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Apr 28 2022 09:42 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

1 **NOAS**  
2 **RAMZY PAUL LADAH, ESQ.**  
3 Nevada Bar No. 11405  
4 **STACIE BROWN, ESQ.**  
5 Nevada Bar No. 14174  
6 **LADAH LAW FIRM**  
7 517 S. Third Street  
8 Las Vegas, NV 89101  
9 litigation@ladahlaw.com  
10 *Attorneys for Plaintiff*

11 **DISTRICT COURT**

12 **CLARK COUNTY, NEVADA**

13 SCOTT KLUNDER, an individual,  
14  
15 Plaintiff,

CASE NO. A-20-808340-C  
DEPT. NO. 19

16 vs.

17 **NOTICE OF APPEAL**

18 COUNTRY CLUB TOWERES, INC.;  
19 PROPERTY MANAGEMENT &  
20 DEVELOPMENT CORP.; OTIS  
21 ELEVATOR COMPANY; KONE  
22 CORPORATION; KONE, INC.;  
23 THYSSENKRUPP ELEVATOR  
24 CORPORATION; THYSSENKRUPP  
25 ELEVATOR MANUFACTURING, INC.;  
26 DOES I-XX, inclusive and ROE BUSINESS  
27 ENTITIES I-XX, inclusive,  
28 Defendants.

NOTICE is hereby given that Plaintiff, SCOTT KLUNDER, by and through his attorney of record, STACIE BROWN, ESQ., of LADAH LAW FIRM, and hereby files this above named, hereby appeals to the Supreme Court of Nevada from the Order Granting

///

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1 Defendant Thyssenkrupp Elevator Corporation and Thyssenkrupp Elevator Manufacturing,  
2 Inc.'s Motion for Summary Judgment, entered in this action on the 5th day of April, 2022,  
3 attached hereto as Exhibit "A".  
4

5 DATED this 22<sup>nd</sup> day of April, 2022.  
6

7 **LADAH LAW FIRM**

8 */s/ Stacie Brown*  
9

10 

---

RAMZY P. LADAH, ESQ.

11 Nevada Bar No. 11405

12 STACIE BROWN, ESQ.

13 Nevada Bar No. 14174

14 517 S. Third Street

15 Las Vegas, NV 89101

16 Attorneys for Plaintiff  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

LADAH LAW  
FIRM



1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), on this 22<sup>ND</sup> day of April, 2022, a true and complete copy of  
3 **PLAINTIFF'S NOTICE OF APPEAL** was served on the following interested parties by the  
4 action(s) indicated below:

5  
6 **OLSON CANNON GORMLEY &  
STOBERSKI**

7 MAX E. CORRICK, II  
8 Nevada Bar No. 006609  
9 9950 West Cheyenne Avenue  
10 Las Vegas, NV 89129  
11 Attorneys for Defendants

12 COUNTRY CLUB TOWERS, INC. and  
13 PROPERTY MANAGEMENT &  
14 DEVELOPMENT CORP.

15 **THE MARKS LAW GROUP, LLP**

16 Eileen Mulligan Marks, Esq.  
17 1120 Town Center Drive, Suite 200  
18 Las Vegas, NV 89144  
19 702-341-7870  
20 702-341-8049 fax  
21 efile@markslg.com  
22 Attorneys for Kone Corporation and  
23 Kone, Inc.

24 **ROGERS, MASTRANGELO,  
CARVALHO & MITCHELL**

25 Rebecca L. Mastrangelo, Esq.  
26 700 S. Third Street  
27 Las Vegas, NV 89101  
28 Attorneys for Otis Elevator Company

**MCKAY LAW FIRM, CHTD.**

Pamela A. McKay (SBN 7812)  
MCKAY LAW FIRM, CHTD.  
9320 Sun City Blvd., Suite 104  
Las Vegas, NV 89134  
ATTORNEYS FOR DEFENDANT  
THYSSENKRUPP ELEVATOR CORP. AND  
THYSSENKRUPP ELEVATOR  
MANUFACTURING, INC

18 **Method of Service**

- 19  
20 ☒ **Electronic Service:** I caused said document(s) to be delivered by electronic means upon  
21 all eligible electronic recipients via the United States District Court CM/ECF system or  
22 Clark County District Court E-Filing system (wiznet)

23 /s/ Stacie Brown

24 An employee of Ladah Law Firm

LADAH LAW  
FIRM



# EXHIBIT A

1 **OGSJ**

2 Pamela A. McKay (SBN 7812)  
3 **MCKAY LAW FIRM, CHTD.**  
4 8440 W. Lake Mead Blvd., Suite 112  
5 Las Vegas, NV 89128  
6 T: 702-835-6956  
7 F: 702- 835-6957  
8 pmckay@mckaylawfirmchtd.com

9 **ATTORNEYS FOR DEFENDANTS THYSSENKRUPP ELEVATOR CORP. AND**  
10 **THYSSENKRUPP ELEVATOR MANUFACTURING, INC.**

11 DISTRICT COURT  
12 CLARK COUNTY, NEVADA

13 SCOTT KLUNDER, an individual,

14 Plaintiff,

15 vs.

16 COUNTRY CLUB TOWERES, INC.;  
17 PROPERTY MANAGEMENT &  
18 DEVELOPMENT CORP.; OTIS ELEVATOR  
19 COMPANY; KONE CORPORATION;  
20 KONE, INC.; THYSSENKRUPP ELEVATOR  
CORPORATION; THYSSENKRUPP  
ELEVATOR MANUFACTURING, INC.;  
DOES I-XX, inclusive and ROE BUSINESS  
ENTITIES I-XX, inclusive,

Defendants.

CASE NO.: A-20-808340-C

DEPT. NO.: 19

**ORDER GRANTING DEFENDANTS**  
**THYSSENKRUPP ELEVATOR**  
**CORPORATION'S AND**  
**THYSSENKRUPP ELEVATOR**  
**MANUFACTURING, INC.'S**  
**MOTION FOR SUMMARY**  
**JUDGMENT**

21 Defendants, ThyssenKrupp Elevator Corporation's and ThyssenKrupp Elevator  
22 Manufacturing, Inc.'s (collectively "ThyssenKrupp") Motion for Summary Judgment came on  
23 for hearing on March 3, 2022, before the Honorable Crystal Eller, Judge of the District Court.

24 Pamela A. McKay, Esq. of McKay Law Firm, Chtd. appeared on behalf of ThyssenKrupp,  
25 Stacie L. Brown, Esq. of Ladah Law Firm appeared on behalf of Plaintiff, Scott Klunder, Max E.  
26 Corrick, Esq. of Olson, Cannon Gormley & Stoberski appeared on behalf of Defendants,  
27 Country Club Towers, Inc. and Property Management & Development Corp., Rebecca L.  
28

1 Mastrangelo, Esq. of Rogers, Mastrangelo, Carvalho & Mitchell appeared on behalf of  
2 Defendant, Otis Elevator Company, and Eileen Marks, Esq. of The Marks Law Group, LLP  
3 appeared on behalf of Defendants, Kone Corporation and Kone, Inc.

4 The Court having entertained oral argument and good cause appearing,

5 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

6 **FINDINGS OF FACT:**

7 1. On February 14, 2018, Plaintiff, Scott Klunder (“Plaintiff”) resided at the Country Club  
8 Towers, located at 850 E. Desert Inn Rd. in Las Vegas, Nevada (“the Premises”).

9 2. On February 14, 2018, Plaintiff alleges sustaining injuries when an elevator door closed on  
10 him while he was at the Premises (“the Incident”).

11 3. Plaintiff stated in the February 16, 2018, Incident report, “The electric ‘eyes’ did not work.  
12 The doors did not retract when they hit me, but trapped me between them.”

13 4. On January 10, 2020, Plaintiff filed his initial Complaint against Defendant Country Club  
14 Towers, Inc., wherein he alleges, in relevant part:

15  
16 3. That at all times relevant herein, Defendants designated as DOES I through XXX  
17 and ROE BUSINESS ENTITIES I through XXX, in their true capacities, whether  
18 individual, corporate, associate or otherwise of the Defendants named herein are  
19 unknown to Plaintiff who, therefore, sues said Defendants by said fictitious names;  
20 Plaintiff is informed, believes and thereon alleges that each of the Defendants  
21 designated as a DOES I through XXX and ROE BUSINESS ENTITIES I through  
22 XXX are responsible in some manner for the events and happenings referred to  
23 herein, and caused damages proximately to Plaintiff as herein alleged, and Plaintiff  
24 will ask leave of this court to amend this Complaint to insert the true names and  
25 capacities of DOES I through XXX and ROE BUSINESS ENTITIES I through  
26 XXX, when the same have been ascertained and to join such Defendants in this  
27 action.

28 \* \* \*

29 5. At all times relevant hereto, particularly on or about February 14, 2018,  
30 Defendants, and each of them, either owned, managed, controlled, maintained, or  
31 in some other way were in charge of the premises, located at 850 E. Desert Inn Rd.,  
32 Las Vegas, NV, County of Clark, State of Nevada (hereinafter “the subject  
33 premises”).

34 ///

1 6. At all times relevant hereto, Defendants were the agents, servants, and  
2 employees of each and every other Defendant and were acting within the course  
3 and scope of said employment and agency.

4 7. At all times relevant hereto, Defendants were the owners, operators, managers,  
5 controllers, inspectors, supervisors and/or controllers of the subject premises and  
6 of the common areas of the subject premises.

7 8. At all times relevant hereto, Plaintiff was an invitee and guest of Defendants and  
8 was legally upon its premises.

9 \* \* \*

10 11. At all times relevant hereto, Defendants and their employee(s) failed to erect  
11 the proper warning signs to indicate a dangerous and/or hazardous condition  
12 existed on the subject premises.

13 \* \* \*

14 5. The Complaint contained causes of action for negligence, negligent hiring, training,  
15 supervision and policies/procedures and res ipsa loquitor based on the above allegations.

16 6. Plaintiff did not propound written discovery regarding the alleged deficient elevator  
17 “electric eye” before filing his First Amended Complaint.

18 7. On February 3, 2020, Plaintiff filed his First Amended Complaint, wherein he added  
19 Defendants Otis Elevator Company, Kone Corporation, and Kone, Inc. to the suit.

20 8. In relevant part, the First Amended Complaint contains the same Doe/Roe allegations as  
21 alleged in the Initial Complaint, and Plaintiff alleges causes of action for negligence, negligent  
22 hiring, training, supervision and policies/procedures and res ipsa loquitor.

23 9. On June 3, 2021, Plaintiff filed a Second Amended Complaint. This pleading contains new  
24 factual allegations regarding ThyssenKrupp and alleges a new cause of action for products  
25 liability in addition to the same causes of action as in Plaintiff’s prior complaints.

26 10. The Second Amended Complaint alleges, in relevant part:

27 37. At all times relevant hereto, Defendants THYSSENKRUPP ELEVATOR  
28 CORPORATION and THYSSENKRUPP ELEVATOR MANUFACTURING  
[sic], INC. were the manufacturers, designs [sic], distributors, retailers,  
marketers, sellers, or otherwise owners of a Swift Controller installed and  
fitted into the subject elevator.

///

1 39. As Plaintiff entered the elevator, upon information and belief, the Swift  
2 Controller had an unexpected and dangerous malfunction, which caused  
3 or contributed to the door abruptly closing on Plaintiff, resulting in serious  
physical injury.

\* \* \*

4 41. At all times relevant hereto, the Swift Controller at issue provided, produced,  
5 manufactured, designed, sold and/or distributed by Defendant  
6 THYSSENKRUPP ELEVATOR CORPORATION and THYSSENKRUPP  
7 ELEVATOR MANUFATORING [sic], INC., which was fitted into the  
subject elevator, was defective in its design and/or manufacture and/or  
8 lacked proper warning, causing the elevator at issue to be unreasonable  
dangerous for its intended use.

9 42. Defendants THYSSENKRUPP ELEVATOR CORPORATION and  
10 THYSSENKRUPP ELEVATOR MANUFATORING [sic], INC.:

- 11 a. Failed to reasonably and safely design, assemble, and/or manufacture  
12 the Swift Controller at issue to prevent the subject elevator from  
malfunctioning;  
13 b. Failed to reasonably and safely design, assemble, and/or manufacture  
14 the Swift Controller to protect those from the hazardous effects of the  
foreseeable consequence of the elevator malfunctioning;  
15 c. Failed to reasonably and safely design assemble, manufacture, test,  
16 calibrate, and/or install the Swift Controller into the subject elevator;  
17 d. Failed to reasonably and safely design, assemble, test, manufacture the  
Swift Controller to comply with applicable state and federal regulations;  
18 e. Failed to reasonably and safely design, assemble, test, manufacture the  
Swift Controller so that it would not malfunction and cause injury to  
19 individuals;  
20 f. It was reasonably foreseeable to the Defendants that the Swift Controller  
could malfunction and thus the Defendants needed to set up proper safety  
21 mechanisms, including, but not limited to, replacement of the Swift  
Controller with a newer and safer design or model.

\* \* \*

22 11. On July 8, 2021, Plaintiff served ThyssenKrupp with the summons and Second Amended  
23 Complaint, which is one year and 3 ½ months after the 2-year statute of limitations for personal  
24 injury suits expired.

25 12. ThyssenKrupp was never advised of Plaintiff's accident and did not know about this suit  
26 until it was served with a summons and the Second Amended Complaint.

27 13. ThyssenKrupp never owned, managed, controlled, maintained or was in charge of the  
28 Premises at any time.



1 14. ThyssenKrupp answered the Second Amended Complaint and asserted, in relevant part,  
2 the affirmative defense of the statute of limitations.

3 CONCLUSIONS OF LAW

4 1. N.R.C.P. 56 provides that the Court shall grant summary judgment upon a showing by the  
5 movant that there is no genuine dispute as to any material fact and that the movant is entitled to  
6 judgment as a matter of law.

7 2. Although all pleadings and evidence must be construed in a light most favorable to the  
8 non-moving party, the non-moving party must do more than simply show that there is some  
9 metaphysical doubt as to the operative facts in order to avoid summary judgment. The non-  
10 moving party “is not entitled to build a case on the gossamer threads of whimsy, speculation, and  
11 conjecture/” *Wood v. Safeway, Inc.*, 121 Nev. 724, 731, 121 P.3d 1026 (2005), citing *Pegasus v.*  
12 *Reno Newspapers, Inc.*, 118 Nev. 706, 713-14, 57 P.3d 82 (2002).

13 3. The statute of limitations for personal injury is two years from the accrual of the cause of  
14 action. NRS 11.190(4)(e). A cause of action accrues when the wrong occurs and the party  
15 sustains injuries for which relief could be sought.” *Petersen v. Bruen*, 106 Nev. 271, 274 (1990).  
16 The Court “look[s] at the substance of the claims, not just the labels used in the . . . complaint.”  
17 *Nevada Power Co., v. Eighth Judicial Dist. Court*, 120 Nev. 948, 960 (2004). The Court finds  
18 that Plaintiff’s Second Amended Complaint seeking damages from ThyssenKrupp for the  
19 February 14, 2018 Incident is barred pursuant to NRS 11.190(4)(e) as a matter of law.

