

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

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

Petitioners,

vs.

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

Respondents,

and

JOYCE SEKERA, AN INDIVIDUAL,

Real Party in Interest.

No. 83600-COA

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**REAL PARTY IN
INTEREST'S APPENDIX,
VOLUME 9
(Nos. 1700–1840)**

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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 TENTH 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 Tenth 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
15 8. Person Most Knowledgeable and/or
16 Custodian of Records
17 Las Vegas Radiology
18 3201 S. Maryland Parkway, Suite 102
19 Las Vegas, Nevada 89109

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

27
28 9. Michelle Hyla, D.O.
Person Most Knowledgeable and/or
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.

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 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. Travnicek, 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. Travnicek will testify as a non-retained expert in her capacity as medical 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.

1 She 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. Travnick's opinions include,
6 but are not limited to, her 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, her review of Plaintiff's medical records. In addition, Dr. Travnick will
9 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

1 opinions shall include the cost of past and future medical care and whether those medical costs fall
2 within the ordinary and customary charges for similar medical care and treatment. His testimony
3 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.

4 In rendering his expert opinions he will rely upon the records of all physicians, health care
5 providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his
6 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.

7 He will render expert opinions that all of the past and future medical care provided to
8 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
9 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
10 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
11 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.

12 17. Willian D. Smith, M.D.

13 Person Most Knowledgeable and/or
14 Custodian of Records
15 Western Regional Center for Brain & Spine
3061 S. Maryland Parkway, Suite 200
Las Vegas, Nevada 89109

16 *It is expected that Dr. Cash will testify as a non-retained expert in his capacity as medical
17 physicians who provided medical care to Plaintiff, following the subject incident. Dr. Cash is
18 expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
19 rendered, the causation of the necessity for past and future medical treatment, his expert opinion as
20 to past and future restrictions of activities, including work activities, caused by the incident. His
21 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.

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
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.

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

1 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
2 tests that were performed, his review of Plaintiff's medical records. In addition, Dr. Cash will testify
3 as a rebuttal expert to any medically designated defense experts in which he is qualified.

4 18. Marissa Freeman
5 8929 Monte Oro Drive
6 Las Vegas, Nevada 89131

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

9 19. Brian Freeman
10 8929 Monte Oro Drive
11 Las Vegas, Nevada 89131

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

14 20. Carole Divito
15 7840 Nesting Pine Place
16 Las Vegas, Nevada 89143

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

19 21. David Elliott, P.E.
20 2125 Marsh Tern Court
21 N. Las Vegas, Nevada 89084

22 *Expected to testify regarding his employment by the Venetian to achieve an aesthetically pleasing
23 flooring material that met a .5 wet coefficient of friction and his advice and recommendations to the
24 Venetian concerning the use of ceramic tile instead of marble as a floor surface at the Venetian.

25 22. Any and all witnesses named by the Defendant.

26 II

27 COMPUTATION OF DAMAGES

28 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	\$350,000.00 (estimated)
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 (Bates #JS951 TO 952)

Ninth Supplement

25. Supplemental report from Dr. Baker (Bates #JS953 to 979)

Tenth Supplement

26. Second Supplemental expert report from Dr. Baker (Bates #JS980)

27. Third Supplemental expert report from Dr. Baker (Bates #JS981 to 988)

28. 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:

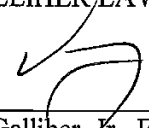
- a. Actual surgical hardware, plates screws, surgical tools, and surgical equipment as used in Plaintiff's medical treatment and anticipated to be used in future treatment;
- b. Demonstrative and actual photographs and videos of surgical procedures and other diagnostic tests Plaintiff has undergone 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 15th day of July, 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 **TENTH SUPPLEMENTAL EARLY CASE CONFERENCE DISCLOSURE STATEMENT** was served on the 16th 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@GMAIL.COM

July 15, 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 - Amendment

DOI: November 4, 2016 at 12:36:50 P.M. PDT

Dear Mr. Galliher:

On review of my July 10, 2019 Second Supplemental and Rebuttal Report draft submitted on July 10, 2019, I noted that there is a typographical error. In fact the time duration referred to on page 7 Paragraph 4b, in reference to Hayes' assigned value of Δt duration of 1.23 seconds should instead read that the Hayes' Δt duration in his calculation was 0.280 seconds. The rest of the paragraph and the opinions remain the same.

This amendment and 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.

JS980

John E. Baker, Ph.D., P.E.
FORENSIC ENGINEER

7380 SOUTH EASTERN AVENUE
SUITE 124-142
LAS VEGAS, NEVADA 89123
(702) 334-9033
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E-MAIL: JEBAKERPHD@GMAIL.COM

July 15, 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 -
Third Supplemental and Rebuttal Report**

DOI: November 4, 2016 at 12:36:50 P.M. PDT

Dear Mr. Galliher:

Presented below is a detailed breakdown and explanation of Toby Hayes' calculations regarding the force applied to Joyce Sekera's lumbar spine—which is the ultimate root basis of Hayes' opinions that lumbar injuries were unlikely to Joyce Sekera and basis of criticism of Baker

You will recall that Hayes calculated 279 pounds of force applied to Joyce Sekera's lumbar spine and hip. In fact, the free fall of Joyce Sekera's lumbar spine to have been from a height of at least 0.800+ meters, Joyce Sekera's mass was 86.36 kilograms, and the acceleration due to gravity is fixed at 9.8 meters/sec². Given those fixed values, it is REQUIRED for **Hayes to have assigned a value of Δt (i.e., the duration of the collision with the floor) at 0.280 seconds** in order to decelerate Joyce Sekera's lumbar area and hip to zero meters per second from a maximum free fall velocity just above impact with the floor at 3.959 meters/second.

In fact, this time duration occur **AFTER Sekera's .407 seconds of free fall time**. It is strictly the time to decelerate her body as it strikes the rigid (barrier) hard marble floor at height zero following her free-fall height in air of her lumbar spine a distance of 0.8 meters (i.e., 32 inches). That is, this

JS981

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 6

deceleration time duration starts at the instant that Sekara first makes physical contact with the hard marble floor while at her maximum downward velocity. It then decelerates to zero meters per second at the rigid floor almost instantaneously. In fact, at the initial instant of Sekara's contact, it did not take 0.280 seconds for Joyce Sekera to decelerate her spine to zero on the hard marble floor.

For comparison, full-size motor vehicles are typically in contact for 0.100 seconds in collisions with mutual engagement (i.e., not sideswipes). Being hit in the face with a dodge ball, it takes about 0.020 to 0.050 seconds for the dodge ball to make its initial contact with the face, decelerate to zero in its compression fully against the face, and rebound off the face. The time of contact between a hard bumper and a human lower leg is 0.070 seconds. A pedestrian being struck in the lower leg to be launched upward onto the hood striking the windshield in multiple contacts takes approximately 0.300 seconds.

Sekara's initial decelerating hard contact with the consumed approximately 0.10 seconds.

Per the Impulse - Momentum equation, greater time duration necessitates less force required.

The resulting force is easily manipulated. At Hayes (extended) time duration, the calculated collision force is less than half of the actual time of DECELERATION from application of force.

You will also recall that Hayes states that the calculated 279 pounds_{-force} is far below the TABULAR AGE THRESHOLDS for unspecified lumbar disk injury – concluding Sekera's L5/S1 cannot be injured in this fall. IN fact, Hayes indicated that the forces applied to Joyce Sekera's lumbar spine were BELOW forces encountered in every day life – including bending over tying shoes.

JS982

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

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Given the height of the fall, the calculated 279 pounds_{-force} of FORCE application is primarily based on the time duration of Sekera's deceleration on the floor. However, Hayes' failure threshold does not appear to specify the type or degree of L5/S1 disk injury referred to in the tabular data, the type of force loading that made the test disk fail, or the angle of force loading, of the mechanism. It also does not mention that the disk being tested is not Sekera's L5/S1, and is instead, coming from a non-living, denuded, spine SPECIMEN from a cadaver.

1.	Newton's Second Law of Motion: Acceleration = Force / Mass or Force = Mass * Acceleration	Newton II: Acceleration/ Deceleration of an object is directly proportional to Force applied and indirectly proportional to Mass of object
2.	We know that Acceleration = Δ Velocity / Δ Time	Definition
3.	Therefore, Force = Mass * (Δ Velocity / Δ Time) and Force = Rate of Change of Momentum	Plug in for Acceleration
4.	Yields the Impulse-Momentum Equation: Force * Δ Time = Mass * Δ Velocity <div style="display: flex; justify-content: space-around; width: 100%;"><div style="text-align: center;"><hr style="width: 100px; margin: 0 auto;"/>Impulse</div><div style="text-align: center;"><hr style="width: 100px; margin: 0 auto;"/>Momentum</div></div>	Mult both sides by Δ Time gives resulting Impulse equation

JS983

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

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5.	Max Free-Fall Velocity = $\text{SQRT}(2 * \text{Gravity} * \text{Height})$ Free fall Seklara lumbar spine at Height of 32 inches = 0.8128 meters	Compute Max Fall Velocity
6.	$V_{\text{max}} = \text{SQRT}(2 * 9.8 \text{ meters/ second}^2) * (.8128 \text{ meters})$	Plug in
7.	$V_{\text{max}} = 3.991 \text{ Meters/second} = 8.927 \text{ mph}$ (from free fall height of 32 inches)	Calculate
8.	Time of Free Fall = 0.407 seconds (from free fall height of 32 inches)	Reference calculation From $h = .5G * t^2$
9.	Impulse = Rate of Change of Momentum $\text{Force} * \Delta \text{Time} = \text{Mass} * \Delta \text{Velocity}$ $\text{Force}_N * (.1 \text{ second}) = (86.36 \text{ Kilograms}) * (3.991 \text{ meters/ second})$	From Impulse Line #5 equation above
10.	$\text{Force}_N = 3446 \text{ Newtons}$	Calculate Force for actual $\Delta t = 0.1 \text{ sec}$
11.	Impulse = 344.6 Newton-seconds	Calc Impulse for $\Delta t = 0.1 \text{ sec}$
12.	Reference: 1 Newton = one kilogram-meter per second squared	Ref
13.	1 Newton = 0.223809 pounds _{-force}	Convert
14.	Actual Sekara Force = 771.25 pounds-force	Convert N to pounds-f

JS984

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 6

	HAYES:	
15.	<p>Hayes reference: States that applied force to tabular data for spinal disc failure in 60 year-old women = 750 +/- 201 pounds. (i.e., Range: 549 to 951 pounds to failure (?))</p> <p><i>Ref: Genaidy AM, Waly SM, Khalil TM, Hidalgo J: <u>Spinal compression tolerance limits for the design of manual material handling operations in the workplace.</u> Ergon 36(4); 415-434, 1993.</i></p> <p><i>"Tables of Spinal Compression Tolerance Limits (SCTL) from various sources utilizing large number of specimens and personal factors are presented so that they can be accessed by ergonomists easily."</i></p>	Hayes spinal disc Tolerance limit based on IN VITRO denuded specimens in lab. Not Sekara.
16.	<p>Hayes: (From Above)</p> <p>Impulse = Rate of Change of Momentum Force * Δ Time = Mass * Δ Velocity</p> <p>279 pounds-f * (Δ Time) = (190 pounds/32.2 pound-s²/ft) * (13.09 ft/sec)</p>	Plug Hayes Force calculation result into Impulse Equation above

JS985

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 6

17.	<p>Hayes necessary deceleration time:</p> <p>Hayes' Δ Time = <u>.280</u> seconds</p> <p>Actual Sekera Δ Time = Body vs. Rigid Object is Less than 0.100 seconds.</p>	<p>From Hayes calculations, Hayes must use this time in his force computation.</p> <p>However, Hayes' Δ Time to decelerate Sekara's lumbar spine is two to three times ACTUAL .</p>
18.	<p>Hayes:</p> <p>Hayes calculations of Force applied to Sekara necessitate a Δ Time that is twice to three times longer than actual time to decelerate Sekara's lumbar spine starting at the instant she contacts the rigid floor (barrier) at maximum velocity.</p>	<p>Longer Time to Decelerate = Less Force required.</p> <p>Hayes Force at half to one-third as much force as actually required</p>

This amendment and 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,

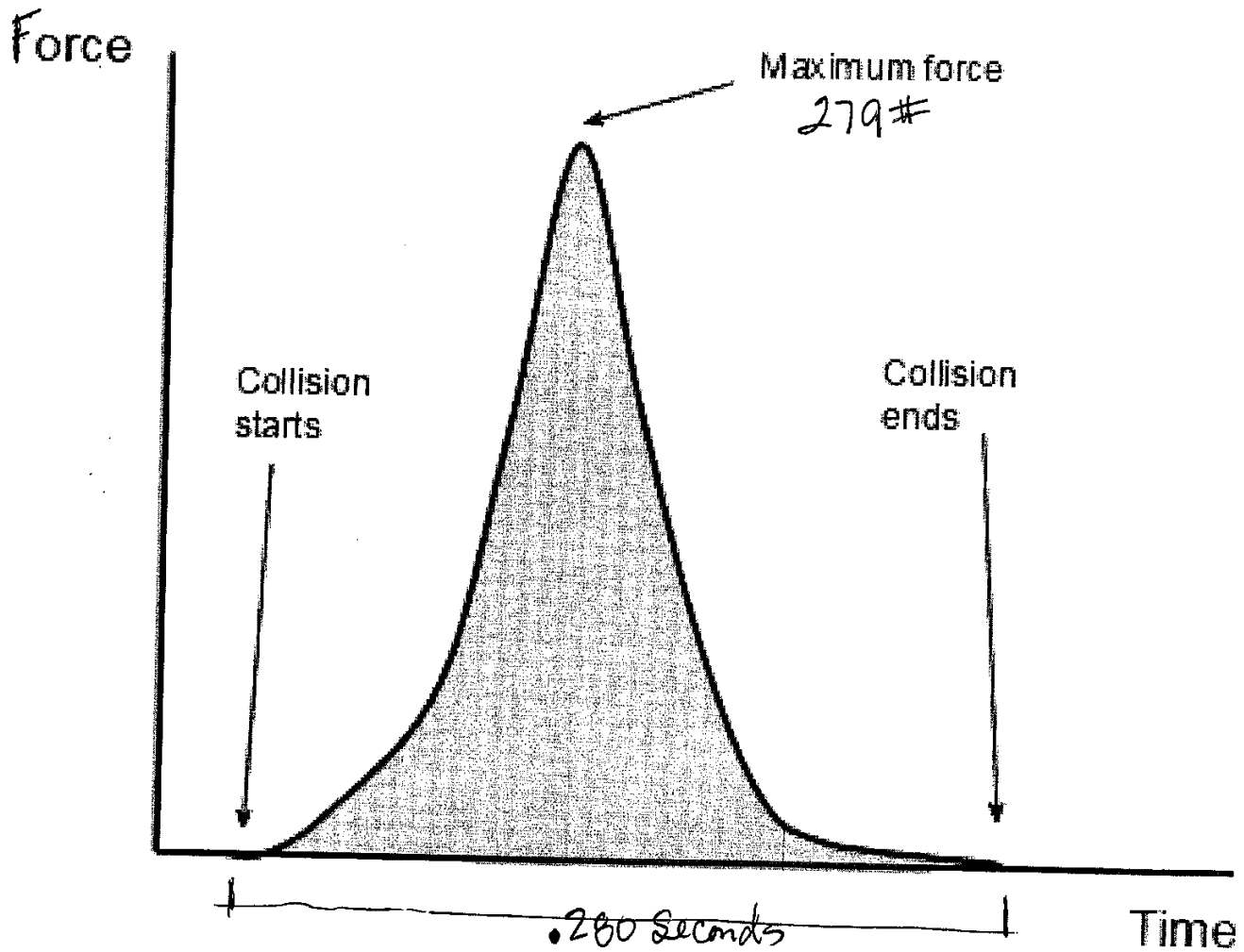
John E. Baker [signed electronically]

John E. Baker, Ph.D., P.E.

