

IN THE SUPREME COURT OF THE STATE OF NEVADA

LANDS, INC. dba SPRINGSTONE
LAKES MONTESSORI SCHOOL and
SPRINGLANDS LLC

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA
ex rel. THE COUNTY OF CLARK, AND
THE HONORABLE TARA CLARK
NEWBERRY,

Respondent.

JASMIN LAUDIG, a minor, by and
through her father, JOHN LAUDIG,

Real Party In Interest.

Electronically Filed
May 24 2022 04:03 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
Supreme Court No. _____
District Court Case No. _____
A-20-808230-C

PETITIONERS' APPENDIX VOLUME 2 of 4

Karie N. Wilson, Esq. (NBN: 7957)
Tiffanie Bittle, Esq. (NBN:15179)
ALVERSON TAYLOR & SANDERS
6605 Grand Montecito Pkwy., Ste. 200
Las Vegas, Nevada 89149
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*Attorneys for Petitioners Lands, Inc. dba springstone
Lakes Montessori School and Springlands LLC*

Petitioner's Appendix Volume 1

<u>Exhibit #</u>	<u>Title of Document</u>	<u>Page Numbers</u>
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Exhibit B	Plaintiff's Motion for Partial Summary Judgment – Filed February 23, 2012	11-105
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Petitioner's Appendix Volume 2

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EXHIBIT D



JORDAN P. SCHNITZER, ESQ.
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Electronically Filed
5/17/2022 5:50 PM
Steven D. Grierson
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

JASMIN LAUDIG a minor, by and through
her father, JOHN LAUDIG, an individual;

Plaintiff,

vs.

LANDS, INC., dba SPRINGSTONE LAKES
MONTESSORI SCHOOL, a domestic
corporation; SPRINGLANDS LLC, a domestic
limited liability corporation; DOES 1 through
10, and ROE CORPORATIONS 1 through 20,
inclusive,

Defendants.

Case No.: A-20-808230-C


Dept. No.: 21

NOTICE OF ENTRY OF ORDER ON
PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT

PLEASE TAKE NOTICE that on the 17th day of May 2022, an Order on Plaintiff's Motion For Partial Summary Judgment was entered. A true and correct copy of the Order on Plaintiff's Motion For Partial Summary Judgment was filed on the 16th day of May 2022, is attached hereto and incorporated herein by the reference.

DATED this 17th day of May 2022.

THE SCHNITZER LAW FIRM

BY: 
JORDAN P. SCHNITZER, ESQ.
Nevada Bar No. 10744
9205 West Russell Road, Suite 240
Las Vegas, Nevada 89148
Attorney for Plaintiff

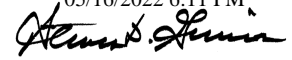


1 **CERTIFICATE OF SERVICE**

2 In accordance with Rule 9 of the N.E.F.C.R., I, the undersigned hereby certify that on the
3 17th day of May 2022, I served a true and correct copy of the foregoing **NOTICE OF ENTRY**
4 **OF ORDER ON PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT** to
5 the above-entitled Court for electronic service upon the Court's Service List to the following
6 counsel:

7
8 J. BRUCE ALVERSON, ESQ.
Nevada Bar No. 1339
9 KARIE N. WILSON, ESQ.
Nevada Bar No. 7957
10 ALVERSON TAYLOR & SANDERS
6605 Grand Montecito Pkwy, Ste. 200
11 Las Vegas, NV 89149
12 *Attorneys for Defendants*

13
14
15 An employee of
16 THE SCHNITZER LAW FIRM
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CLERK OF THE COURT

JORDAN P. SCHNITZER, ESQ.
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Facsimile: (702) 960-4092
Jordan@TheSchnitzerLawFirm.com
Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

JASMIN LAUDIG a minor, by and through
her father, JOHN LAUDIG, an individual;

Case No.: A-20-808230-C

Dept. No.: 21

Plaintiff,

vs.

LANDS, INC., dba SPRINGSTONE LAKES
MONTESSORI SCHOOL, a domestic
corporation; SPRINGLANDS LLC, a domestic
limited liability corporation; DOES 1 through
10, and ROE CORPORATIONS 1 through 20,
inclusive,

Defendants.