20 4. Plaintiff asserted that N.R.C.P. 15(c) applies to prevent the 2-year statute of limitations  
21 from applying to his Second Amended Complaint. Under N.R.C.P. 15(c), an amended pleading  
22 filed after the statute of limitations relates back when “the proper defendant (1) received actual  
23 notice of the action; (2) knows that it is the proper party; and (3) has not been misled to its  
24 prejudice by the amendment.” *Costello v. Casler*, 127 Nev. 436, 440-41 (2011). The Court finds  
25 the undisputed facts demonstrate ThyssenKrupp has not been misled to its prejudice by the  
26 amendment, but finds it neither had actual notice of this suit before the statute of limitations  
27 expired nor knew or should have known that it is a proper party to the suit. Therefore, the  
28

undisputed facts demonstrate Plaintiff's Second Amended Complaint does not relate back to the date of the initial complaint under N.R.C.P. 15(c).

5. Furthermore, Plaintiff alleges new facts and a new theory of liability against ThyssenKrupp in the Second Amended Complaint. The allegations in Plaintiff's initial complaint were based in premises liability. However, the Second Amended Complaint alleges liability against ThyssenKrupp based in products liability for an alleged defective SWIFT Controller. Pursuant to *Nelson v. City of Las Vegas*, 99 Nev. 548, 556, 665 P.2d 1141 (1983), amendments under N.R.C.P. 15(c) are limited to theories of liability alleged in the initial complaint against a new defendant. "Where an amendment states a new cause of action that describes a new and entirely difference source of damages, the amendment does not relate back, as the opposing party has not been put on notice concerning the facts in issue. *Ibid*. Therefore, the Motion for Summary Judgment is granted on this ground, as well.

6. Plaintiff also asserted N.R.C.P. Rule 10 applies to allow ThyssenKrupp to be added to the Second Amended Complaint as a Roe defendant. Pursuant to *Nurenberger Hercules-Werke GMBH v. Virotek*, 107 Nev. 873, 881, 822 P.2d 1100, 1106 (Nev. 1991) (abrogated on other grounds by *Costello v. Casler*, 254 P.3d 631 (Nev. 2011), a plaintiff is required to (a) plead fictitious or doe defendants in the caption of the complaint; (b) plead the basis for naming defendants by other than their true identity, and clearly specifying the connection between the intended defendants and the conduct, activity, or omission upon which the cause of action is based; and (c) exercise reasonable diligence in ascertaining the true identity of the intended defendants and promptly moving to amend the complaint in order to substitute the actual for the fictional. *Ibid*.

Plaintiff satisfied the first prong by naming Doe individuals and Roe corporations in his initial complaint.

With regard to the second prong, Plaintiff failed to "clearly specify the connection between the intended defendants and the conduct . . . upon which the cause of action is based." *Ibid*. This status is demonstrated by Plaintiff only alleging the Doe and Roe defendants "are responsible in some manner for the events and happenings referred to herein, and caused damages proximately

1 to Plaintiff . . . .” (Second Amended Complaint, ¶ 3. ) This broad allegation fails to specify what  
2 events or happenings were taken by the Doe/Roe defendants when the accident happened, and is  
3 an insufficient “precautionary measure.” *Nurenberger, supra*, 822 P.2d at 1105.

4 In order to satisfy the third prong of the *Nurenberger* test, a plaintiff must exercise reasonable  
5 diligence to determine the true identity of the intended defendants. *Nurenberger, supra*, 822 P.2d  
6 at 1106. “The reasonable diligence requirement is intended to guard against the abuse of Doe and  
7 Roe defendants as placeholders during the commencement of litigation and ‘was not intended to  
8 reward indolence or lack of diligence by giving plaintiffs an automatic method of circumventing  
9 statutes of limitations.” *Sparks v. Alpha Tau Omega Fraternity, Inc.*, 255 P.3d 238, 243 (Nev.  
10 2011), quoting *Nurenberger*, 822 P.2d at 1105. A plaintiff “must *proactively* seek to identify  
11 unknown defendants.” *Sparks, supra*, 255 P.3d at 243.

12 The Nevada Supreme instructs that courts making this determination should consider  
13 “whether the party unreasonably delayed amending the pleadings to reflect the true identity of a  
14 defendant once it became known; whether the plaintiff utilized judicial mechanisms such as  
15 discovery to inquire into a defendant’s true identity; and whether a defendant concealed its  
16 identity or otherwise obstructed the plaintiff’s investigation.” *Ibid.*

17 Plaintiff offers no evidence that he was proactive and exercised reasonable diligence;  
18 especially when he states the day of his accident that he suspected the “electric eye” contributed  
19 and/or caused the elevator doors to close on him.

20 The Court also finds Plaintiff offers no evidence that ThyssenKrupp concealed or obstructed  
21 Plaintiff’s efforts to discover its identity or involvement. Plaintiff admits in his Incident report  
22 that he suspected the “electric eyes” caused or contributed to his accident. This admission placed  
23 him on notice that the manufacturer of this part should be considered a defendant; yet, he failed  
24 to allege this required information in the initial complaint. The evidence demonstrates Plaintiff  
25 waited over one year before he began identifying Roe defendants. If Plaintiff believed there was  
26 a real potential of other entities to be included as defendants he should not have waited so long  
27 after the expiration of the statute of limitations to begin identifying them. Consequently, Plaintiff  
28 cannot satisfy the third prong of the *Nurenberger* test, and N.R.C.P. 10 does not apply to prevent

1 the 2-year statute of limitations from applying to preclude Plaintiff's Second Amended  
2 Complaint against ThyssenKrupp.

3 BASED UPON the foregoing,

4 IT IS HEREBY ORDERED, ADJUDGED and DECREED THAT ThyssenKrupp's Motion  
5 for Summary Judgment is GRANTED.

Dated this 5th day of April, 2022

6   
7 DISTRICT JUDGE

8 Submitted by:  
9 MCKAY LAW FIRM, CHTD.  
/s/ Pamela McKay, Esq.

39B E7E 4627 732B  
Crystal Eller  
District Court Judge

10 Pamela A. McKay (SBN 7812)  
11 Attorneys for Defendants ThyssenKrupp Elevator Corporation and  
12 ThyssenKrupp Elevator Manufacturing, Inc.

13 APPROVED AS TO FORM AND CONTENT:  
14 LADAH LAW FIRM  
[no response]

15 Stacie L. Brown, Esq. (SBN 14174)  
16 Attorneys for Plaintiff Scott Klunder

17 OLSON CANNON GORMLEY & STOBERSKI  
18 Max E. Corrick, II, Esq.

19 Max E. Corrick, II, Esq. (SBN 6609)  
20 Attorneys for Defendants Country Club Towers, Inc. and  
Property Management & Development Corp.

21 ROGERS MASTRANGELO CARVALHO & MITCHELL  
22 Rebecca Mastrangelo, Esq.

23 Rebecca Mastrangelo, Esq. (SBN 5417)  
24 Attorneys for Defendant Otis Elevator Company

25 THE MARKS LAW GROUP, LLP  
26 Eileen M. Marks, Esq.

27 Eileen M. Marks, Esq. (SBN 5708)  
28 Attorneys for Defendants Kone Corporation and Kone, Inc.

## Pam McKay

---

**From:** Pam McKay  
**Sent:** Wednesday, March 30, 2022 9:56 AM  
**To:** Eileen M. Marks; Rebecca Mastrangelo; Stacie Brown; Max Corrick  
**Subject:** RE: Klunder v. Country Club Towers , Inc. et al.

Thank you, Eileen.

Very truly yours,

Pamela A. McKay, Esq.  
MCKAY LAW FIRM CHTD.  
8440 West Lake Mead Blvd., Ste. 112  
Las Vegas, NV 89128  
T: 702.835.6956, ext. 24  
F: 702.835.6957  
C: 702.683.0579

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---

**From:** Eileen M. Marks <emarks@markslg.com>  
**Sent:** Tuesday, March 29, 2022 9:18 PM  
**To:** Pam McKay <pmckay@mckaylawfirmchtd.com>; Rebecca Mastrangelo <rmastrangelo@rmcmlaw.com>; Stacie Brown <Stacie@ladahlaw.com>; Max Corrick <mcorrick@ocgas.com>  
**Subject:** Re: Klunder v. Country Club Towers , Inc. et al.

You have my authority to submit this proposed Order with my electronic signature. Thanks.

**Eileen M. Marks, Esq.**  
*The Marks Law Group, LLP*  
1120 N. Town Center Drive, Suite 200  
Las Vegas, NV 89144  
[emarks@markslg.com](mailto:emarks@markslg.com)  
Office: 702-341-7870  
Fax: 702-341-8049

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On 3/29/2022 4:55 PM, Pam McKay wrote:

Thank you, Rebecca. Correction made.

Very truly yours,

Pamela A. McKay, Esq.  
MCKAY LAW FIRM CHTD.  
8440 West Lake Mead Blvd., Ste. 112  
Las Vegas, NV 89128  
T: 702.835.6956, ext. 24  
F: 702.835.6957  
C: 702.683.0579

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---

**From:** Rebecca Mastrangelo <[rmastrangelo@rmcmlaw.com](mailto:rmastrangelo@rmcmlaw.com)>  
**Sent:** Tuesday, March 29, 2022 4:45 PM  
**To:** Pam McKay <[pmckay@mckaylawfirmchtd.com](mailto:pmckay@mckaylawfirmchtd.com)>; Stacie Brown <[Stacie@ladahlaw.com](mailto:Stacie@ladahlaw.com)>; Max Corrick <[mcorrick@ocgas.com](mailto:mcorrick@ocgas.com)>; [emarks@markslg.com](mailto:emarks@markslg.com)  
**Subject:** RE: Klunder v. Country Club Towers , Inc. et al.

Hi Pam,

Can you please correct Otis' name on my signature block. It should be Otis Elevator Company (not Corporation).

With that correction, you can affix my e signature.

Thank you.  
Rebecca

---

**From:** Pam McKay <[pmckay@mckaylawfirmchtd.com](mailto:pmckay@mckaylawfirmchtd.com)>  
**Sent:** Monday, March 28, 2022 5:23 PM  
**To:** Stacie Brown <[Stacie@ladahlaw.com](mailto:Stacie@ladahlaw.com)>; Max Corrick <[mcorrick@ocgas.com](mailto:mcorrick@ocgas.com)>; Rebecca Mastrangelo <[rmastrangelo@rmcmlaw.com](mailto:rmastrangelo@rmcmlaw.com)>; [emarks@markslg.com](mailto:emarks@markslg.com)  
**Subject:** Klunder v. Country Club Towers , Inc. et al.

Counsel,

Attached is a proposed Order granting TK's Motion for Summary Judgment. Please advise of authority to use your e-signature by Friday, April 1, 2020. If I do not receive a response by that date, the attached will be submitted to the Court. Thank you.

Very truly yours,

Pamela A. McKay, Esq.  
MCKAY LAW FIRM CHTD.  
8440 West Lake Mead Blvd., Ste. 112  
Las Vegas, NV 89128  
T: 702.835.6956, ext. 24  
F: 702.835.6957  
C: 702.683.0579

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1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Scott Klunder, Plaintiff(s)

CASE NO: A-20-808340-C

7 vs.

DEPT. NO. Department 19

8 Country Club Towers, Inc.,  
9 Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 4/5/2022

16 James Olson

chartle@ocgas.com

17 Max Corrick

mcorrick@ocgas.com

18 Jane Hollingsworth

jhollingsworth@ocgas.com

19 Eileen Marks

efile@markslg.com

20 Pamela McKay

pmckay@mckaylawfirmchtd.com

21 RMCM LAW FIRM

rmcmfiling@rmcmlaw.com

22 Ramzy Ladah, Esq.

litigation@ladahlaw.com

23 Bonnie McKay

bmckay@mckaylawfirmchtd.com

24 E. McKay

jmckay@mckaylawfirmchtd.com

25 Eileen Marks

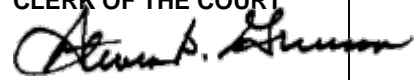
markslglv@gmail.com

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|                  |  |
|------------------|--|
| Bradley Johnston | <a href="mailto:bjohnston@cavanaghlaw.com">bjohnston@cavanaghlaw.com</a> |
| Rebecca Lopez    | <a href="mailto:becky@ladahlaw.com">becky@ladahlaw.com</a>               |
| Jennifer Scott   | <a href="mailto:jscott@cavanaghlaw.com">jscott@cavanaghlaw.com</a>       |
| Levi Claridge    | <a href="mailto:lclaridge@cavaghlaw.com">lclaridge@cavaghlaw.com</a>     |
| Stacie Brown     | <a href="mailto:stacie@ladahlaw.com">stacie@ladahlaw.com</a>             |



**RAMZY PAUL LADAH, ESQ.**

Nevada Bar No. 11405

**STACIE BROWN, ESQ.**

Nevada Bar No. 14174

**LADAH LAW FIRM**

517 S. Third Street

Las Vegas, NV 89101

litigation@ladahlaw.com

*Attorneys for Plaintiff*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

SCOTT KLUNDER, an individual,

Plaintiff,

vs.

COUNTRY CLUB TOWERES, INC.;  
PROPERTY MANAGEMENT &  
DEVELOPMENT CORP.; OTIS  
ELEVATOR COMPANY; KONE  
CORPORATION; KONE, INC.;  
THYSSENKRUPP ELEVATOR  
CORPORATION; THYSSENKRUPP  
ELEVATOR MANUFACTURING, INC.;  
DOES I-XX, inclusive and ROE BUSINESS  
ENTITIES I-XX, inclusive,

Defendants.

CASE NO. A-20-808340-C  
DEPT. NO. 19

**CASE APPEAL STATEMENT**

1. Name of Appellant filing this case appeal statement: Scott Klunder.
2. Identify the Judge issuing the decision, judgment or order appealed from:  
District Court Judge, Crystal Eller, Nevada Bar No. 4978.
3. Identify the Appellant and the name and address of counsel for each: Plaintiff,  
Scott Klunder, represented by Stacie Brown, Esq., Ladah Law Firm, PLLC., 517  
S. 3<sup>rd</sup> Street, Las Vegas, Nevada 89101.
4. Identify the Respondent and the name and address of counsel for each:  
Defendant Thyssenkrupp Elevator Corporation and Thyssenkrupp  
Manufacturing, Inc., represented by Pamela A. McKay, Esq., of McKay Law  
Firm, CHTD., 9320 Sun City Blvd, Ste. 104, Las Vegas, Nevada, 89134.