JS986

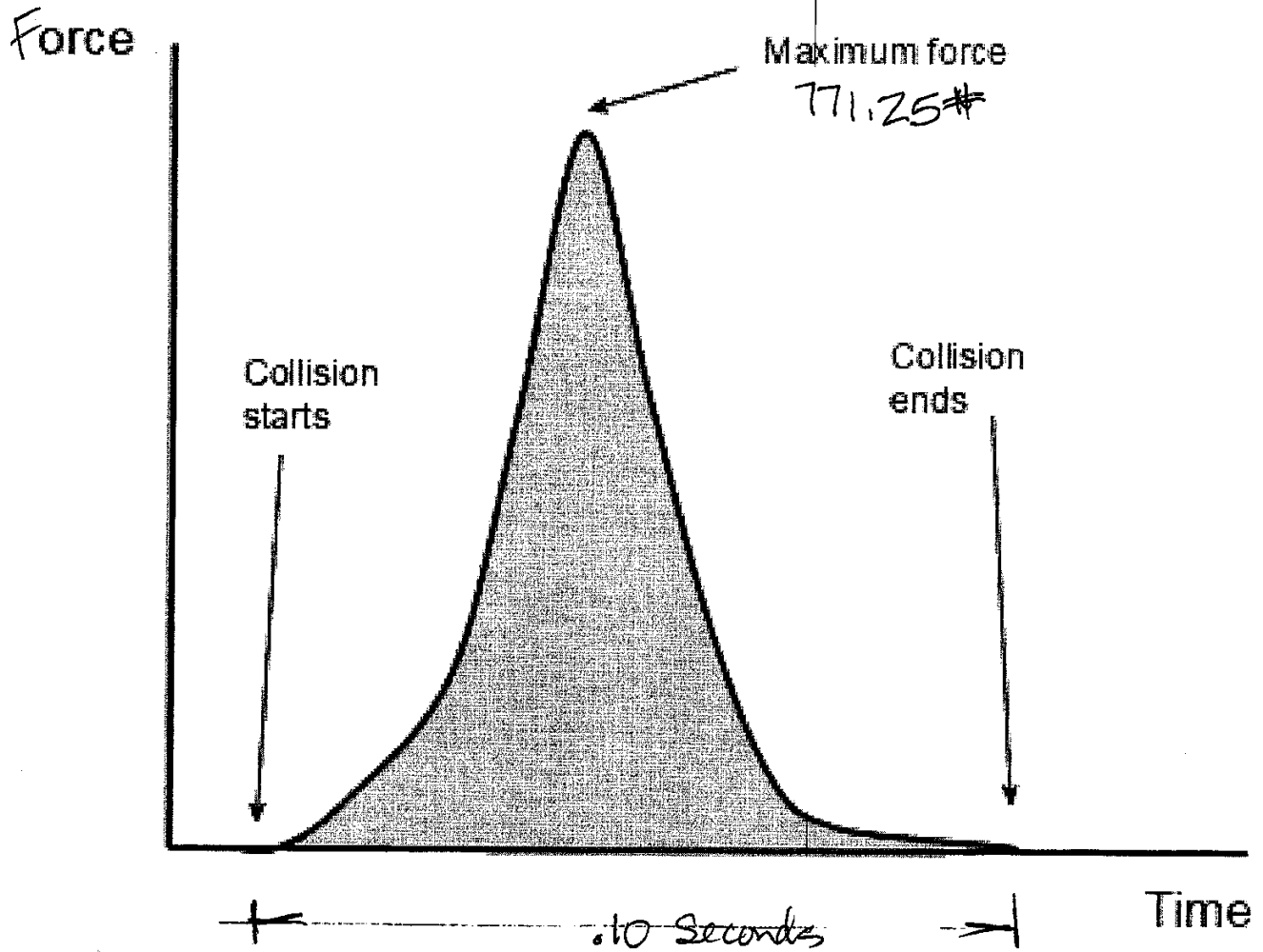
1720

HAYES.



JS987

ACTUAL



JS988

THE GALLIHER LAW FIRM
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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
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14 kgalliher@galliherlawfirm.com
15 jgalliher@galliherlawfirm.com
16 gkunz@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.)
27)
28)

25 **PLAINTIFF JOYCE SEKERA'S ELEVENTH SUPPLEMENTAL EARLY CASE**
26 **CONFERENCE DISCLOSURE STATEMENT, LIST OF DOCUMENTS AND WITNESSES,**
27 **AND NRCP 16.1(a)(3) PRE-TRIAL DISCLOSURE**
28

COMES NOW, JOYCE SEKERA, by and through her attorneys of record, THE GALLIHER LAW FIRM, hereby submits the following Eleventh 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.

10. Russell J. Shah, M.D.

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

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

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

26 He will render expert opinions that all of the past and future medical care provided to
27 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
28 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 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.

1 She 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. Travnicek's opinions include,
6 but are not limited to, her 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, her review of Plaintiff's medical records. In addition, Dr. Travnicek will
9 testify as a rebuttal expert to any medically designated defense experts in which she is qualified.

10 14. Person Most Knowledgeable and/or
11 Custodian of Records
12 Valley View Surgery Center
13 1330 S. Valley View Blvd.
14 Las Vegas, Nevada 89102

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

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

27 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
28 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

1 opinions shall include the cost of past and future medical care and whether those medical costs fall
2 within the ordinary and customary charges for similar medical care and treatment. His testimony
3 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.

4 In rendering his expert opinions he will rely upon the records of all physicians, health care
5 providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his
6 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.

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

16 17. Willian D. Smith, M.D.
17 Person Most Knowledgeable and/or
18 Custodian of Records
19 Western Regional Center for Brain & Spine
20 3061 S. Maryland Parkway, Suite 200
21 Las Vegas, Nevada 89109

22 *It is expected that Dr. Cash will testify as a non-retained expert in his capacity as medical
23 physicians who provided medical care to Plaintiff, following the subject incident. Dr. Cash 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, his expert opinion as
26 to past and future restrictions of activities, including work activities, caused by the incident. His
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. 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
5 for Plaintiff's past medical care as being customary for physicians and/or health care providers in the
6 medical community.

7 He will render expert opinions that all of the past and future medical care provided to
8 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
9 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
10 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
11 life expectancy and a diminished life expectancy. The basis for Dr. Cash's opinions include, but are
12 not limited to, his education, training, and experience, the nature of the trauma Plaintiff was

1 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
2 tests that were performed, his review of Plaintiff's medical records. In addition, Dr. Cash will testify
3 as a rebuttal expert to any medically designated defense experts in which he is qualified.

4 18. Marissa Freeman
5 8929 Monte Oro Drive
6 Las Vegas, Nevada 89131

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

9 19. Brian Freeman
10 8929 Monte Oro Drive
11 Las Vegas, Nevada 89131

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

14 20. Carole Divito
15 7840 Nesting Pine Place
16 Las Vegas, Nevada 89143

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

19 21. David Elliott, P.E.
20 2125 Marsh Tern Court
21 N. Las Vegas, Nevada 89084

22 *Expected to testify regarding his employment by the Venetian to achieve an aesthetically pleasing
23 flooring material that met a .5 wet coefficient of friction and his advice and recommendations to the
24 Venetian concerning the use of ceramic tile instead of marble as a floor surface at the Venetian.

25 22. Any and all witnesses named by the Defendant.

26 II

27 COMPUTATION OF DAMAGES

28 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	\$2,500,000.00 (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)

Tenth Supplement

26. Second Supplemental expert report from Dr. Baker (Bates #JS980)

27. Third Supplemental expert report from Dr. Baker (Bates #JS981 to 988)

Eleventh Supplement

28. Records from Dr. Travnicek (Bates #JS989 to 992)

29. Records from Valley View Surgery Center (Bates #JS993)

30. Records from Dr. Smith (Bates #JS994 to 995)

31. Report from Wilson C. "Toby" Hayes, Ph.D. regarding case "Wall v South Point Hotel & Casino" (Bates #JS996 to 1010)

32. 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:

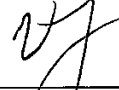
- a. Actual surgical hardware, plates screws, surgical tools, and surgical equipment as used in Plaintiff's medical treatment and anticipated to be used in future treatment;
- b. Demonstrative and actual photographs and videos of surgical procedures and other diagnostic tests Plaintiff has undergone 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

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 24th day of July, 2019

4 THE GALLIHER LAW FIRM

5 

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

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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
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 **TENTH SUPPLEMENTAL EARLY CASE CONFERENCE DISCLOSURE STATEMENT** was served on the 25th 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

CERTIFICATE OF CUSTODIAN OF RECORDS

STATE OF Nevada)
)
COUNTY OF Clark)

COMES NOW, Michelle Fazio, being duly sworn deposes and
(Full Name)
says as follows:

1. That the deponent is the Custodian of record for Pain Institute of Nevada,
(Job Title) (Employer)
and in such capacity, is the custodian of records of the office or institution.
2 That on the 02 day of July, 2019, the deponent received a HIPAA
Compliant Records Authorization for the release of records:

3. That the deponent has examined the originals of any and all records and has made a true and exact copy of the records and provide a true and complete copy of those documents are attached hereto.

4. That the original of the records was made at or near the time of the act and/or event 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.

Patient Name: Seker, Joyce

Date of Birth: 03/22/1956

- ☐ Medical Records ___ (page count) ☐ Billing Records ___ (page count)
☐ Radiology & Diagnostics ___ (page count) ☒ Medical, Billing and Radiology Records 33 (page count)
☐ Employment Records ___ (page count) ☐ Insurance Claims Records ___ (page count)
☐ Medicare/Medicaid Records ___ (page count) ☐ SSA Records ___ (page count)
☒ Other: (specify) FILMS/XRAY (WE DO NOT RETAIN PHYSICAL FILMS)
☐ This office has no record on file of the above-named individual.
☐ Records have been purged.

[Signature]
SIGNATURE

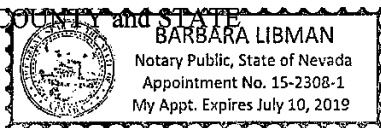
7/2/19
DATED

IF NOTARY REQUIRED

SUBSCRIBED and SWORN to before me
on this 02 day of July, 20 19

[Signature]
SIGNATURE

Clark
NOTARY PUBLIC in and for
said COUNTY and STATE



My Commission Expires: 07/10/19

JS989

PAIN INSTITUTE OF NEVADA
 7435 W. Azure Drive, Ste 190
 Las Vegas, NV 89130
 Tel 702-878-8252
 Fax 702-878-9096

OFFICE VISIT

Date of Service: July 10, 2019

Patient Name: **Joyce P Sekera**
 Patient DOB: 3/22/1956

PAIN COMPLAINTS

Neck
 Low back

Mrs Sekera returns for follow up. She saw Dr. Smith yesterday and his notes say she got no relief from the RFA. She tells me this must be an error as she feels about 70% relief in her low back pain. Her memory isn't too good she tells me so can't remember exactly what he told her but that she would need surgery at some point. She has mild pain now, improved range of motion, has less AM pain, and walks longer / farther now.

Activities that aggravate the pain: Sitting and walking for prolonged periods

Activities that relieve the pain: Stretch and exercise

Description of the pain: Ache

Least pain throughout day (0-10): 3/10

Most pain throughout day (0-10): 3/10

Neck stiffness comes/goes and isn't too bothersome. She denies arm symptoms.

Activities that aggravate the pain: Turning to the left

Activities that relieve the pain: Heat

Description of the pain: Dull

Least pain throughout day (0-10): 0/10, no pain.

Most pain throughout day (0-10): 3/10

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: No

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.

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.

JS990

PROCEDURES

03/09/2017

FJI B L5S1

Post injection: Complete resolution of usual pain

Sustained: No relief of usual pain.

05/08/2017

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.

06/20/2019

RFA B L5S1

Sustained: 70% reduction of usual pain with improved ROM again

MEDICAL HISTORY

Diabetes type 2, HbA1C 6.5

Memory impairment from mild TBI

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: Negative

Cardiovascular: Negative

Respiratory: Negative

Gastrointestinal: Negative

Genitourinary: Negative

Endocrine: Negative

Musculoskeletal: See HPI

Neurological: Negative

Hematologic: Negative

Integumentary: Negative

Psychological: Negative

VITAL SIGNS

Height: 66.00 Inches

Weight: 205.00 Pounds

Blood Press: 134/78 mmHg

Pulse: 82 BPM

BMI: 33.1

Pain: 03

PHYSICAL EXAMINATION**GENERAL APPEARANCE***Appearance:* Mild discomfort*Transition:* Slight limited*Ambulation:* Patient can ambulate without assistance.*Gait:* Gait is normal**LUMBAR SPINE***Appearance:* Grossly normal. No scars, redness, lesions, swelling or deformities.*Tenderness:* Mild tenderness noted bilateral lower lumbar spine*Trigger Points:* None noted.*Spasm:* Mild spasm is noted in the paravertebral musculature.

JS991

1740

Facet Tenderness: Facet joint tenderness is noted.

Spinous Tenderness: Spinous processes are non-tender.

ROM: Full ROM with mild pain on extension only

Straight Leg Raising: Negative at 90 deg bilaterally. Does not produce radicular pain.

PSYCHOLOGICAL EXAMINATION

Orientation: The patient is alert and oriented x3. No sign of impairment.

Mood / Affect: Mood is normal. Full affect.

Thought Process: Intact.

Memory: Intact.

Concentration: Intact.

Suicidal Ideation: None.

DIAGNOSIS

M47.817 LUMBOSACRAL FACET JOINT ARTHROPATHY / SPONDYLOSIS

M51.27 LUMBOSACRAL DISCOPATHY

M62.838 MUSCLE SPASM

PRESCRIPTIONS

None

PLAN

**** RETURN:** As needed when her pain returns

Katherine D Travnick MD

Copy to: William Smith MD

Electronically signed by KATHERINE TRAVNICEK Date: 7/10/2019 Time: 11:20:13

JS992

1741

PROCEDURE NOTE

VALLEY VIEW SURGERY CENTER

1330 S. Valley View Blvd.
Las Vegas, NV 89102
702-675-4600
702-675-4604 fax

PATIENT: Joyce P Sekera
DOB: 3/22/1956

SURGEON: Katherine D Travnicek MD

Date of Service: June 20, 2019

DIAGNOSIS

M47.817 LUMBOSACRAL FACET JOINT ARTHROPATHY / SPONDYLOSIS

INFORMED CONSENT: Medical history was reviewed with the patient and brief physical examination performed. No contraindications to the procedure were noted. Informed consent was obtained and verified. The procedure was explained in detail. The major risks of the procedure were explained to the patient including but not limited to bleeding, infection, blood clots, spinal headache, increased pain, damage to nerves and structures of the neck/back that can result in temporary or permanent pain, weakness or paralysis, loss of bladder or bowel control, allergic or other reactions to medication requiring resuscitation, air in the lung requiring chest tube, seizure, stroke or death. Injection of corticosteroids can potentially cause suppression of the adrenal gland and damage to bone, tissues or eyes. Transient fluid retention is common. The patient indicates understanding and accepts the risks.

INDICATION: The patient has had successful prior radiofrequency nerve ablation. The nerves have regenerated and the pain has returned. Repeat RFA is indicated.

PROCEDURE(S) PERFORMED: FLUOROSCOPICALLY DIRECTED FACET JOINT RADIOFREQUENCY RHIZOTOMY BILATERAL L5-S1 WITH CONSCIOUS SEDATION

The patient was positioned prone. Standard monitors were connected including pulse oximetry, NIBP and EKG. Supplemental Oxygen was given as needed. The skin was prepped with a sterile surgical prep times three. Sterile drapes were applied. Meticulous sterile technique was maintained. The skin and subcutaneous tissues were anesthetized with 1% lidocaine. Next, under direct fluoroscopic guidance, insulated radiofrequency needle(s) were inserted percutaneously and directed to the lateral base of the superior articulating process corresponding to the location of each nerve to be lesioned. Needle position was verified in multiple fluoroscopic views. Each nerve was stimulated at 2 hz (motor) to verify needle proximity to the medial branch to be lesioned. Next, each nerve was stimulated at 2 hz 2 volts rule out major motor stimulation. Prior to lesioning, each nerve was anesthetized. Each nerve was then lesioned. After lesioning, each site was injected. All injected medications were preservative free. Injection was made slowly after negative aspiration for blood. The needles were cleared of injectate and removed. The patient tolerated the procedure well. Vital signs remained stable and there were no complications. The patient was taken to the recovery area and monitored until discharge criteria were met. The patient was given discharge instructions including instructions to contact me with any questions or concerns following this procedure. Follow-up instructions were given. The patient was then discharged alert, oriented to his/her driver.

