to 847)

17. Tax returns from 2016 (Bates #JS848 to 864)

Third Supplement

18. Certificate of Custodian of Medical Records from Dr. Smith (Bates #JS865)

19. Records from Dr. Travnicek (Bates #JS866 to 868)

Fourth Supplement

20. Records from Core Rehab (Bates #JS869 to 938)

Fifth Supplement

21. Records and billing from Dr. Smith (Bates #JS939 to 945)

Seventh Supplement

22. Records from Dr. Travnicek (Bates #JS946 to 949)

23. Supplemental report from Dr. Travnicek (Bates #JS950)

Eighth Supplement

24. Supplemental report from Thomas Jennings (Bates #JS951 TO 952)

Ninth Supplement

25. Supplemental report from Dr. Baker (Bates #JS953 to 979)

26. Any and all documents disclosed by the Defendants.

IV

DEMONSTRATIVE EXHIBITS

Plaintiffs may offer at trial, certain Exhibits for demonstrative purposes including, but not limited to, the following:

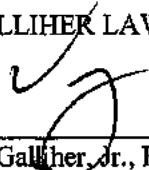
- a. Actual surgical hardware, plates screws, surgical tools, and surgical equipment as used in Plaintiff's medical treatment and anticipated to be used in future treatment;
- b. Demonstrative and actual photographs and videos of surgical procedures and other diagnostic tests Plaintiff has undergone and will undergo in the future;
- c. Actual diagnostic studies and computer digitized diagnostic studies;
- d. Samples of tools used in surgical procedures;
- e. Diagrams, drawings, pictures, photos, film, video, DVD and CD ROM of various parts of the human body, diagnostic tests and surgical procedures;
- f. Computer simulation, finite element analysis, mabymo and similar forms of computer visualization;
- g. Power point images/drawings/diagrams/animations/story boards, of the related vehicles involved, the parties involved, the location of the motor vehicle accident and what occurred in the motor vehicle accident;
- h. Pictures of Plaintiff's Prior and Subsequent to the Subject accident;
- i. Surgical Timeline;
- j. Medical treatment timeline;
- k. Future Medical timeline;
- l. Charts depicting Plaintiff's Life Care Plans;
- m. Charts depicting Plaintiff's Loss of Hedonic Damages;
- n. Charts depicting Plaintiff's Loss of Household Services;

- o. Photographs of Plaintiff's Witnesses;
- p. Charts depicting Plaintiff's Life Expectancy;
- q. Story boards and computer digitized power point images;
- r. Blow-ups/transparencies/digitized images of medical records, medical bills, photographs and other exhibits;
- s. Diagrams/story boards/computer re-enactment of motor vehicle accident;
- t. Diagrams of various parts of the human body related to Plaintiff's injuries;
- u. Photographs of various parts of the human body related to Plaintiff's injuries;
- v. Models of the human body related to Plaintiff's injuries;
- w. Samples of a spinal cord stimulator and leads;
- x. Sample of an intrathecal drug delivery system and leads;
- y. Samples of the needles and surgical tools used in Plaintiff's various diagnostic and therapeutic pain management procedures

Plaintiff reserves the right to supplement these disclosures with any and all other relevant information and documents and records that come into her possession during discovery.

DATED this 10TH day of July, 2019

THE GALLIHER LAW FIRM



Keith E. Gallher, Jr., Esq.
Nevada Bar Number 220
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
Attorneys for Plaintiff

THE GALLIHER LAW FIRM
1850 E. Sahara Avenue, Suite 107
Las Vegas, Nevada 89104
702-735-0049 Fax: 702-735-0204

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of THE GALLIHER LAW FIRM and that service of a true and correct copy of the above and foregoing **NINTH SUPPLEMENTAL EARLY CASE CONFERENCE DISCLOSURE STATEMENT** was served on the 10th day of July, 2019, to the following addressed parties by:

☐ First Class Mail, postage prepaid from Las Vegas, Nevada pursuant to N.R.C.P 5(b)

☐ Facsimile, pursuant to EDCR 7.26 (as amended)

☒ Electronic Mail/Electronic Transmission

☐ Hand Delivered to the addressee(s) indicated

☐ Receipt of Copy on this _____ day of _____, 2019,

acknowledged by, _____

Michael A. Royal, Esq.
Gregory A. Miles, Esq.
ROYAL & MILES LLP
1522 W. Warm Springs Road
Henderson, Nevada 89014
Attorneys for Defendants



An employee of THE GALLIHER LAW FIRM

John E. Baker, Ph.D., P.E.
FORENSIC ENGINEER

**7380 SOUTH EASTERN AVENUE
SUITE 124-142
LAS VEGAS, NEVADA 89123
(702) 334-9033
(866) 611-9909 (FAX)
E-MAIL: JEBAKERPHD@AOL.COM**

July 10, 2019

Mr. Keith Galliher, Esq.
The Galliher Law Office
1850 East Sahara Avenue; Suite 107
Las Vegas, NV 89104

**Re: Joyce Sekera v. Venetian Casino Resort, LLC d.b.a. The Venetian Las Vegas -
Second Supplemental and Rebuttal Report**

DOI: November 4, 2016 at 12:36:50 P.M. PDT

Dear Mr. Galliher:

You have requested that I evaluate the additional technical file materials that you provided regarding a slip and fall incident occurring on November 4, 2016 at 12:36:50 P.M. at the Venetian hotel, 3355 S Las Vegas Boulevard, Las Vegas, NV 89109.

These additional file materials have included the June 13, 2019 written report prepared by Defense expert Wilson C. "Toby" Hayes, Ph.D. (written in rebuttal to the May 15, 2019 written report of John E. Baker, Ph.D., P.E. and the Dec 28, 2018 and May 30, 2019 written reports of Thomas Jennings. (6 pages).

You have specifically requested that I provide rebuttal comments to the June 13, 2019 written report prepared by Defense expert Wilson C. "Toby" Hayes, Ph.D. as applicable. Presented below are my rebuttal observations and opinions.

BACKGROUND

You will recall that in that subject slip and fall incident, Joyce Sekera (age 60, height 5'6" tall, weight 190 pounds) was walking at a normal pace toward – and to the right of – a large structural pillar on the decorative marble tiled floor (i.e., "marble" as specified in the Venetian Security report). Surveillance videos showed that Joyce Sekera slipped and fell leftward – reportedly straining her

JS953

JOHN E. BAKER, PH.D., P.E.

Re: Joyce Sekera v. Venetian Casino Resort, LLC d.b.a. The Venetian Las Vegas

DOI: November 4, 2016 at 12:36:50 P.M. PDT

Page 2 of 27

back and striking her elbow onto a hard marble floor surface. My understanding has been that The Venetian has contended that at the time of Joyce Sekera's slip and fall, the subject floor area was entirely dry and that Joyce Sekera did not slip on any water or lubricants present.

DOCUMENTS CURRENTLY REVIEWED

1. June 13, 2019 written report prepared by Defense expert Wilson C. "Toby" Hayes, Ph.D. written in rebuttal to the May 15, 2019 written report of John E. Baker, Ph.D., P.E. and the Dec 28, 2018 and May 30, 2019 written reports of Thomas Jennings. (6 pages).