5. Identify whether any attorney identified above is not licensed to practice law in Nevada: N/A.
6. Indicate whether appellant was represented by appointed or retained counsel in the District Court: Appellant was represented by retained counsel in the District Court.
7. Indicate whether appellant is represented by appointed or retained counsel on appeal: Appellant is represented by retained counsel on appeal
8. Indicate whether appellant was granted leave to proceed in forma pauperis and the date of entry of the District Court Order granting such leave: Appellant was not granted leave to proceed in forma pauperis.
9. Indicate the date the proceedings commenced in the District Court: Proceedings commenced on January 10, 2020, the date the Complaint was filed in District Court
10. Provide a brief description of the nature of the action and result in the District Court, including the type of judgment or order being appealed and the relief granted by the District Court: This is a negligence case arising from an incident occurring on February 14, 2018, at which time it is alleged Plaintiff, SCOTT KLUNDER, who was a business invitee at the subject premises, was using an elevator on the premises when such elevator abruptly closed its doors upon Plaintiff. Plaintiff seriously injured his upper and lower body as a result of the door closure. The basis for THYSSEN KRUPP ELEVATOR CORPORATION'S and THYSSENKRUPP ELEVATOR MANUFACTURING INC'S (hereinafter Defendant Thyssen Krupp) Motion, is its contention that it did not have notice of the lawsuit and it was not named as a party until after the statute of limitations expired. However, Plaintiff contends that the Amended Complaint relates back to the date the original Complaint was filed under both NRCP 15(c) and NRCP 10(a). Thus, the claims against Defendant Thyssenkrupp

are not time barred. The Court granted Defendant's Motion for Summary Judgment.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court, and, if so, the caption and Supreme Court docket number of the prior proceeding: This case has not been the subject of prior appeals or writ proceeding.

12. Indicate whether this appeal involves child custody or visitation: None involved.

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement: At this point in time, there is no possibility for settlement.

DATED this 22<sup>nd</sup> day of April, 2022.

**LADAH LAW FIRM**

*/s/ Stacie Brown*

---

RAMZY P. LADAH, ESQ.  
Nevada Bar No. 11405  
STACIE BROWN, ESQ.  
Nevada Bar No. 14174  
517 S. Third Street  
Las Vegas, NV 89101  
Attorneys for Plaintiff

LADAH LAW  
FIRM



**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), on this 22<sup>ND</sup> day of April, 2022, a true and complete copy of  
**PLAINTIFF'S CASE APPEAL STATEMENT** was served on the following interested parties  
by the action(s) indicated below:

**OLSON CANNON GORMLEY &  
STOBERSKI**

MAX E. CORRICK, II  
Nevada Bar No. 006609  
9950 West Cheyenne Avenue  
Las Vegas, NV 89129  
Attorneys for Defendants  
COUNTRY CLUB TOWERS, INC. and  
PROPERTY MANAGEMENT &  
DEVELOPMENT CORP.

**ROGERS, MASTRANGELO,  
CARVALHO & MITCHELL**

Rebecca L. Mastrangelo, Esq.  
700 S. Third Street  
Las Vegas, NV 89101  
Attorneys for Otis Elevator Company

**THE MARKS LAW GROUP, LLP**

Eileen Mulligan Marks, Esq.  
1120 Town Center Drive, Suite 200  
Las Vegas, NV 89144  
702-341-7870  
702-341-8049 fax  
efile@markslg.com  
Attorneys for Kone Corporation and  
Kone, Inc.

**MCKAY LAW FIRM, CHTD.**

Pamela A. McKay (SBN 7812)  
MCKAY LAW FIRM, CHTD.  
9320 Sun City Blvd., Suite 104  
Las Vegas, NV 89134  
ATTORNEYS FOR DEFENDANT  
THYSSENKRUPP ELEVATOR CORP. AND  
THYSSENKRUPP ELEVATOR  
MANUFACTURING, INC

**Method of Service**

- ☒ **Electronic Service:** I caused said document(s) to be delivered by electronic means upon all eligible electronic recipients via the United States District Court CM/ECF system or Clark County District Court E-Filing system (wiznet)

/s/ Stacie Brown

An employee of Ladah Law Firm

LADAH LAW  
FIRM



## EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY****CASE NO. A-20-808340-C****Scott Klunder, Plaintiff(s)****vs.****Country Club Towers, Inc., Defendant(s)**§  
§  
§  
§  
§Location: **Department 19**  
Judicial Officer: **Eller, Crystal**  
Filed on: **01/10/2020**  
Case Number History:  
Cross-Reference Case Number: **A808340****CASE INFORMATION**Case Type: **Negligence - Premises Liability**Case Status: **01/10/2020 Open****DATE****CASE ASSIGNMENT****Current Case Assignment**Case Number A-20-808340-C  
Court Department 19  
Date Assigned 01/04/2021  
Judicial Officer Eller, Crystal**PARTY INFORMATION**

|                  |  |  |
|------------------|--|--|
| <b>Plaintiff</b> | <b>Klunder, Scott</b>                              | <i>Lead Attorneys</i>  |
|                  |  | <b>Ladah, Ramzy P.</b><br><i>Retained</i><br>702-252-0055(W)         |
| <b>Defendant</b> | <b>Country Club Towers, Inc.</b>                   | <b>Olson, James R.</b><br><i>Retained</i><br>7023844012(W)           |
|                  | <b>Kone Corporation</b>                            | <b>Marks, Eileen M</b><br><i>Retained</i><br>7023417870(W)           |
|                  | <b>Kone Inc</b><br>Removed: 06/03/2021<br>Inactive |  |
|                  | <b>Otis Elevator Company</b>                       | <b>Mastrangelo, Rebecca L.</b><br><i>Retained</i><br>702-383-3400(W) |
|                  | <b>Property Management and Development Corp</b>    | <b>Olson, James R.</b><br><i>Retained</i><br>7023844012(W)           |
|                  | <b>Thyssenkrupp Elevator Corporation</b>           | <b>McKay, Pamela A.</b><br><i>Retained</i><br>702-835-6956(W)        |
|                  | <b>Thyssenkrupp Elevator Manufacturing Inc</b>     | <b>McKay, Pamela A.</b><br><i>Retained</i><br>702-835-6956(W)        |
|                  |  |  |

**DATE****EVENTS & ORDERS OF THE COURT****INDEX**













01/10/2020

**EVENTS**

Initial Appearance Fee Disclosure



# CASE SUMMARY

CASE NO. A-20-808340-C

|            |   |
|------------|---|
|            | <p>Filed By: Plaintiff Klunder, Scott<br/> <i>[1] Initial Appearance Fee Disclosure</i></p>   |
| 01/10/2020 | <p> Complaint<br/>           Filed By: Plaintiff Klunder, Scott<br/> <i>[2] Complaint</i></p>  |
| 01/10/2020 | <p> Summons Electronically Issued - Service Pending<br/>           Party: Plaintiff Klunder, Scott<br/> <i>[3] Civil Summons</i></p>   |
| 01/14/2020 | <p> Affidavit of Service<br/>           Filed By: Plaintiff Klunder, Scott<br/> <i>[4] Affidavit of Service</i></p>  |
| 02/03/2020 | <p> Amended Complaint<br/>           Filed By: Plaintiff Klunder, Scott<br/> <i>[5] Amended Complaint</i></p>  |
| 02/03/2020 | <p> Amended Summons<br/>           Filed By: Plaintiff Klunder, Scott<br/> <i>[6] Amended Civil Summons</i></p>  |
| 02/03/2020 | <p> Affidavit of Service<br/>           Filed By: Plaintiff Klunder, Scott<br/> <i>[7] Affidavit of Service</i></p>  |
| 02/03/2020 | <p> Summons Electronically Issued - Service Pending<br/>           Party: Plaintiff Klunder, Scott<br/> <i>[8] Civil Summons - Otis Elevator Company</i></p>   |
| 02/03/2020 | <p> Summons Electronically Issued - Service Pending<br/>           Party: Plaintiff Klunder, Scott<br/> <i>[9] Civil Cover Sheet - Property Management and Development Corp.</i></p>   |
| 02/03/2020 | <p> Summons Electronically Issued - Service Pending<br/>           Party: Plaintiff Klunder, Scott<br/> <i>[10] Civil Summons - Kone Corporation</i></p>   |
| 02/03/2020 | <p> Summons Electronically Issued - Service Pending<br/>           Party: Plaintiff Klunder, Scott<br/> <i>[11] Civil Summons - Kone, Inc.</i></p>   |
| 02/25/2020 | <p> Answer to Amended Complaint<br/>           Filed By: Defendant Country Club Towers, Inc.; Defendant Property Management and Development Corp<br/> <i>[12] Defendants Country Club Towers, Inc. s and Property Management &amp; Development Corp. s Answer to Amended Complaint</i></p>             |
| 02/25/2020 | <p> Initial Appearance Fee Disclosure<br/>           Filed By: Defendant Country Club Towers, Inc.; Defendant Property Management and Development Corp<br/> <i>[13] Defendants Country Club Towers, Inc. s and Property Management &amp; Development Corp. s Initial Appearance Fee Disclosure</i></p> |

# CASE SUMMARY














CASE NO. A-20-808340-C

|            |  |
|------------|--|
| 02/25/2020 |  Demand for Jury Trial<br>Filed By: Defendant Country Club Towers, Inc.; Defendant Property Management and Development Corp<br><i>[14] Defendants Country Club Towers, Inc. s and Property Management &amp; Development Corp. s Demand For Jury Trial</i>     |
| 02/25/2020 |  Disclosure Statement<br>Party: Defendant Country Club Towers, Inc.; Defendant Property Management and Development Corp<br><i>[15] Defendants Country Club Towers, Inc. s and Property Management &amp; Development Corp. s NRCP 7.1 Disclosure Statement</i> |
| 02/26/2020 |  Affidavit of Service<br>Filed By: Plaintiff Klunder, Scott<br><i>[16] Affidavit of Service - Country Club Towers</i>   |
| 02/26/2020 |  Affidavit of Service<br>Filed By: Plaintiff Klunder, Scott<br><i>[17] Affidavit of Service - Property Management &amp; Development Corp</i>  |
| 02/26/2020 |  Affidavit of Service<br>Filed By: Plaintiff Klunder, Scott<br><i>[18] Affidavit of Service - Kone, Inc.</i>  |
| 02/26/2020 |  Affidavit of Service<br>Filed By: Defendant Country Club Towers, Inc.<br><i>[19] Affidavit of Service - Otis Elevator Co.</i>  |
| 02/26/2020 |  Affidavit of Service<br>Filed By: Plaintiff Klunder, Scott<br>Party Served: Defendant Kone Corporation<br><i>[20] Affidavit of Service - Kone Corp.</i>  |
| 02/28/2020 |  Answer<br>Filed By: Defendant Otis Elevator Company<br><i>[21] Answer</i>  |
| 02/28/2020 |  Initial Appearance Fee Disclosure<br>Filed By: Defendant Otis Elevator Company<br><i>[22] Initial Appearance Fee Disclosure</i>  |
| 02/28/2020 |  Demand for Jury Trial<br>Filed By: Defendant Otis Elevator Company<br><i>[23] Demand for Jury Trial</i>  |
| 02/28/2020 |  Disclosure Statement<br>Party: Defendant Otis Elevator Company<br><i>[24] Otis Elevator Company's Disclosure Statement Pursuant to NRCP 7.1</i>  |
| 03/02/2020 |  Initial Appearance Fee Disclosure<br>Filed By: Defendant Kone Corporation; Defendant Kone Inc<br><i>[25] Defendants KONE Corporation and KONE Inc.'s Initial Fee Disclosure</i>  |
| 03/02/2020 |  Answer to Amended Complaint  |




## CASE SUMMARY

CASE NO. A-20-808340-C

|            |   |
|------------|---|
|            | Filed By: Defendant Kone Corporation; Defendant Kone Inc<br><i>[26] Defendants KONE Corporation and KONE Inc.'s Answer to Plaintiff Scott Klunder's Amended Complaint</i>   |
| 03/02/2020 |  Demand for Jury Trial<br>Filed By: Defendant Kone Corporation; Defendant Kone Inc<br><i>[27] Defendants KONE Corporation and KONE Inc.'s Demand for Jury Trial</i>      |
| 03/16/2020 |  Request for Exemption From Arbitration<br>Filed by: Plaintiff Klunder, Scott<br><i>[28] Request for Exemption from Arbitration</i>                                      |
| 03/30/2020 |  Commissioners Decision on Request for Exemption - Granted<br><i>[29] Commissioner's Decision on Request for Exemption - GRANTED</i>                                     |
| 04/16/2020 |  Joint Case Conference Report<br>Filed By: Plaintiff Klunder, Scott<br><i>[30] Joint Case Conference Report</i>  |
| 04/18/2020 |  Mandatory Rule 16 Conference Order<br><i>[31] Mandatory Rule 16 Conference Order</i>  |
| 04/20/2020 |  Clerk's Notice of Nonconforming Document<br><i>[32] Clerk's Notice of Nonconforming Document</i>  |
| 04/22/2020 |  Memorandum<br><i>[33] Appearances for May 7, 2020 MCC Hearings</i>   |
| 04/24/2020 |  Clerk's Notice of Nonconforming Document and Curative Action<br><i>[34] Clerk's Notice of Curative Action</i>   |
| 05/11/2020 |  Scheduling and Trial Order<br><i>[35] Scheduling Order and Order Setting Civil Jury Trial, Pre-Trial Conference and Calendar Call</i>                                 |
| 10/16/2020 |  Proof of Service<br>Filed by: Plaintiff Klunder, Scott<br><i>[36] Proof of Service - Mechanical Compliance</i>  |
| 01/04/2021 | Case Reassigned to Department 19<br><i>Judicial Reassignment to Judge Crystal Eller</i>   |
| 01/28/2021 |  Memorandum<br><i>[37] Notice of Change of Hearing Dates</i>   |
| 02/22/2021 |  Stipulation to Extend Discovery<br>Party: Defendant Otis Elevator Company<br><i>[38] Stipulation and Order to Extend Discovery and Continue Trial (First Request)</i> |
| 03/03/2021 |  Notice of Entry of Order<br>Filed By: Defendant Otis Elevator Company<br><i>[39] Notice of Entry of Order</i>   |
| 03/30/2021 |   |