SEDATION (medications titrated to effect): Fentanyl Midazolam

NEEDLE: 18g RF insulated Venom

LESION: 80 degrees C for 90 seconds

INJECTATE (each site): Lidocaine (pf) 2% final concentration and separately Bupivacaine (pf) 0.5% final concentration were injected for a total of 1ml each site (0.5ml of each local anesthetic).

POST-PROCEDURE PAIN: Complete resolution of low back pain.

Copy to: William Smith MD Referring Provider Primary care provider

Electronically signed by KATHERINE TRAVNICEK Date: 6/20/2019 Time: 9:05:48

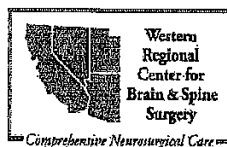
Joyce P Sekera
3/22/1956

1

JS993

1742

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 (63 years)

Date of Encounter: 07/08/2019

History of Present Illness

The patient is a 63 year old female who presents for a follow-up visit. Note for "Follow-up visit": This woman continues to complain of back pain. She had a rhizotomy done I believe a week or two ago. It gave her some temporary improvement, but the pain returned.

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

Cervical spondylosis with myelopathy

Other secondary scoliosis, lumbosacral region

Back pain, sacroiliac

Lumbar spondylosis with myelopathy

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.

Other Problems

Unspecified Diagnosis

Past Surgical

None (02/26/2018)

JS994

Diagnostic Studies

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

Vitals

07/08/2019 06:27 AM

Weight: 200 lb Height: 66 in

Body Surface Area: 2 m² Body Mass Index: 32.28 kg/m²

Assessment & Plan

Back pain, sacroiliac 724.6 | M53.3

- Patient Education: Smoking: Ways to Quit: smoking cessation

- **Review of Diagnostic Test**

Comments: Once again, I have reviewed her CT scan. The CT scan not only showed the rotatory scoliosis, but the left L5-S1 facet appears to have a fracture. This certainly is consistent with a work injury.

- How to access health information online
- Instructed / counseled on smoking cessation including modes of cessation. Readiness to quit and motivation assessed.

Lumbar spondylosis with myelopathy 721.42 | M47.16

- Patient Education: Low Back Pain: low back

With this in mind, once again, I do not see how this woman will be able to avoid surgical treatment for this. Rhizotomies in my opinion will give her some temporary relief, but certainly not long-term. Please do not hesitate to call me with questions. I will continue to see this woman as required.

Cc: Farmers W/C (702) 436-1189 (faxed)
Walter M. Kidwell, MD (702) 878-9096
Jeffrey Webb, Dc (702) 457-7083
Katherine Travnick, MD (702) 878-9096
Edson Erkvwater, MD (702) 259-5554
Galliher Law (702) 735-0204



William D. Smith, MD

JS995

1744



April 24, 2019

Mr. Brian W. Goldman
Pyatt Silvestri
701 Bridger Avenue, Suite 600
Las Vegas, NV 89101

Re: *Wall v. SOUTH POINT HOTEL & CASINO*

Dear Mr. Goldman:

1. At your request, I am writing this summary of my opinions in the above-referenced matter. My opinions are based on a reasonable degree of engineering and biomechanical certainty and founded on my professional education and on my academic and consulting experience in the fields of Injury biomechanics, anatomy, and orthopaedics. I reserve the right to amend or supplement these opinions should additional information become available.

Qualifications

2. I am currently Emeritus Professor in the College of Health and Human Sciences at Oregon State University in Corvallis, Oregon. I am also President of Hayes+Associates, Inc., 2390 NW Kings Blvd., Corvallis, OR, 97330.

3. I graduated with a B.S. in Mechanical Engineering in 1964 and then an M.S. in Mechanical Engineering (Design) in 1966 from Stanford University. As an undergraduate and graduate student at Stanford University I took courses in engineering mechanics, dynamics and design and thus I am familiar with the fundamental engineering principles that are used in the reconstruction and simulation of falls and their associated injuries. I received a Ph.D. in Theoretical and Applied Mechanics (Biomedical Engineering) in 1970 from Northwestern University, where my course of study involved both medical and engineering courses, the latter again including advanced training in engineering dynamics and kinematics, and the former in anatomy, physiology and biomechanics. I then completed two post-doctoral fellowships, the first at the Laboratory for Experimental Surgery in Davos, Switzerland in 1970, and the second at the Department of Orthopaedics at the Karolinska Institute in Stockholm, Sweden in 1971.

4. From 1971 to 1976, I was Assistant Professor of Mechanical Engineering and Surgery (Orthopaedics) at Stanford University. From 1976 to 1979, I was Associate Professor of Orthopaedics and Bioengineering at the University of Pennsylvania. In 1979, I was named Director of the Orthopaedic Biomechanics Laboratory at Harvard's Beth Israel Hospital and Associate Professor of Orthopaedic Surgery at Harvard Medical School and at the Harvard-MIT Division of Health Sciences and Technology. I was named Full Professor in 1985 and then the first incumbent of the Maurice E. Mueller Professorship of Biomechanics at Harvard Medical School in 1988, a position I held until 1998, when I joined the faculty at Oregon State University. I served as Vice Provost for Research at Oregon State from May 1998 through June 2001, when I resigned that administrative position in order to focus more fully on Hayes+Associates, Inc.

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5. I have more than 50 years of teaching, research, and consulting experience in fields ranging across mechanical engineering, experimental mechanics, accident reconstruction, occupant dynamics, injury biomechanics, human functional anatomy, and clinical orthopaedics. I have taught undergraduate, graduate, and post-graduate students in both engineering and medical school settings. I have lectured on the subject of falls and injury biomechanics in a wide variety of post-graduate courses for engineers, medical students and residents, clinical orthopaedists, forensic scientists and accident reconstructionists. At Stanford, I taught courses in engineering mechanics, experimental mechanics and biomechanics, often using examples related to injury reconstruction and injury biomechanics. From 1985 to 1998 I was one of the three Course Directors of Human Functional Anatomy at Harvard Medical School. In this role, I was responsible for lectures, prosection demonstrations, and laboratory dissections, primarily related to the functional anatomy of the musculoskeletal system. I routinely made use of radiographs, MRI's, and CT's in the course of my teaching.

6. I have served as Principal or Co-Principal Investigator on over 60 research grants from federal, foundation or industrial sources, all of them involving the biomechanics of the musculoskeletal system. Most of these grants have directly involved injury biomechanics. I was funded continuously from 1990 - 2007 by the National Institutes of Health for a research program entitled Fall Biomechanics and Hip Fracture Risk. This research produced validated mathematical models for the dynamics of human falls and their associated injuries. Our research results have appeared in the peer-reviewed literature and are widely cited by scientists and experts in the field. I have authored or co-authored more than 200 peer-reviewed publications, over 60 chapters, and two books, one of which went through two editions. I was the founding editor of the Journal of Orthopaedic Research and served as its Co-Editor-in-Chief from 1983 to 1995. The Journal is now the preeminent research journal in orthopaedics.

7. Although I am not a licensed physician and do not treat patients, I have had considerable experience in clinical orthopaedics. As Vice Chairman for Research in the Department of Orthopaedic Surgery at Beth Israel Deaconess Medical Center, I attended x-ray rounds, often on a daily basis, offering advice to residents and house staff on the mechanisms and treatment of musculoskeletal injuries. I served as Acting Chairman of the Department from 1992-1993 while the Department searched for a new Chief. I routinely qualify in both state and federal court to testify, to a reasonable degree of engineering and biomechanical certainty, on injury biomechanics, routinely making use of and interpreting medical histories, radiographs and anatomy as the basis for my opinions.

8. I have attached: 1) A current copy of my *curriculum vitae* (Exhibit 1); 2) A Hayes+Associates fee schedule (Exhibit 2); and, 3) My Rule 26 testimony history (Exhibit 3).

Case Materials

9. I reviewed the following materials in connection with my work in the case: Plaintiff's First Amended Complaint (6/01/17); Pat Wall's Answers to Defendant's Interrogatories (2/20/18); Pat Wall's Responses to Defendant's Request for Production of Documents (2/20/18); [South Point Hotel & Casino] Incident Report (4/10/15); Greg E. Murrell Voluntary Handwritten Statement (6/19/15); Patricia Wall Letter to South Point Hotel & Casino (7/17/15); Surveillance Videos (12) of Incident Site (4/10/15); Color Screen Shots (2) of Plaintiff on Surveillance; Color Photographs (20) of Site Inspection (3/28/17); Video from Site Inspection (3/28/17); Clips from Surveillance Video, Edited by Swainston Consulting; Medical Records; Hugh S. Seiznick, MD, Record Review (9/12/18), & Supplemental Report (1/22/19 - Defense Expert; David L. Ginsburg, MD, Record Review (2/20/19) - Defense Expert; South Point Hotel & Casino Incident Investigation Checklist (4/11/15); South Point Notepad List (8/27/15); Color Photographs (5) of Plaintiff & Site, Taken for Security Report; Privilege Log to Initial Disclosures (11/16/17); Plaintiff's Initial Disclosures (11/16/17); Plaintiff's First Supplemental Disclosures (2/20/18); Radiology: SP000249 Gary Morris, MD: 3/9/16, Left Shoulder. SP000299(a) Steinberg: 11/2/15, MRI Left Shoulder, MRI, Left Knee,

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12/31/15, MRI, Right Knee, 2/8/16, Chest, 10/11/16, MRI, Brain. SP000441 SimonMed: 4/10/17, MRI, Brain. SP000457-SP000466 Sharma: Dental X-rays (PDF); Ari Kalechstein, PhD, IME (3/25/19) - Defense Expert; Mark L. Glyman, MD, DDS, Record Review (4/5/19) - Defense Expert; and Patricia Wall Deposition (3/20/19).

Overview

10. On April 10, 2015, Plaintiff Patricia Wall (Age: 81; Ht: 5'6"; Wt: 184 lbs.; BMI: 29.7) was walking through the valet parking area towards the entry to the South Point Hotel & Casino in Las Vegas, NV. As she approached the front walkway, Ms. Wall encountered a change in surfaces. According to Ms. Wall's response to Defendant's interrogatories, "the toe of (her) shoe caught in this raised area", causing her to be "slammed down" and sustain injuries including: "A torn meniscus of both my left and right knee; A skin [shin?] splint of my left leg that lasted over 6 months, with pain that was almost impossible to bear; A torn rotator cup [cuff] and severed bicep of the left arm; The loss of several teeth and a disfigured upper lip; [and] a concussion that has caused ongoing memory loss and debilitating dizzy spells". The hotel surveillance video captured the incident including Ms. Wall's alleged trip (Fig. 1) and interactions with the ground (Fig. 2).

11. Following the incident, a number of hotel employees – including the valet supervisor and multiple security officers – approached Ms. Wall to offer assistance. According to the Incident Report, Ms. Wall "declined all medical assistance and stated that she was fine". She also declined to complete any paperwork or be photographed ([South Point Hotel & Casino] Incident Report (4/10/15)). Security officer Greg Murrell also noted in his written statement regarding the incident that he "observed no signs of injury to her face and/or head. There was no blood, no bruising or discoloration, and no visible damage to her teeth" (Greg E. Murrell Voluntary Handwritten Statement (6/19/15)).

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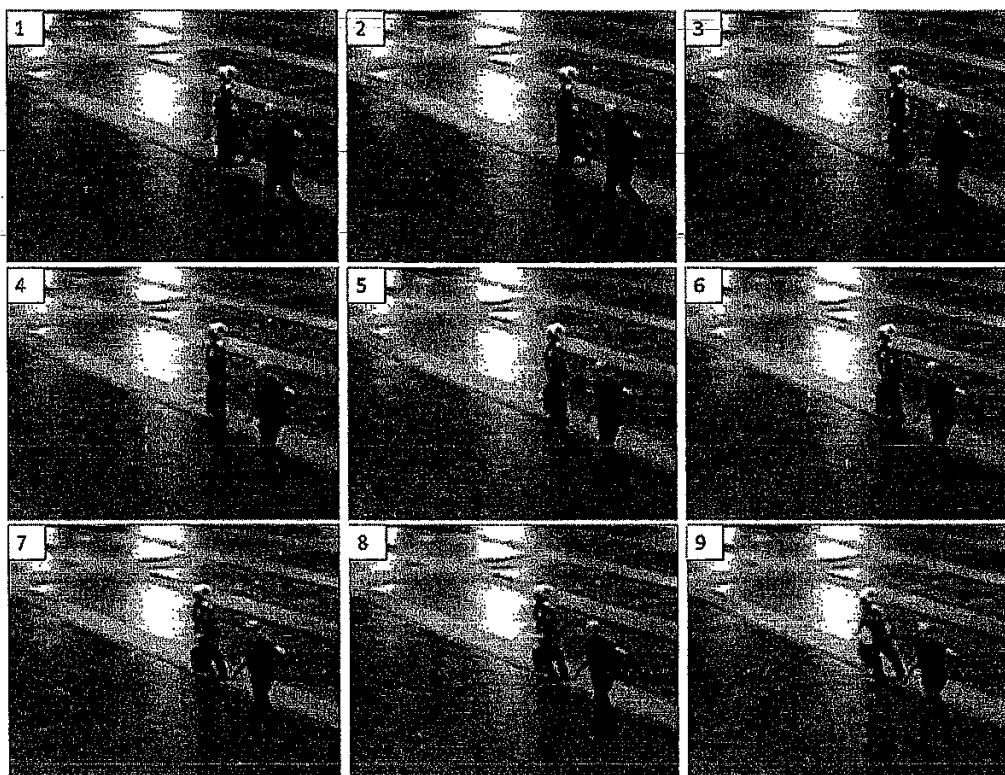


Figure 1: Still images from surveillance video of the fall (4/10/15; approx. 8:49 pm). These images depict the sequence surrounding the initiation of Ms. Wall's fall.

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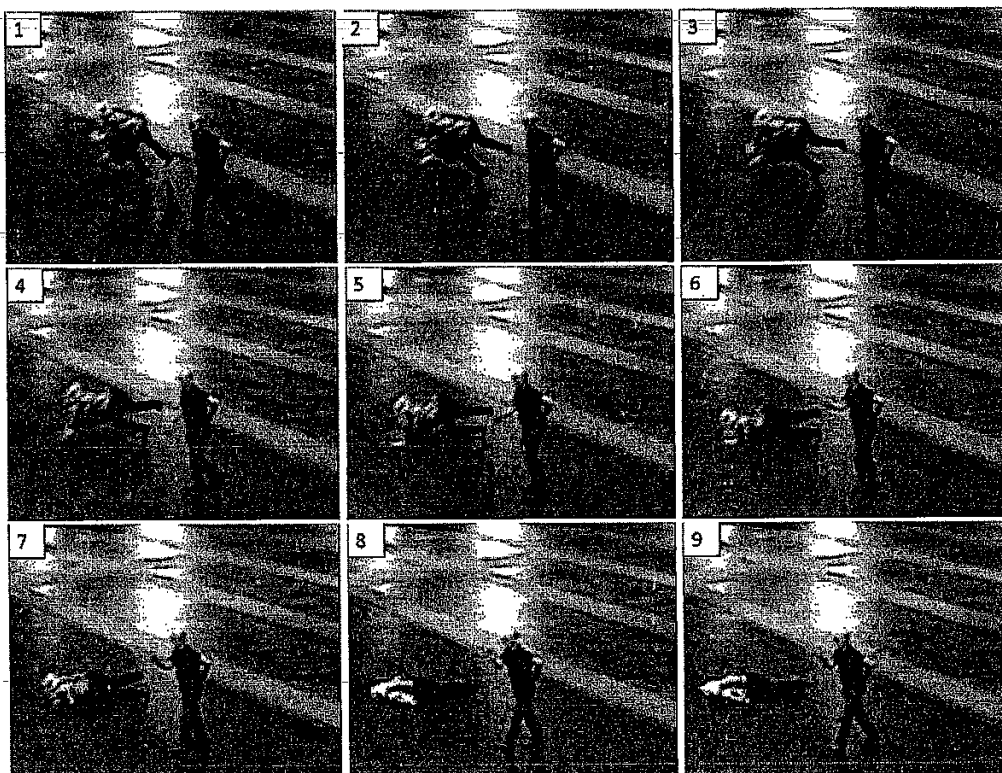


Figure 2: Still images from surveillance video of the fall (4/10/15; approx. 8:49 pm). These images depict the sequence just before and after Ms. Wall's interactions with the ground.