DOCUMENTS PREVIOUSLY REVIEWED

1. May 17, 2019 Accident reconstruction and Biomechanics written report prepared by Defense expert Wilson C. "Toby" Hayes, Ph.D. regarding Joyce Sekera's subject slip and fall (26 pages).
2. December 28, 2018 original technical report prepared by plaintiff's expert, Thomas A. Jennings (6 pages + 4 pages of photographs exhibits from site inspection).
3. May 30, 2019 rebuttal report prepared by plaintiff's expert, Thomas A. Jennings (3 pages).
4. Plaintiff Joyce Sekera's deposition transcript (220 pages + 197 pages of attached exhibits including the deposition index, Court Documents, Venetian Incident Report and related documents, copies of Photographs, and Joyce Sekera's medical reports and records).
5. Complaint (4 pages).
6. Venetian Security CR-1 report (1 page).
7. Venetian Security Case MO report (1 page)
8. Venetian Security Person Profile (1page)
9. Venetian Security Narrative Report (2 pages)
10. [7] Digital Scene Photos
11. Venetian Security Acknowledge of First Aid report (1 page)
12. Venetian Security Accident Scene Check (1 page)
13. Plaintiff Joyce Sekera's Wage Loss report (1 page).
14. Brand Vegas Ticket Broker Agreement (15 pages)
15. Plaintiff Joyce Sekera's Medical Reports and Records (624 total pages)
16. [5] Photographs of Joyce Sekera's shoes that were worn at the time of the slip and fall.

JS954

JOHN E. BAKER, PH.D., P.E.

Re: Joyce Sekera v. Venetian Casino Resort, LLC d.b.a. The Venetian Las Vegas

DOI: November 4, 2016 at 12:36:50 P.M. PDT

Page 3 of 27

SURVEILLANCE VIDEOS PREVIOUSLY REVIEWED

1. Cam 308 clip: 11/04/2016 - 12:36:40 PDT to 12:38:59 PDT
2. Escort to EMT Room: 11/04/2016 - 12:43:45 PDT to 12:46:59 PDT
3. Escort to Garage: 11/04/2016 - 13:02:35 PDT to 13:10:32 PDT
4. Cam 308: 11/04/2016 - 12:06:49 PDT to 12:36:59 PDT
5. Cam 308: 11/04/2016 - 12:36:45 PDT to 13:06:48 PDT

PREVIOUS OBSERVATIONS

For reference, Hayes' original May 15, 2019 written report has included the following themes:

1. Hayes: *"That Ms. Sekera fell forward and toward her left during her fall. That she first landed on her buttocks (absorbing energy) and then struck her left elbow on the pillar. That she then rotated toward her back and the back of her head contacted the pillar."*
2. Hayes: *"That Ms. Sekera's fall was initiated by factors related to her extensively worn and damaged shoes which not only reduced the available friction between shoe sole and floor, but also imposed a lateral force that caused her left foot to translate to her right."*
3. Hayes: *"That in particular, one person is seen walking through the almost exactly the same area only 6 seconds prior to Ms. Sekera's fall and did not slip or fall."*
4. Hayes: *"That there is no scientifically reliable evidence that a liquid substance was on the floor where Ms. Sekera's fall initiated."*
5. Hayes: *"That Ms. Sekera's coffee was in her left hand. To the extent that there was any liquid on the floor, it is also likely that the source of the liquid she noted as on her pants and the back of her shirt (Sekera deposition, 95:4) was due to the coffee cup she was carrying in her left hand and dropped after her fall had been initiated."*
6. Hayes: *"That given the video surveillance evidence that Ms. Sekera's fall was initiated by a sideways translation and not a forward slip of her left foot (as would be expected with a liquid-related fall), a slip on wet flooring was not the proximate cause of her fall."*
7. Hayes: *"That the fall that Ms. Sekera sustained on November 4, 2016 was not the cause of the alleged acute injuries to her low back, SI joint, head or neck, nor would the fall have exacerbated any pre-existing conditions related to these regions."*

JS955

JOHN E. BAKER, PH.D., P.E.

Re: Joyce Sekera v. Venetian Casino Resort, LLC d.b.a. The Venetian Las Vegas

DOI: November 4, 2016 at 12:36:50 P.M. PDT

Page 4 of 27

REBUTTAL OBSERVATIONS and OPINIONS

In his June 13, 2019 written report prepared by Defense expert Wilson C. "Toby" Hayes, Ph.D. (hereinafter referred to as "Hayes") has stated the following in Rebuttal of Plaintiff Expert, John E. Baker, Ph.D., P.E. - paragraphs 10 through 18. I (Baker) have provided my rebuttal comments below:

Hayes June 13, 2019 Paragraph 10:

Hayes: "Plaintiff's expert John Baker, Ph.D., P.E. authored a report dated May 15, 2019, in which he also offered his opinions related to the fall incident at the Venetian Casino involving Ms. Sekera. Upon review of this report, I conclude that his analysis and opinions are also both inaccurate and lacking reliable scientific/engineering bases."

John E. Baker, Ph.D., P.E. response:

1. Hayes states that John E. Baker, Ph.D., P.E.'s (hereinafter referred to as "Baker") analyses have no scientific or engineering bases, and are therefore inaccurate and unreliable. Hayes infers that only his opinions summarized below have been based on science and engineering – and later that only he is qualified to make such opinions. I disagree with those opinions. The balance of this rebuttal report addresses those two opinions.
2. In fact, it will be plainly apparent that all of my aforementioned observations, analyses, and opinions have been based strictly and entirely on the detailed content of the Venetian's surveillance videos, the Physical Evidence, and the precise applications of the Laws of Physics. On the other hand, it will also be plainly apparent that Hayes' opinions (summarized below) have serious technical flaws, are arbitrary in their content, and are based on contrived foundations. These issues will be readily exposed to triers of fact. These flawed foundations are explained in detail below.
3. Despite Hayes' widespread use of the authoritative - sounding words, including "science", "scientific", "scientifically", "reliable", "engineering", and "peer-reviewed journal articles" in his two written reports, Hayes has in reality demonstrated a profound disregard for the actual visible content of the Venetian's surveillance videos, the Laws of Physics, and the Physical Evidence. In fact, Hayes uses forms of the word "science" 18 times in his original May 17, 2019 written report. Yet Hayes provides no science whatever in what appear to be manufactured results and opinions.

JS956

JOHN E. BAKER, PH.D., P.E.

Re: Joyce Sekera v. Venetian Casino Resort, LLC d.b.a. The Venetian Las Vegas

DOI: November 4, 2016 at 12:36:50 P.M. PDT

Page 5 of 27

4. Among other issues, Hayes has ignored the reality of the detailed content of the surveillance videos in their entirety, the actual and effective slip resistance of Joyce Sekera's soft-soled shoes, the actual direction and lack of spillage of Joyce Sekera's cup of coffee, and the nature, direction, and velocity of Joyce Sekera's slip and fall. In addition, he has reported necessarily contrived, below-threshold calculation results for pounds of force applied to Joyce Sekera's hip and lumbar trivialized numbers that – will be described in detail below.
5. It is my professional opinion based on 28 years of full-time forensic experience that academic hubris alone will not suffice in ultimately proving these opinions to Las Vegas' triers of fact.