ORDER REGARDING PLAINTIFF'S

MOTION FOR PARTIAL SUMMARY JUDGMENT

The above-captioned matter having come on for hearing pursuant to the Plaintiff's Motion For Partial Summary Judgment on April 27, 2022, before District Court Judge, The Honorable Tara Clark Newberry, with Jordan P. Schnitzer, Esq. appearing for Plaintiff and Tiffanie Bittle, Esq. appearing for Defendants, this Court having reviewed the pleadings and considered oral argument of the parties and being fully advised in the premises and good cause appearing therefore, makes the following findings of fact, conclusions of law and Orders as follows:

I. FINDINGS OF FACT

1. Plaintiff alleges she fell while playing with other kids near a fence gate surrounding the recess area where there was a sharp, pointed part that pierced Plaintiff's cheek.



2. Plaintiff timely disclosed the treating providers as experts who will testify regarding the past and future medical bills being reasonable and customary, as well as the treatment being related to the subject crash, which is also partially reflected in the medical records.

3. The emergency room physician related his treatment and necessary and related to the incident during his deposition.

4. The following past medical bills and associated records were disclosed, each documenting causation related to the subject crash:

1. Shadow Emergency Physicians, PLLC \$ 1,532.00

2. Summerlin Hospital \$ 522.00

TOTAL: \$ 2,054.00

5. The following future medical specials were also disclosed as reasonable and customary:

Dr. W. Tracy Hankins at Hankins and Sohn Plastic Surgery Associates recommended a surgical revision of her initial wound due to the animation deformity. This would need to be performed under general anesthesia, and the costs for this surgery, including surgery center, anesthesia, surgeon's fees and all follow-up care would be \$13,800.00.

6. Defendant did not disclose any expert to dispute the necessity or amount of the medical treatment and bills.

7. The expert deadline expired on July 20, 2021.

II. CONCLUSIONS OF LAW

1. Summary Judgment is appropriate when the pleadings, depositions, answers to interrogatories, admissions and affidavits, if any, that are properly before the Court demonstrate that no genuine issue of material fact exist, and the moving party is entitled to judgment as a matter of law. *Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 713, 57 P.3d 82, 87 (2002).

2. Substantive law controls whether factual disputes are material and will preclude summary judgment; other factual disputes are irrelevant. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 106 S.Ct. 2505, 91 L.Ed.2d 202 (1986).

- 1 3. A genuine issue of material fact is one where the evidence is such that a reasonable
- 2 jury could return a verdict for the non-moving party. *Valley Bank v. Marble*, 105
- 3 Nev. 366, 367, 775 P.2d 1278, 1282 (1989).
- 4 4. The Nevada Supreme Court has held that the non-moving party may not defeat a
- 5 Motion for Summary Judgment by relying “on gossamer threads of whimsy,
- 6 speculation and conjecture.” *Wood v. Safeway*, 121 Nev. 724, 732, 121 P.3d 1026,
- 7 1031 (2005).
- 8 5. The Nevada Supreme Court has also made it abundantly clear when a Motion for
- 9 Summary Judgment is made and supported as required by Nevada Rule of Civil
- 10 Procedure 56, the non-moving party must not rest upon general allegations and
- 11 conclusions, but must by affidavit or otherwise set forth specific facts
- 12 demonstrating the existence of a genuine factual issue. *Id.*
- 13 6. The pleadings and proof offered in a Motion for Summary Judgment are construed
- 14 in the light most favorable to the non-moving party. *Hoopess v. Hammargren*, 102
- 15 Nev. 425, 429, 725 P.2d 238, 241 (1986).
- 16 7. However, the non-moving party still “bears the burden to ‘do more than simply
- 17 show that there is some metaphysical doubt’ as to the operative facts in order to
- 18 avoid summary judgment being entered.” *Wood*, 121 Nev. at 732, 121 P.3d at
- 19 1031.
- 20 8. The non-moving party bears the burden to set forth specific facts demonstrating the
- 21 existence of a “genuine” issue for trial or have summary judgment entered against
- 22 him. *Collins v. Union Federal Savings & Loan*, 99 Nev. 284, 294, 662 P.2d 610,
- 23 618-619 (1983).
- 24 9. When there is no genuine issue of material fact and the non-moving party provides
- 25 no admissible evidence to the contrary, summary judgment is “mandated.” *Celotex*
- 26 *Corp. v. Catrett*, 477 US 317, 322 (1986).
- 27 10. The Nevada Supreme Court, in the recent May 31, 2019, opinion of *Didier v.*
- 28 *Sotolongo* provided the following analysis of this exact scenario. It stated the

It follows that where a plaintiff presents an expert opinion establishing causation and damages for a subjective injury to a reasonable degree of medical probability, **the defendant must thereafter provide an expert opinion that would tend to rebut the plaintiff's position. Stated another way, a defendant may not rely on layperson testimony to rebut an expert's opinion establishing causation for the injury and damages.**

Didier v. Sotolongo, 76289, 2019 WL 2339970, at *2 (Nev. May 31, 2019), unpublished (emphasis added).