Medical Synopsis (DOI: 4/10/15)

12. 4/17/15, [First Responder], Todd Radivan, PA-C: Chief Complaint: Shoulder injured. Location: Left shoulder [and] chest. Severity: 10/10. Additional History of Present Illness: Six days ago, fell to chest against crossed arms. No pain for five days. 4/23/15, Convenient Care Note, Kristen Brosig, PA-C: Subjective: Patricia is here for complaints of elevated blood pressure. She needed dental work done and they took her blood pressure [and] they're getting systolic in the 160s. She hadn't had it checked in several years, as she does not usually go to doctors. She denies any headaches, chest pain, shortness of breath, [or] dizziness. It's been many years since she's had a physical or labs. Assessment: Hypertension. Convenient Care Notes, Melinda Kwan, DO: a) 5/07/15: Subjective: An 80-year-old female is here regarding hypertension. Denies any vision changes or headaches. Objective: Speaking in full coherent sentences; b) 5/21/15: An 80-year-old female is complaining of pain in the left leg for one and a half weeks. About six weeks ago, she fell. The pain is located on the medial side of the left leg, below the knee, along the medial tibia area. Objective: Left lower extremity: No swelling or erythema along the left leg, along the medial side of the leg, below the knee. Skin is intact. Plan: I will order x-rays. Vital

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Signs: Height: 66 inches [5 feet, 6 inches]. Weight: 184 pounds. BMI: 29.70. Assessment: Leg pain, left; and c) 5/29/15: Patient is complaining of left leg pain located along the medial inferior left knee and along the medial tibia area. Objective: Musculoskeletal: No pain with palpation of the left knee. Trace edema of the left knee. X-ray tech[nician] was gone for the day. Assessment: Leg pain, left.

13. 11/02/15, Radiology Report, Alison Nguyen, MD: MRI, Left Knee, with and without IV [Intravenous] Contrast. Clinical History: Left knee pain and swelling along superolateral aspect. Tripped over a raised object on 4/10/15. Comparison: None. Findings: Cartilage: Mild chondral fissuring at the mid-weightbearing portions of both the medial and lateral knee compartments. Severe lateral and central patellofemoral joint chondral thinning (axial image 7-9, sagittal fat-sat[uration] image 16). Impression: 1) Medial meniscal posterior horn and posterior root ligament complex degenerative tear; 2) Lateral meniscal body free edge tear; and 3) Moderate knee osteoarthritis, with chondral thinning as noted above, most significant along the lateral patellofemoral articulation. 12/08/15, History & Physical Report, Gary D. Morris, MD: Note: Apparently, she fell at South Point Casino on 4/10/15. She continues to have pain in the left knee. She does come in with an MRI scan today, indicating posterior horn meniscus tear as well as large effusion. She does have mechanical-type symptom such as giving way. 12/15/15, Progress Note, James V. Meli, Jr., DO: Patient complains of right knee pain for one day. Past Medical [History]: 1) Fall on same level due to nature of surface, status post mechanical fall, 4/10/15, at South Point Casino; 2) Tear of left supraspinatus tendon, initial encounter; 3) Tear of lateral meniscus of knee, left, initial encounter; 4) Fall, subsequent encounter; 5) Knee pain, chronic, left; and 6) Chronic left shoulder pain. Today's Impression: Status post mechanical fall, 4/10/15, at South Point Casino; 4) Tear of lateral meniscus of knee, left, initial encounter. Today's Impression: Medial and lateral meniscal tear noted on 11/02/15, MRI [of the] left knee; and 5) Tear of left supraspinatus tendon, initial encounter. Today's Impression: Supraspinatus tendon full-thickness tear measuring 1.5 cm in AP dimension, with 2 cm of proximal retraction noted on 11/02/15, MRI [of the] left shoulder. 12/31/15, Radiology Report, Alice Poon-Chue, MD: MRI, Right Knee, without Contrast. Impression: 1) Right knee inferior articular surface body segment and posterior horn medial meniscus tear, with peripheral subluxation of the body segment; 2) Tricompartmental right knee osteoarthritis appears prominent at the patellofemoral compartment and medial femorotibial compartment, with focal osteochondral lesions; 3) Moderate to large knee joint effusion, with medial synovial plica and synovitis; and 4) Mild intrasubstance degeneration/low grade sprain and immature scarring-type signal changes of the superior segment of the medial collateral ligamentous complex.

14. 1/08/16, History & Physical Report, Gary D. Morris, MD: I have seen her for her left knee in the past. She has had about a two-week history of right knee pain and swelling. Assessment: 1) Tear, medial meniscus, right; and 2) Arthritis, knee, right. 7/06/16, History & Physical Report, Thomas C. Kim, MD: Presents for a recheck of shoulder evaluation, left. The patient fell on April 10, 2015, injuring her shoulder among other areas of her body. She reports pain since then. MRI showed a RCT [rotator cuff tear], with atrophy, and x-rays showed mild superior subluxation. She opted to not proceed with surgery. 8/02/16; Neurological Consultation, Leo Germin, MD: Impression: 1) Complaints of the paroxysmal episodes of dizziness since the trip and fall on April 10, 2015; 2) New formation of the post-traumatic headache occurring approximately once a week and responding to Aleve; 3) Complaints of the short-term memory loss since the trip and fall; and 4) Differential diagnosis of the post-traumatic vestibulopathy, vertebral arterial dissection, vertiginous epilepsy. Plan: MRI of the brain, without contrast, for assessment of the traumatic brain injury. Chief Complaint: This is an 81-year-old female who presents to the office today with complaints of headache, dizziness, and memory loss. On April 10, 2015, this patient had arrived at South Point Casino to perform her interview. The patient states it was around 9:00 a.m. She had pulled up for the valet parking. When she got out of the car, her foot caught on a cobblestone. The patient states that this caused her to fall forward. The patient reports that this fall resulted in left rotator cuff injury, left biceps rupture, [and] bilateral meniscus tear. In addition, the

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patient states she struck her face and knocked out eight teeth. Despite the fall, the patient did proceed with the interview that was scheduled that day. 8/16/16, Brainstem Auditory Evoked Responses, Leo Germin, MD: Impression: Normal brainstem auditory evoked responses. 10/11/16, Radiology Report, Mitesh Patel, MD: MRI, Brain, with and without Contrast. Clinical History: Head injury, suspected concussion. Impression: 1) There is no acute intracranial process; and 2) Mild to moderate chronic small vessel white matter ischemic changes.

15. 4/20/17, Radiology Report, Travis Snyder, DO: MRI, 3T, Brain, with and without Contrast. Clinical History: Dizziness and giddiness. Fall hitting head 2 years. Comparison: None. Conclusion: 1) Findings consistent with moderate white matter changes of aging and microvascular disease. The possibility that some of the subcortical foci related to the patient's trauma is considered, please correlate clinically; 2) The diffusion tensor imaging with fiber tracking and FA [fractional anisotropy] values of the corpus callosum are decreased throughout the fiber tracts as described, consistent with the described white matter findings. These are markedly decreased in the anterior-inferior tracts. This is a typical location for traumatic pathology and, in the proper clinical setting, is consistent with the patient's history of trauma; 3) Mild diffuse cerebral and cerebellar atrophy; and 4) NeuroQuant volumetric analysis, perfusion, and functional auditory examination are within normal limits. 5/31/17, Progress Note, Enrico Fazzini, DO, Ph.D.: The patient had MRI scan of the brain, performed on 4/20/17, which revealed periventricular and subcortical white matter changes and decrease in corpus callosal fiber tracts throughout the corpus callosum in the anterior and inferior regions, and these were consistent changes indicating the presence of a traumatic brain injury. Impression: 1) Post-concussive balance impairment and headaches; 2) Complaints of cognitive deficits following traumatic brain injury; and 3) Left shoulder and bilateral knee internal derangements. 7/13/17, Clinical Neuropsychological Evaluation, Louis F. Mortillaro, Ph.D.: Incident History: Date: 4/20/15. Traumatic Brain Injury Questionnaire: Ms. Wall states that, on 4/10/15, she was at a raised area on the walkway at the South Point Hotel & Casino that caused a "massive fall." She said she "knocked out teeth, tore the meniscus of both knees, skin splint of left leg, torn rotator cuff and severed biceps of left arm, and damaged my lip. Memory of incident is hazy. The next morning, I could not get out of bed. I had a huge black bruise at back of neck and severe pain. I was very dizzy." She states that she has an unknown amount of seconds of loss of consciousness, [and] that she was, for a few minutes, stunned with a lack of clear and orderly thinking and behavior and also confused, dazed, and had slow physical reaction time. Diagnostic Assessment: 1) Mild neurocognitive disorder due to traumatic brain injury, 26 months post-accident; and 2) Adjustment disorder, unspecified, due to limitations on her ability to perform previously enjoyed activities and her employment responsibilities. 7/27/17, Progress Note, Enrico Fazzini, DO, Ph.D.: The patient continued to have headaches and dizziness, with memory, attention, and concentration problems, as well as left shoulder, tooth, and bilateral knee pain. Impression: 1) Cognitive deficits, with traumatic brain injury; 2) Post-concussive balance impairment and headaches; 3) Tooth fractures after the fall; 4) Left shoulder injury, with internal derangement; and 5) Bilateral knee injury, with internal derangement.

Analysis

16. According to an April 10, 2015 Incident Report completed by South Point Hotel & Casino Security Officer Gregory Eric Murrell, "a guest (Patricia Wall) tripped and fell in (the) valet (area)" at approximately 8:51 pm ([South Point Hotel & Casino] Incident Report; [Security Officer Gregory Eric Murrell]; 4/10/15). When Mr. Murrell arrived on scene shortly after, he described making contact with Ms. Wall, who "declined all medical assistance and stated that she was fine" and also "verbally stated that she tripped over her own feet". Ms. Wall also declined to complete paperwork regarding the incident and proceeded to enter the casino to meet a client and conduct a business meeting. Ms. Wall then presented to urgent care one week later, complaining of shoulder and chest pain (4/17/15, [First Responder] Todd

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Radivan, PA-C; Urgent Care Extra). During a series of visits regarding hypertension over the next several weeks, Ms. Wall complained of elevated blood pressure but denied headaches, chest pain, vision changes, or dizziness. She first complained of left leg pain nearly six weeks after the incident (5/21/15, *Convenient Care Note, Melinda Kwan, DO, Southwest Medical Associates, Inc.*). Approximately seven months later she first complained of right knee pain (12/15/15, *Progress Note, James V. Meli, Jr., DO, Diagnostic Center of Medicine, Green Valley*). Finally, an MRI performed in December of 2015 was read as showing a supraspinatus tendon tear in the left shoulder, but no evidence that the tear was acute. However Ms. Wall did not undergo any treatment for another seven months (12/15/15, *Progress Note, James V. Meli, Jr., DO, Diagnostic Center of Medicine, Green Valley*; 7/6/16, *History & Physical Report, Thomas C. Kim, MD, Nevada Orthopedic & Spine Center*). Ms. Wall's repeatedly denied headaches and did not mention any symptoms related to an alleged head injury until nearly 16 months after the incident. An MRI of her brain was performed and read as showing chronic changes and "no acute intracranial process". A second MRI performed two years after the incident reported "findings consistent with moderate white matter changes of aging and microvascular disease" (10/11/16, *Radiology Report, Mitesh Patel, MD, Steinberg Diagnostic Medical Imaging Centers*; 4/20/17, *Radiology Report, Travis Snyder, DO, SimonMed*). The two brain MRIs were read as essentially normal with mild, age-related, chronic changes, and yet her medical record from more than two years after the incident includes a contradictory positive diagnosis of traumatic brain injury (5/31/17, *Progress Note, Enrico Fazzini, DO, Ph.D., Office of Enrico Fazzini, DO, Ph.D.*).

17. This case thus raises the following question: Based on a formal and scientifically reliable injury causation analysis, did the fall that Ms. Wall sustained on April 10, 2015 cause, or exacerbate, the asserted acute injuries to her head, teeth, shoulder, knees, or shin as alleged in the complaint? To answer this question, we reviewed the case materials including surveillance video of the incident, conducted an inspection of the scene, reviewed the relevant literature regarding falls, and used the fundamental principles of physics and fall biomechanics to reconstruct the fall.

Methods

18. 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 (10). 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 (18). A fall reconstruction can be used reliably to determine what caused the fall, as long as that reconstruction is grounded in the laws of physics, comports with the facts of the case, and produces the fall direction, position of rest and the injuries actually sustained.

19. To evaluate biomechanically whether Ms. Wall's alleged injuries were caused by the fall, it is necessary to determine the forces and motions during the fall, using scientifically reliable analysis techniques (6,9). To assess the injury mechanism, the direction and location of the forces applied to the body were compared to the direction and location of the forces required to cause each injury. If these mechanisms do not match, we cannot reasonably conclude that the injury was caused by the fall. Next, wherever applicable the loads imposed on each anatomic region were compared to the ultimate load-carrying capacity of that region. To assess the likelihood of injury, we define a Factor of Risk (10) as the ratio of the predicted load to the injury tolerance limit for each region. When this ratio exceeds 1.0, injury is more likely than not (i.e. 51% probable).

Causation

20. Additionally, the facts of the case were evaluated against accepted injury causation criteria, using the results of the fall reconstruction and the medical records, to determine whether the fall

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caused the alleged injuries. To conclude that an injury was caused by an event, it is necessary to meet established criteria for both general and specific (individual) causation. General causation addresses whether there is a scientifically established cause-and-effect relationship between exposure and outcome (i.e. does a mechanism and tolerance limit for injury exist). Criteria for general causation have been established by Bradford-Hill(12) and others(3). These include an appropriate temporal sequence, i.e., that the health effect follows exposure, the specificity with which a risk factor is linked to a health outcome, the reversibility of the effect, the biological plausibility of the cause-effect relationships, the strength of the association between cause and effect, the consistency with which such cause-effect relationships are observed across multiple studies, and the slope of the dose-response gradient. The available literature (biomechanical and epidemiological) must be evaluated according to these criteria in order to establish an evidence-based conclusion of cause-and-effect between an alleged exposure (e.g. trip and fall) and an injury.

21. Specific (individual) causation addresses whether a certain event produced the particular injury in question. Establishing general causation according to the above criteria is implicitly required in order to establish specific causation. However, to determine whether a specific event produced a certain injury in an individual there are also additional considerations. Approaches to specific causation have been developed by organizations such as the National Institute for Occupational Safety and Health (NIOSH), the American Medical Association (AMA), the National Academy of Sciences and others(5,8,11,13), for the evaluation of medical conditions, using the following steps. First, there must be objective evidence of acute injury. There must also be a consistent temporal relationship between the exposure and the injury or medical condition. The next step is to evaluate the specific circumstances of the event in question, with the focus on comparing the specific levels of exposure (as determined by a reconstruction based on engineering principles and the laws of physics) to those required to cause bodily damage. This step is known as a scientifically reliable biomechanical mechanism. The final step is to consider alternative causes of the claimed injury.

Results

Fall Reconstruction

22. According to the South Point Hotel & Casino Incident Report, Ms. Wall "verbally stated that she tripped over her own feet" when she was approached by a hotel security officer (*South Point Hotel & Casino Incident Report, 4/10/15*). Security officer Greg Murrell also noted that Ms. Wall "stated that she tripped over her feet and was fine/ok" in a handwritten statement he submitted following the event (*South Point Hotel & Casino Voluntary Handwritten Statement, Greg E. Murrell, 6/19/15*). Her trip initiation appears to be in approximately the same location as the groove in the pavement, but the video perspective, angle, and resolution is insufficient to conclude, on a more likely than not basis, that the trip was initiated by either the interaction with her other (right) shoe, or by the change in surface between the driveway and the concrete tiles leading to the hotel entryway. Disruption of the swing limb during gait induces forward body rotation that must be counteracted to prevent a fall (7,15). Since the mass of the trunk is more than 50% of total body mass, trip-induced forward trunk rotation increases the anteriorly located position of the body's center of gravity relative to its base of support, which decreases stability. The ability to restrict and counteract this trunk rotation is critical to recovering from a trip, and requires a coordinated response that includes generation of a trunk extension moment, motion of the arms and compensatory stepping(15,17).