Hayes June 13, 2019 Paragraph 11:

Hayes: As is noted in my report, dated May 17, 2019, in order to assess the biomechanics of injury in a fall incident, one must perform a reliable fall reconstruction. A fall can be described as including four, potentially overlapping phases: 1) Initiation; 2) Descent; 3) Impact; and 4) Post-impact, during which the faller comes to rest(9). A fall reconstruction can be used reliably to determine what initiated the fall and whether the fall caused the claimed injuries, as long as that reconstruction is grounded in the laws of physics and comports with the facts of the case. Given our scientific understanding of the physics and biomechanics of falls, the position of rest and the injuries sustained can be viewed as signatures to the fall (13). In addition, to establish injury causation, the facts of the case must be compared to the scientific criteria necessary to establish injury causation in that there is: 1) A reliable biomechanical mechanism; 2) Objective evidence of injury; 3) Temporal consistency; and 4) No more likely explanations for the alleged injuries."

John E. Baker, Ph.D., P.E. response:

1. After the inclusion of an extensive boilerplate didactic, Hayes states that "... to establish injury causation, the facts of the case must be compared to the scientific criteria necessary to establish injury causation ...". While that statement may appear entirely valid on the surface, Hayes instead provides his own "scientific criteria" and contrived calculations of Joyce Sekera's collision force, and similarly provides his own selected laboratory threshold for lumbar disk injuries to ALL similar age females – to which Hayes's "analysis" contends that Joyce Sekera must comply. Hayes also extracts one-line

JS957

JOHN E. BAKER, PH.D., P.E.

Re: Joyce Sekera v. Venetian Casino Resort, LLC d.b.a. The Venetian Las Vegas

DOI: November 4, 2016 at 12:36:50 P.M. PDT

Page 6 of 27

excerpts from peer-review academic journal articles that supposedly agree and support his opinions and PROVE their validity. I disagree with this contrivance in the name of science, and any opinions based on these false foundations.

Hayes June 13, 2019 Paragraph 12:

Hayes: "Dr. Baker did not perform an analysis consistent with this a scientifically reliable fall reconstruction, and did not examine the four criteria for injury causation. Dr. Baker performs no reliable biomechanical analyses (nor is he qualified to do so), does not calculate the forces sustained by the Plaintiff, and does not compare results to the known tolerance limits or injury thresholds. His opinions, therefore, have no basis in the scientific method, and are not supported by peer-reviewed literature, experiments or biomechanical analyses. Moreover, Dr. Baker did not evaluate the role of Ms. Sekera's shoes on the initiation of her fall."

John E. Baker, Ph.D., P.E. response:

1. Hayes' statement that Baker did not perform an analysis is incorrect. In fact, it was Hayes who stated a series of extreme defense conclusions couched in vast volumes of pedagogic boilerplate didactic and without any tangible scientific analysis having been performed. In fact, the use of oft-used canned-text responses laden with academic jargon is not a scientific analysis. On the other hand, Hayes has provided his own version of a "scientific analysis" with bogus calculations (see below) and a single tolerance limit that supposedly for ALL same-age females.
2. Hayes also elaborates that not only did Baker not perform a biomechanical analysis - he was not qualified to do so. In fact, the Professors Ayoub, Pearson, Soliday, Llewellyn, and Barrett at North Carolina State University, the management of dozens of major USA companies in private industry for whom Baker has consulted regarding OSHA and mechanisms of workplace injuries, the thousands of plaintiff and defense attorneys who have designated Baker as an expert witness on their cases over a period of in 28 years, and the state District and Superior Courts in 12 States and Federal Courts that have all deemed Baker qualified to testify on Biomechanics and Mechanisms of injury on 100.00% of the cases in which Baker has been designated as an expert would all disagree with Hayes' pompous opinion. Moreover, juries consisting of adults – and not likely compliant students or uninformed and naive academicians – will be called upon to evaluate the validity of Hayes's statements.

JS958

3. Hayes also states that Baker did not perform any biomechanical calculations or analyses, and that only Hayes was qualified to do so. However, in his questionable, misguided zeal, Hayes should have noticed that the content of Baker's file materials received to date does not include Joyce Sekera's medical reports and records. T

In fact, Baker was not asked to give Injury Reconstruction testimony as part of his scope of work. Rather, as stated below in his original May 15, 2019 report, Baker's scope of work on the subject matter was to address the question of HOW this slip and fall occurred.

Baker report May 15, 2019: "I understand that The Venetian contends that the floor was entirely dry and that Joyce Sekera did not slip on any water or lubricants present. You have requested that I examine all of the file materials and surveillance videos provided and determine whether or not the subject report slip and fall incident was consistent with a dry or a lubricated flooring surface, and whether it was reasonable or expected that Joyce Sekera would have a loss of traction on the subject marble flooring."

4. However, in the process of evaluating Hayes' recent June 13, 2019 rebuttal report, Baker has also noticed that Hayes has assigned a series of incorrect values and false assumptions about key variables that facilitate his mathematical manipulations in order to form the ultimate basis of his opinions. These are described in detail below:
 - a. Hayes calculated that the compressive impact force to Joyce Sekera's left hip and buttocks was only 279 pounds. That is, Hayes calculated this force using the Force-Impulse = Δ Momentum equation (based on $F = \text{Mass} \times \text{Acceleration}$; $F = \text{Mass} \times \Delta V / \Delta t$; and $F \Delta t = \text{Mass} \times \Delta V$). Hayes concluded that the resulting application of only 279 Force pounds was far below the injury threshold for Joyce Sekera's age and gender.
 - b. Hayes' calculation of 279 pounds of force applied to Joyce Sekera's lumbar spine and hip — which is the ultimate basis of Hayes' opinions that lumbar injuries were unlikely to Joyce Sekera and basis of criticism of Baker — with the free fall of Joyce Sekera's lumbar spine to have been from a height of at least 0.8 meters, Joyce Sekera's mass to have been 86.36 kilograms, and the acceleration due to gravity to have been fixed at 9.8 meters/sec², as all REQUIRED that Hayes assigned a value of Δt duration of 1.23 seconds in order to decelerate Joyce Sekera's lumbar area and hip to zero meters per second from the maximum free fall velocity of 3.959 meters/second. In fact, it did not take 1.23 seconds for Joyce

Sekera to decelerate to zero.

- c. The Δt of Joyce Sekera's lumbar area and hip contact with the hard flooring was closer to 1/10 of that time duration that Hayes specifies to get the pounds-force under his threshold for injury level. As a result of the actual time it takes to very short it actually takes to decelerate a falling body onto a flat, rock-hard floor, the actual force applied would have been several times higher than the trivialized 279 pounds that Hayes has contrived.
- d. Hayes has stated that Baker performed no calculations regarding pounds force applied to Joyce Sekera. However the results of Hayes' calculations required that Hayes input substantial Garbage IN to get Garbage OUT. The ridiculously low resulting force applied to Joyce Sekera appears to have been a number selected without calculation. Any actual use of the Impulse-Momentum equation would have made it obvious that the time of impact and deceleration $\Delta V / \Delta t$ necessary to yield such a low applied force was several times too high – thereby making Hayes' contrived calculated force applied to Joyce Sekera's hip and lumbar spine to be several times too low.
- e. Standard tables of tolerance limits and injury thresholds for lumbar disk failures apply to all females of similar age – which is preposterous. All adult anatomies and physiologies are vastly different from each other in every possible characteristic. In fact, even if Hayes had provided a valid and legitimate set of calculations on the Force applied, the data seen in these age tables would still not apply to Joyce Sekera.
- f. Hayes' selection of 750 pounds \pm 250 pounds as the compression tolerance of Joyce Sekera's lumbar spine based on a table of data for females at her age. In fact, I disagree with Hayes' used and reliance on any data that did not come from Joyce Sekera. In fact, a Human Injury occurs in any blunt or sharp force traumatic event when individual human tissues (with their own particular properties) are forced to move out of their own, individual, elastic ranges into non-elastic or plastic (non-returning) ranges. In Joyce Sekera's subject fall to hard surface collision, forced movement of her spinal tissues were required to create traumatic injury. The overall effect on tissue of forced movement was stretching and tearing of the tissue. However, the elastic ranges of individual tissues differ WIDELY and are highly subjective, and do vary substantially Between – and even Within – human individuals. Because of large human individual differences, a trivial perturbation and forced tissue movement in one person may cause

stretching/and/or tearing to similar tissue in another person.