In *Didier*, the trial court found the Plaintiff had established causation and damages as a matter of law with regard to certain medical treatment and costs because the Defendant presented no expert evidence to contradict the testimony of the plaintiff's treating doctors. On appeal, the Nevada Supreme Court affirmed the decision.

11. Similarly here, Plaintiff has established medical causation and the reasonableness and customary nature for her **past** treatment and injury. Plaintiff has also established the necessity and reasonableness and customary nature of **past and future medical specials**. Further, Defendant has not produced any expert testimony to the contrary.

12. As a result, partial summary judgment as requested must be granted.

III. ORDER

It is therefore ordered that the Motion is GRANTED. Partial Summary Judgment is granted in favor of Plaintiff as to:

1. Causation of past medical specials to the incident;
2. Reasonableness and customary nature of past medical specials in the amount of \$2,054.00;
3. Causation of future medical specials to the incident; and
4. Reasonableness and customary nature of future medical specials in the amount of \$13,800.00.

//

//



1 This Order does not preclude Defendants from arguing the duty and breach elements of
2 negligence. Similarly, this Order makes no findings as to general damages.

3 **IT IS SO ORDERED.**

Dated this 16th day of May, 2022

4 

5 DISTRICT COURT JUDGE

6 **71A DF7 A5CC 002F**

7 **Tara Clark Newberry**

8 **District Court Judge**

9 DATED this 16 day of May 2022.

DATED 16 this day of May 2022.

10 Respectfully Submitted by:

Approved as to Form and Content:

11 THE SCHNITZER LAW FIRM

ALVERSON TAYLOR & SANDERS

12 BY: /s/ Jordan P. Schnitzer, Esq.

BY: /s/ Tiffanie Bittle, Esq.

13 JORDAN P. SCHNITZER, ESQ.

KARIE N. WILSON, ESQ.

14 Nevada Bar No. 10744

Nevada Bar No. 7957

15 9205 W. Russell Road, Suite 240

TIFFANIE BITTLE, ESQ.

16 Las Vegas, Nevada 89148

Nevada Bar. No. 15179

17 *Attorneys for Plaintiff*

6605 Grand Montecito Pkwy, Ste. 200

Las Vegas, NV 89149

Attorneys for Defendant

RE: Laudig v. Lands Inc. Case No.: A-20-808230-C Orders on MILs, Motion to Strike and SAO on MILS

Tiffanie Bittle <TBittle@AlversonTaylor.com>

Mon 5/16/2022 1:33 PM

To: Melisa Gabhart <Melisa@TheSchnitzerLawFirm.com>

Cc: Jordan Schnitzer <Jordan@TheSchnitzerLawFirm.com>; Karie Wilson <KWilson@AlversonTaylor.com>

That is correct. You may file with my e-signature on the Orders for the MSJs, MILs, and MTS.

Thank you,

Tiffanie Bittle, Esq. |

Alverson Taylor & Sanders

702.384.7000 | alversontaylor.com

From: Melisa Gabhart <Melisa@TheSchnitzerLawFirm.com>

Sent: Monday, May 16, 2022 1:28 PM

To: Tiffanie Bittle <TBittle@AlversonTaylor.com>

Cc: Jordan Schnitzer <Jordan@TheSchnitzerLawFirm.com>; Karie Wilson <KWilson@AlversonTaylor.com>

Subject: Re: Laudig v. Lands Inc. Case No.: A-20-808230-C Orders on MILs, Motion to Strike and SAO on MILS

Hello-

Just to clarify on your previous email as to the Orders on MSJ's your granted permission for the use of your e-signature once the correction of your name was made. I wanted to confirm that on the Orders on Motions in Limine and Motion to Strike, you also grant permission for the use of your e-signature, as the spelling of your name was corrected on those Orders as well. Please see the attached Orders.

This would leave the SAO on MILs for Karie to review?

If this is incorrect, please let me know. If you grant permission for the use of your e-signature on the Orders on MSJs, MILs, and MTS, we will go ahead and get them filed with the Court.

Sincerely,

Melisa Gabhart

Paralegal to Jordan P. Schnitzer, Esq.