# CASE SUMMARY

CASE NO. A-20-808340-C

|            |   |
|------------|---|
|            |  Motion to Amend Complaint<br>Filed By: Plaintiff Klunder, Scott<br><i>[40] Plaintiff's Motion for Leave to File an Amended Complaint on an Order Shortening Time</i>  |
| 03/30/2021 |  Clerk's Notice of Hearing<br><i>[41] Notice of Hearing</i>  |
| 03/30/2021 |  Clerk's Notice of Nonconforming Document<br><i>[42] Clerk's Notice of Nonconforming Document</i>  |
| 05/04/2021 |  Stipulation to Extend Discovery<br>Party: Plaintiff Klunder, Scott<br><i>[43] Stipulation and Order to Extend Discovery and Trial (Second Request)</i>  |
| 06/02/2021 |  Order<br>Filed By: Plaintiff Klunder, Scott<br><i>[44] Order Granting Plaintiff's Motion for Leave to File Amended Complaint</i>  |
| 06/03/2021 |  Notice of Entry of Order<br>Filed By: Plaintiff Klunder, Scott<br><i>[45] Notice of Entry of Order</i>  |
| 06/03/2021 |  Amended Complaint<br>Filed By: Plaintiff Klunder, Scott<br><i>[46] Amended Complaint</i>  |
| 06/04/2021 |  Summons Electronically Issued - Service Pending<br><i>[47] Civil Summons</i>  |
| 06/04/2021 |  Summons Electronically Issued - Service Pending<br><i>[48] Civil Summons</i>  |
| 06/17/2021 |  Answer to Amended Complaint<br>Filed By: Defendant Otis Elevator Company<br><i>[49] Defendant Otis Elevator Company's Answer to Plaintiff's Second Amended Complaint</i>  |
| 06/17/2021 |  Answer to Amended Complaint<br>Filed By: Defendant Country Club Towers, Inc.; Defendant Property Management and Development Corp<br><i>[50] Defendants Country Club Towers, Inc. and Property Management &amp; Development Corp. s Answer to Second Amended Complaint</i> |
| 07/12/2021 |  Affidavit of Service<br><i>[51] Affidavit of Service</i>  |
| 07/12/2021 |  Affidavit<br><i>[52] AFFIDAVIT OF SERVICE - THYSSENKRUPP ELEVATOR MANUFACTURING, INC</i>  |
| 08/13/2021 |  Initial Appearance Fee Disclosure<br>Filed By: Defendant Thyssenkrupp Elevator Corporation; Defendant Thyssenkrupp Elevator Manufacturing Inc<br><i>[53] Initial Appearance Fee Disclosure</i>  |

# CASE SUMMARY

CASE NO. A-20-808340-C

|            |   |
|------------|---|
| 08/13/2021 |  Answer<br>Filed By: Defendant Thyssenkrupp Elevator Corporation; Defendant Thyssenkrupp Elevator Manufacturing Inc<br><i>[54] Answer of Thyssenkrupp Elevator Corporation and Thyssenkrupp Manufacturing, Inc. to Plaintiff's Amended Complaint</i>   |
| 08/16/2021 |  Declaration<br>Filed By: Defendant Otis Elevator Company<br><i>[55] Declaration of Service for Ronald W. Hillock, M.D.</i>  |
| 09/01/2021 |  Notice of Change of Address<br>Filed By: Defendant Thyssenkrupp Elevator Corporation; Defendant Thyssenkrupp Elevator Manufacturing Inc<br><i>[56] Defendants Thyssenkrupp Elevator Corp and THyssenkrupp Eleveator Manufacturing Inc's Notice of Change of Address</i>   |
| 09/16/2021 |  Supplemental Joint Case Conference Report<br><i>[57] First Supplement Joint Case Conference Report</i>  |
| 11/09/2021 |  Order Shortening Time<br>Filed By: Plaintiff Klunder, Scott<br><i>[58] The Parties' Joint Motion to Extend Discovery and Continue the Trial on Order Shortening Time (Third Request)</i>  |
| 11/29/2021 |  Order<br>Filed By: Plaintiff Klunder, Scott<br><i>[59] Order Granting the Parties' Joint Motion to Extend Discovery Deadlines and Continue Trial on Order Shortening Time</i>   |
| 01/20/2022 |  Motion for Summary Judgment<br>Filed By: Defendant Thyssenkrupp Elevator Corporation; Defendant Thyssenkrupp Elevator Manufacturing Inc<br><i>[60] Defendants ThyssenKrupp Elevator Corporation's and ThyssenKrupp Elevator Manufacturing, Inc.'s Motion for Summary Judgment</i>                                     |
| 01/20/2022 |  Declaration<br>Filed By: Defendant Thyssenkrupp Elevator Corporation; Defendant Thyssenkrupp Elevator Manufacturing Inc<br><i>[61] Declaration of Pamela A. McKay, Esq. in support of Defendants ThyssenKrupp Elevator Corporation's and ThyssenKrupp Elevator Manufacuturing, Inc.'s Motion for Summary Judgment</i> |
| 01/20/2022 |  Declaration<br>Filed By: Defendant Thyssenkrupp Elevator Corporation; Defendant Thyssenkrupp Elevator Manufacturing Inc<br><i>[62] Declaration of Erik Terc in support of Defendants ThyssenKrupp Elevator Corporation's and ThyssenKrupp Elevator Manufacuturing, Inc.'s Motion for Summary Judgment</i>             |
| 01/20/2022 |  Clerk's Notice of Hearing<br><i>[63] Notice of Hearing</i>  |
| 02/03/2022 |  Opposition<br>Filed By: Plaintiff Klunder, Scott<br><i>[64] Plaintiff Klunder's Opposition to Defendant Thyssenkrupp Elevator Corporation's and Thyssenkrupp Elevator Manufacturing, Inc.'s Motion for Summary Judgment</i>   |

# CASE SUMMARY

CASE NO. A-20-808340-C

|            |   |
|------------|---|
| 03/10/2022 |  Reply to Opposition<br>Filed by: Defendant Thyssenkrupp Elevator Corporation; Defendant Thyssenkrupp Elevator Manufacturing Inc<br><i>[65] Defendants ThyssenKrupp Elevator Corporation's and ThyssenKrupp Manufacturing, Inc.'s Reply to Plaintiff's Opposition to Motion for Summary Judgment</i>                               |
| 04/05/2022 |  Order Granting Summary Judgment<br><i>[66] Order Granting Motion for Summary Judgment (Def. ThyssenKrupp ONLY)</i>  |
| 04/05/2022 |  Notice of Entry of Decision and Order<br>Filed By: Defendant Thyssenkrupp Elevator Corporation; Defendant Thyssenkrupp Elevator Manufacturing Inc<br><i>[67] Notice of Entry of Decision and Order</i>  |
| 04/06/2022 |  Motion for Summary Judgment<br>Filed By: Defendant Otis Elevator Company<br><i>[68] Defendant Otis Elevator Company's Motion for Summary Judgment</i>   |
| 04/07/2022 |  Clerk's Notice of Hearing<br><i>[69] Notice of Hearing</i>  |
| 04/08/2022 |  Memorandum of Costs and Disbursements<br>Filed By: Defendant Thyssenkrupp Elevator Corporation; Defendant Thyssenkrupp Elevator Manufacturing Inc<br><i>[70] Defendants ThyssenKrupps Elevator Corporation's and ThyssenKrupp Elevator Manufacturing, Inc.'s Memorandum of Costs and Disbursements and Motion for Expert Fees</i> |
| 04/19/2022 |  Opposition<br>Filed By: Plaintiff Klunder, Scott<br><i>[71] Plaintiff's Klunder's Opposition to Defendant Otis Elevator Company's Motion for Summary Judgment</i>   |
| 04/22/2022 |  Order<br><i>[72] Order Granting Defendants Thyssenkrupp Elevator Corporation's and Thyssenkrupp Elevator Manufacturing Inc.'s Memorandum of Costs</i>   |
| 04/22/2022 |  Notice of Entry of Order<br>Filed By: Defendant Thyssenkrupp Elevator Corporation; Defendant Thyssenkrupp Elevator Manufacturing Inc<br><i>[73] Notice of Entry of Order</i>  |
| 04/22/2022 |  Notice of Appeal<br><i>[74] Notice of Appeal</i>  |
| 04/22/2022 |  Case Appeal Statement<br><i>[75] Case Appeal Statement</i>  |

## **DISPOSITIONS**

|            |   |
|------------|---|
| 04/05/2022 | <b>Summary Judgment</b> (Judicial Officer: Eller, Crystal)<br>Debtors: Scott Klunder (Plaintiff)<br>Creditors: Thyssenkrupp Elevator Corporation (Defendant), Thyssenkrupp Elevator Manufacturing Inc (Defendant)<br>Judgment: 04/05/2022, Docketed: 04/06/2022 |
| 04/22/2022 | <b>Order</b> (Judicial Officer: Eller, Crystal)   |

# CASE SUMMARY

CASE NO. A-20-808340-C

Debtors: Scott Klunder (Plaintiff)

Creditors: Thyssenkrupp Elevator Corporation (Defendant), Thyssenkrupp Elevator Manufacturing Inc (Defendant)

Judgment: 04/22/2022, Docketed: 04/25/2022

Total Judgment: 7,248.20

## HEARINGS

05/07/2020



**Mandatory Rule 16 Conference** (11:00 AM) (Judicial Officer: Scotti, Richard F.)

Trial Date Set;

Journal Entry Details:

*Anne Padgett, Esq. present on behalf of Defendants Kone Inc. and Kone Corporation, and Carl Houston, Esq. present on behalf of Plaintiff. Counsel stated they had good communication with their clients, a settlement conference was not necessary at this time, and there were no new motions or disclosures. COURT ORDERED, trial date SET; Pretrial Memorandum due August 30, 2021. 8/23/21 8:45 AM PRE TRIAL CONFERENCE 9/7/21 8:45 AM CALENDAR CALL 9/13/21 10:00 AM JURY TRIAL;*

05/03/2021



**Motion for Leave** (3:00 AM) (Judicial Officer: Eller, Crystal)

*Plaintiff's Motion for Leave to File an Amended Complaint on an Order Shortening Time Granted;*

Journal Entry Details:

*The Court GRANTS Plaintiff's Motion for Leave to File an Amended Complaint as unopposed, pursuant to EDCR 2.20. Plaintiff is directed to prepare and submit the proposed Order, pursuant to AO 21-03, to DC19Inbox@clarkcountycourts.us within fourteen (14) calendar days. CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. clm 05/04/21;*

06/22/2021

**CANCELED Status Check** (9:30 AM) (Judicial Officer: Scotti, Richard F.)

*Vacated - per Law Clerk*

08/18/2021

**CANCELED Status Check** (3:00 AM) (Judicial Officer: Eller, Crystal)

*Vacated - On in Error*

*ISC - JCCR*

11/16/2021



**Motion to Continue Trial** (9:00 AM) (Judicial Officer: Eller, Crystal)

*Joint Motion to Extend Discovery and Continue Trial on Order Shortening Time Granted;*

Journal Entry Details:

*Counsel appeared via BlueJeans. COURT NOTED good cause existed and ORDERED, motion GRANTED, further noting the Dispositive Motions and Motions in Limine due: 07/08/22, Pre-Trial Memorandums due: 08/22/22 and TRIAL SET, noting no scheduling order would be issued. 08/15/22 8:45 A.M. PRE-TRIAL CONFERENCE 08/22/22 8:45 A.M. CALENDAR CALL 09/06/22 10:00 A.M. JURY TRIAL;*

12/15/2021

**CANCELED Pre Trial Conference** (8:45 AM) (Judicial Officer: Scotti, Richard F.)

*Vacated - per Stipulation and Order*

01/03/2022

**CANCELED Calendar Call** (8:45 AM) (Judicial Officer: Scotti, Richard F.)

*Vacated - per Stipulation and Order*

01/10/2022

**CANCELED Jury Trial** (10:00 AM) (Judicial Officer: Scotti, Richard F.)

*Vacated - per Stipulation and Order*

03/23/2022



**Motion for Summary Judgment** (10:30 AM) (Judicial Officer: Eller, Crystal)

*Defendants ThyssenKrupp Elevator Corporation's and ThyssenKrupp Elevator Manufacturing, Inc.'s Motion for Summary Judgment*

Granted;

Journal Entry Details:

*Counsel excluding Ms. McKay, Esq. appeared via BlueJeans. Arguments by Ms. McKay*

EIGHTH JUDICIAL DISTRICT COURT

**CASE SUMMARY**

**CASE NO. A-20-808340-C**

|            |  |  |
|------------|--|--|
|            | <i>regarding the merits of and by Ms. Brown in opposition to the motion. COURT stated its findings and ORDERED, motion GRANTED. Ms. McKay to prepare the order.;</i> |  |
| 05/18/2022 | <b>Motion for Summary Judgment</b> (10:30 AM) (Judicial Officer: Eller, Crystal)<br><i>Defendant Otis Elevator Company's Motion for Summary Judgment</i>             |  |
| 08/15/2022 | <b>Pre Trial Conference</b> (8:45 AM) (Judicial Officer: Eller, Crystal)   |  |
| 08/22/2022 | <b>Calendar Call</b> (8:45 AM) (Judicial Officer: Eller, Crystal)  |  |
| 09/06/2022 | <b>Jury Trial</b> (10:00 AM) (Judicial Officer: Eller, Crystal)  |  |