- g. The formation of the data table that Hayes relied on is suspect at best. The volumes of so-called "Biomechanical" threshold data and numerous experimental results based on staged collisions with human volunteers seen in publications are of no direct relevance or validity to this – or any other – real world collision – where there are unlike human occupants, unlike medical histories, unlike surfaces, unlike durations, full awareness, and unlike circumstances. As I have stated frequently over the years, the nature of specific so-called "Biomechanical" research results from staged collisions -- with massive inherent experimental and methodological problems, full or partial awareness, protected human subjects, a lack of face validity, and the complete lack of statistical significance -- eliminate any possibility that the research results can be extrapolated to the human population involved in real-world collisions.
- h. Issues that are particularly significant that preclude laboratory data from being directly applied to human injuries in a real world collision include the following:

 - i. Laboratory results and tissue threshold failure data are often based on tests performed under strict laboratory conditions with extensive instrumentation attached to subjects.
 - ii. Laboratory results and tissue threshold failure data are often based on the use of cadavers, synthetic crash test dummies, live farm animals, and denuded human tissues in unrealistic tissue environments. These are not realistic human subjects, and have no face validity.
 - iii. Laboratory results and tissue threshold failure data are often based on inappropriate and unlike human subjects' body sizes, ages, genders, nationalities, physical features, pre-collision positions, etc. in the experiments.
- i. In fact, it is unreasonable and altogether incorrect to extrapolate the results from generic, flawed, non-statistically significant laboratory IN VITRO experiments conducted in very restricted and unlike circumstances to highly specific, complex, real-world injury situations with unlike unlike circumstances, and unlike humans. In fact, it is inappropriate and incorrect for Hayes to cite any studies and/or force analogies or events that are not substantially similar to the actual subject fall collision experienced by Joyce. Any conclusions regarding injury causation – or

lack of which – based on these staged collision analogies lack merit.

5. Hayes states that Baker's opinions have no basis in the scientific method, and are not supported by peer-reviewed literature, experiments or biomechanical analyses. Baker disagrees with this statement. Moreover, Hayes' clearly contrived calculations and convenient use of data tables that did not include Joyce Sekera in their development are not a valid application of the scientific method. There is no academic peer-reviewed literature that will support his analysis or opinions.
6. Hayes stated that Joyce Sekera head and cervical spine only free-fell a distance of one foot to the floor. Therefore the force applied to her head and neck were minimal – as experienced in everyday life. I strongly disagree with that free-fall 1-foot assignment.
7. Hayes also states that Baker did not evaluate the role of Joyce Sekera's shoes on the initiation of her fall. I disagree with that opinion. In fact, I inspected Joyce Sekera's slip-on shoes that were worn on the day of the subject slip and fall incident.
 - a. In fact, I conducted an informal, non-standard horizontal slip test for a basic, comparative, static coefficient of friction between Joyce Sekera's slipping left shoe and a hard granite surface using an American Slip Meter - Model 850. I also conducted a similar, informal, non-standard horizontal slip test for comparative static coefficient of friction with a near-new, lightly worn Sketcher Relaxed Fit Cross Trainer shoe on the granite surface for comparison static coefficient of friction. I also tested the underlying granite surface with the standard neolite sensors per the ASTM/ NFSA - B101.1 standard.
 - b. Moreover, it is Hayes who has ignored the specific soft sole materials, and has not tested the ACTUAL traction of Joyce Sekera's shoes. Instead he has relied on a paper written by an academic who was not present saying that worn shoes make you fall and must be discarded. In fact, I disagree with this generic opinion. Moreover, it is the lack of interlocking microscopic asperities on the contacting surfaces of the shoes and floor that make surfaces slide easily with respect to each other – and that phenomenon makes you fall. Most people are aware that tires that drag slicks without treads are used on drag racing vehicles. With more surface in contact with the roadway, there is more traction. However, these are soft pliable tires. If they were hard like semi-truck distance tires, they would spin in place. On my inspection, Joyce Sekera's soles and heels were made of a soft, pliable material. On my walking and drag test, there was substantial traction of this left shoe with a granite tiles surface.

- c. Both Hayes and his peer-reviewed academic colleague (below) have not mentioned the softness and pliability of Hayes subject soles and heels, and how they would easily grab the contacting floor surface when pressurized by Joyce Sekera's body weight. Instead, Hayes has incredibly opined that the worn heel on Joyce Sekera's left shoe would have suddenly propelled Joyce Sekera left foot to her right and caused her to slip. I disagree with this opinion.
 - d. Hayes has opined that the high acceleration level of Joyce Sekera's violent slip and fall was due entirely to the excessively worn insides and outside soles and extremely-wedged heels on her shoes that caused a FORCE to be applied to her left foot causing her foot to be propelled inward medially on contact with the marble floor. I disagree with Hayes' opinion in its entirety.
 - e. I have inspected Joyce Sekera's shoes worn on the day of the subject slip and fall incident. I noted that there was a maximum 8.1 degrees inclined plane worn at the left rear of the heel of Joyce Sekera's left shoe. This plane extended a distance of 1.25 inches diagonally forward from the left rear of the shoe toward the front – where it became flat with the plane of the heel. The length of the entire heel on the left shoe was 3.75 inches. The height of the worn area on the left side of the left shoe heel was a maximum of 0.25 inches.
 - f. However, Hayes failed to mention that the soles and heels of Joyce Sekera's shoes were made of a soft rubber-like, pliable material. The soles and heels on Joyce Sekera's shoes were not made of hard plastic. I noted that when this left heel was pressured with my own body weight (180 pounds), there was no sensation of an inclined plane on the left rear end of the left heel. With the left rear heel pressurized by my own body weight – similar in magnitude to that of Joyce Sekera, there was not an appreciable difference in traction when walking normally on a dry hard tile floor between that subject shoe and my own near-new, lightly worn, male Sketcher Relaxed Fit Cross Trainer shoe worn on the right foot.
 - g. In fact, because of the soft, pliable heel material on Joyce Sekera's shoes, the inclined plane of the left rear of the left shoe was apparently compressed under my 190-pound body weight and reduced substantially in its angle to the point where it was imperceptible to my conscious attention of shoe traction on both feet.
8. I also conducted a non-standard, common sense, horizontal slip test for comparative static coefficient of friction between Joyce Sekera's left shoe heel and a selected hard granite

surface using an American Slip Meter - Model 825.