TheSchnitzerLawFirm.com

Tel 702.960.4050 | Fax 702.960.4092

Email Melisa@TheSchnitzerLawFirm.com

9205 West Russell Road | Suite 240 | Las Vegas, Nevada 89148

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Jasmin Laudig, Plaintiff(s)

CASE NO: A-20-808230-C

7 vs.

DEPT. NO. Department 21

8 Lands Inc., Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 5/16/2022

15 Jordan Schnitzer jordan@theschnitzerlawfirm.com

16 Copy Room efile@alversontaylor.com

17 Karie Wilson kwilson@alversontaylor.com

18 Melisa Gabhart melisa@theschnitzerlawfirm.com

19 Olivia Bivens Olivia@TheSchnitzerLawFirm.com

EXHIBIT E



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2 Nevada Bar No. 10744
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8 Jordan@TheSchnitzerLawFirm.com
9 Attorney for Plaintiff

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DISTRICT COURT
CLARK COUNTY, NEVADA

JASMIN LAUDIG a minor, by and through
her father, JOHN LAUDIG, an individual;

Plaintiff,

vs.

LANDS, INC., dba SPRINGSTONE LAKES
MONTESSORI SCHOOL, a domestic
corporation; SPRINGLANDS LLC, a domestic
limited liability corporation; DOES 1 through
10, and ROE CORPORATIONS 1 through 20,
inclusive,

Defendants.

Case No.: A-20-808230-C


Dept. No.: 21

**NOTICE OF ENTRY OF ORDER ON
MOTIONS IN LIMINE**

PLEASE TAKE NOTICE that on the 17th day of May 2022, an Order on Motions in Limine
was entered. A true and correct copy of the Order on Motions in Limine was filed on the 16th day
of May 2022, is attached hereto and incorporated herein by the reference.

DATED this 17th day of May 2022.

THE SCHNITZER LAW FIRM

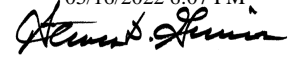
BY: 
JORDAN P. SCHNITZER, ESQ.
Nevada Bar No. 10744
9205 West Russell Road, Suite 240
Las Vegas, Nevada 89148
Attorney for Plaintiff



In accordance with Rule 9 of the N.E.F.C.R., I, the undersigned hereby certify that on the 17th day of May 2022, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER MOTION IN LIMINE** to the above-entitled Court for electronic service upon the Court's Service List to the following counsel:



An employee of
THE SCHNITZER LAW FIRM


CLERK OF THE COURT

JORDAN P. SCHNITZER, ESQ.
Nevada Bar No. 10744
THE SCHNITZER LAW FIRM
9205 W. Russell Road, Suite 240
Las Vegas, Nevada 89148
Telephone: (702) 960-4050
Facsimile: (702) 960-4092
Jordan@TheSchnitzerLawFirm.com
Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

JASMIN LAUDIG a minor, by and through
her father, JOHN LAUDIG, an individual;

Plaintiff,

vs.

LANDS, INC., dba SPRINGSTONE LAKES
MONTESSORI SCHOOL, a domestic
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10, and ROE CORPORATIONS 1 through 20,
inclusive,

Defendants.

Case No.: A-20-808230-C

Dept. No.: 21

ORDER REGARDING MOTIONS IN LIMINE

The above-captioned matter having come on for hearing pursuant to the various Motions in Limine on April 27, 2022, before District Court Judge, The Honorable Tara Clark Newberry, with Jordan P. Schnitzer, Esq. appearing for Plaintiff and Tiffanie Bittle, Esq. appearing for Defendants, this Court having reviewed the pleadings and considered oral argument of the parties



1 and being fully advised in the premises and good cause appearing therefore, Orders as follows:

- 2 1. As to Defendant Lands, Inc. Db a Springstone Lakes Montessori School's Motion in Limine
3 No. 1 to Exclude Certain Irrelevant Documents Defendant Springlands LLC's Joinder to
4 Defendant Lands, Inc. Db a Springstone Lakes Montessori School's Motion in Limine No.
5 1 to Exclude Certain Irrelevant Documents the Motion is Granted in Part and Denied in
6 Part as follows:

7 As to the Correspondence regarding Outdoor Inspection dated March 4, 2022, the Motion
8 is DENIED WITHOUT PREJUDICE. Before showing or referencing the document at trial, the
9 Plaintiff would need to approach the bench for permission to ensure the document is being properly
10 used.

11 As to the Outdoor Playground Inspection form from May of 2020, the motion is DENIED
12 WITHOUT PREJUDICE. Before showing or referencing the document at trial, the Plaintiff would
13 need to approach the bench for permission to ensure the document is being properly used.