| DATE   | FINANCIAL INFORMATION  |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |
|--|--|---------------------------|--|---------------|--------|----------------------------|--------|------------------------------------|-------------|--|--|---------------|--------|----------------------------|--------|------------------------------------|-------------|--|--|---------------|--------|----------------------------|--------|------------------------------------|-------------|--|--|---------------|--------|----------------------------|--------|------------------------------------|-------------|--|--|---------------|-------|----------------------------|-------|------------------------------------|-------------|---------------------------------|--|---------------|--------|----------------------------|--------|------------------------------------|-------------|
|  | <table> <tr> <td><b>Defendant</b> Kone Inc</td><td></td></tr> <tr> <td>Total Charges</td><td>253.00</td></tr> <tr> <td>Total Payments and Credits</td><td>253.00</td></tr> <tr> <td><b>Balance Due as of 4/26/2022</b></td><td><b>0.00</b></td></tr> <tr> <td><b>Defendant</b> Country Club Towers, Inc.</td><td></td></tr> <tr> <td>Total Charges</td><td>253.00</td></tr> <tr> <td>Total Payments and Credits</td><td>253.00</td></tr> <tr> <td><b>Balance Due as of 4/26/2022</b></td><td><b>0.00</b></td></tr> <tr> <td><b>Defendant</b> Otis Elevator Company</td><td></td></tr> <tr> <td>Total Charges</td><td>423.00</td></tr> <tr> <td>Total Payments and Credits</td><td>423.00</td></tr> <tr> <td><b>Balance Due as of 4/26/2022</b></td><td><b>0.00</b></td></tr> <tr> <td><b>Defendant</b> Thyssenkrupp Elevator Corporation</td><td></td></tr> <tr> <td>Total Charges</td><td>423.00</td></tr> <tr> <td>Total Payments and Credits</td><td>423.00</td></tr> <tr> <td><b>Balance Due as of 4/26/2022</b></td><td><b>0.00</b></td></tr> <tr> <td><b>Defendant</b> Thyssenkrupp Elevator Manufacturing Inc</td><td></td></tr> <tr> <td>Total Charges</td><td>30.00</td></tr> <tr> <td>Total Payments and Credits</td><td>30.00</td></tr> <tr> <td><b>Balance Due as of 4/26/2022</b></td><td><b>0.00</b></td></tr> <tr> <td><b>Plaintiff</b> Klunder, Scott</td><td></td></tr> <tr> <td>Total Charges</td><td>294.00</td></tr> <tr> <td>Total Payments and Credits</td><td>294.00</td></tr> <tr> <td><b>Balance Due as of 4/26/2022</b></td><td><b>0.00</b></td></tr> </table> | <b>Defendant</b> Kone Inc |  | Total Charges | 253.00 | Total Payments and Credits | 253.00 | <b>Balance Due as of 4/26/2022</b> | <b>0.00</b> | <b>Defendant</b> Country Club Towers, Inc. |  | Total Charges | 253.00 | Total Payments and Credits | 253.00 | <b>Balance Due as of 4/26/2022</b> | <b>0.00</b> | <b>Defendant</b> Otis Elevator Company |  | Total Charges | 423.00 | Total Payments and Credits | 423.00 | <b>Balance Due as of 4/26/2022</b> | <b>0.00</b> | <b>Defendant</b> Thyssenkrupp Elevator Corporation |  | Total Charges | 423.00 | Total Payments and Credits | 423.00 | <b>Balance Due as of 4/26/2022</b> | <b>0.00</b> | <b>Defendant</b> Thyssenkrupp Elevator Manufacturing Inc |  | Total Charges | 30.00 | Total Payments and Credits | 30.00 | <b>Balance Due as of 4/26/2022</b> | <b>0.00</b> | <b>Plaintiff</b> Klunder, Scott |  | Total Charges | 294.00 | Total Payments and Credits | 294.00 | <b>Balance Due as of 4/26/2022</b> | <b>0.00</b> |
| <b>Defendant</b> Kone Inc                                |  |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |
| Total Charges  | 253.00   |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |
| Total Payments and Credits                               | 253.00   |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |
| <b>Balance Due as of 4/26/2022</b>                       | <b>0.00</b>  |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |
| <b>Defendant</b> Country Club Towers, Inc.               |  |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |
| Total Charges  | 253.00   |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |
| Total Payments and Credits                               | 253.00   |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |
| <b>Balance Due as of 4/26/2022</b>                       | <b>0.00</b>  |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |
| <b>Defendant</b> Otis Elevator Company                   |  |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |
| Total Charges  | 423.00   |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |
| Total Payments and Credits                               | 423.00   |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |
| <b>Balance Due as of 4/26/2022</b>                       | <b>0.00</b>  |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |
| <b>Defendant</b> Thyssenkrupp Elevator Corporation       |  |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |
| Total Charges  | 423.00   |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |
| Total Payments and Credits                               | 423.00   |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |
| <b>Balance Due as of 4/26/2022</b>                       | <b>0.00</b>  |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |
| <b>Defendant</b> Thyssenkrupp Elevator Manufacturing Inc |  |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |
| Total Charges  | 30.00  |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |
| Total Payments and Credits                               | 30.00  |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |
| <b>Balance Due as of 4/26/2022</b>                       | <b>0.00</b>  |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |
| <b>Plaintiff</b> Klunder, Scott                          |  |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |
| Total Charges  | 294.00   |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |
| Total Payments and Credits                               | 294.00   |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |
| <b>Balance Due as of 4/26/2022</b>                       | <b>0.00</b>  |                           |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |        |                            |        |                                    |             |  |  |               |       |                            |       |                                    |             |                                 |  |               |        |                            |        |                                    |             |

# DISTRICT COURT CIVIL COVER SHEET

County, Nevada  
Case No. \_\_\_\_\_  
*(Assigned by Clerk's Office)*

**CASE NO: A-20-808340-C**  
**Department 2**

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

|   |   |
|---|---|
| Plaintiff(s) (name/address/phone):<br><br>SCOTT KLUNDER   | Defendant(s) (name/address/phone):<br><br>COUNTRY CLUB TOWERS, INC. |
|   |   |
|   |   |
|   |   |
| Attorney (name/address/phone):<br>RAMZY P. LADAH, ESQ. and ADRIAN A. KARIMI, ESQ. - LADAH LAW FIRM<br>517 S. THIRD ST. - LAS VEGAS, NV 89101<br>702.252.0055 (p) - 702.248.0055 (f) | Attorney (name/address/phone):<br><br>Unknown                       |
|   |   |

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

### **Civil Case Filing Types**

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

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

**01/10/2020**

Date

**/s/ Ramzy L. Ladah, Esq.**

Signature of initiating party or representative

*See other side for family-related case filings.*

OGSJ

Pamela A. McKay (SBN 7812)  
**MCKAY LAW FIRM, CHTD.**  
8440 W. Lake Mead Blvd., Suite 112  
Las Vegas, NV 89128  
T: 702-835-6956  
F: 702- 835-6957  
pmckay@mckaylawfirmchtd.com

**ATTORNEYS FOR DEFENDANTS THYSSENKRUPP ELEVATOR CORP. AND  
THYSSENKRUPP ELEVATOR MANUFACTURING, INC.**

DISTRICT COURT  
CLARK COUNTY, NEVADA

SCOTT KLUNDER, an individual,  
  
Plaintiff,

vs.

COUNTRY CLUB TOWERES, INC.;  
PROPERTY MANAGEMENT &  
DEVELOPMENT CORP.; OTIS ELEVATOR  
COMPANY; KONE CORPORATION;  
KONE, INC.; THYSSENKRUPP ELEVATOR  
CORPORATION; THYSSENKRUPP  
ELEVATOR MANUFACTURING, INC.;  
DOES I-XX, inclusive and ROE BUSINESS  
ENTITIES I-XX, inclusive,  
  
Defendants.

CASE NO.: A-20-808340-C

DEPT. NO.: 19

**ORDER GRANTING DEFENDANTS  
THYSSENKRUPP ELEVATOR  
CORPORATION'S AND  
THYSSENKRUPP ELEVATOR  
MANUFACTURING, INC.'S  
MOTION FOR SUMMARY  
JUDGMENT**

Defendants, ThyssenKrupp Elevator Corporation's and ThyssenKrupp Elevator  
Manufacturing, Inc.'s (collectively "ThyssenKrupp") Motion for Summary Judgment came on  
for hearing on March 3, 2022, before the Honorable Crystal Eller, Judge of the District Court.

Pamela A. McKay, Esq. of McKay Law Firm, Chtd. appeared on behalf of ThyssenKrupp,  
Stacie L. Brown, Esq. of Ladah Law Firm appeared on behalf of Plaintiff, Scott Klunder, Max E.  
Corrick, Esq. of Olson, Cannon Gormley & Stoberski appeared on behalf of Defendants,  
Country Club Towers, Inc. and Property Management & Development Corp., Rebecca L.



1 Mastrangelo, Esq. of Rogers, Mastrangelo, Carvalho & Mitchell appeared on behalf of  
2 Defendant, Otis Elevator Company, and Eileen Marks, Esq. of The Marks Law Group, LLP  
3 appeared on behalf of Defendants, Kone Corporation and Kone, Inc.

4 The Court having entertained oral argument and good cause appearing,

5 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

6 **FINDINGS OF FACT:**

7 1. On February 14, 2018, Plaintiff, Scott Klunder (“Plaintiff”) resided at the Country Club  
8 Towers, located at 850 E. Desert Inn Rd. in Las Vegas, Nevada (“the Premises”).

9 2. On February 14, 2018, Plaintiff alleges sustaining injuries when an elevator door closed on  
10 him while he was at the Premises (“the Incident”).

11 3. Plaintiff stated in the February 16, 2018, Incident report, “The electric ‘eyes’ did not work.  
12 The doors did not retract when they hit me, but trapped me between them.”

13 4. On January 10, 2020, Plaintiff filed his initial Complaint against Defendant Country Club  
14 Towers, Inc., wherein he alleges, in relevant part:

15  
16 3. That at all times relevant herein, Defendants designated as DOES I through XXX  
17 and ROE BUSINESS ENTITIES I through XXX, in their true capacities, whether  
18 individual, corporate, associate or otherwise of the Defendants named herein are  
19 unknown to Plaintiff who, therefore, sues said Defendants by said fictitious names;  
20 Plaintiff is informed, believes and thereon alleges that each of the Defendants  
21 designated as a DOES I through XXX and ROE BUSINESS ENTITIES I through  
22 XXX are responsible in some manner for the events and happenings referred to  
23 herein, and caused damages proximately to Plaintiff as herein alleged, and Plaintiff  
24 will ask leave of this court to amend this Complaint to insert the true names and  
25 capacities of DOES I through XXX and ROE BUSINESS ENTITIES I through  
26 XXX, when the same have been ascertained and to join such Defendants in this  
27 action.

28 \* \* \*

29 5. At all times relevant hereto, particularly on or about February 14, 2018,  
30 Defendants, and each of them, either owned, managed, controlled, maintained, or  
31 in some other way were in charge of the premises, located at 850 E. Desert Inn Rd.,  
32 Las Vegas, NV, County of Clark, State of Nevada (hereinafter “the subject  
33 premises”).

34 ///

1 6. At all times relevant hereto, Defendants were the agents, servants, and  
2 employees of each and every other Defendant and were acting within the course  
3 and scope of said employment and agency.

4 7. At all times relevant hereto, Defendants were the owners, operators, managers,  
5 controllers, inspectors, supervisors and/or controllers of the subject premises and  
6 of the common areas of the subject premises.

7 8. At all times relevant hereto, Plaintiff was an invitee and guest of Defendants and  
8 was legally upon its premises.

9 \* \* \*

10 11. At all times relevant hereto, Defendants and their employee(s) failed to erect  
11 the proper warning signs to indicate a dangerous and/or hazardous condition  
12 existed on the subject premises.

13 \* \* \*

14 5. The Complaint contained causes of action for negligence, negligent hiring, training,  
15 supervision and policies/procedures and res ipsa loquitor based on the above allegations.

16 6. Plaintiff did not propound written discovery regarding the alleged deficient elevator  
17 “electric eye” before filing his First Amended Complaint.

18 7. On February 3, 2020, Plaintiff filed his First Amended Complaint, wherein he added  
19 Defendants Otis Elevator Company, Kone Corporation, and Kone, Inc. to the suit.

20 8. In relevant part, the First Amended Complaint contains the same Doe/Roe allegations as  
21 alleged in the Initial Complaint, and Plaintiff alleges causes of action for negligence, negligent  
22 hiring, training, supervision and policies/procedures and res ipsa loquitor.

23 9. On June 3, 2021, Plaintiff filed a Second Amended Complaint. This pleading contains new  
24 factual allegations regarding ThyssenKrupp and alleges a new cause of action for products  
25 liability in addition to the same causes of action as in Plaintiff’s prior complaints.

26 10. The Second Amended Complaint alleges, in relevant part:

27 37. At all times relevant hereto, Defendants THYSSENKRUPP ELEVATOR  
28 CORPORATION and THYSSENKRUPP ELEVATOR MANUFACTURING  
[sic], INC. were the manufacturers, designs [sic], distributors, retailers,  
marketers, sellers, or otherwise owners of a Swift Controller installed and  
fitted into the subject elevator.

///

1 39. As Plaintiff entered the elevator, upon information and belief, the Swift  
2 Controller had an unexpected and dangerous malfunction, which caused  
3 or contributed to the door abruptly closing on Plaintiff, resulting in serious  
physical injury.

\* \* \*

4 41. At all times relevant hereto, the Swift Controller at issue provided, produced,  
5 manufactured, designed, sold and/or distributed by Defendant  
6 THYSSENKRUPP ELEVATOR CORPORATION and THYSSENKRUPP  
7 ELEVATOR MANUFATORING [sic], INC., which was fitted into the  
subject elevator, was defective in its design and/or manufacture and/or  
8 lacked proper warning, causing the elevator at issue to be unreasonable  
dangerous for its intended use.

9 42. Defendants THYSSENKRUPP ELEVATOR CORPORATION and  
10 THYSSENKRUPP ELEVATOR MANUFATORING [sic], INC.:

- 11 a. Failed to reasonably and safely design, assemble, and/or manufacture  
12 the Swift Controller at issue to prevent the subject elevator from  
malfunctioning;
- 13 b. Failed to reasonably and safely design, assemble, and/or manufacture  
14 the Swift Controller to protect those from the hazardous effects of the  
foreseeable consequence of the elevator malfunctioning;
- 15 c. Failed to reasonably and safely design assemble, manufacture, test,  
16 calibrate, and/or install the Swift Controller into the subject elevator;
- 17 d. Failed to reasonably and safely design, assemble, test, manufacture the  
Swift Controller to comply with applicable state and federal regulations;
- 18 e. Failed to reasonably and safely design, assemble, test, manufacture the  
Swift Controller so that it would not malfunction and cause injury to  
19 individuals;
- 20 f. It was reasonably foreseeable to the Defendants that the Swift Controller  
could malfunction and thus the Defendants needed to set up proper safety  
21 mechanisms, including, but not limited to, replacement of the Swift  
Controller with a newer and safer design or model.

\* \* \*

22 11. On July 8, 2021, Plaintiff served ThyssenKrupp with the summons and Second Amended  
23 Complaint, which is one year and 3 ½ months after the 2-year statute of limitations for personal  
24 injury suits expired.

25 12. ThyssenKrupp was never advised of Plaintiff's accident and did not know about this suit  
26 until it was served with a summons and the Second Amended Complaint.

27 13. ThyssenKrupp never owned, managed, controlled, maintained or was in charge of the  
28 Premises at any time.

1 14. ThyssenKrupp answered the Second Amended Complaint and asserted, in relevant part,  
2 the affirmative defense of the statute of limitations.

3 CONCLUSIONS OF LAW

4 1. N.R.C.P. 56 provides that the Court shall grant summary judgment upon a showing by the  
5 movant that there is no genuine dispute as to any material fact and that the movant is entitled to  
6 judgment as a matter of law.

7 2. Although all pleadings and evidence must be construed in a light most favorable to the  
8 non-moving party, the non-moving party must do more than simply show that there is some  
9 metaphysical doubt as to the operative facts in order to avoid summary judgment. The non-  
10 moving party “is not entitled to build a case on the gossamer threads of whimsy, speculation, and  
11 conjecture/” *Wood v. Safeway, Inc.*, 121 Nev. 724, 731, 121 P.3d 1026 (2005), citing *Pegasus v.*  
12 *Reno Newspapers, Inc.*, 118 Nev. 706, 713-14, 57 P.3d 82 (2002).

13 3. The statute of limitations for personal injury is two years from the accrual of the cause of  
14 action. NRS 11.190(4)(e). A cause of action accrues when the wrong occurs and the party  
15 sustains injuries for which relief could be sought.” *Petersen v. Bruen*, 106 Nev. 271, 274 (1990).  
16 The Court “look[s] at the substance of the claims, not just the labels used in the . . . complaint.”  
17 *Nevada Power Co., v. Eighth Judicial Dist. Court*, 120 Nev. 948, 960 (2004). The Court finds  
18 that Plaintiff’s Second Amended Complaint seeking damages from ThyssenKrupp for the  
19 February 14, 2018 Incident is barred pursuant to NRS 11.190(4)(e) as a matter of law.