- a. I noted that the horizontal coefficient of friction between the soft-material left heel of Joyce Sekera's left shoe and the granite surface was 0.656. For comparison, I noted that the horizontal coefficient of friction between the heel of near-new, barely-worn, harder-soled Sketcher Relaxed Fit Cross Trainer shoe worn on my right foot and the granite surface was 0.533. I also tested the underlying granite surface with the standard neolite sensors per the ASTM/ NFSI - B101.1 standard.
 - b. As a reference, I noted that the horizontal static coefficient of friction between the three neolite test sensors of the ASM-825 and the hard underlying granite surface was 0.513. However, the two shoe heels that were tested for comparison were both unlike in the size and area of the neolite test sensors on the ASM-825. No comparison was made between the neolite test sensors and the two shoe heel surfaces. The only intent in this informal, non-standard, test was to compare the respective slip resistance between Joyce Sekera's left shoe with its soft soles and heels and a known, barely-worn, male's Sketcher Relaxed Fit Cross Trainer shoe. In these non-standard, informal tests, Joyce Sekera's left shoe with its compressible, soft, pliable sole and heel was found to be more slip-resistant on the selected granite surface than my new, harder-soled, Sketcher Relaxed Fit Cross Trainer shoe.
9. Regarding the reasoning for the slip resistance of Joyce Sekera's worn, soft-soled and heeled shoes with the marble floor, most engineers will recognize that **ALL** friction between any contacting surfaces is a result of the mutual engagement and adherence of the microscopic asperities of the two contacting surfaces.



- a. In the upper diagram, there is little to no adherence of the contacting surfaces with shearing forces applied. In the lower diagram, there is some adherence of the contacting surfaces with shearing forces applied. It is therefore apparent that any layer of lubricant lying between those two contacting surfaces will either partially – or entirely – prevent the asperities from mutually engaging.

JS964

JOHN E. BAKER, PH.D., P.E.

Re: Joyce Sekera v. Venetian Casino Resort, LLC d.b.a. The Venetian Las Vegas

DOI: November 4, 2016 at 12:36:50 P.M. PDT

Page 13 of 27

- b. For example, the grooves in the rubber tires are designed to allow lubricating water to be compressed into the grooves and expelled from beneath the tire and prevent hydroplaning. The proportion of rubber to air space in grooves on the road surface directly affects its traction. Slick tires provide far more traction than grooved tires on dry roads, due to their greater contact area but typically have far less traction than grooved tires under wet conditions. Wet roads severely diminish the traction because of aquaplaning due to water trapped between the tire contact area and the road surface.
- c. The fact that Joyce Sekera's shoes were worn and unattractive to Hayes – including a hole in the RIGHT (non-slipping) heel – did not mean that it would be impossible for these soft-material shoe heel and sole surfaces to adhere to a normal walking surface in a normal stride.
- d. In fact, I disagree with Hayes' opinions on this subject in their entirety.

Hayes June 13, 2019 Paragraph 13:

Hayes: "Dr. Baker reported, without any scientifically reliable measurements, "From surveillance videos, there was nothing unreasonable or unusual about Joyce Sekera's anthropometrics, gait, rate of pace, stride length, heel strike, shoes, approach direction, location, athleticism or intended leftward change of direction"(Baker Report, 5/15/19). Dr. Baker has not shown that he made measurements of Ms. Sekera's pace or stride length, shoes or athleticism. He also does not provide a basis for comparison of these potential measurements to determine whether or not they are "unreasonable or unusual". He also did not complete a site inspection to gather accurate measurements of the scene and provide a scientifically reliable way to complete photogrammetry with respect to Ms. Sekera's motion."

John E. Baker, Ph.D., P.E. response:

- 1. Multiple full-speed and slow-speed inspections in surveillance videos of Joyce Sekera's walking movement prior to her unexpected slip and fall demonstrate that Joyce Sekera was walking at a normal pace and stride. However, Hayes somehow chooses to find areas of technical criticism of Baker in areas that he has not, himself, pursued in any manner.
- 2. In fact, the word "stride" appears only once in Hayes' original 26-page May 17, 2019

JS965

JOHN E. BAKER, PH.D., P.E.

Re: Joyce Sekera v. Venetian Casino Resort, LLC d.b.a. The Venetian Las Vegas

DOI: November 4, 2016 at 12:36:50 P.M. PDT

Page 14 of 27

written report – and that instance is located inside a generalized boilerplate didactic and not specifically applying to Joyce Sekera.

Moreover, the word “photogrammetry” does not appear anywhere in Hayes’ May 17, 2019 report. It is apparent that Hayes’ did not himself consider Joyce Sekera’s stride length and pace, nor did he utilize any photogrammetric measurement methods. Yet in his criticism of Baker, Hayes somehow finds BOTH necessary for the performance of a valid “scientific” analysis of Joyce Sekera’s walking movements prior to her slip and fall. While it is unclear what Hayes considers a scientifically valid analysis, it is clear that Hayes has not conducted an objective evaluation of this subject slip and fall.

Hayes June 13 Paragraph 14:

Hayes: “Dr. Baker also reported, ‘Joyce Sekera’s subject slip and fall occurred at 1/4/206 — 122651 PDT The Janitor with a first-seen yellow warning placard appeared with the mop at 11/4/2016 — 1239:49 PDT — less than three minutes later It appeared therefore likely that this maintenance employee with wet mop was physically in proximity of this subject slip location at the instant of Joyce Sekera’s slip and fall.’ (Baker Report, 5/15/19). However, Dr. Baker ignores that in the 30 minutes prior to Ms. Sekera’s fall numerous other patrons walk through the area without incident and there is no indication of any liquid spill in the area. Moreover, Mr. Shulman, an employee of the Venetian Casino at the time of this incident, testified that he went into the nearby bathroom to get the Public Areas Department personnel (Shulman deposition, 11:10). There is no indication that any mopping was already in progress prior to Ms. Sekera’s fall.”

John E. Baker, Ph.D., P.E. response:

1. I disagree with this observation and opinion. Hayes has stated that there was no liquid that was “scientifically” evident on the subject polished marble floor which would have provided a lubricant between Joyce Sekera’s shoe surfaces and the polished marble floor – thereby causing Joyce Sekera’s loss of traction in her left leg stride phase. It is unclear whether Hayes considers surveillance video “scientific” or not – in that he has ignored the contents of the surveillance videos. On the other hand, I will direct my full attention to a frame by frame inspection of the surveillance video, and do not rely on the memories or perceptions of employees who are questioned sometimes years after the incident.
2. My inspection of Enlarged frame-by-frame inspections of the [5] surveillance videos demonstrated that there is substantial visual evidence in surveillance videos that Venetian

JS966

JOHN E. BAKER, PH.D., P.E.

Re: Joyce Sekera v. Venetian Casino Resort, LLC d.b.a. The Venetian Las Vegas

DOI: November 4, 2016 at 12:36:50 P.M. PDT

Page 15 of 27

maintenance personnel conducted a large amount of drying activity in the immediate areas of Joyce Sekera subject slip and fall immediately after her subject fall in marble floor areas that had not been previously mopped in the surveillance video by the maintenance personnel and after Joyce Sekera's slip and fall. These clear surveillance video images were apparently not seen – or intentionally ignored – by Hayes.

3. A summary of the descriptions of these surveillance video frames are listed in the APPENDIX. I encourage a review of the contents.
4. Hayes has opined that since others did not fall in this same area, Joyce Sekera's worn shoes must have caused her slip and fall. I disagree with the inference. In fact, the surveillance video clearly demonstrated that shoe contacts with the polished marble floor of the individuals mentioned by Hayes were two feet and more away from Joyce Sekera's subject slip point location. Moreover, to lose traction in normal walking, the loss of traction would have typically occurred at the approximate 23-degree heel strike occurring at the end of the pedestrian's stride phase. Surveillance videos demonstrated that the two individuals walking in the floor area just prior to Joyce Sekera's slip and fall were not walking at the same geographical location, and their heel strikes were not at the same locations as Joyce Sekera's point of slip.