23. Video recorded from a surveillance camera in the area where the incident occurred showed Ms. Wall carrying a bag in her right hand as she walked through the valet area, towards the

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entrance to the South Point Hotel, at approximately 8:49 PM. Regarding initiation of her fall, at 8:49:37, Ms. Wall appeared to initiate a trip when her left toe caught the concrete tile or interacted with her right foot (Fig. 3). Her left foot quickly moved up and then back to the ground – as a kind of initial recovery step –, followed by two full recovery steps in an attempt to regain her balance. At this point, Ms. Wall began the descent phase of the fall as her upper body had rotated forward, and she began to fall forward onto her outstretched arms as she was unable to regain her balance. The impact phase began as her hands touched the ground. Her elbows bent resulting in impact first between her forearms and the ground. At the same time her left forearm touched the ground, the antero-lateral region of her left knee contacted the ground as well. Her body then continued forward and down, resulting in her chest landing on her crossed arms and the rest of her body contacting the ground. Ms. Wall's body and head both rotated forward as well as about her craniocaudal axis (or z-axis), and thus her contact with the ground was biased towards her left side. Upon review of the surveillance video, it is not clear that Ms. Wall's head even struck the ground as a result of the fall. There was no documented evidence of bruising to her forehead, face, cheek, or chin following the incident and the security officer who spoke with Ms. Wall following the incident noted that he "observed no signs of injury to her face and/or head. There was no blood, no bruising or discoloration, and no visible damage to her teeth." (*South Point Hotel & Casino Voluntary [Handwritten] Statement; Greg E. Murrell (6/19/15)*). With respect to the post-impact phase, Ms. Wall came to rest following the fall with her head elevated a few inches rather than resting on the ground following the impact. This indicates that her descent was slowed by active and passive mechanisms in the neck, which would have reduced the force of any head impact. At this time she began to get up on her own and was assisted to her feet by nearby bystanders.



Figure 3: Still image from surveillance video of the fall (4/10/15; approx. 8:49 pm). This image depicts the initiation of Ms. Wall's fall.

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Figure 4: Still image from surveillance video of the fall (4/10/15; approx. 8:49 pm). This image depicts Ms. Wall's body rotated forward at approximately 45° following two recovery steps. At this time she begins to rotate forward about her left foot.

24. In Ms. Wall's Answers to Defendant's Interrogatories (2/20/18), she described the fall and her alleged injuries as follows: "I was slammed down with such force that I suffered the following injuries: A torn meniscus of both my left and right knee; A skin splint of my left leg that lasted over 6 months, with pain that was almost impossible to bear; A torn rotator cup [cuff] and severed bicep of the left arm; The loss of several teeth and a disfigured upper lip; [and] a concussion that has caused ongoing memory loss and debilitating dizzy spells."

Injury Biomechanics

25. In determining the severity of impact to each of the alleged areas of injury, Ms. Wall's fall was modeled as a $\sqrt{3gh}$ fall, or a "rotation of a rigid body about a fixed axis". Using this model, impact speed is given by: $v = \sqrt{3gh}$, where h = height of the fall. Given Ms. Wall's recovery steps and the forward rotation of her upper body prior to the fall, Ms. Wall's body was rotated forward approximately 45° before her left foot served as a fixed axis for her body to rotate about as it fell to the ground (Fig. 4). All of these factors reduced the fall height, impact velocity, and contact forces for the various anatomic regions that contacting the impact surfaces.

26. *Head.* As noted above, based upon our review of the surveillance video, it appears that Ms. Wall's head never struck the ground as a result of the fall. Instead, the video shows her active and passive neck muscles kept her neck from flexing forward and her face/chin from striking the ground. However, even if we were to assume hypothetically that Ms. Wall's head did contact the ground, the forces would have been below injury thresholds. Moreover, these force estimates are likely overestimates

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since the force reductions associated with the multiple impacts during the descent phase have not been included in the analysis. The fall height for her head was approximately 47", resulting in a head acceleration of about 114 g's. This results in a HIC score of 360 which corresponds to approximately a 50% probability of sustaining an AIS1 (minor) head injury, a 15% chance of an AIS2 (moderate) head injury, and a 5% chance of sustaining an AIS3 (serious) head injury (14). AIS1 head injury refers to a minor or superficial injury involving only headache. AIS2 head injury is characterized as a mild concussion with brief or no loss of consciousness (1). AIS3 head injury is characterized as a severe concussion and requires loss of consciousness for 1 to 6 hours. There is no evidence that Ms. Wall sustained any loss of consciousness as a result of the fall; the surveillance video shows her remain on the ground for less than two seconds before beginning to get up. Therefore any head injury sustained as a result of the fall was, at worst, a mild concussion with no loss of consciousness. Based on criteria by Cantu (4) (Fig. 5), a concussion with no loss of consciousness is considered mild and associated with post-concussion signs or symptoms lasting less than 30 minutes. This analysis comports with independent medical examiner (IME) Dr. Ari Kalechstein who evaluated Ms. Wall on March 14, 2019. His report concluded that "there are no objective data to verify the onset of a traumatic brain injury (TBI)". Further, he opined that "if one were to assume that Ms. Wall experienced a TBI, even in the absence of any medical data, it would most reasonably [be] classified as uncomplicated mild (umTBI)" (*Ari Kalechstein, PhD, IME (3/25/19) - Defense Expert*). Likewise, David L. Ginsburg, MD, performed an Independent Medical Record Review and concluded that "the records currently available do not support (the) diagnosis" of a traumatic brain injury. Instead, Dr. Ginsburg noted that Ms. Wall denied headaches, visual changes, problems with memory, dizziness, anxiety, and depression, and on multiple occasions after the subject incident was evaluated without documentation of any cognitive impairment (*David L. Ginsburg, MD, Independent Medical Record Review (2/20/19)*).

Table 9. Evidence-Based Cantu Grading System for Concussion

Grade 1 (mild)	No loss of consciousness; posttraumatic amnesia* or postconcussion signs or symptoms lasting less than 30 minutes
Grade 2 (moderate)	Loss of consciousness lasting less than 1 minute; posttraumatic amnesia* or postconcussion signs or symptoms lasting longer than 30 minutes but less than 24 hours
Grade 3 (severe)	Loss of consciousness lasting more than 1 minute or posttraumatic amnesia* lasting longer than 24 hours; postconcussion signs or symptoms lasting longer than 7 days

*Retrograde and anterograde.

Figure 5: Table from Cantu, 2001 (4). According to surveillance footage, Ms. Wall had no loss of consciousness and she did not display any signs or symptoms of concussion immediately following the fall.

27. *Shoulder.* During her fall, Ms. Wall started to brace herself with her arms outstretched but ultimately landed on her chest with her arms crossed underneath her. In this scenario, any shoulder loading is directed anterior to posterior as the proximal ends of the humeri are pushed rearward with respect to the trunk. This is unlikely to result in a tear of the supraspinatus, which is a tendon located in the superior region of the rotator cuff and requires upward motion of the humerus as a mechanism of

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injury. This comports with the report submitted by Hugh S. Selnick, MD, who reviewed Ms. Wall's records and concluded – on the basis of a lack of acute objective injury as well as the long periods between injury complaint – that Ms. Wall sustained a "left shoulder contusion/sprain/strain, at most" (Hugh S. Selnick, MD, *Record Review Report; Consultants Medical Group (9/12/18)*).

28. *Knees.* Regarding her alleged torn menisci, the fall resulted in neither the force required, nor the mechanism of loading required to produce the alleged injuries. Meniscus tears are typically associated with vigorous rotation of the femur on the tibia with the knee in flexion during fully load bearing activities, causing the medial meniscus to move toward the center of the knee joint and get caught between the femur and tibia, causing tears when the leg is extended (36). This mechanism is simply not present in falls generally or in Ms. Wall's fall specifically. Rather, the knee(s) is essentially unloaded until contact with the ground, when a linear force would – at most – result in a contusion to the front of the knee. Again, this comports with the report submitted by Hugh S. Selnick, MD. Following his review of Ms. Wall's records, Dr. Selnick noted that Ms. Wall sustained "no left or right knee injury" and a "left lower leg (tibia/fibula region) contusion/bruise, at most". Dr. Selnick's specifically pointed to the first mention of left leg pain being nearly six weeks after the incident, along with "medical record silence for any left knee issues" after the subject incident until 5/21/15, and then again from 6/2/15 until the knee MRI on 11/2/15, nearly seven months after the April 10, 2015 incident (Hugh S. Selnick, MD, *Record Review Report; Consultants Medical Group (9/12/18)*).

29. *Shin Splints.* Ms. Wall's allegation of sustaining shin splits as a result of the fall almost does not warrant a response. Shin splits are a colloquial term used to describe overuse injuries in the lower limb. They are characterized by pain resulting in microtears in muscle – tibialis anterior – and bone – tibia – tissue and are not an acute injury. Again, at most, Ms. Wall would have sustained a contusion to her lower leg as a result of the fall, and there is no evidence that this even occurred.

30. *Dental.* Ms. Wall alleged to have lost several teeth as a result of the fall. However, we do not have dental records to confirm the acute loss of teeth on the evening of the fall and the first responder did not perceive any blood or visible damage to her teeth or face. This comports with the report submitted by Mark L. Glyman, MD, DDS, FACS, who reviewed Ms. Wall's records and concluded that "most of her dental problems were related to previous un-repaired and un-treated dental caries" (Mark L. Glyman, MD, DDS, *Record Review (4/5/19) - Defense Expert*).

Causation

31. Regarding the first criterion (objective evidence of injury), there is no evidence of acute injury in Ms. Wall's medical records. She refused medical care at the scene of the incident and did not present to urgent care for a week following the fall. At that time she complained only of shoulder injury, with no mention of head, knee, or shin complaints. No radiology or objective diagnostic testing was completed at this time. The first radiology related to her alleged head injury was performed approximately 18 months after the incident and was read as showing mild to moderate chronic changes (10/11/16; *Radiology Report, Mitesh Patel, MD, Steinberg Diagnostic Medical Imaging Centers*). The first objective testing of her left knee was performed over six months after the fall, when Ms. Wall had an MRI of her left knee. The MRI was read as showing a "complex, degenerative tear" of the meniscus along with knee osteoarthritis, a chronic condition (11/2/15, *Radiology Report, Alison Nguyen, MD, Steinberg Diagnostic Medical Imaging Centers*). A subsequent right knee MRI was performed months later and read as showing "underlying degenerative changes and meniscus tear" (1/8/16, *History & Physical Report, Gary D. Morris, MD, Nevada Orthopedic & Spine Center*). None of the abnormalities identified were attributed to an acute injury. Rather, all of the abnormalities identified are more likely the result of age-related, degenerative conditions, rather than any acute injury sustained on April 10, 2015.

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32. ~~The second criterion (temporal consistency) is also not satisfied.~~ Ms. Wall refused treatment following the incident and did not present to a physician for a week. At that time she did not mention her alleged head, knee, or shin injuries. When she presented multiple times over the following months the visits were follow ups for elevated blood pressure and she even denied headaches, chest pain, shortness of breath, and dizziness (4/23/15, *Convenient Care Note, Kristen Brosig, PA-C, Southwest Medical Associates, Inc.*; 5/7/15, *Convenient Care, Melinda Kwan, DO, Southwest Medical Associates, Inc.*). Had Ms. Wall sustained a "concussion that has caused ongoing memory loss and debilitating dizzy spells" as she alleges, she would not have denied these symptoms to physicians following the incident. Ms. Wall's first complaint of left leg pain was about six weeks after the incident and no swelling was found on examination at that time. Her first complaint of right knee pain was over eight months after the incident. Ms. Wall presented and the record indicates "Patient complains of right knee pain for one day. The patient is an 81-year-old female who presents with knee pain. This condition occurred following a specific injury. The injury involved the right knee. This occurred one day ago" (12/15/15, *Progress Note, James V. Meli, Jr., DO, Diagnostic Center of Medicine, Green Valley*). It was not until nearly seven months after the incident that Ms. Wall finally had an MRI on her shoulder, which was read as showing a rotator cuff tear. The first complaint of head injury is noted in the medical record on 8/2/16, about 16 months after the fall. Ms. Wall complained of headache, dizziness, and memory loss. A brain MRI performed 18 months after the incident was read as showing "no acute Intracranial process" and "mild to moderate chronic small vessel white matter ischemic changes" (10/11/16, *Radiology Report, Mitesh Patel, MD, Steinberg Diagnostic Medical Imaging Centers*). These findings are consistent with age-related changes. She later presented for a neuropsychological evaluation and the record notes that "She states that she has an unknown amount of seconds of loss of consciousness, [and] that she was, for a few minutes, stunned with a lack of clear and orderly thinking and behavior and also confused, dazed, and had slow physical reaction time" (7/13/17, *Clinical Neuropsychological Evaluation, Louis F. Mortillaro, Ph.D.*). This is in direct contrast to the evidence in the surveillance camera footage – which showed Ms. Wall get up almost immediately after her fall – and the first responder who noted Ms. Wall declined medical assistance, had no visible signs of injury to her head and/or face, and "While speaking with her, there was [were] no implications that she had struck her head/face at all when she fell". Indeed, Ms. Wall proceeded to enter the hotel and have a business meeting shortly after the fall.

33. The evidence in this case also fails to meet the third criterion (scientifically reliable biomechanical mechanism) necessary to establish injury causation. According to our analysis, the head acceleration and impact forces sustained by Ms. Wall during the event in question would have resulted in a mild concussion at worst. As described above, the forces, and more importantly, the mechanism required to cause injuries to the supraspinatus and menisci did not occur. Thus, the criterion for a reliable biomechanical mechanism for injuries in her head, shoulder, knees, and shins were not met by the incident on April 10, 2015.

34. With respect to alternative causes, degeneration and full thickness ruptures of the rotator cuff increase with age (16). Moreover, it is common for asymptomatic adults to have disruptions of the rotator cuff (19,20). For example, one study by Sher JS, et al., found that for asymptomatic people over 60 years old, 54% had a tear of the rotator cuff(19). Additionally, Ms. Wall spoke at length during her deposition about her active lifestyle prior to the incident, describing activities such as golf and tennis. These activities result in more force on the shoulder and knee joints than was present during the fall on April 10, 2015. Normal everyday tasks such as standing up from a chair by pushing against the arms, walking with a cane, lifting a 22 lb suitcase or lifting weights at the gym would generate 312 to 440 lbs of force (i.e. 1.7 to 2.4 times her body weight) across Ms. Wall's left shoulder joint(2).

35. Our analysis demonstrates that Ms. Wall's asserted injuries failed all four injury causation criteria. Therefore, based on a formal injury causation analysis, the fall on April 10, 2015, was not the proximate cause of Ms. Wall's alleged injuries.

Opinions

36. Based on our review and analysis of this case and on my background, education and training in the fields of falls and injury biomechanics, anatomy, and orthopaedics, I conclude, to a reasonable degree of engineering and biomechanical certainty, that: 1) Based on a formal injury causation analysis, the fall that occurred on April 10, 2015, was not the proximate cause of Ms. Wall's alleged head, teeth, shoulder, knee, or shin injuries, nor would it have exacerbated any pre-existing conditions.

37. Please note that I reserve the right to supplement this report should additional information become available to me. Thank you for the opportunity to review this case. Please let me know if I can provide any further information.

Respectfully Submitted,



Wilson C. "Toby" Hayes, Ph.D.
Hayes+Associates, Inc.

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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 TWELFTH 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 Twelfth 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.

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 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.

1 She 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. Travnick's opinions include,
6 but are not limited to, her 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, her review of Plaintiff's medical records. In addition, Dr. Travnick will
9 testify as a rebuttal expert to any medically designated defense experts in which she is qualified.