14 As to the Illness Injury log and report, motion GRANTED except with respect to the
15 portions referencing the incident at issue, as agreed upon by the parties.

16 As to the description for the teachers, the Motion is made moot by Defendant withdrawing
17 the Motion.

18 As to the US Consumer Product Safety Commissions Public Playground Safety Handbook
19 (handbook), COURT FINDS, that Dr. Grant by relying upon his certification and preparing for his
20 deposition and setting himself out as an expert makes the handbook fair game for cross-
21 examination as to the legitimacy of his certification and the credibility of his opinions. The
22 COURT FURTHER FINDS, it would be improper for Plaintiff's expert to rely upon this item
23 except as discussed in Defendant's Motion in Limine No. 2, below. Therefore, the Motion is
24 granted in part and denied in part in that the handbook may solely be used for cross-examination
25 of Dr. Grant and it is up to the jury to decide the weight to give the handbook, if any.

- 26 2. As to Defendant Lands, Inc. Db a Springstone Lakes Montessori School's Motion in Limine
27 No. 2 To Exclude or Limit the Opinions and Testimony of Randle P. Phelp and Defendant
28 Springlands LLC's Joinder to Defendant Lands, Inc. Db a Springstone Lakes Montessori
School's Motion In Limine No. 2 to Exclude or Limit the Opinions and Testimony of

1 Randle P. Phelps the Motion is Denied as follows:

2 The Motion is DENIED as the Defendant failed to show that Randle Phelps failed to meet
3 the threshold inquiry as to *Hallmark* qualifications, therefore, would not be excluded on that basis.
4 Furthermore, as to the limitation of testimony, the Court was not going to limit his testimony or
5 prevent him from making opinions as the issue that was being raised was subject for cross-
6 examination as to the validity of the opinions. Certainly, if he testified in contradiction to his
7 deposition testimony defense could impeach him. Therefore, the Motion to exclude Mr. Phelps
8 testimony in its entirety is DENIED.

9 Further, it appeared that the handbook referenced in Defendant's Motion in Limine No. 1
10 came into play for the purposes of rebuttal and certainly if the proper rebuttal expert opinions were
11 proffered whether by deposition, exploration in deposition, or in report then the witness could
12 testify as to what he relied on in reaching his initial opinions, but also what he relied on in rebutting
13 the other expert. Therefore, the Court denies the Motion without prejudice as to the request to
14 preclude Mr. Phelps from referencing the playground handbook.

15 3. As to Plaintiff's Motion in Limine No. 1: Preclude Admission/Reference of Attorney Liens.

16 This Motion is GRANTED pursuant to *Khoury* and *Pizzaro-Ortega* as there was no
17 evidence that the Plaintiff could not or would not pay the medical bills regardless of the result of
18 the case. Therefore, COURT FURTHER ORDERED, Defendant and all witnesses are precluded
19 from attempting to introduce evidence or elicit testimony to support a contention that there were
20 medical liens that existed in this case.

21 4. As to Plaintiff's Motion in Limine No. 2: Exclude Evidence of Any Granted or Waiver Past
22 Medical Specials and Medical Bills

23 This Motion is GRANTED. The COURT finds the amount of medical specials (past and
24 future), which have been determined pursuant to the Court's order on Plaintiff's Motion for Partial
25 Summary Judgment, would be more prejudicial than probative as the only reason it would be
26 introduced would be to diminish the jury's decision making as to an appropriate general damages
27 award. In this case, there is no reason to use the medical specials as a basis for determining general
28 damages. Therefore, the COURT ORDERED the Motion is GRANTED and there shall be no
evidence, testimony or argument at trial from any party, attorney or witness regarding the past and

1 future medical specials that had already been disposed of and also excluded the amount that was
2 specified as the future as there was not an expert on the side of the Defendant to argue that that
3 amount was not properly quoted, thus, the only reason it was being introduced was to diminish the
4 jury's decision making as to an appropriate general damages award. Evidence may be admitted
5 regarding the necessity of the treatments and what is involved in the treatments but not the cost of
6 such treatments.

7 **IT IS SO ORDERED.**

Dated this 16th day of May, 2022



DISTRICT COURT JUDGE

**45B AFD D91A 4CB4
Tara Clark Newberry
District Court Judge**

10 DATED this 16 day of May 2022.

DATED 16 this day of May 2022.