Hayes June 13, 2019 Paragraph 15:

Hayes: "Dr. Baker further asserted "...the length of Joyce Sekera's left shoe slip appeared to exceed 12 inches... "and "... this apparent slip length greatly exceeded the 88 Inches that research shows as the upper length limit in which heel traction must have occurred before a forward foot slip. Joyce Sekera's excessive slip length was most consistent with the presence of a lubricant on the floor. Moreover, it would be impossible for any footwear to slip forward that far forward in that manner without the presence of a lubricant on the floor " (Baker Report, 5/15/19). Dr. Baker did not provide a reference to the literature he uses as a basis for his assertions."

John E. Baker, Ph.D., P.E. response:

1. Relying on my background as a mechanical engineer with 28 years experience providing forensic consulting services, and my understanding of the concepts of surface lubrication, drag, lockup, and static and dynamic coefficients of friction, I am confident that I can state an opinion without the benefit or substantiation of an outside, unrelated academic peer-reviewed paper written by a colleague who was not present at Joyce Sekera's subject

JS967

slip and fall event, and has not seen Joyce Sekera's slip and fall surveillance video.

2. In fact, there are valid opinions regarding traction and lubricants that are not the subject of an academic paper. Moreover, I disagree that every technical opinion needs peer-reviewed academic literature to be valid. Unlike Hayes, I have no interest in extracting a line out of context from a peer-reviewed paper to support and PROVE my opinion. My years spent as a professor in academia observing the motivations for publishing papers support that opinion.

Hayes June 13, 2019 Paragraph 16:

Hayes: "Dr. Baker reported, "Joyce Sekera was wearing women's flat, ballet-type shoes with soft, rubber-like, porous, somewhat-worn soles and heels. There was a hole from wear in the lateral side of the right shoe heel. Photographs demonstrated that these soles and heels were made of softer materials, and were not the harder polyurethane soles and heels that are typically seen in women's shoes". (Baker Report, 5/15/19). Therefore, Dr. Baker should have been aware that her shoes were, in fact, unreasonably worn, particularly along the lateral edge, yet he ignored the effect of this shoe wear in his analysis. **With respect to the sole stiffness, research has shown that when wearing soft soled shoes, such as those Ms. Sekera was wearing, walkers require a larger coefficient of friction than when wearing hard soled shoes(14).** In particular, the difference between the utilized coefficient of friction for hard and soft soled shoes was due to **an increase in the resultant shear forces with soft sole shoes.** Dr. Baker has no basis for his assertion that footwear would not allow a shoe to slip forward outside the range of that which would produce effective traction with the floor. As described in my May 17, 2019 report, inappropriate or unreasonable footwear can lead to slips and falls. Gronqvist reported that "footwear must be discarded before the tread pattern is worn-out"(7). As a matter of general causation, Ms. Sekera's shoes were worn well beyond their safe life and, more likely than not, increased the risk of her falling. Moreover, Ms. Sekera's foot did not move forward as typically seen in slips due to a foreign substance on the floor, but instead the surveillance video shows an inward translation of her left foot, caused by the extreme wear (to the point of wedging and loss of tread) of her shoes. My opinion comports with Ms. Cruz's testimony that "I think what you see is that she slipped, but it was her shoe"(Cruz deposition, 42:17). Moreover, Dr. Baker has ignored the testimony of the Venetian employees who asserted there was no water or other foreign substance on the floor in the area of Ms. Sekera at the time of her fall."

JOHN E. BAKER, PH.D., P.E.

Re: Joyce Sekera v. Venetian Casino Resort, LLC d.b.a. The Venetian Las Vegas

DOI: November 4, 2016 at 12:36:50 P.M. PDT

Page 17 of 27

John E. Baker, Ph.D., P.E. response:

1. Hayes' states above that "... with respect to the sole stiffness, research has shown that when wearing soft soled shoes, such as those Ms. Sekera was wearing, walkers require a larger coefficient of friction than when wearing hard soled shoes(14)".
2. Hayes'(14) reference citation is to a paper in the journal *Gait Posture* 30(3); 303-306, 2009 June 23 written by Tsai YJ, Powers CM, entitled "Increased Shoe Sole Hardness Results in Compensatory Changes in the Utilized coefficient of Friction During Walking."

Hayes contends that THIS PAPER proves that "...walkers require a larger coefficient of friction than when wearing hard soled shoes. ..." and are more slippery requiring greater floor traction for safe, normal walking.

The abstract of the paper cited by Hayes reads precisely as follows:

"Based on mechanical testing, harder soled shoes have been shown to provide less available friction than soft soled shoes. Whether or not humans adjust their utilized coefficient of friction (COFu) and gait kinematics to accommodate the decrease in available friction while wearing hard soled shoes is not known. Fifty-six young adults participated in this study. Ground reaction forces, full body kinematics, stride characteristics and subjective perception of footwear slipperiness were recorded under both hard and soft soled shoe conditions. Paired t-tests were used to identify the differences between two shoes conditions.

Results indicated that the peak COFu was significantly less when wearing the hard soled shoes compared to when wearing the soft soled shoes (0.23 vs. 0.26, $P<0.001$). The decrease in peak COFu was the result of a decrease in the resultant shear forces at the time of peak COFu as no difference in the vertical ground reaction forces was observed. When wearing hard soled shoes, subjects demonstrated decreased total body center of mass (COM) acceleration prior to and immediately following initial contact, decreased walking velocity, shortened stride length, and reduced ankle dorsiflexion angle at initial contact. Taken together, we believe that these gait modifications [i.e., when wearing the hard soled shoes] represent behavioral adaptations to wearing shoes that are perceived to be more slippery."

3. However, in fact, the Tsai paper cited by Hayes just does not say that "...walkers require a larger coefficient of friction than when wearing hard soled shoes." It states the complete opposite. Hayes' inference that soft-soled shoes are more slippery and

JS969

therefore require a greater COF with a hard floor (like the Venetian) to be safe completely mis-states Tsai's paper. In fact, Hayes statement relying on THIS PAPER – defying any form of common sense and apparently to support his opinion about Joyce Sekera's "dangerous" shoes – cites it backwards. Whether intentional or not, Hayes' opinion is false.

4. In fact, both common sense and this paper by Tsai tell us the same thing – that SOFT SHOES GRAB THE FLOOR BETTER – the complete opposite of Hayes' oddly false recitation of the clear wording of his Tsai paper. In fact, this paper is 100% consistent with my explanation above regarding the concept of interlocking surface "asperities" causing friction and WHY surfaces slip, and 0% consistent with Hayes false citation and opinion. I furthermore disagree with any opinions from Hayes regarding Joyce Sekera's shoes.
5. Hayes' (7) reference citation is to a paper in the journal *Ergonomics* 224-241, 1995 Feb. Vol. 38 (2) Grönqvist, R. entitled "Mechanisms of friction and assessment of slip resistance of new and used footwear soles on contaminated floors."

Hayes contends that THIS PAPER proves that all worn shoes should be discarded. Even if it were feasible this paper could possibly be that authoritative, Hayes has taken the "discard" statement entirely out of context from the Grönqvist's paper.