10 14. Person Most Knowledgeable and/or
11 Custodian of Records
12 Valley View Surgery Center
13 1330 S. Valley View Blvd.
14 Las Vegas, Nevada 89102

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

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

27 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
28 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

1 opinions shall include the cost of past and future medical care and whether those medical costs fall
2 within the ordinary and customary charges for similar medical care and treatment. His testimony
3 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.

4 In rendering his expert opinions he will rely upon the records of all physicians, health care
5 providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his
6 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.

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

16 17. Willian D. Smith, M.D.
17 Person Most Knowledgeable and/or
18 Custodian of Records
19 Western Regional Center for Brain & Spine
20 3061 S. Maryland Parkway, Suite 200
21 Las Vegas, Nevada 89109

22 *It is expected that Dr. Cash will testify as a non-retained expert in his capacity as medical
23 physicians who provided medical care to Plaintiff, following the subject incident. Dr. Cash 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, his expert opinion as
26 to past and future restrictions of activities, including work activities, caused by the incident. His
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. His testimony
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24 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.

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

1 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
2 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.

3 18. Marissa Freeman
4 8929 Monte Oro Drive
5 Las Vegas, Nevada 89131

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

7 19. Brian Freeman
8 8929 Monte Oro Drive
9 Las Vegas, Nevada 89131

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

11 20. Carole Divito
12 7840 Nesting Pine Place
13 Las Vegas, Nevada 89143

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

15 21. David Elliott, P.E.
16 2125 Marsh Tern Court
17 N. Las Vegas, Nevada 89084

18 *Expected to testify regarding his employment by the Venetian to achieve an aesthetically pleasing
19 flooring material that met a .5 wet coefficient of friction and his advice and recommendations to the
20 Venetian concerning the use of ceramic tile instead of marble as a floor surface at the Venetian.

21 22. Any and all witnesses named by the Defendant.

22 II

23 COMPUTATION OF DAMAGES

24 1. Centennial Hills Hospital	\$4,454.00
25 2. Shadow Emergency Physicians	\$1,272.00
26 3. Desert Radiologists	\$77.00
27 4. Dr. Webber	\$10,756.00
28 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. Travnick	\$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	\$2,500,000.00 (estimated)
11	17. Future lower back surgery with Dr. Smith	\$350,000.00 (estimated)
12	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)

Tenth Supplement

26. Second Supplemental expert report from Dr. Baker (Bates #JS980)

27. Third Supplemental expert report from Dr. Baker (Bates #JS981 to 988)

Eleventh Supplement

28. Records from Dr. Travnicek (Bates #JS989 to 992)

29. Records from Valley View Surgery Center (Bates #JS993)

30. Records from Dr. Smith (Bates #JS994 to 995)

31. Report from Wilson C. "Toby" Hayes, Ph.D. regarding case "Wall v South Point Hotel & Casino" (Bates #JS996 to 1010)

Twelfth Supplement

32. Records from Dr. Smith (Bates #JS1011 to 1013)

33. 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;

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

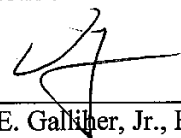
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y. Samples of the needles and surgical tools used in Plaintiff's various diagnostic and therapeutic pain management procedures

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 5th day of August, 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 TWELFTH SUPPLEMENTAL **EARLY CASE CONFERENCE DISCLOSURE STATEMENT** was served on the 13th day of August, 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, _____

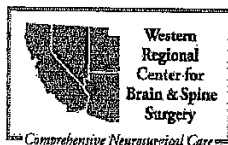
Michael A. Royal, Esq.
Gregory A. Miles, Esq.
ROYAL & MILES LLP
1522 W. Warm Springs Road
Henderson, Nevada 89014
Attorneys for Defendants



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

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 (63 years)

Date of Encounter: 07/18/2019

History of Present Illness

The patient is a 63 year old female who presents for a follow-up visit. Note for "Follow-up visit": This woman was originally seen by myself on 02/22/18. The patient has a documented work injury while slipping on the floor at The Venetian. She had a loss of consciousness while striking her head. She believes that fell directly on her back. She was seen at Centennial Hills Hospital and released. She has an accepted body part of cervical and lumbar spine. This injury occurred on 11/04/16.

Over time, after multiple visits, her cervical spine actually improved dramatically. It has come to the point where this does not currently give her any difficulties. She has had multiple injections most recently a facet block at L5-S1. This gave her good relief, but unfortunately less than 24 hours.

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

Other secondary scoliosis, lumbosacral region

Cervical spondylosis with myelopathy

Lumbar spondylosis with myelopathy

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.

Other Problems

Unspecified Diagnosis

Past Surgical

None (02/26/2018)

JS1011

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Diagnostic Studies

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

Vitals

07/18/2019 03:28 PM

Weight: 200 lb Height: 66 in

Body Surface Area: 2 m² Body Mass Index: 32.28 kg/m²

Physical Exam

The physical exam findings are as follows:

On her most recent examination, she has mechanical back pain with percussion tenderness. She does have a mild SI joint pain syndrome consistent with a positive finger Fortin test, a mild Gaenslen's maneuver, and Faber's test. She does have mild left L5 dermatomal loss of sensation with sciatic notch tenderness. She does have good power. Flexion and extension of the lumbar spine is greatly limited.

Assessment & Plan

Back pain, sacroiliac 724.6 | M53.3

- *WRCBSS Post Op and Discharge Instructions Dr. Smith

- **Review of Diagnostic Test**

Comments: The key image is certainly her CT scan. Her CT scan of her lumbar spine was performed at Desert Radiology. This was approximately I believe 20 months after her injury. While it does show some significant degenerative changes, the most striking finding is at the L5-S1 region. There is a very mild retrolisthesis of L5 on S1. There are changes of the SI joints bilaterally. Most striking is the fact that there is a fracture at the left facet, which at this time has sclerotic margins. This is consistent with an injury of over one year. The axial image is slice location 157 and it's really quite impressive. There is also surprisingly a small rotatory subluxation at the same level at L5-S1. There are some mild lateral bulging discs. The radiologist did not seem to mention this problem with the facets, but it is really quite traumatic. There is some lateral recess stenosis at L4-5 as well.

Lumbar spondylosis with myelopathy 721.42 | M47.16

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

At this time, this woman has failed aggressive nonoperative treatments. Given this, she certainly meets surgical criteria. I believe her primary issues is currently this fracture of the left L5-S1 facet with signs of instability. This certainly will need a surgical treatment. I would recommend a minimally invasive oblique ALIF at L5-S1 followed by posterior decompression and fixation. This would allow for reduction of her mild rotatory scoliosis as well. The other question would be whether or not the L4-5 region should be added given the fact that there is bilateral narrowing at L4-5 with lateral recess stenosis. Most likely this should be treated, as well so this woman can hopefully go on with her daily activities.

Of note, by her recollection, she has never been seen by a physician for back pain prior to this accident of 2016. I find this woman without signs of malingering. She certainly has chronic pain and this accident has changed her entire life. Certainly, even with a very successful surgery she will have limitations consistent with motion and movement. The data suggests that she has a 10 to 15% chance of requiring another surgery within a decade of this type of surgeons that I have recommended.

We will give you a financial reckoning, as well. Worker's Comp has denied our first request for surgery. They do not give a good reason. However, once again given the fact that Worker's Comp allowed this patient to go through nonoperative treatments, which she has now failed to progress, it does not make logical sense why they would not let her go on to the surgical treatment that would be a very reasonable approach for this patient.

Please do not hesitate to call me with any questions if I have not answered your specific questions.

ADDENDUM: The patient does have signs of radiographic SI joint sclerosis and osteophyte formation. She may ultimately be a candidate for an SI joint fusion, as well.

JS1012

1776

Cc: Farmers W/C (702) 436-1189 (faxed)
Walter M. Kidwell, MD (702) 878-9096
Jeffrey Webb, DC (702) 457-7083
Katherine Travnicek, MD (702) 878-9096
Edson Erkulvrawtr, MD (702) 259-5554
Galliher Law (702) 735-0204



William D. Smith, MD

JS1013

1777

THE GALLIHER LAW FIRM
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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 THIRTEENTH 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 Thirteenth 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.

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 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. Travnicek, 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. Travnicek will testify as a non-retained expert in her capacity as medical 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.

1 She 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. Travnick's opinions include,
6 but are not limited to, her 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, her review of Plaintiff's medical records. In addition, Dr. Travnick will
9 testify as a rebuttal expert to any medically designated defense experts in which she is qualified.

10 14. Person Most Knowledgeable and/or
11 Custodian of Records
12 Valley View Surgery Center
13 1330 S. Valley View Blvd.
14 Las Vegas, Nevada 89102

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

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

27 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
28 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

1 opinions shall include the cost of past and future medical care and whether those medical costs fall
2 within the ordinary and customary charges for similar medical care and treatment. His testimony
3 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.

4 In rendering his expert opinions he will rely upon the records of all physicians, health care
5 providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his
6 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.

7 He will render expert opinions that all of the past and future medical care provided to
8 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
9 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
10 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
11 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.

12 17. Willian D. Smith, M.D.

13 Person Most Knowledgeable and/or
14 Custodian of Records
15 Western Regional Center for Brain & Spine
3061 S. Maryland Parkway, Suite 200
Las Vegas, Nevada 89109

16 *It is expected that Dr. Cash will testify as a non-retained expert in his capacity as medical
17 physicians who provided medical care to Plaintiff, following the subject incident. Dr. Cash is
18 expected to give expert opinions regarding the treatment of Plaintiff, the necessity of the treatment
19 rendered, the causation of the necessity for past and future medical treatment, his expert opinion as
20 to past and future restrictions of activities, including work activities, caused by the incident. His
21 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.

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
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.

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

1 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
2 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.

3 18. Marissa Freeman
4 8929 Monte Oro Drive
5 Las Vegas, Nevada 89131

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

7 19. Brian Freeman
8 8929 Monte Oro Drive
9 Las Vegas, Nevada 89131

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

11 20. Carole Divito
12 7840 Nesting Pine Place
13 Las Vegas, Nevada 89143

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

15 21. David Elliott, P.E.
16 2125 Marsh Tern Court
17 N. Las Vegas, Nevada 89084

18 *Expected to testify regarding his employment by the Venetian to achieve an aesthetically pleasing
19 flooring material that met a .5 wet coefficient of friction and his advice and recommendations to the
20 Venetian concerning the use of ceramic tile instead of marble as a floor surface at the Venetian.

21 22. Any and all witnesses named by the Defendant.

22 II

23 COMPUTATION OF DAMAGES

24 1. Centennial Hills Hospital	\$4,454.00
25 2. Shadow Emergency Physicians	\$1,272.00
26 3. Desert Radiologists	\$77.00
27 4. Dr. Webber	\$10,756.00
28 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	\$21,089.48
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	\$2,500,000.00 (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)

Tenth Supplement

26. Second Supplemental expert report from Dr. Baker (Bates #JS980)

27. Third Supplemental expert report from Dr. Baker (Bates #JS981 to 988)

Eleventh Supplement

28. Records from Dr. Travnicek (Bates #JS989 to 992)

29. Records from Valley View Surgery Center (Bates #JS993)

30. Records from Dr. Smith (Bates #JS994 to 995)

31. Report from Wilson C. "Toby" Hayes, Ph.D. regarding case "Wall v South Point Hotel & Casino" (Bates #JS996 to 1010)

Twelfth Supplement

32. Records from Dr. Smith (Bates #JS1011 to 1013)

Thirteenth Supplement

33. Records from Dr. Smith (Bates #JS1014 to 1015)

34. Billing from Valley View Surgery Center (Bates #JS1016 to 1017)

35. 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;


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

- 1 x. Sample of an intrathecal drug delivery system and leads;
2 y. Samples of the needles and surgical tools used in Plaintiff's various diagnostic and
3 therapeutic pain management procedures

4 Plaintiff reserves the right to supplement these disclosures with any and all other relevant
5 information and documents and records that come into her possession during discovery.
6

7 DATED this 19th day of August, 2019

8 THE GALLIHER LAW FIRM

9
10 
11 Keith E. Galliher, Jr., Esq.
12 Nevada Bar Number 220
13 1850 E. Sahara Avenue, Suite 107
14 Las Vegas, Nevada 89104
15 Attorneys for Plaintiff
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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 **THIRTEENTH SUPPLEMENTAL EARLY CASE CONFERENCE DISCLOSURE STATEMENT** was served on the 23rd day of August, 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,

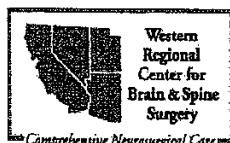
acknowledged by, _____

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

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 (63 years)

Date of Encounter: 08/05/2019

History of Present Illness

The patient is a 63 year old female who presents for a follow-up visit. Note for "Follow-up visit": I had the opportunity and pleasure of seeing this nice woman in my office today. She is now almost three years from her original injury. This 63-year-old woman continues to have severe low back pain. She apparently had a facet rhizotomy last week. I do not have the results of this or which levels were done. She states that it gave her some immediate relief, but it seems the pain is starting to return.

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

Back pain, sacroiliac

Cervical spondylosis with myelopathy

Other secondary scoliosis, lumbosacral region

Lumbar spondylosis with myelopathy

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.

Other Problems

Unspecified Diagnosis

Past Surgical

None (02/26/2018)

JS1014

Diagnostic Studies

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

Vitals

08/05/2019 06:23 AM

Weight: 200 lb Height: 66 in

Body Surface Area: 2 m² Body Mass Index: 32.28 kg/m²

Physical Exam

The physical exam findings are as follows:

On her examination today, she does have percussion tenderness of the mid to low back. She does have a positive finger Fortin test to the left.

Assessment & Plan

Lumbar spondylosis with myelopathy 721.42 | M47.16

- Patient Education: Low Back Pain; low back
- Patient Education: Smoking: Ways to Quit: smoking cessation
- 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: Once again, her CT scan shows a retrolisthesis at L5-S1 with lateral recess stenosis as well as changes of the SI joints bilaterally.

Other secondary scoliosis, lumbosacral region 737.43 | M41.57

- Follow up in 1 month or as needed

With this in mind, we will need to see if we can obtain Pain Management's notes. She is agreeable to this. We will not make any changes. I do believe that she should attempt to complete all injections. However, I do suspect that she ultimately will require surgical treatment.

Cc: Farmers W/C (702) 436-1189 (faxed)
Walter M. Kidwell, MD (702) 878-9096
Jeffrey Webb, DC (702) 457-7083
Katherine Travnick, MD (702) 878-9096
Edson Erkulavratr, MD (702) 259-5554
Gallier Law (702) 735-0204



William D. Smith, MD

JS1015

MEDICAL AND BILLING RECORDS AFFIDAVIT

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

COMES NOW **Vanessa Robles**, who deposes and says:

That the deponent is the Custodian of Records of **CANYON MEDICAL BILLING**. Attached to this affidavit are ____ pages of Medical and/or Billing Records that pertain to services that **West Las Vegas Surgery Center, LLC** provided to **Joyce Sekera DOB 3/22/1956** from 3/9/2017 thru 6/20/2019.

These said Medical and/or Billing Records are kept in the regular course of business of **CANYON MEDICAL BILLING**. The information contained in these records was generated by **West Las Vegas Surgery Center, LLC** in the regular course of business of **West Las Vegas Surgery Center, LLC** or an employee, representative, or a doctor, who had personal knowledge of the information.

The Medical and/or Billing Records attached hereto are exact duplicates of the copies provided to **CANYON MEDICAL BILLING** by **West Las Vegas Surgery Center, LLC**, and nothing has been removed or deleted before making these copies. **CANYON MEDICAL BILLING** is not the custodian of records for **West Las Vegas Surgery Center, LLC**, and therefore does not make any representation that the provided records represent the totality of the file(s) for **West Las Vegas Surgery Center, LLC**.

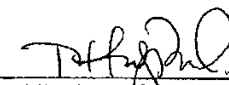
The total PAID amount for the services as of this date is \$0.00.

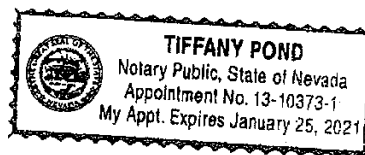
The total UNPAID amount which **CANYON MEDICAL BILLING** has a right to be paid after any adjustments or credits to include any amounts sent to collections is: **\$21,089.48**.