12 Respectfully Submitted by:

Approved as to Form and Content:

14 THE SCHNITZER LAW FIRM

ALVERSON TAYLOR & SANDERS

15 BY: /s/ Jordan P. Schnitzer, Esq.
16 JORDAN P. SCHNITZER, ESQ.
17 Nevada Bar No. 10744
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Las Vegas, Nevada 89148
18 *Attorneys for Plaintiff*

BY: /s/ Tiffanie Bittle, Esq.
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Nevada Bar No. 7957
TIFFANIE BITTLE, ESQ.
Nevada Bar. No. 15179
6605 Grand Montecito Pkwy, Ste. 200
Las Vegas, NV 89149
19 *Attorneys for Defendant*

RE: Laudig v. Lands Inc. Case No.: A-20-808230-C Orders on MILs, Motion to Strike and SAO on MILS

Tiffanie Bittle <TBittle@AlversonTaylor.com>

Mon 5/16/2022 1:33 PM

To: Melisa Gabhart <Melisa@TheSchnitzerLawFirm.com>

Cc: Jordan Schnitzer <Jordan@TheSchnitzerLawFirm.com>; Karie Wilson <KWilson@AlversonTaylor.com>

That is correct. You may file with my e-signature on the Orders for the MSJs, MILs, and MTS.

Thank you,

Tiffanie Bittle, Esq. |

Alverson Taylor & Sanders

702.384.7000 | alversontaylor.com

From: Melisa Gabhart <Melisa@TheSchnitzerLawFirm.com>

Sent: Monday, May 16, 2022 1:28 PM

To: Tiffanie Bittle <TBittle@AlversonTaylor.com>

Cc: Jordan Schnitzer <Jordan@TheSchnitzerLawFirm.com>; Karie Wilson <KWilson@AlversonTaylor.com>

Subject: Re: Laudig v. Lands Inc. Case No.: A-20-808230-C Orders on MILs, Motion to Strike and SAO on MILS

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Sincerely,

Melisa Gabhart

Paralegal to Jordan P. Schnitzer, Esq.



TheSchnitzerLawFirm.com

Tel 702.960.4050 | Fax 702.960.4092

Email Melisa@TheSchnitzerLawFirm.com

9205 West Russell Road | Suite 240 | Las Vegas, Nevada 89148

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Jasmin Laudig, Plaintiff(s)

CASE NO: A-20-808230-C

7 vs.

DEPT. NO. Department 21

8 Lands Inc., Defendant(s)

9
10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 5/16/2022

15 Jordan Schnitzer jordan@theschnitzerlawfirm.com

16 Copy Room efile@alversontaylor.com

17 Karie Wilson kwilson@alversontaylor.com

18 Melisa Gabhart melisa@theschnitzerlawfirm.com

19 Olivia Bivens Olivia@TheSchnitzerLawFirm.com

EXHIBIT F

In the Matter Of:
LAUDIG vs LANDS

A-20-808230-C

JASMIN LAUDIG

August 05, 2021



ESQUIRE
DEPOSITION SOLUTIONS

800.211.DEPO (3376)
EsquireSolutions.com

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DISTRICT COURT

CLARK COUNTY, NEVADA

JASMIN LAUDIG, a minor, by)
and through her father,)
JOHN LAUDIG, an individual;)
)
Plaintiffs,)
)
VS.) Case No. A-20-808230-C
)
) Dept No. 21
LANDS, INC., dba SPRINGSTONE)
LAKES MONTESSORI SCHOOL, a)
Domestic corporation;)
SPRINGLANDS LLC, a domestic)
Limited liability corporation;)
DOES 1 through 10; and ROE)
CORPORATIONS 1 through 20,)
inclusive,)
)
Defendants.)

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DEPOSITION OF JASMIN LAUDIG
TAKEN BY ZOOM/TELEPHONICALLY
KARIE N. WILSON, ESQ.
ALVERSON TAYLOR & SANDERS
1302 Surrey Downs Lane
Las Vegas, Nevada
89135
On Thursday, August 5, 2021
At 2:00 PM

Reported By: Jamie Nieve, CCR-V No. 954

APPEARANCES:

For the Plaintiff: JORDAN P. SCHNITZER, ESQ.
John Laudig and THE SCHNITZER LAW FIRM
Jasmin Laudig 9205 W. Russell Road
Suite 240
Las Vegas, Nevada
89148
702-960-4050
jordan@theschnitzerlawfirm.com

For the Defendant: KARIE N. WILSON, ESQ.
Lands, Inc., dba ALVERSON TAYLOR & SANDERS
Springstone Lakes 6605 Grand Montecito Pkwy
Montessori School Suite 200
Las Vegas, Nevada
89149
702-384-7000
kwilson@alversontaylor.com

Also Present: DISCOVERY COMMISSIONER ERIN TRUMAN
EIGHTH JUDICIAL DISTRICT COURT
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada
89155
702-671-4493
DiscoveryInbox@clarkcountycourts.us.