20 4. Plaintiff asserted that N.R.C.P. 15(c) applies to prevent the 2-year statute of limitations  
21 from applying to his Second Amended Complaint. Under N.R.C.P. 15(c), an amended pleading  
22 filed after the statute of limitations relates back when “the proper defendant (1) received actual  
23 notice of the action; (2) knows that it is the proper party; and (3) has not been misled to its  
24 prejudice by the amendment.” *Costello v. Casler*, 127 Nev. 436, 440-41 (2011). The Court finds  
25 the undisputed facts demonstrate ThyssenKrupp has not been misled to its prejudice by the  
26 amendment, but finds it neither had actual notice of this suit before the statute of limitations  
27 expired nor knew or should have known that it is a proper party to the suit. Therefore, the  
28

undisputed facts demonstrate Plaintiff's Second Amended Complaint does not relate back to the date of the initial complaint under N.R.C.P. 15(c).

5. Furthermore, Plaintiff alleges new facts and a new theory of liability against ThyssenKrupp in the Second Amended Complaint. The allegations in Plaintiff's initial complaint were based in premises liability. However, the Second Amended Complaint alleges liability against ThyssenKrupp based in products liability for an alleged defective SWIFT Controller. Pursuant to *Nelson v. City of Las Vegas*, 99 Nev. 548, 556, 665 P.2d 1141 (1983), amendments under N.R.C.P. 15(c) are limited to theories of liability alleged in the initial complaint against a new defendant. "Where an amendment states a new cause of action that describes a new and entirely difference source of damages, the amendment does not relate back, as the opposing party has not been put on notice concerning the facts in issue. *Ibid*. Therefore, the Motion for Summary Judgment is granted on this ground, as well.

6. Plaintiff also asserted N.R.C.P. Rule 10 applies to allow ThyssenKrupp to be added to the Second Amended Complaint as a Roe defendant. Pursuant to *Nurenberger Hercules-Werke GMBH v. Virotek*, 107 Nev. 873, 881, 822 P.2d 1100, 1106 (Nev. 1991) (abrogated on other grounds by *Costello v. Casler*, 254 P.3d 631 (Nev. 2011), a plaintiff is required to (a) plead fictitious or doe defendants in the caption of the complaint; (b) plead the basis for naming defendants by other than their true identity, and clearly specifying the connection between the intended defendants and the conduct, activity, or omission upon which the cause of action is based; and (c) exercise reasonable diligence in ascertaining the true identity of the intended defendants and promptly moving to amend the complaint in order to substitute the actual for the fictional. *Ibid*.

Plaintiff satisfied the first prong by naming Doe individuals and Roe corporations in his initial complaint.

With regard to the second prong, Plaintiff failed to "clearly specify the connection between the intended defendants and the conduct . . . upon which the cause of action is based." *Ibid*. This status is demonstrated by Plaintiff only alleging the Doe and Roe defendants "are responsible in some manner for the events and happenings referred to herein, and caused damages proximately

1 to Plaintiff . . . .” (Second Amended Complaint, ¶ 3. ) This broad allegation fails to specify what  
2 events or happenings were taken by the Doe/Roe defendants when the accident happened, and is  
3 an insufficient “precautionary measure.” *Nurenberger, supra*, 822 P.2d at 1105.

4 In order to satisfy the third prong of the *Nurenberger* test, a plaintiff must exercise reasonable  
5 diligence to determine the true identity of the intended defendants. *Nurenberger, supra*, 822 P.2d  
6 at 1106. “The reasonable diligence requirement is intended to guard against the abuse of Doe and  
7 Roe defendants as placeholders during the commencement of litigation and ‘was not intended to  
8 reward indolence or lack of diligence by giving plaintiffs an automatic method of circumventing  
9 statutes of limitations.” *Sparks v. Alpha Tau Omega Fraternity, Inc.*, 255 P.3d 238, 243 (Nev.  
10 2011), quoting *Nurenberger*, 822 P.2d at 1105. A plaintiff “must *proactively* seek to identify  
11 unknown defendants.” *Sparks, supra*, 255 P.3d at 243.

12 The Nevada Supreme instructs that courts making this determination should consider  
13 “whether the party unreasonably delayed amending the pleadings to reflect the true identity of a  
14 defendant once it became known; whether the plaintiff utilized judicial mechanisms such as  
15 discovery to inquire into a defendant’s true identity; and whether a defendant concealed its  
16 identity or otherwise obstructed the plaintiff’s investigation.” *Ibid.*

17 Plaintiff offers no evidence that he was proactive and exercised reasonable diligence;  
18 especially when he states the day of his accident that he suspected the “electric eye” contributed  
19 and/or caused the elevator doors to close on him.

20 The Court also finds Plaintiff offers no evidence that ThyssenKrupp concealed or obstructed  
21 Plaintiff’s efforts to discover its identity or involvement. Plaintiff admits in his Incident report  
22 that he suspected the “electric eyes” caused or contributed to his accident. This admission placed  
23 him on notice that the manufacturer of this part should be considered a defendant; yet, he failed  
24 to allege this required information in the initial complaint. The evidence demonstrates Plaintiff  
25 waited over one year before he began identifying Roe defendants. If Plaintiff believed there was  
26 a real potential of other entities to be included as defendants he should not have waited so long  
27 after the expiration of the statute of limitations to begin identifying them. Consequently, Plaintiff  
28 cannot satisfy the third prong of the *Nurenberger* test, and N.R.C.P. 10 does not apply to prevent

1 the 2-year statute of limitations from applying to preclude Plaintiff's Second Amended  
2 Complaint against ThyssenKrupp.

3 BASED UPON the foregoing,

4 IT IS HEREBY ORDERED, ADJUDGED and DECREED THAT ThyssenKrupp's Motion  
5 for Summary Judgment is GRANTED.

Dated this 5th day of April, 2022

6   
7 DISTRICT JUDGE

8 Submitted by:  
9 MCKAY LAW FIRM, CHTD.  
10 /s/ Pamela McKay, Esq.

39B E7E 4627 732B  
Crystal Eller  
District Court Judge

11 Pamela A. McKay (SBN 7812)  
12 Attorneys for Defendants ThyssenKrupp Elevator Corporation and  
13 ThyssenKrupp Elevator Manufacturing, Inc.

14 APPROVED AS TO FORM AND CONTENT:  
15 LADAH LAW FIRM  
16 [no response]

17 Stacie L. Brown, Esq. (SBN 14174)  
18 Attorneys for Plaintiff Scott Klunder

19 OLSON CANNON GORMLEY & STOBERKSI  
20 Max E. Corrick, II, Esq.

21 Max E. Corrick, II, Esq. (SBN 6609)  
22 Attorneys for Defendants Country Club Towers, Inc. and  
23 Property Management & Development Corp.

24 ROGERS MASTRANGELO CARVALHO & MITCHELL  
25 Rebecca Mastrangelo, Esq.

26 Rebecca Mastrangelo, Esq. (SBN 5417)  
27 Attorneys for Defendant Otis Elevator Company

28 THE MARKS LAW GROUP, LLP  
Eileen M. Marks, Esq.

Eileen M. Marks, Esq. (SBN 5708)  
Attorneys for Defendants Kone Corporation and Kone, Inc.

## Pam McKay

---

**From:** Pam McKay  
**Sent:** Wednesday, March 30, 2022 9:56 AM  
**To:** Eileen M. Marks; Rebecca Mastrangelo; Stacie Brown; Max Corrick  
**Subject:** RE: Klunder v. Country Club Towers , Inc. et al.

Thank you, Eileen.

Very truly yours,

Pamela A. McKay, Esq.  
MCKAY LAW FIRM CHTD.  
8440 West Lake Mead Blvd., Ste. 112  
Las Vegas, NV 89128  
T: 702.835.6956, ext. 24  
F: 702.835.6957  
C: 702.683.0579

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**From:** Eileen M. Marks <emarks@markslg.com>  
**Sent:** Tuesday, March 29, 2022 9:18 PM  
**To:** Pam McKay <pmckay@mckaylawfirmchtd.com>; Rebecca Mastrangelo <rmastrangelo@rmcmlaw.com>; Stacie Brown <Stacie@ladahlaw.com>; Max Corrick <mcorrick@ocgas.com>  
**Subject:** Re: Klunder v. Country Club Towers , Inc. et al.

You have my authority to submit this proposed Order with my electronic signature. Thanks.

**Eileen M. Marks, Esq.**  
*The Marks Law Group, LLP*  
1120 N. Town Center Drive, Suite 200  
Las Vegas, NV 89144  
[emarks@markslg.com](mailto:emarks@markslg.com)  
Office: 702-341-7870  
Fax: 702-341-8049

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On 3/29/2022 4:55 PM, Pam McKay wrote:

Thank you, Rebecca. Correction made.



Very truly yours,

Pamela A. McKay, Esq.  
MCKAY LAW FIRM CHTD.  
8440 West Lake Mead Blvd., Ste. 112  
Las Vegas, NV 89128  
T: 702.835.6956, ext. 24  
F: 702.835.6957  
C: 702.683.0579

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---

**From:** Rebecca Mastrangelo <[rmastrangelo@rmcmlaw.com](mailto:rmastrangelo@rmcmlaw.com)>  
**Sent:** Tuesday, March 29, 2022 4:45 PM  
**To:** Pam McKay <[pmckay@mckaylawfirmchtd.com](mailto:pmckay@mckaylawfirmchtd.com)>; Stacie Brown <[Stacie@ladahlaw.com](mailto:Stacie@ladahlaw.com)>; Max Corrick <[mcorrick@ocgas.com](mailto:mcorrick@ocgas.com)>; [emarks@markslg.com](mailto:emarks@markslg.com)  
**Subject:** RE: Klunder v. Country Club Towers , Inc. et al.

Hi Pam,

Can you please correct Otis' name on my signature block. It should be Otis Elevator Company (not Corporation).

With that correction, you can affix my e signature.

Thank you.  
Rebecca

---

**From:** Pam McKay <[pmckay@mckaylawfirmchtd.com](mailto:pmckay@mckaylawfirmchtd.com)>  
**Sent:** Monday, March 28, 2022 5:23 PM  
**To:** Stacie Brown <[Stacie@ladahlaw.com](mailto:Stacie@ladahlaw.com)>; Max Corrick <[mcorrick@ocgas.com](mailto:mcorrick@ocgas.com)>; Rebecca Mastrangelo <[rmastrangelo@rmcmlaw.com](mailto:rmastrangelo@rmcmlaw.com)>; [emarks@markslg.com](mailto:emarks@markslg.com)  
**Subject:** Klunder v. Country Club Towers , Inc. et al.

Counsel,

Attached is a proposed Order granting TK's Motion for Summary Judgment. Please advise of authority to use your e-signature by Friday, April 1, 2020. If I do not receive a response by that date, the attached will be submitted to the Court. Thank you.

Very truly yours,

Pamela A. McKay, Esq.  
MCKAY LAW FIRM CHTD.  
8440 West Lake Mead Blvd., Ste. 112  
Las Vegas, NV 89128  
T: 702.835.6956, ext. 24  
F: 702.835.6957  
C: 702.683.0579

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1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Scott Klunder, Plaintiff(s)

CASE NO: A-20-808340-C

7 vs.

DEPT. NO. Department 19

8 Country Club Towers, Inc.,  
9 Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 4/5/2022

16 James Olson

chartle@ocgas.com

17 Max Corrick

mcorrick@ocgas.com

18 Jane Hollingsworth

jhollingsworth@ocgas.com

19 Eileen Marks

efile@markslg.com

20 Pamela McKay

pmckay@mckaylawfirmchtd.com

21 RMCM LAW FIRM

rmcmfiling@rmcmlaw.com

22 Ramzy Ladah, Esq.

litigation@ladahlaw.com

23 Bonnie McKay

bmckay@mckaylawfirmchtd.com

24 E. McKay

jmckay@mckaylawfirmchtd.com

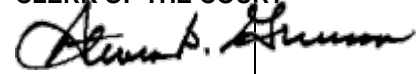
25 Eileen Marks

markslglv@gmail.com

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|------------------|--|
| Bradley Johnston | <a href="mailto:bjohnston@cavanaghlaw.com">bjohnston@cavanaghlaw.com</a> |
| Rebecca Lopez    | <a href="mailto:becky@ladahlaw.com">becky@ladahlaw.com</a>               |
| Jennifer Scott   | <a href="mailto:jscott@cavanaghlaw.com">jscott@cavanaghlaw.com</a>       |
| Levi Claridge    | <a href="mailto:lclaridge@cavaghlaw.com">lclaridge@cavaghlaw.com</a>     |
| Stacie Brown     | <a href="mailto:stacie@ladahlaw.com">stacie@ladahlaw.com</a>             |



**NOED**

Pamela A. McKay (SBN 7812)  
**MCKAY LAW FIRM, CHTD.**  
8440 W. Lake Mead Blvd., Suite 112  
Las Vegas, NV 89128  
T: 702-835-6956  
F: 702- 835-6957  
pmckay@mckaylawfirmchtd.com

**ATTORNEYS FOR DEFENDANTS THYSSENKRUPP ELEVATOR CORP. AND  
THYSSENKRUPP ELEVATOR MANUFACTURING, INC.**

DISTRICT COURT  
CLARK COUNTY, NEVADA

SCOTT KLUNDER, an individual,  
  
Plaintiff,

vs.

COUNTRY CLUB TOWERES, INC.;  
PROPERTY MANAGEMENT &  
DEVELOPMENT CORP.; OTIS ELEVATOR  
COMPANY; KONE CORPORATION;  
KONE, INC.; THYSSENKRUPP ELEVATOR  
CORPORATION; THYSSENKRUPP  
ELEVATOR MANUFACTURING, INC.;  
DOES I-XX, inclusive and ROE BUSINESS  
ENTITIES I-XX, inclusive,  
  
Defendants.

CASE NO.: A-20-808340-C

DEPT. NO.: 19

**NOTICE OF ENTRY OF DECISION AND ORDER**

///

///

///

///

///

///

1 PLEASE TAKE NOTICE THAT on April 5, 2022 the Court entered an Order Granting  
2 Defendants ThyssenKrupp Elevator Manufacturing, Inc.'s and TK Elevator Corporation fka  
3 ThyssenKrupp Elevator Corporation's Motion for Summary Judgment against Plaintiff, Scott  
4 Klunder in the above-captioned suit, attached hereto as Exhibit A.

5 MCKAY LAW FIRM, CHTD.  
6

7 DATED: April 5, 2022

By /s/ Pamela McKay

8 PAMELA A. MCKAY  
9 Nevada Bar No. 7812  
10 8440 W. Lake Mead Blvd., Ste 112  
11 Las Vegas, NV 89128

12 Attorneys for Defendants  
13 THYSSENKRUPP ELEVATOR CORP. and  
14 THYSSENKRUPP ELEVATOR  
15 MANUFACTURING, INC.  
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Clark County District Court Case No. A-20-808340-C

I hereby certify that on April 5, 2022, a true and correct copy of **NOTICE OF ENTRY OF DECISION AND ORDER** was served by electronic filing via the 8<sup>th</sup> Judicial District Court's electronic service system with the Clerk of the Court and serving the parties' attorney of record on the e-serve list pursuant to Administrative Order 14-2 and Rule 9 of the N.E.F.C.R.