Affiant

SWORN TO AND SUBSCRIBED before me on the 14 day of August, 2019

My commission expires: 01-25-2021


Notary Public, State of Nevada



JS1016

JS1017

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
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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 FOURTEENTH 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 Fourteenth 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.

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 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.

1 She 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. Travnicek's opinions include,
6 but are not limited to, her 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, her review of Plaintiff's medical records. In addition, Dr. Travnicek will
9 testify as a rebuttal expert to any medically designated defense experts in which she is qualified.

10 14. Person Most Knowledgeable and/or
11 Custodian of Records
12 Valley View Surgery Center
13 1330 S. Valley View Blvd.
14 Las Vegas, Nevada 89102

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

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

27 *The Person Most Knowledgeable is expected to testify regarding the care and treatment rendered to
28 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

1 opinions shall include the cost of past and future medical care and whether those medical costs fall
2 within the ordinary and customary charges for similar medical care and treatment. His testimony
3 may also include expert opinions as to whether Plaintiff has a diminished work life expectancy,
4 work capacity, and/or life expectancy as a result of the incident.

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

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

12 17. Willian 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

1 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
2 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.

3 18. Marissa Freeman
4 8929 Monte Oro Drive
5 Las Vegas, Nevada 89131

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

7 19. Brian Freeman
8 8929 Monte Oro Drive
9 Las Vegas, Nevada 89131

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

11 20. Carole Divito
12 7840 Nesting Pine Place
13 Las Vegas, Nevada 89143

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

15 21. David Elliott, P.E.
16 2125 Marsh Tern Court
17 N. Las Vegas, Nevada 89084

18 *Expected to testify regarding his employment by the Venetian to achieve an aesthetically pleasing
19 flooring material that met a .5 wet coefficient of friction and his advice and recommendations to the
20 Venetian concerning the use of ceramic tile instead of marble as a floor surface at the Venetian.

21 22. Any and all witnesses named by the Defendant.

22 II

23 COMPUTATION OF DAMAGES

24 1. Centennial Hills Hospital	25 \$4,454.00
26 2. Shadow Emergency Physicians	27 \$1,272.00
28 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	\$21,089.48
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	\$2,500,000.00 (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. Travnick (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. Travnick (Bates #JS946 to 949)
23. Supplemental report from Dr. Travnick (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)

Tenth Supplement

26. Second Supplemental expert report from Dr. Baker (Bates #JS980)

27. Third Supplemental expert report from Dr. Baker (Bates #JS981 to 988)

Eleventh Supplement

28. Records from Dr. Travnicek (Bates #JS989 to 992)

29. Records from Valley View Surgery Center (Bates #JS993)

30. Records from Dr. Smith (Bates #JS994 to 995)

31. Report from Wilson C. "Toby" Hayes, Ph.D. regarding case "Wall v South Point Hotel & Casino" (Bates #JS996 to 1010)

Twelfth Supplement

32. Records from Dr. Smith (Bates #JS1011 to 1013)

Thirteenth Supplement

33. Records from Dr. Smith (Bates #JS1014 to 1015)

34. Billing from Valley View Surgery Center (Bates #JS1016 to 1017)

Fourteenth Supplement

35. First Supplemental Expert Rebuttal Report from Dr. Anthony (Bates #JS1018 to 1020)

36. Surgical estimate from Western Regional Center for Brain & Spine (Bates #JS1021)

37. 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;


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

- 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 23rd day of August, 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 **FOURTEENTH SUPPLEMENTAL EARLY CASE CONFERENCE DISCLOSURE STATEMENT** was served on the 3rd day of September of August, 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

J. Marshall Anthony, D.O., J.D., LTD.
2010 Wellness Way, Suite 100, Las Vegas, Nevada 89106
Voice 702-408-6002, Fax 702-507-0022

Supplemental Report

Re: Joyce Sekera

Date of Injury: November 4, 2016

Date: August 17, 2019

ADDITIONAL RECORD REVIEW

I reviewed the following documents from the defense:

1. 1st Supplemental report dated June 25, 2019
2. 2nd Supplemental report dated July 11, 2019

SUPPLEMENTAL OPINION AND COMMENTS

1. With regard to the June 25, 2019 there is no need for me to comment on this report.
2. With regard to the July 11, 2019 writing, I have the following comments -
 - a. There is minimal to comment on, but I will make a few written comments.
 - b. First, a legal case is an adversarial process, that begins with at least two opposing parties. There is usually one side on offense and one side on defense. This is not a pleasant discussion or friendly process. Moreover, when I reflect back on my career, I cannot think of anyone from the opposition that I would consider pleasant or collegial to me and that is the case here.
 - c. The patient had consistent pain complaints about the neck/shoulders, back and headache and this is clear in the medical records.
 - d. Unfortunately, documentation from provider to provider in the medical community is quite variable and frequently lacks consistency and accuracy. Moreover, it reflects the subjective human nature and variability of pain in a patient, coupled with the accuracy of the provider's records. This is well known and a major deficiency in western medicine that leads to inaccuracy in medical records, but the medical records are what they are and over all the general theme of injuries to the neck/shoulders, back and head are clear.
 - e. Because of many of the comments in the July 11, 2019 writing, I reviewed Dr. Smith's medical records again. Below are some additional observations:
 - i. The first visit on February 22, 2018 with Dr. Smith notes the patient had loss of consciousness after the fall in question.
 - ii. He further noted the patient had epidural injections without significant relief. This however, was not true, as the patient had facet injections and rhizotomies and trigger point injections.
 - iii. Also, in this first visit there is an examination that notes nothing with regard to palpation of the lumbar facets or lumbar paraspinal muscles.
 - iv. This same note on mentions the patient primarily has lumbar spine issues and mechanical back pain and sacroiliac joint dysfunction. Dr. Smith also stated "I find this woman believable without any large signs of secondary gain. Certainly, the mechanism she describes certainly could cause the issues of the SI joint dysfunction, Modic changes, annular fissures and straightening of her spine."
 - v. On the September 10, 2018 visit with Dr. Smith, the patient was noted to have facet rhizotomies without significant relief. This is however, inconsistent with the records from Dr. Travnicek, who stated there was relief for many months. It should also be noted

Joyce Sekera Supplemental Report by J. Marshall Anthony, D.O., J.D., LTD.

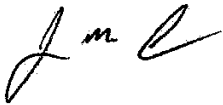
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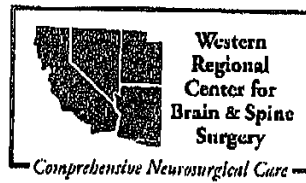
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- on this visit the only examination was the patient pointing to her SI area with a positive Fortin's Sign.
- vi. Very importantly, on September 10, 2018 Dr. Smith notes an old healing fracture of the left superior articular facet at S1.
 - vii. Around this same time Dr. Travnicek's noted on September 17, 2018 the patient had 70% reduction of pain and had benefit from the bilateral radiofrequency ablation at L5-S1 done on November 30, 2017. The pain relief was from December 2017 to about May/June 2018.
 - viii. It is clear and one cannot ignore the healing fracture of the left superior articular facet at S1, as was noted by Dr. Smith in his note.
 - ix. Both treating doctors support significant injuries and pathology from the fall.
 - x. Last, on the February 7, 2019 note by Dr. Smith there is mention that the patient had positive brief relief with rhizotomies. No examination was done on this day. Dr. Smith noted significant facet changes on cat scan and the healed fracture on the superior articular facet and there was mention of bilateral signs of SI joint dysfunction. It was Dr. Smith's opinion here that the working diagnosis was the pain was coming from L5-S1, but he could not rule out sacroiliac joint as a cause of her pain.
 - xi. Also, Dr. Smith's last note indicated benefit from rhizotomies and CT findings of significant facet changes and a healed facet fracture.
 - xii. Because of all the findings above and the comments in my prior writing, I do not agree with the arguments by the defense witness.
- f. Additionally and because of the many comments in the July 11, 2019 writing, I reviewed Dr. Travnicek's medical records again. Below are some additional observations that does not support the defense:
- i. The first visit with Dr. Travnicek was on January 9, 2017. This independent and treating physician diagnosed Ms. Sekera with facet joint arthropathy on the first visit and discopathy of the cervical and lumbar spines. Notwithstanding, no cervical or lumbar facet joint tenderness were noted on the first examination.
 - ii. Moreover, the March 9, 2017 report showed 100% post injection relief after Ms. Sekera's bilateral facet joint injections at L5-S1. However, there was no sustained relief after this procedure.
 - iii. On May 8, 2017 the patient had 100% post injection relief after she had bilateral medial branch blocks at L5-S1. There was two days of sustained relief at 100% and then her pain returned.
 - iv. Based on the foregoing positive injections, Ms. Sekera underwent bilateral radiofrequency ablation at L5-S1 on November 30, 2017. This resulted in 70-80% resolution of the usual pain and lasted until May/June 2018.
 - v. On December 7, 2017 the patient reported 80% sustained relief of the lumbar pain.
 - vi. On January 11, 2018 the patient reportedly had 70% sustained relief of the lumbar pain.
 - vii. Based on the aforementioned, the L5-S1 facet joint was the pain generator in this patient and as such, the patient requires additional facet rhizotomies, as Dr. Travnicek indicated in her note.
 - viii. Moreover, because of all the findings above, I do not support the defense arguments.
- g. With regard to facet syndrome, the definition of "syndrome" is a group of symptoms which consistently occur together, or a condition characterized by a set of associated symptoms.
- h. A syndrome does not require physical findings or signs and in no way does facet syndrome require focal tenderness to the facet joint or an MRI to make the diagnosis. To state otherwise, is inaccurate.

- i. Facet syndrome is a clinical constellation of symptoms that respond positively to medial branch blocks and frequently may not have visible findings on examination or on MRI. Moreover, facet mediated pain must be determined by pain management/physiatry and properly placed injections. In this case, Dr. Travnicek determined this with properly placed injections and positive responses in reduction of the pain.
 - j. Dr. Travnicek stated in her report the patient improved significantly from the facet joint injections and the radiofrequency rhizotomy. Dr. Travnicek is in the best position as a treating provider to determine the diagnosis with a documented contemporaneous note and not a hired witness.
 - k. The statement by the defense witness that the MRI is sensitive and will show facet injury is not always true, since a syndrome, like facet syndrome requires a history and a diagnostic facet block to determine the accuracy of the diagnosis and not an MRI. Moreover, it was the CT scan that showed the left superior articular facet fracture at S1 and not an MRI.
 - l. Also, facet tenderness may or may not be present when there is an injury to the facet, as facet syndrome frequently has no physical findings and no focal complaints but more regional areas of pain, as is evident on lumbar facet mapping diagrams.
 - m. The comments by Dr. Smith about the patient not getting benefit from the facet injections is contradicted by Dr. Travnicek notes.
 - n. Furthermore, Dr. Smith stated in his note, the patient has a complicated issue and indicative of L5-S1 region being the main pain generator. He was correct and corroborated the level as did Dr. Travnicek.
 - o. Dr. Smith also recommended SI joint injections.
 - p. The lumbar facet syndrome and sacroiliac joint dysfunction diagnoses are compatible with the mechanism of injury in this case.
 - q. It should also be noted that the patient had 100% reduction of usual pain after undergoing bilateral L5-S1 facet joint injection on March 9, 2017 and a bilateral L5-S1 facet joint medial branch block on May 8, 2017. This alone would support the diagnosis of lumbar facet syndrome, regardless of the presence or absence of facet tenderness on exam or facet findings on MRI. Saying otherwise, is improper.
 - r. As noted before, the patient had rhizotomies on November 30, 2017 and she had relief reported to May/June 2018.
3. The factual assessments and medical opinions expressed herein are based on the currently available medical records. Thus, I reserve the right to modify my assessments and medical opinion as additional medical records and information become available. Likewise, the medical opinions herein are unique to the specific factual circumstances of this case and therefore may not apply to other cases or factual scenarios.
4. My opinions stated are stated to a reasonable degree of medical probability and are based upon my education, experience, training and my best effort.



J. Marshall Anthony, D.O., J.D., M.B.A., D.A.B.F.M., F.A.A.F.P



August 26, 2019

RE: Sekera, Joyce
DOB: 03/22/1956

To Whom it May Concern:

Patient is a surgical candidate to have a L5-S1 ANTERIOR LUMBAR INTERBODY FUSION WITH POSTERIOR FIXATION. The estimated cost would be \$

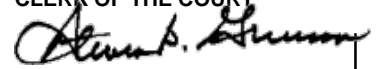
- Anesthesia \$1,500
- Implants \$ 8,500
- Therapy/Meds \$ 3,500
- Western Regional \$ 91,880
- DME \$ 2,500
- Hospital \$ 52,156.99

If any questions please feel free to contact my office 702-737-1948.

Karla Chavez
Surgery scheduler

JS1021

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1 ANS

2 Michael A. Royal, Esq.

3 Nevada Bar No. 4370

Gregory A. Miles, Esq.

4 Nevada Bar No. 4336

ROYAL & MILES LLP

1522 West Warm Springs Road

Henderson Nevada 89014

Tel: (702) 471-6777

Fax: (702) 571-6777

Email: mroyal@royalmilesllp.com

Attorneys for Defendants

VENETIAN CASINO RESORT, LLC and

LAS VEGAS SANDS, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

JOYCE SEKERA, an Individual;

CASE NO.: A-18-772761-C

Plaintiff,

DEPT. NO.: 24

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.

ANSWER TO FIRST AMENDED COMPLAINT

COMES NOW Defendants, VENETIAN CASINO RESORT, LLC, and LAS VEGAS SANDS, LLC (collectively referenced as *VENETIAN*), by and through their counsel of record, ROYAL & MILES LLP, and admits and denies the allegations in the First Amended Complaint as follows. (Failure to answer any claim or paragraph is unintentional. Any such case is to be treated as an express denial by these answering Defendants.)

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2. Answering Paragraph III in the General Allegations of the First Amended Complaint, these answering Defendants are without sufficient knowledge or information to admit or deny the allegations set forth therein and therefore deny the same.

3. Answering Paragraphs IV, V, VI, VII and VIII in the General Allegations of the First Amended Complaint, these answering Defendants deny all allegations set forth therein.

4. Answering Paragraph I of the First Claim For Relief in the First Amended Complaint, these answering Defendants restate and reaffirm each and every response to Paragraphs 1 through VIII in the General Allegations of the First Amended Complaint as though fully set forth herein.

5. Answering Paragraphs II, III, IV and V of the First Claim For Relief in the First Amended Complaint, these answering Defendants deny all allegations in said Paragraphs.

First Affirmative Defense

The First Amended Complaint on file herein fails to states a claim against Defendants upon which relief may be granted.

Plaintiff's allegations in the First Amended Complaint are barred by the doctrine of comparative negligence.

1 **Third Affirmative Defense**

2 Any damages suffered by the Plaintiff, as alleged in the First Amended Complaint, were caused
3 by a third person or persons outside the control of these answering Defendants.

4 **Fourth Affirmative Defense**

5 Plaintiff's claims are barred by the failure to mitigate damages.

6 **Fifth Affirmative Defense**

7 Plaintiff's claims are barred by the doctrine of assumption of the risk.

8 **Sixth Affirmative Defense**

9 Plaintiff's injuries alleged in the First Amended Complaint arise from a pre-existing condition
10 and/or unrelated medical or psychological conditions.

11 **Seventh Affirmative Defense**

12 All the risk and dangers involved in the factual situation set forth in the First Amended
13 Complaint, if any existed at all, were open, obvious and known to the Plaintiff; therefore, she assumed
14 such risk and dangers arising therefrom.

15 **Eighth Affirmative Defense**

16 These answering Defendants acted at all times with due care in the performance of their
17 relevant duties.

18 **Ninth Affirmative Defense**

19 Plaintiff's cause of action as set forth in the First Amended Complaint is barred by the doctrine
20 of laches.

21 **Tenth Affirmative Defense**

22 Plaintiff's cause of action is barred by the Nevada Industrial Insurance Act.

1 **Eleventh Affirmative Defense**

2 Plaintiff is not entitled to punitive damages under NRS 42.005 from a negligence claim arising
3 from an alleged temporary transitory condition.

4 **Twelfth Affirmative Defense**

5 In accordance with NRCP 11, all possible affirmative defenses may not have been alleged
6 herein insofar as insufficient facts are not presently available after reasonable inquiry, in compliance
7 with the Nevada Rules of Civil Procedure; therefore, Defendants reserve the right to amend this answer
8 to allege additional affirmative defenses.
9

10 WHEREFORE, these answering Defendants pray for judgment against Plaintiff as follows:

- 11 1. That the First Amended Complaint be dismissed and the Plaintiff take nothing;
12 2. An award of all attorneys fees and costs associated with defending this action; and
13 3. Such further relief as the Court deems just and proper.
14

15 DATED this 17 day of September, 2019.

16 **ROYAL & MILES LLP**

17
18 By: _____

19 Michael A. Royal, Esq.
20 Nevada Bar No. 4370
Gregory A. Miles, Esq.
21 Nevada Bar No. 4336
1522 W. Warm Springs Road
Henderson, NV 89014
22 Attorneys for Defendants
23 VENETIAN CASINO RESORT, LLC and
LAS VEGAS SANDS, LLC
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20 day of September, 2019 and pursuant to NRCP 5(b),
I caused a true and correct copy of the foregoing **ANSWER TO FIRST AMENDED COMPLAINT**
to be served as follows:

_____ by placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada; and/or

_____ to be served via facsimile; and/or

☒ pursuant to EDCR 8.05(a) and 8.05(f), to be electronically served through the Eighth Judicial Court's electronic filing system, with the date and time of the electronic service substituted for the date and place of deposit in the mail; and/or

_____ to be hand delivered;

to the attorneys and/or parties listed below at the address and/or facsimile number indicated below:

Keith E. Galliher, Jr., Esq.
THE GALLIHER LAW FIRM
1850 E. Sahara Avenue, Suite 107
Las Vegas, NV 89014
Attorneys for Plaintiff
Facsimile: 702-735-0204
Email: kgalliher@galliherlawfirm.com


An employee of ROYAL & MILES LLP

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 FIFTEENTH 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 Fifteenth 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.

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 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 retained treater/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.

1 She 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. Travnick's opinions include,
6 but are not limited to, her 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, her review of Plaintiff's medical records. In addition, Dr. Travnick will
9 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 retained treater/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

1 opinions shall include the cost of past and future medical care and whether those medical costs fall
2 within the ordinary and customary charges for similar medical care and treatment. His testimony
3 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.

4 In rendering his expert opinions he will rely upon the records of all physicians, health care
5 providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his
6 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.

7 He will render expert opinions that all of the past and future medical care provided to
8 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
9 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
10 have, restrictions on her activities and ability to work, that the Plaintiff will have a diminished work
11 life expectancy and a diminished life expectancy. The basis for Dr. Cash's opinions include, but are
12 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.

13 17. Willian D. Smith, M.D.

14 Person Most Knowledgeable and/or
15 Custodian of Records
Western Regional Center for Brain & Spine
3061 S. Maryland Parkway, Suite 200
Las Vegas, Nevada 89109

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

25 In rendering his expert opinions he will rely upon the records of all physicians, health care
26 providers, and experts, who have rendered opinions, medical care and treatment to Plaintiff and his
27 respective expert opinions regarding the nature, extent and cause of Plaintiff's injuries, the
28 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.

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

1 subjected to because of Defendant's negligence, Plaintiff's history and symptoms, any diagnostic
2 tests that were performed, his review of Plaintiff's medical records. In addition, Dr. Cash will testify
3 as a rebuttal expert to any medically designated defense experts in which he is qualified.

4 18. Jason E. Garber, M.D.
5 Person Most Knowledgeable and/or
6 Custodian of Records
7 LVNI Center for Spine and Brain Surgery
8 3012 S. Durango Drive
9 Las Vegas, Nevada 89117

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

25 He will render expert opinions that all of the past and future medical care provided to
26 Plaintiff was reasonable and necessary, that the need for said care was caused by the subject
27 incident, that all charges were reasonable and customary, that the Plaintiff has, and will continue to
28 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. Garber'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. Garber will
testify as a rebuttal expert to any medically designated defense experts in which he is qualified.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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	\$21,089.48
12. Steinberg Diagnostics	\$1,400.00
13. Dr. Cash	\$1,750.00
14. Dr. Smith	\$1,675.00

15. Dr. Garber	\$1,000.00
16. Wage loss and loss of earning capacity	(To be determined)
17. Past and future pain and suffering	\$2,500,000.00 (estimated)
18. Future lower back surgery with Dr. Smith	\$160,036.99 (estimated)
19. 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 (Bates #JS951 TO 952)

Ninth Supplement

25. Supplemental report from Dr. Baker (Bates #JS953 to 979)

Tenth Supplement

26. Second Supplemental expert report from Dr. Baker (Bates #JS980)

27. Third Supplemental expert report from Dr. Baker (Bates #JS981 to 988)

Eleventh Supplement

28. Records from Dr. Travnicek (Bates #JS989 to 992)

29. Records from Valley View Surgery Center (Bates #JS993)

30. Records from Dr. Smith (Bates #JS994 to 995)

31. Report from Wilson C. "Toby" Hayes, Ph.D. regarding case "Wall v South Point Hotel & Casino" (Bates #JS996 to 1010)

Twelfth Supplement

32. Records from Dr. Smith (Bates #JS1011 to 1013)

Thirteenth Supplement

33. Records from Dr. Smith (Bates #JS1014 to 1015)

34. Billing from Valley View Surgery Center (Bates #JS1016 to 1017)

Fourteenth Supplement

35. First supplemental expert rebuttal report from Dr. Anthony (Bates #JS1018 to 1020)

36. Surgical estimate from Western Regional Center for Brain & Spine (Bates #JS1021)

Fifteenth Supplement

37. Billing from Dr. Garber (Bates #JS1022)

38. Second supplemental expert report from Thomas Jennings, P.E. (Bates #JS1023)

39. Third supplemental expert report from Dr. Travnicek (Bates #JS1024 to 1025)

40. 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;

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

1 y. Samples of the needles and surgical tools used in Plaintiff's various diagnostic and
2 therapeutic pain management procedures
3 Plaintiff reserves the right to supplement these disclosures with any and all other relevant
4 information and documents and records that come into her possession during discovery.
5

6 DATED this 10th day of October, 2019

7 THE GALLIHER LAW FIRM

8 

9 _____
10 Keith E. Galliher, Jr., Esq.
11 Nevada Bar Number 220
12 1850 E. Sahara Avenue, Suite 107
13 Las Vegas, Nevada 89104
14 Attorneys for Plaintiff
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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 **FIFTEENTH SUPPLEMENTAL EARLY CASE CONFERENCE DISCLOSURE STATEMENT** was served on the 11th day of October, 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



ATTORNEY GALLIHER LAW FIRM
107
1850 E SAHARA AVE
LAS VEGAS, NV 89104

HEALTH INSURANCE CLAIM FORM

APPROVED BY NATIONAL UNIFORM CLAIM COMMITTEE (NUCC) 02/12

PICA

PICA

1. MEDICARE <input type="checkbox"/> MEDICAID <input type="checkbox"/> TRICARE <input type="checkbox"/> CHAMPVA <input type="checkbox"/> GROUP HEALTH PLAN <input type="checkbox"/> FECA BLK LUNG <input type="checkbox"/> OTHER <input checked="" type="checkbox"/>		1a. INSURED'S I.D. NUMBER (For Program in Item 1)	
2. PATIENT'S NAME (Last Name, First Name, Middle Initial) SEKERA, JOYCE		4. INSURED'S NAME (Last Name, First Name, Middle Initial) SEKERA, JOYCE	
5. PATIENT'S ADDRESS (No., Street) 7840 NESTING PINE PLACE		7. INSURED'S ADDRESS (No., Street) 7840 NESTING PINE PLACE	
CITY LAS VEGAS		CITY LAS VEGAS	
STATE NV		STATE NV	
ZIP CODE 89143		ZIP CODE 89143	
TELEPHONE (Include Area Code) (702) 675457		TELEPHONE (Include Area Code) (702) 675457	
9. OTHER INSURED'S NAME (Last Name, First Name, Middle Initial)		10. IS PATIENT'S CONDITION RELATED TO:	
a. OTHER INSURED'S POLICY OR GROUP NUMBER		a. EMPLOYMENT? (Current or Previous) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
b. RESERVED FOR NUCC USE		b. AUTO ACCIDENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO NV	
c. RESERVED FOR NUCC USE		c. OTHER ACCIDENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
d. INSURANCE PLAN NAME OR PROGRAM NAME		10d. CLAIM CODES (Designated by NUCC)	
12. PATIENT'S OR AUTHORIZED PERSON'S SIGNATURE I authorize the release of any medical or other information necessary to process this claim. I also request payment of government benefits either to myself or to the party who accepts assignment below. SIGNATURE ON FILE SIGNED DATE 09192019		11. INSURED'S POLICY GROUP OR FECA NUMBER	
13. INSURED'S OR AUTHORIZED PERSON'S SIGNATURE I authorize payment of medical benefits to the undersigned physician or supplier for services described below. SIGNATURE ON FILE SIGNED		11. INSURED'S POLICY GROUP OR FECA NUMBER	
14. DATE OF CURRENT ILLNESS, INJURY, or PREGNANCY (LMP) MM DD YY QUAL		15. OTHER DATE QUAL 439 11042016 YY	
17. NAME OF REFERRING PROVIDER OR OTHER SOURCE DN JASON GARBER MD		18. HOSPITALIZATION DATES RELATED TO CURRENT SERVICES FROM MM DD TO MM DD YY	
19. ADDITIONAL CLAIM INFORMATION (Designated by NUCC)		20. OUTSIDE LAB? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO \$ CHARGES	
21. DIAGNOSIS OR NATURE OF ILLNESS OR INJURY Relate A-L to service line below (24E) A. M54.2 B. M54.5 C. M50.20 D. M51.26 E. F. G. H. I. J. K. L.		22. RESUBMISSION CODE ORIGINAL REF. NO.	
24. A. DATE(S) OF SERVICE From MM DD YY To MM DD YY B. PLACE OF SERVICE C. D. PROCEDURES, SERVICES, OR SUPPLIES (Explain Unusual Circumstances) E. DIAGNOSIS POINTER F. \$ CHARGES G. DAYS OF UNITS H. EFSOT Family Plan I. ID. QUAL J. RENDERING PROVIDER ID. #		23. PRIOR AUTHORIZATION NUMBER	
1 09172019 09172019 11 99204 ABCD 1000.00 1 1164489480		23. PRIOR AUTHORIZATION NUMBER	
2		23. PRIOR AUTHORIZATION NUMBER	
3		23. PRIOR AUTHORIZATION NUMBER	
4		23. PRIOR AUTHORIZATION NUMBER	
5		23. PRIOR AUTHORIZATION NUMBER	
6		23. PRIOR AUTHORIZATION NUMBER	
25. FEDERAL TAX I.D. NUMBER 822636612		26. PATIENT'S ACCOUNT NO. 156339A	
SSN EIN <input checked="" type="checkbox"/> <input type="checkbox"/>		27. ACCEPT ASSIGNMENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
31. SIGNATURE OF PHYSICIAN OR SUPPLIER INCLUDING DEGREES OR CREDENTIALS (I certify that the statements on the reverse apply to this bill and are made in good faith.) JASON GARBER MD, FACS SIGNED DATE 09192019		28. TOTAL CHARGE \$ 1000.00 29. AMOUNT PAID \$ 0.00 30. Rsvd for NUCC Use	
32. SERVICE FACILITY LOCATION INFORMATION LVNI DURANGO DR 3012 S DURANGO DR LAS VEGAS, NV 89117-9186 a. 1164941381 b.		33. BILLING PROVIDER INFO & PH # (702) 350088 LAS VEGAS NEUROSURGICAL 3012 S DURANGO DR LAS VEGAS, NV 89117-9186 a. 1164941381 b.	

NUCC Instruction Manual available at: www.nucc.org

PLEASE PRINT OR TYPE

APPROVED OMB-0938-1197 FORM 1500.02-12

JS1022

1837

Jennings Forensic Services, LLC

Thomas A. Jennings P.E. (CA), CXLT
702.203.4192 mobile
calnevsafety@hotmail.com

Kryztal A. Alvizo J.D., CXLT
702.840.8301 mobile
alvizok2@gmail.com

September 23, 2019

Keith E. Galliher, Esq.
The Galliher Law Firm
1850 West Sahara Avenue, Suite 107
Las Vegas, NV 89104

Re: Sekera v. Venetian

Dear Mr. Galliher,

Your firm has retained my services as an expert in the above referenced matter. Please accept this document as my supplemental report.

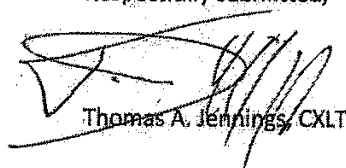
I prepared a rebuttal report dated May 30, 2019 and then on May 31, 2019, I reviewed additional documents relative to slip and falls at the Venetian which I referenced in my report. I failed to change the date of the report to May 31st. This was a clerical error on my part.

On September 19, 2019, your office provided me with copies of all slip and fall reports created by the Venetian which I have reviewed. Prior to this review, I had been provided with a basic 'count' of slip and fall events but had not reviewed copies of the written reports.

Based on my review of the written reports, I have noted that there were sixty-six (66) slip and fall events occurring on marble surface floors in various areas of the hotel-casino for the years 2014 – 2016. Previously, I had made the assumption that the slips and falls were within the same general area as plaintiff's slip and fall. However, from my review of the written reports, it appears that the slips and falls on marble surfaces occurred throughout the hotel-casino property.

I trust this will help clarify the content of my report dated May 30, 2019.

Respectfully submitted,



Thomas A. Jennings, CXLT

TAJ/gw

355 W. Mesquite Blvd. D30, PMB 1-111
Mesquite, NV 89027

JS1023

1838



Pain Institute of Nevada

7435 W Azure Road, Ste 190, Las Vegas, NV 89130-4425 ++ 702.878.8252 ++ 702.878.9096

Mailing address: 7065 W Ann Road, Ste 130 #548, Las Vegas, NV 89130-4990

www.paininstitute.com

88-0245302

Supplemental Report

Date: September 29, 2019

RE: Joyce Sekera

DOB: 03/22/1956

DOI: 11/04/2016

To Whom this May Concern:

I was asked to evaluate the video surveillance of Ms. Joyce Sekera, who is a 63-year-old female and was involved in a slip and fall on November 4th, 2016. I am currently a full-time practicing physician in private practice and board certified in Physiatry (Physical Medicine and Rehabilitation) and Pain Management. I have also provided my updated CV separately.

RECORDS REVIEWED on CD disc supplied

1. Surveillance Videos (1, 2a, 2b, 3a, 3b)
2. The Compliant (VEN001-004)
3. CR-1 (VEN005)
4. Case MO (VEN006)
5. Person Profile (VEN007)
6. Narrative Report (VEN008-009)
7. Scene Photos (VEN010-016)
8. Acknowledge First Aid (VEN017)
9. Accident Scene Check (VEN018)
10. Plaintiff medical records produced by Plf (PLF001-624)
11. Wage Loss produced by Plf (PLF625)
12. Brand Vegas Ticket Broker Agreement (VEN020-034)

IMPRESSION: Causally related and based on the 11/04/2016 slip and fall:

1. Left elbow contusion/pain, improved
2. Left shoulder strain, improved
3. Thoracic spine pain, improved
4. Cervicalgia/neck pain, improved
5. Concussion/headache with improved memory on Aricept
6. Facet mediated low back pain, chronic and unresolved

COMMENTARY AND MEDICAL DECISION MAKING:

I was asked to author a report after reviewing the videos and records noted above. All of my opinions have been rendered with a reasonable degree of medical probability, but if there is relevant information that I have not yet had the opportunity to review, then my opinions may change.

My opinions in regards to Ms. Sekera are based upon my clinical experience as an active treating Physiatrist who specializes and is boarded in Physiatry and Pain Medicine. I am currently practicing full time in private practice. Based upon my review of the records available to me, I would make the following opinions to a degree of medical probability based on events and medical evidence:

JS1024

1. My opinions are unchanged at this point in time.



Katherine D. Travnicek M.D.
Physical Medicine and Rehabilitation
Pain Medicine

JS1025