The abstract of the Grönqvist, R. paper cited by Hayes reads precisely as follows:

"The great number of slipping accidents indicates that footwear providing good slip resistance must be rare. Slip resistance seems to be a purely physical phenomenon, however, more knowledge of the mechanisms of friction is needed to develop slip-resistant footwear and to ensure safer walking in slippery conditions. In the present study the influence of the normal wear of shoe heels and soles on their frictional properties was clarified.

The slip resistance of three types of new and used safety shoes on four relatively slippery floor-contaminant combinations, was assessed with a prototype apparatus, which simulates the movements of a human foot and the forces applied to the underfoot surface during an actual slip.

The used shoes were collected from 27 workers in a SHIPBUILDING company and classified by sight into four different wear classes: Good, satisfactory, poor, and worn-out. The assessed shoe heels and soles were in general more slippery when new compared to used heels and soles. However, footwear must be discarded before the tread pattern is worn-out.

Used microcellular polyurethane (PU) heels and soles gave a considerably higher coefficient of kinetic friction (pk) on contaminated floors than used heels and soles made of compact nitrile (NR) and compact styrene rubber (SR). The heel-slide coefficient of kinetic friction (pki) for used versus new shoes was on average 66% higher for PU (0.216 versus 0.130), 27% higher for SR (0.143 versus 0.113), and 7% lower for NR (0.098 versus 0.105). The fundamental mechanisms of friction between shoe soles and contaminated floors were also discussed, and experiments with seven slabs of sole materials were carried out to assess contact pressure effects from the viewpoint of slipping. Slip resistance particularly seemed to depend on the squeeze film and the contact pressure effects between the soling materials and the floor. An increasing contact pressure dramatically reduced the pk, thus indicating that the slip resistance varies considerably during the normal gait cycle. Hence, average friction readings are probably not at all decisive from the slip resistance point of view. An instantaneous coefficient of friction may be more relevant, because in walking the time available to achieve a sufficient coefficient of friction to avoid a slip is only a few tenths of a second."

6. The abstract of the Grönqvist paper cited as authoritative by Hayes states that the new shoe heels were more slippery than the used heels and soles. This conclusion is reasonable and consistent with my description of microscopic asperities – and why surfaces slip with respect to each other. It also describes why it is important to consider Joyce Sekera's shoes with soft soles and heel.
7. However, Hayes states that all worn shoes are inherently dangerous and must be discarded, and that this paper PROVES that. I disagree in that the circumstances and samplings in this Grönqvist experiment and paper describes a situation that is entirely UNLIKE Joyce Sekera's subject shoes and incident. In fact, if one reads the abstract, there were 27 pairs of WORK shoes were taken from workers in the SHIPBUILDING industry. In fact, there were no shoes in this experiment that remotely resembled Joyce Sekera's soft shoes with soft soles and heels. It would be a fact that none – i.e., 0% – of these shoes in the Grönqvist experiment had soft, pliable, compressive soles and heels.

It is apparent that under the guise of academic authority, Hayes has searched the literature for ANY possible line or statement that can be extracted out of context to support his extreme positions. He has also condemned Baker – and I assume others – for not doing so. This Grönqvist paper is an example. I disagree with this approach.

JOHN E. BAKER, PH.D., P.E.

Re: Joyce Sekera v. Venetian Casino Resort, LLC d.b.a. The Venetian Las Vegas

DOI: November 4, 2016 at 12:36:50 P.M. PDT

Page 20 of 27

Hayes June 13, 2019 Paragraph 16:

"Finally, Dr. Baker reported, 'Joyce Sekera's slip and fall and associated blunt force trauma was consistent with her reported elbow and spine injuries.'" (Baker Report, 5/15/19). As stated above, Dr. Baker did not calculate the forces from the fall on Ms. Sekera's elbow or spine. He has not compared those forces to injury tolerance limits for those regions. Dr. Baker has also not evaluated the facts of the case against the criteria for injury causation. By contrast, in my report, I have shown that the forces on Ms. Sekera's head, neck low back and sacroiliac joint were well below injury tolerance limits, she had no objective evidence of acute injury, there was a lack of temporal consistency and the forces from the fall were well below those generated during her normal daily activities. Therefore, it is unlikely that the fall on November 6, 2019 caused the injuries that Ms. Sekera is asserting."

John E. Baker, Ph.D., P.E. response:

1. All of my rebuttal opinions to Paragraph 13 of Hayes June 13, 2019 rebuttal report have been presented above in detail.

Hayes: Opinions

Hayes June 13, 2019 Paragraph 17:

Hayes: "Since submitting my May 17, 2019, report, my opinions remain unchanged. Furthermore, for the reasons set forth in this rebuttal report, I believe the opinions offered by both Mr. Jennings and Dr. Baker are fundamentally flawed and scientifically unreliable."

John E. Baker, Ph.D., P.E. response:

1. All of my rebuttal opinions to Paragraph 17 of Hayes June 13, 2019 rebuttal report have been presented above in detail.

JS972

JOHN E. BAKER, PH.D., P.E.

Re: Joyce Sekera v. Venetian Casino Resort, LLC d.b.a. The Venetian Las Vegas

DOI: November 4, 2016 at 12:36:50 P.M. PDT

Page 21 of 27

These additional rebuttal observations and opinions in this written rebuttal report have been stated to a reasonable degree of Accident Reconstruction, Biomechanical Engineering, and Human Factors Engineering certainty.

I do reserve the right to expand, alter, or amend my opinions in the event that further information is brought to my attention.

If you have any questions regarding these observations and opinions, please do not hesitate to contact me.

Sincerely,

John E. Baker [signed electronically]

John E. Baker, Ph.D., P.E.

JS973

JOHN E. BAKER, PH.D., P.E.

Re: Joyce Sekera v. Venetian Casino Resort, LLC d.b.a. The Venetian Las Vegas

DOI: November 4, 2016 at 12:36:50 P.M. PDT

Page 22 of 27

APPENDIX

JS974

JOHN E. BAKER, PH.D., P.E.

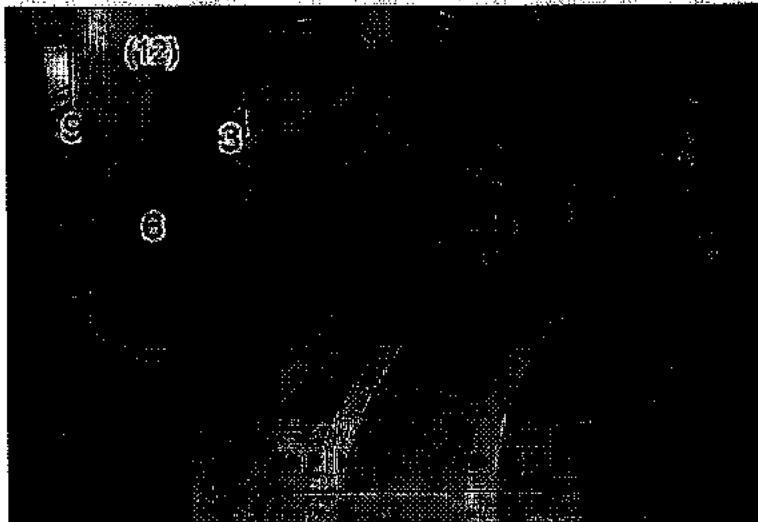
Re: Joyce Sekera v. Venetian Casino Resort, LLC d.b.a. The Venetian Las Vegas

DOI: November 4, 2016 at 12:36:50 P.M. PDT

Page 23 of 27

PREVIOUS OBSERVATIONS

1. Enlarged frame-by-frame inspections of the [5] surveillance videos demonstrated the following:
 - a. That prior to her slip and fall at 11/04/2016 - 12:36:51 PDT, Joyce Sekera was walking in a normal stride on the decorative marble tile floor toward – and to the right of – a large, cylindrical, structural, marble pillar. (See photo immediately below to describe 3, 6, 9, and 12 O'clock positions on pillar as referenced in following paragraphs).