E. Joyce McKay, an employee of  
MCKAY LAW FIRM, CHTD.

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EXHIBIT A



1 **OGSJ**

2 Pamela A. McKay (SBN 7812)  
3 **MCKAY LAW FIRM, CHTD.**  
4 8440 W. Lake Mead Blvd., Suite 112  
5 Las Vegas, NV 89128  
6 T: 702-835-6956  
7 F: 702- 835-6957  
8 pmckay@mckaylawfirmchtd.com

9 **ATTORNEYS FOR DEFENDANTS THYSSENKRUPP ELEVATOR CORP. AND**  
10 **THYSSENKRUPP ELEVATOR MANUFACTURING, INC.**

11 DISTRICT COURT  
12 CLARK COUNTY, NEVADA

13 SCOTT KLUNDER, an individual,

14 Plaintiff,

15 vs.

16 COUNTRY CLUB TOWERES, INC.;  
17 PROPERTY MANAGEMENT &  
18 DEVELOPMENT CORP.; OTIS ELEVATOR  
19 COMPANY; KONE CORPORATION;  
20 KONE, INC.; THYSSENKRUPP ELEVATOR  
CORPORATION; THYSSENKRUPP  
ELEVATOR MANUFACTURING, INC.;  
DOES I-XX, inclusive and ROE BUSINESS  
ENTITIES I-XX, inclusive,

Defendants.

CASE NO.: A-20-808340-C

DEPT. NO.: 19

**ORDER GRANTING DEFENDANTS**  
**THYSSENKRUPP ELEVATOR**  
**CORPORATION'S AND**  
**THYSSENKRUPP ELEVATOR**  
**MANUFACTURING, INC.'S**  
**MOTION FOR SUMMARY**  
**JUDGMENT**

21 Defendants, ThyssenKrupp Elevator Corporation's and ThyssenKrupp Elevator  
22 Manufacturing, Inc.'s (collectively "ThyssenKrupp") Motion for Summary Judgment came on  
23 for hearing on March 3, 2022, before the Honorable Crystal Eller, Judge of the District Court.

24 Pamela A. McKay, Esq. of McKay Law Firm, Chtd. appeared on behalf of ThyssenKrupp,  
25 Stacie L. Brown, Esq. of Ladah Law Firm appeared on behalf of Plaintiff, Scott Klunder, Max E.  
26 Corrick, Esq. of Olson, Cannon Gormley & Stoberski appeared on behalf of Defendants,  
27 Country Club Towers, Inc. and Property Management & Development Corp., Rebecca L.  
28

1 Mastrangelo, Esq. of Rogers, Mastrangelo, Carvalho & Mitchell appeared on behalf of  
2 Defendant, Otis Elevator Company, and Eileen Marks, Esq. of The Marks Law Group, LLP  
3 appeared on behalf of Defendants, Kone Corporation and Kone, Inc.

4 The Court having entertained oral argument and good cause appearing,

5 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

6 **FINDINGS OF FACT:**

- 7 1. On February 14, 2018, Plaintiff, Scott Klunder (“Plaintiff”) resided at the Country Club  
8 Towers, located at 850 E. Desert Inn Rd. in Las Vegas, Nevada (“the Premises”).  
9  
10 2. On February 14, 2018, Plaintiff alleges sustaining injuries when an elevator door closed on  
11 him while he was at the Premises (“the Incident”).  
12  
13 3. Plaintiff stated in the February 16, 2018, Incident report, “The electric ‘eyes’ did not work.  
14 The doors did not retract when they hit me, but trapped me between them.”  
15  
16 4. On January 10, 2020, Plaintiff filed his initial Complaint against Defendant Country Club  
17 Towers, Inc., wherein he alleges, in relevant part:

18 3. That at all times relevant herein, Defendants designated as DOES I through XXX  
19 and ROE BUSINESS ENTITIES I through XXX, in their true capacities, whether  
20 individual, corporate, associate or otherwise of the Defendants named herein are  
21 unknown to Plaintiff who, therefore, sues said Defendants by said fictitious names;  
22 Plaintiff is informed, believes and thereon alleges that each of the Defendants  
23 designated as a DOES I through XXX and ROE BUSINESS ENTITIES I through  
24 XXX are responsible in some manner for the events and happenings referred to  
25 herein, and caused damages proximately to Plaintiff as herein alleged, and Plaintiff  
26 will ask leave of this court to amend this Complaint to insert the true names and  
27 capacities of DOES I through XXX and ROE BUSINESS ENTITIES I through  
28 XXX, when the same have been ascertained and to join such Defendants in this  
action.

\*\*\*

5. At all times relevant hereto, particularly on or about February 14, 2018,  
Defendants, and each of them, either owned, managed, controlled, maintained, or  
in some other way were in charge of the premises, located at 850 E. Desert Inn Rd.,  
Las Vegas, NV, County of Clark, State of Nevada (hereinafter “the subject  
premises”).

///

1 6. At all times relevant hereto, Defendants were the agents, servants, and  
2 employees of each and every other Defendant and were acting within the course  
3 and scope of said employment and agency.

4 7. At all times relevant hereto, Defendants were the owners, operators, managers,  
5 controllers, inspectors, supervisors and/or controllers of the subject premises and  
6 of the common areas of the subject premises.

7 8. At all times relevant hereto, Plaintiff was an invitee and guest of Defendants and  
8 was legally upon its premises.

9 \* \* \*

10 11. At all times relevant hereto, Defendants and their employee(s) failed to erect  
11 the proper warning signs to indicate a dangerous and/or hazardous condition  
12 existed on the subject premises.

13 \* \* \*

14 5. The Complaint contained causes of action for negligence, negligent hiring, training,  
15 supervision and policies/procedures and res ipsa loquitur based on the above allegations.

16 6. Plaintiff did not propound written discovery regarding the alleged deficient elevator  
17 “electric eye” before filing his First Amended Complaint.

18 7. On February 3, 2020, Plaintiff filed his First Amended Complaint, wherein he added  
19 Defendants Otis Elevator Company, Kone Corporation, and Kone, Inc. to the suit.

20 8. In relevant part, the First Amended Complaint contains the same Doe/Roe allegations as  
21 alleged in the Initial Complaint, and Plaintiff alleges causes of action for negligence, negligent  
22 hiring, training, supervision and policies/procedures and res ipsa loquitur.

23 9. On June 3, 2021, Plaintiff filed a Second Amended Complaint. This pleading contains new  
24 factual allegations regarding ThyssenKrupp and alleges a new cause of action for products  
25 liability in addition to the same causes of action as in Plaintiff’s prior complaints.

26 10. The Second Amended Complaint alleges, in relevant part:

27 37. At all times relevant hereto, Defendants THYSSENKRUPP ELEVATOR  
28 CORPORATION and THYSSENKRUPP ELEVATOR MANUFACTURING  
[sic], INC. were the manufacturers, designs [sic], distributors, retailers,  
marketers, sellers, or otherwise owners of a Swift Controller installed and  
fitted into the subject elevator.

///

1 39. As Plaintiff entered the elevator, upon information and belief, the Swift  
2 Controller had an unexpected and dangerous malfunction, which caused  
3 or contributed to the door abruptly closing on Plaintiff, resulting in serious  
physical injury.

\* \* \*

4 41. At all times relevant hereto, the Swift Controller at issue provided, produced,  
5 manufactured, designed, sold and/or distributed by Defendant  
6 THYSSENKRUPP ELEVATOR CORPORATION and THYSSENKRUPP  
7 ELEVATOR MANUFATORING [sic], INC., which was fitted into the  
subject elevator, was defective in its design and/or manufacture and/or  
8 lacked proper warning, causing the elevator at issue to be unreasonable  
dangerous for its intended use.

9 42. Defendants THYSSENKRUPP ELEVATOR CORPORATION and  
10 THYSSENKRUPP ELEVATOR MANUFATORING [sic], INC.:

- 11 a. Failed to reasonably and safely design, assemble, and/or manufacture  
12 the Swift Controller at issue to prevent the subject elevator from  
malfunctioning;  
13 b. Failed to reasonably and safely design, assemble, and/or manufacture  
14 the Swift Controller to protect those from the hazardous effects of the  
foreseeable consequence of the elevator malfunctioning;  
15 c. Failed to reasonably and safely design assemble, manufacture, test,  
16 calibrate, and/or install the Swift Controller into the subject elevator;  
17 d. Failed to reasonably and safely design, assemble, test, manufacture the  
Swift Controller to comply with applicable state and federal regulations;  
18 e. Failed to reasonably and safely design, assemble, test, manufacture the  
Swift Controller so that it would not malfunction and cause injury to  
19 individuals;  
20 f. It was reasonably foreseeable to the Defendants that the Swift Controller  
could malfunction and thus the Defendants needed to set up proper safety  
21 mechanisms, including, but not limited to, replacement of the Swift  
Controller with a newer and safer design or model.

\* \* \*

22 11. On July 8, 2021, Plaintiff served ThyssenKrupp with the summons and Second Amended  
23 Complaint, which is one year and 3 ½ months after the 2-year statute of limitations for personal  
24 injury suits expired.

25 12. ThyssenKrupp was never advised of Plaintiff's accident and did not know about this suit  
26 until it was served with a summons and the Second Amended Complaint.

27 13. ThyssenKrupp never owned, managed, controlled, maintained or was in charge of the  
28 Premises at any time.

1 14. ThyssenKrupp answered the Second Amended Complaint and asserted, in relevant part,  
2 the affirmative defense of the statute of limitations.

3 CONCLUSIONS OF LAW

4 1. N.R.C.P. 56 provides that the Court shall grant summary judgment upon a showing by the  
5 movant that there is no genuine dispute as to any material fact and that the movant is entitled to  
6 judgment as a matter of law.

7 2. Although all pleadings and evidence must be construed in a light most favorable to the  
8 non-moving party, the non-moving party must do more than simply show that there is some  
9 metaphysical doubt as to the operative facts in order to avoid summary judgment. The non-  
10 moving party “is not entitled to build a case on the gossamer threads of whimsy, speculation, and  
11 conjecture/” *Wood v. Safeway, Inc.*, 121 Nev. 724, 731, 121 P.3d 1026 (2005), citing *Pegasus v.*  
12 *Reno Newspapers, Inc.*, 118 Nev. 706, 713-14, 57 P.3d 82 (2002).

13 3. The statute of limitations for personal injury is two years from the accrual of the cause of  
14 action. NRS 11.190(4)(e). A cause of action accrues when the wrong occurs and the party  
15 sustains injuries for which relief could be sought.” *Petersen v. Bruen*, 106 Nev. 271, 274 (1990).  
16 The Court “look[s] at the substance of the claims, not just the labels used in the . . . complaint.”  
17 *Nevada Power Co., v. Eighth Judicial Dist. Court*, 120 Nev. 948, 960 (2004). The Court finds  
18 that Plaintiff’s Second Amended Complaint seeking damages from ThyssenKrupp for the  
19 February 14, 2018 Incident is barred pursuant to NRS 11.190(4)(e) as a matter of law.

20 4. Plaintiff asserted that N.R.C.P. 15(c) applies to prevent the 2-year statute of limitations  
21 from applying to his Second Amended Complaint. Under N.R.C.P. 15(c), an amended pleading  
22 filed after the statute of limitations relates back when “the proper defendant (1) received actual  
23 notice of the action; (2) knows that it is the proper party; and (3) has not been misled to its  
24 prejudice by the amendment.” *Costello v. Casler*, 127 Nev. 436, 440-41 (2011). The Court finds  
25 the undisputed facts demonstrate ThyssenKrupp has not been misled to its prejudice by the  
26 amendment, but finds it neither had actual notice of this suit before the statute of limitations  
27 expired nor knew or should have known that it is a proper party to the suit. Therefore, the  
28

undisputed facts demonstrate Plaintiff's Second Amended Complaint does not relate back to the date of the initial complaint under N.R.C.P. 15(c).

5. Furthermore, Plaintiff alleges new facts and a new theory of liability against ThyssenKrupp in the Second Amended Complaint. The allegations in Plaintiff's initial complaint were based in premises liability. However, the Second Amended Complaint alleges liability against ThyssenKrupp based in products liability for an alleged defective SWIFT Controller. Pursuant to *Nelson v. City of Las Vegas*, 99 Nev. 548, 556, 665 P.2d 1141 (1983), amendments under N.R.C.P. 15(c) are limited to theories of liability alleged in the initial complaint against a new defendant. "Where an amendment states a new cause of action that describes a new and entirely difference source of damages, the amendment does not relate back, as the opposing party has not been put on notice concerning the facts in issue. *Ibid*. Therefore, the Motion for Summary Judgment is granted on this ground, as well.

6. Plaintiff also asserted N.R.C.P. Rule 10 applies to allow ThyssenKrupp to be added to the Second Amended Complaint as a Roe defendant. Pursuant to *Nurenberger Hercules-Werke GMBH v. Virotek*, 107 Nev. 873, 881, 822 P.2d 1100, 1106 (Nev. 1991) (abrogated on other grounds by *Costello v. Casler*, 254 P.3d 631 (Nev. 2011), a plaintiff is required to (a) plead fictitious or doe defendants in the caption of the complaint; (b) plead the basis for naming defendants by other than their true identity, and clearly specifying the connection between the intended defendants and the conduct, activity, or omission upon which the cause of action is based; and (c) exercise reasonable diligence in ascertaining the true identity of the intended defendants and promptly moving to amend the complaint in order to substitute the actual for the fictional. *Ibid*.

Plaintiff satisfied the first prong by naming Doe individuals and Roe corporations in his initial complaint.

With regard to the second prong, Plaintiff failed to "clearly specify the connection between the intended defendants and the conduct . . . upon which the cause of action is based." *Ibid*. This status is demonstrated by Plaintiff only alleging the Doe and Roe defendants "are responsible in some manner for the events and happenings referred to herein, and caused damages proximately

1 to Plaintiff . . . .” (Second Amended Complaint, ¶ 3. ) This broad allegation fails to specify what  
2 events or happenings were taken by the Doe/Roe defendants when the accident happened, and is  
3 an insufficient “precautionary measure.” *Nurenberger, supra*, 822 P.2d at 1105.

4 In order to satisfy the third prong of the *Nurenberger* test, a plaintiff must exercise reasonable  
5 diligence to determine the true identity of the intended defendants. *Nurenberger, supra*, 822 P.2d  
6 at 1106. “The reasonable diligence requirement is intended to guard against the abuse of Doe and  
7 Roe defendants as placeholders during the commencement of litigation and ‘was not intended to  
8 reward indolence or lack of diligence by giving plaintiffs an automatic method of circumventing  
9 statutes of limitations.” *Sparks v. Alpha Tau Omega Fraternity, Inc.*, 255 P.3d 238, 243 (Nev.  
10 2011), quoting *Nurenberger*, 822 P.2d at 1105. A plaintiff “must *proactively* seek to identify  
11 unknown defendants.” *Sparks, supra*, 255 P.3d at 243.