Structural Pillar with 3, 6, 9, and 12 O'clock orientation.

- b. That immediately prior to her slip and fall at 11/04/2016 - 12:36:51 PDT, Joyce Sekera's intended walking path appeared to be headed leftward and around the right side of the pillar.
 - c. That prior to her slip and fall at 11/04/2016 - 12:36:51 PDT, she was looking straight ahead in the direction of her walking path and not downward.
 - d. That she had a cup of coffee in her left hand. Her left arm was also supporting her

JS975

purse. Her right arm was swinging freely.

- e. That on the decorative marble floor, there were numerous decorative tan-colored tile circles on a brown-colored tile background – all arranged inside concentric tan-colored rings that were approximately 15 to 20 feet in diameter. That judging from shoe lengths and other comparative dimensions of passing pedestrians, that these tan-colored circles on the marble floor appeared to be approximately 2 feet in diameter. (That is, these tan circles were arranged on the decorative concentric rings in a manner similar to numbers on a clock.)
- f. That at 11/04/2016 - 12:36:51 PDT, Joyce Sekera's left heel strike failed to achieve sufficient traction on the brown-colored tiled floor at a location approximately 9 inches before her left foot entering one of the tan-colored circles at the circle's 7 O'clock position. That is, with her pre-slip walking path and body mass momentarily headed leftward around the pillar, her left shoe slipped forward and medially (toward her center of mass) and toward the center of the tan-colored circle. A substantially-enlarged, frame-by-frame inspection demonstrated that the length of Joyce Sekera's slip with the floor appeared to exceed 12 inches in length before her bodily balance was lost completely. She then fell leftward unexpectedly and violently onto her left side and left elbow on the marble floor against the pillar.
- g. That wet and/or lubricated areas on the floor were not visible in the surveillance video. However, that after Joyce Sekera's fall at 12:36:51 PDT, at 12:39:05 PDT, a female management employee talking on a cell phone entered the screen and walked over to Joyce Sekera who is seated on the floor. That the entering female management employee pointed to the floor where Joyce Sekera slipped and fell and nods in the affirmative. She then exits the screen – still talking on a cell phone.
- h. That at 12:39:20 PDT, a male management employee (with his front to the camera) entered the screen view and surveyed the general area with Joyce Sekera seated in place on the floor. That at 12:39:47 PDT, another male management person (with his back to the camera) looked down and pointed downward at the floor area at a location a few feet away past the pillar and point of Joyce Sekera's fall contact.
- i. That there was an indication in the Venetian Security reports "... that a Public Areas Department team member was on scene and mopping the flooring in the

area". In fact, Joyce Sekera's subject slip and fall occurred at 12:36:51 PDT. As stated above, the male maintenance person referenced above and the first-seen yellow warning placard appeared with mop and bucket at 12:39:49 PDT – less than three minutes later.

- j. That at 12:39:49 PDT, both a male and female maintenance persons entered the screen view. The male maintenance person had mop and bucket. The female maintenance person had a green rag, a broom, and folding sweeping receptacle. The original male maintenance person continued to point at the floor as if directing action at a location past Joyce Sekera hard landing location – and now seated location – on the floor.
- k. That at 12:39:55 PDT, the male maintenance person began mopping the pillar from 3 O'clock on the pillar in the screen (at an area between the location where Joyce Sekera slipped and fell and the pillar) and 6 O'clock on the pillar as the pillar faced the surveillance camera.
- l. That at 12:40:04 PDT, the female maintenance person walked to the 6 O'clock position on the pillar with green rag in her hand. She continued walking out of the screen area to an unseen location that is not in back of the pillar.
- m. That at 12:40:18 PDT, an unknown employee placed a yellow warning placard on the far side (i.e., 12 O'clock position) of pillar. At this time, Joyce Sekera was still seated and upright at approximately a 2 O'clock location and three feet out from the pillar.
- n. That at 12:40:24 PDT, the male maintenance employee repeatedly wrung out the mop in the mop bucket's compression wringer and continued to wet mop.
- o. That at 12:41:06 PDT, the female maintenance employee who was out of the screen was again seen as the camera panned back giving a wider angle of view. At this time, she was seen wiping the floor at the 6 O'clock position on the pillar using her foot to forcibly move a mop head back (without handle) back and forth. She continued to mop the floor with her foot on the mop head from the 6 O'clock to the 9 O'clock position at a distance approximately 18 inches outward from the pillar (only). **However, she did not mop the floor with her foot on the mop head at locations between 9 O'clock and 12 O'clock.**
- p. That at 12:41:49 PDT, the male maintenance employee continued to mop the floor

JOHN E. BAKER, PH.D., P.E.

Re: Joyce Sekera v. Venetian Casino Resort, LLC d.b.a. The Venetian Las Vegas

DOI: November 4, 2016 at 12:36:50 P.M. PDT

Page 26 of 27

at areas between 6:30 O'clock and 3 O'clock around the base of pillar.

- q. That at 12:41:01 PDT, the male maintenance employee manually prevented a pedestrian from walking across the area. There was a yellow warning placard on the opposite side (i.e., the 12 O'clock position of the structural pillar. There was no yellow warning placard on the 6 O'clock side of the pillar in the location of the mopping.
- r. That at 12:41:07 PDT, the female maintenance employee was again seen on the screen rubbing the area around the base of the structural pillar with a mop head (no handle) under her foot – including areas that the male maintenance person had not mopped. There were green towels seen scattered around on the floor. With her foot on the mop head, she continued to wipe dry the floor around the pillar with the mop head (no handle) between 6 O'clock to 9 O'clock locations.
- s. That at 12:41:29 PDT, the female maintenance employee picked up the mop head off the floor and put it on the dark colored base of the structural pillar at 6 O'clock. She manually wiped off areas at the base of the structural pillar with the mop head.
- t. That at 12:41:34 PDT, the female maintenance employee gave the male maintenance employee the mop head to wring out. **She then walked over to areas in back of the pole that have not been previously mopped by herself or the male maintenance employee, and dried large outward areas between 9 O'clock and 12 O'clock (part of view blocked by the pillar) i.e., at distances several feet out from the pillar.**
- u. That the male maintenance employee continued to mop the pillar itself and the entire area around the pillar for several feet outward for the next minutes until the screen leaves the area.
- v. That another yellow warning placard was placed on the floor at the 630 O'clock position on the pillar. At 12:43:34 PDT, that yellow placard was moved out of the screen view. Joyce Sekera was still seated upright in position.
- w. That at 12:43:57 PDT, Joyce Sekera was helped up to her feet by an emergency technician. The male maintenance employee continued to mop the entire area at wider distances from the pillar — albeit at a much slower pace.

JS978

JOHN E. BAKER, PH.D., P.E.

Re: Joyce Sekera v. Venetian Casino Resort, LLC d.b.a. The Venetian Las Vegas

DOI: November 4, 2016 at 12:36:50 P.M. PDT

Page 27 of 27

- x. That at 12:44:53 PDT, helped up and walking vertically, Joyce Sekera was escorted away from the slip and fall area and the screen view changes away from the pillar.

JS979