12 The Nevada Supreme instructs that courts making this determination should consider  
13 “whether the party unreasonably delayed amending the pleadings to reflect the true identity of a  
14 defendant once it became known; whether the plaintiff utilized judicial mechanisms such as  
15 discovery to inquire into a defendant’s true identity; and whether a defendant concealed its  
16 identity or otherwise obstructed the plaintiff’s investigation.” *Ibid*.

17 Plaintiff offers no evidence that he was proactive and exercised reasonable diligence;  
18 especially when he states the day of his accident that he suspected the “electric eye” contributed  
19 and/or caused the elevator doors to close on him.

20 The Court also finds Plaintiff offers no evidence that ThyssenKrupp concealed or obstructed  
21 Plaintiff’s efforts to discover its identity or involvement. Plaintiff admits in his Incident report  
22 that he suspected the “electric eyes” caused or contributed to his accident. This admission placed  
23 him on notice that the manufacturer of this part should be considered a defendant; yet, he failed  
24 to allege this required information in the initial complaint. The evidence demonstrates Plaintiff  
25 waited over one year before he began identifying Roe defendants. If Plaintiff believed there was  
26 a real potential of other entities to be included as defendants he should not have waited so long  
27 after the expiration of the statute of limitations to begin identifying them. Consequently, Plaintiff  
28 cannot satisfy the third prong of the *Nurenberger* test, and N.R.C.P. 10 does not apply to prevent

1 the 2-year statute of limitations from applying to preclude Plaintiff's Second Amended  
2 Complaint against ThyssenKrupp.

3 BASED UPON the foregoing,

4 IT IS HEREBY ORDERED, ADJUDGED and DECREED THAT ThyssenKrupp's Motion  
5 for Summary Judgment is GRANTED.

Dated this 5th day of April, 2022

6   
7 DISTRICT JUDGE

8 Submitted by:  
9 MCKAY LAW FIRM, CHTD.  
10 /s/ Pamela McKay, Esq.

39B E7E 4627 732B  
Crystal Eller  
District Court Judge

11 Pamela A. McKay (SBN 7812)  
12 Attorneys for Defendants ThyssenKrupp Elevator Corporation and  
13 ThyssenKrupp Elevator Manufacturing, Inc.

14 APPROVED AS TO FORM AND CONTENT:  
15 LADAH LAW FIRM  
16 [no response]

17 Stacie L. Brown, Esq. (SBN 14174)  
18 Attorneys for Plaintiff Scott Klunder

19 OLSON CANNON GORMLEY & STOBBERKSI  
20 Max E. Corrick, II, Esq.

21 Max E. Corrick, II, Esq. (SBN 6609)  
22 Attorneys for Defendants Country Club Towers, Inc. and  
23 Property Management & Development Corp.

24 ROGERS MASTRANGELO CARVALHO & MITCHELL  
25 Rebecca Mastrangelo, Esq.

26 Rebecca Mastrangelo, Esq. (SBN 5417)  
27 Attorneys for Defendant Otis Elevator Company

28 THE MARKS LAW GROUP, LLP  
Eileen M. Marks, Esq.

Eileen M. Marks, Esq. (SBN 5708)  
Attorneys for Defendants Kone Corporation and Kone, Inc.



## Pam McKay

---

**From:** Pam McKay  
**Sent:** Wednesday, March 30, 2022 9:56 AM  
**To:** Eileen M. Marks; Rebecca Mastrangelo; Stacie Brown; Max Corrick  
**Subject:** RE: Klunder v. Country Club Towers , Inc. et al.

Thank you, Eileen.

Very truly yours,

Pamela A. McKay, Esq.  
MCKAY LAW FIRM CHTD.  
8440 West Lake Mead Blvd., Ste. 112  
Las Vegas, NV 89128  
T: 702.835.6956, ext. 24  
F: 702.835.6957  
C: 702.683.0579

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---

**From:** Eileen M. Marks <emarks@markslg.com>  
**Sent:** Tuesday, March 29, 2022 9:18 PM  
**To:** Pam McKay <pmckay@mckaylawfirmchtd.com>; Rebecca Mastrangelo <rmastrangelo@rmcmlaw.com>; Stacie Brown <Stacie@ladahlaw.com>; Max Corrick <mcorrick@ocgas.com>  
**Subject:** Re: Klunder v. Country Club Towers , Inc. et al.

You have my authority to submit this proposed Order with my electronic signature. Thanks.

**Eileen M. Marks, Esq.**  
*The Marks Law Group, LLP*  
1120 N. Town Center Drive, Suite 200  
Las Vegas, NV 89144  
[emarks@markslg.com](mailto:emarks@markslg.com)  
Office: 702-341-7870  
Fax: 702-341-8049

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On 3/29/2022 4:55 PM, Pam McKay wrote:

Thank you, Rebecca. Correction made.

Very truly yours,

Pamela A. McKay, Esq.  
MCKAY LAW FIRM CHTD.  
8440 West Lake Mead Blvd., Ste. 112  
Las Vegas, NV 89128  
T: 702.835.6956, ext. 24  
F: 702.835.6957  
C: 702.683.0579

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---

**From:** Rebecca Mastrangelo <[rmastrangelo@rmcmlaw.com](mailto:rmastrangelo@rmcmlaw.com)>  
**Sent:** Tuesday, March 29, 2022 4:45 PM  
**To:** Pam McKay <[pmckay@mckaylawfirmchtd.com](mailto:pmckay@mckaylawfirmchtd.com)>; Stacie Brown <[Stacie@ladahlaw.com](mailto:Stacie@ladahlaw.com)>; Max Corrick <[mcorrick@ocgas.com](mailto:mcorrick@ocgas.com)>; [emarks@markslg.com](mailto:emarks@markslg.com)  
**Subject:** RE: Klunder v. Country Club Towers , Inc. et al.

Hi Pam,

Can you please correct Otis' name on my signature block. It should be Otis Elevator Company (not Corporation).

With that correction, you can affix my e signature.

Thank you.  
Rebecca

---

**From:** Pam McKay <[pmckay@mckaylawfirmchtd.com](mailto:pmckay@mckaylawfirmchtd.com)>  
**Sent:** Monday, March 28, 2022 5:23 PM  
**To:** Stacie Brown <[Stacie@ladahlaw.com](mailto:Stacie@ladahlaw.com)>; Max Corrick <[mcorrick@ocgas.com](mailto:mcorrick@ocgas.com)>; Rebecca Mastrangelo <[rmastrangelo@rmcmlaw.com](mailto:rmastrangelo@rmcmlaw.com)>; [emarks@markslg.com](mailto:emarks@markslg.com)  
**Subject:** Klunder v. Country Club Towers , Inc. et al.

Counsel,

Attached is a proposed Order granting TK's Motion for Summary Judgment. Please advise of authority to use your e-signature by Friday, April 1, 2020. If I do not receive a response by that date, the attached will be submitted to the Court. Thank you.

Very truly yours,

Pamela A. McKay, Esq.  
MCKAY LAW FIRM CHTD.  
8440 West Lake Mead Blvd., Ste. 112  
Las Vegas, NV 89128  
T: 702.835.6956, ext. 24  
F: 702.835.6957  
C: 702.683.0579

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1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 Scott Klunder, Plaintiff(s)

CASE NO: A-20-808340-C

7 vs.

DEPT. NO. Department 19

8 Country Club Towers, Inc.,  
9 Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

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

15 Service Date: 4/5/2022

16 James Olson

chartle@ocgas.com

17 Max Corrick

mcorrick@ocgas.com

18 Jane Hollingsworth

jhollingsworth@ocgas.com

19 Eileen Marks

efile@markslg.com

20 Pamela McKay

pmckay@mckaylawfirmchtd.com

21 RMCM LAW FIRM

rmcmfiling@rmcmlaw.com

22 Ramzy Ladah, Esq.

litigation@ladahlaw.com

23 Bonnie McKay

bmckay@mckaylawfirmchtd.com

24 E. McKay

jmckay@mckaylawfirmchtd.com

25 Eileen Marks

markslglv@gmail.com

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27  
28

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|                  |  |
|------------------|--|
| Bradley Johnston | <a href="mailto:bjohnston@cavanaghlaw.com">bjohnston@cavanaghlaw.com</a> |
| Rebecca Lopez    | <a href="mailto:becky@ladahlaw.com">becky@ladahlaw.com</a>               |
| Jennifer Scott   | <a href="mailto:jscott@cavanaghlaw.com">jscott@cavanaghlaw.com</a>       |
| Levi Claridge    | <a href="mailto:lclaridge@cavaghlaw.com">lclaridge@cavaghlaw.com</a>     |
| Stacie Brown     | <a href="mailto:stacie@ladahlaw.com">stacie@ladahlaw.com</a>             |

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Premises Liability**

**COURT MINUTES**

**May 07, 2020**

---

A-20-808340-C      Scott Klunder, Plaintiff(s)  
vs.  
Country Club Towers, Inc., Defendant(s)

---

**May 07, 2020      11:00 AM      Mandatory Rule 16  
Conference**

**HEARD BY:** Scotti, Richard F.      **COURTROOM:** RJC Courtroom 03B

**COURT CLERK:** Elizabeth Vargas

**RECORDER:** Brittany Amoroso

**REPORTER:**

**PARTIES**

**PRESENT:**      Corrick, Max E      Attorney  
                 Mastrangelo, Rebecca L.      Attorney

**JOURNAL ENTRIES**

- Anne Padgett, Esq. present on behalf of Defendants Kone Inc. and Kone Corporation, and Carl Houston, Esq. present on behalf of Plaintiff. Counsel stated they had good communication with their clients, a settlement conference was not necessary at this time, and there were no new motions or disclosures. COURT ORDERED, trial date SET; Pretrial Memorandum due August 30, 2021.

8/23/21 8:45 AM PRE TRIAL CONFERENCE

9/7/21 8:45 AM CALENDAR CALL

9/13/21 10:00 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Premises Liability**

**COURT MINUTES**

**May 03, 2021**

---

A-20-808340-C      Scott Klunder, Plaintiff(s)  
vs.  
Country Club Towers, Inc., Defendant(s)

---

**May 03, 2021      3:00 AM      Motion for Leave**

**HEARD BY:** Eller, Crystal      **COURTROOM:** Chambers

**COURT CLERK:** Cynthia Moleres

**RECORDER:**

**REPORTER:**

**PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- The Court GRANTS Plaintiff's Motion for Leave to File an Amended Complaint as unopposed, pursuant to EDCR 2.20. Plaintiff is directed to prepare and submit the proposed Order, pursuant to AO 21-03, to DC19Inbox@clarkcountycourts.us within fourteen (14) calendar days.

CLERK'S NOTE: This Minute Order was electronically served to all registered parties for Odyssey File & Serve. clm 05/04/21

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Premises Liability**

**COURT MINUTES**

**November 16, 2021**

---

A-20-808340-C      Scott Klunder, Plaintiff(s)  
vs.  
Country Club Towers, Inc., Defendant(s)

---

**November 16, 2021      9:00 AM      Motion to Continue Trial**

**HEARD BY:** Eller, Crystal      **COURTROOM:** RJC Courtroom 03E

**COURT CLERK:** Cynthia Moleres

**RECORDER:** Brittany Amoroso

**REPORTER:**

**PARTIES**

**PRESENT:**      Bayramoglu, Nihat D,      Attorney  
Corrick, Max E      Attorney  
McKay, Pamela A.      Attorney  
Michalek, Charles A.      Attorney  
Najjar, Alia A      Attorney

**JOURNAL ENTRIES**

- Counsel appeared via BlueJeans.

COURT NOTED good cause existed and ORDERED, motion GRANTED, further noting the Dispositive Motions and Motions in Limine due: 07/08/22, Pre-Trial Memorandums due: 08/22/22 and TRIAL SET, noting no scheduling order would be issued.

08/15/22 8:45 A.M. PRE-TRIAL CONFERENCE

08/22/22 8:45 A.M. CALENDAR CALL

09/06/22 10:00 A.M. JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Negligence - Premises Liability**

**COURT MINUTES**

**March 23, 2022**

---

A-20-808340-C      Scott Klunder, Plaintiff(s)  
vs.  
Country Club Towers, Inc., Defendant(s)

---

**March 23, 2022      10:30 AM      Motion for Summary  
Judgment**

**HEARD BY:** Eller, Crystal

**COURTROOM:** RJC Courtroom 05A

**COURT CLERK:** Cynthia Moleres

**RECORDER:** Brittany Amoroso

**REPORTER:**

**PARTIES**

**PRESENT:**      Brown, Stacie L.      Attorney  
Corrick, Max E      Attorney  
Mastrangelo, Rebecca L.      Attorney  
McKay, Pamela A.      Attorney

**JOURNAL ENTRIES**

- Counsel excluding Ms. McKay, Esq. appeared via BlueJeans.

Arguments by Ms. McKay regarding the merits of and by Ms. Brown in opposition to the motion.  
COURT stated its findings and ORDERED, motion GRANTED. Ms. McKay to prepare the order.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

**RAMZY PAUL LADAH, ESQ.**  
**517 S. THIRD ST.**  
**LAS VEGAS, NV 89101**

**DATE: April 26, 2022**  
**CASE: A-20-808340-C**

**RE CASE:** SCOTT KLUNDER vs. COUNTRY CLUB TOWERS, INC.; PROPERTY MANAGEMENT & DEVELOPMENT CORP.; OTIS ELEVATOR COMPANY; KONE CORPORATION; THYSSENKRUPP ELEVATOR CORPORATION; THYSSENKRUPP ELEVATOR MANUFACTURING, INC.

NOTICE OF APPEAL FILED: April 22, 2022

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
  - *Previously paid Bonds are not transferable between appeals without an order of the District Court.*
- ☐ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

---

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

***Please refer to Rule 3 for an explanation of any possible deficiencies.***

---

***\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING DEFENDANTS THYSSENKRUPP ELEVATOR CORPORATION'S AND THYSSENKRUPP ELEVATOR MANUFACTURING, INC.'S MOTION FOR SUMMARY JUDGMENT; NOTICE OF ENTRY OF DECISION AND ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

SCOTT KLUNDER,

Plaintiff(s),

vs.

COUNTRY CLUB TOWERS, INC.;  
PROPERTY MANAGEMENT &  
DEVELOPMENT CORP.; OTIS ELEVATOR  
COMPANY; KONE CORPORATION;  
THYSSENKRUPP ELEVATOR  
CORPORATION; THYSSENKRUPP  
ELEVATOR MANUFACTURING, INC.,

Defendant(s),


Case No: A-20-808340-C

Dept No: XIX

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 26 day of April 2022.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk