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I N D E X

WITNESS PAGE

JASMIN LAUDIG

Examination by: KARIE N. WILSON, ESQ. 4

EXHIBITS PAGE

*** NONE ***

1 Nevada Rules of Civil Procedure RULE 29.
2 STIPULATIONS REGARDING DISCOVERY PROCEDURE Unless
3 otherwise directed by the court [orders otherwise], the
4 parties may by written stipulation (1) provide that
5 depositions may be taken before any person, at any time
6 or place, upon any notice, and in any manner and when so
7 taken may be used like other depositions.

8 My name is JAMIE NIEVE a NEVADA State certified
9 shorthand voice reporter, and this deposition is being
10 held via videoconferencing equipment. The witness and
11 reporter are not in the same room. The witness will be
12 sworn in remotely pursuant to agreement of all parties.

13 The parties stipulate that the testimony is being given
14 as if the witness was sworn in person.

15 Pursuant to Rule 29 of the Nevada Rules of Civil
16 Procedure, all parties stipulate and agree that the
17 witness was identified as JASMIN LAUDIG and the
18 witness's testimony will be treated as if the witness is
19 under oath. This deposition shall be used for all
20 purposes like other depositions. Counsel, can you
21 please identify yourselves for the record, state whom
22 you represent, name any other parties in attendance in
23 your location, and state on the record that you agree to
24 the stipulation?

25 MS. WILSON: Karie Wilson for the defendants

1 in from Las Vegas, Nevada and I stipulate to the remote
2 deposition.

3 MR. SCHNITZER: Jordan Schnitzer for the
4 plaintiff. I am also in Las Vegas, Nevada. I stipulate
5 to the remote deposition and my paralegal is sitting
6 here next to me, but she's working on some other things
7 so, but she's in the room I thought I'd tell you that.

8 MS. TRUMAN: And I just, for the record,
9 would like to state that my name is Commissioner Erin
10 Lee Truman and my purpose for being here today is just
11 merely to observe and to participate if anything needs
12 to be brought to my attention during the deposition and
13 so that is what my appearance, why I'm appearing today.
14 Whereupon,

15 JASMIN LAUDIG,
16 Having been duly sworn to testify to the truth, the
17 whole truth, and nothing but the truth, was examined and
18 testified as follows:

19 (Proceeding started at 2:03 PM.

20 EXAMINATION

21 BY MS. WILSON:

22 Q. Good afternoon, Jasmin. My name is Karie and I'm
23 going to be taking your deposition this afternoon. Can
24 you state and spell your first and last name for the
25 record, please?

1 A. J-A-S-M-I-N, and L-A-U-D-I-G.

2 Q. Did someone explain to you what we're doing this
3 afternoon?

4 A. The lawyer.

5 Q. Okay. I don't want to know anything you talked
6 to Jordan about, but what we're doing this afternoon is
7 we're doing what is called a deposition to try and get
8 what you recall about when you fell and hurt your cheek.
9 Do you understand that?

10 A. Yes.

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11 Q. What you just did with the court reporter, we
12 call that an oath and then, basically, that's you
13 promising to tell the truth today. Do you understand
14 that?

15 A. Yeah. Yes.

16 Q. Can you promise us all ~~that~~ you will tell the
17 truth this afternoon?

18 A. Yes.

19 Q. If I ask you a question and you don't recall
20 something, you honestly don't remember, please just tell
21 us that. We don't want you to try and guess. Okay?

22 A. Okay.

23 Q. If I ask you a question and you don't understand
24 what I've asked you, please let me know that as well and
25 I'll try to rephrase it so that you understand. Okay?

1 A. Okay.

2 Q. It's is also important that you say yes and no
3 today as opposed to just nodding your head or saying
4 "uh-huh" or "uh-uh". So if we ask for clarification, we
5 don't want to be difficult, we just want to make sure
6 the record is clear. Okay?

7 A. Okay.

8 Q. If you need a break at any time, will you please
9 just let me know?

10 A. Yes.

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11 Q. What is your birth date?

12 A. June 2, 2012.

13 Q. Do you know where you were born?

14 A. Yes.

15 Q. Where is that?

16 A. Vegas.

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17 Q. Do you have any brothers or sisters?

18 A. Yes.

19 Q. What are their names and ages?

20 A. Isabel Laudig and she's six.

21 Q. Are you currently in school, going to school?

22 A. No, but I soon will be.

23 Q. You're still on summer break?

24 A. Yes.

25 Q. Where will you go back to school? What's the

1 name of your school?

2 A. Goolsby Elementary.

3 Q. What grade will you be in?

4 A. Fourth.

5 Q. How many grades have you been in at Goolsby
6 Elementary?

7 A. Kindergarten, first, second and -- yeah.

8 Q. Kindergarten, first second and did you say third
9 also?

10 A. No. I went to a different school.

11 Q. Where did you go for third grade?

12 A. Challenger.

13 Q. Do you remember where you attended school before
14 you went to Goolsby elementary?

15 A. Yes.

16 Q. Where was that?

17 A. Children's Learning Adventure and Springstone.

18 Q. Do you know how long you went to Children's
19 Learning Adventure?

20 A. No. I don't remember.

21 Q. That's fair. Do you remember how long you were
22 at Springstone?

23 A. No.

24 MS. TRUMAN: If you don't remember
25 something, Jasmin, that's okay. Just say you don't

1 remember. Okay?

2 THE WITNESS: Okay.

3 MS. TRUMAN: It's okay.

4 BY MS. WILSON:

5 Q. Do you remember the incident at Springstone where
6 you hurt your cheek?

7 A. Yes.

8 Q. Do you remember what grade you were in when that
9 happened or how old you were?

10 A. Maybe a four or five, like four-and-a-half.

11 Q. Do you remember who your teacher was at
12 Springstone when you were four, four-and-a-half?

13 A. No.

14 Q. Do you remember a Ms. Rosemary?

15 A. Yes.

16 Q. Was she your teacher or do you not remember?

17 A. I think in the past year she was.

18 Q. Can you tell me what you remember about the
19 incident where you hurt your cheek?

20 A. Yeah. So we were playing tag and someone pushed
21 me and I fell on -- I don't remember what I fell on. I
22 kinda, lost my memory there for a few seconds. And then
23 I got up and I see, like blood all over my shirt and
24 everything. And then my friend started going to the
25 teacher. I forgot her name. And three times they went

1 to her and she kept telling them to, for me to come over
2 there so she can check me. So I had to get up myself
3 and go to her. And when she saw me, she gasped and she
4 took me to the office.

5 Q. Let me go back and ask you a couple of questions
6 about what you have just told me. Okay?

7 A. Okay.

8 Q. Do you remember where you guys were playing on
9 the playground when you were playing tag?

10 A. Yes.

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11 Q. Where was that?

12 A. So the recess area I had was near a field and
13 some kind of field area and it was on the left -- I
14 mean, right and it fell -- I fell there in the corner of
15 the gate.

16 Q. I'm going to try and show you a picture. Can you
17 see the picture that I have up?

18 A. Yes.

19 Q. Okay. Does either one of these pictures look
20 like the area that you were playing, playing tag with
21 your friends?

22 A. Yeah.

23 Q. Which one?

24 A. The bottom one.

25 Q. Okay. When you said you fell in the corner of

1 the gate, was it on where the turf or the grass area is
2 or on the concrete?

3 A. The concrete. The gate farther away.

4 Q. The gate that we see, sort of, on the right part
5 of the picture next to the building?

6 A. Yeah.

7 Q. Do you recall what part of that gate you fell
8 onto?

9 A. I kinda lost my memory, but when I got up, I saw
10 that the gate wasn't, in the, in a good manner. It was
11 really wrecked. And a lot of objects were hanging out,
12 like different materials, like metal and different
13 things. So I think I fell on that.

14 Q. Where was the metal hanging out?

15 A. Closer to the bottom in the left. It was, like
16 the -- it was really sharp.

17 Q. Was it -- can you tell me how long that metal
18 was?

19 A. Like an inch.

20 Q. Did it look like that metal was part of the gate
21 or was it part of something else?

22 A. It was definitely part of the gate.

23 Q. Was there any sort of mesh or covering over the
24 gate that day, if you recall?

25 A. I don't remember.

1 Q. Okay. And you said that someone pushed you as
2 you were playing tag. Do you remember who you were
3 playing with?

4 A. Like two people, three people.

5 Q. Do you remember their names?

6 A. I remember two of them.

7 Q. Who were they?

8 A. Eliana and Oliver.

9 Q. Do you remember who pushed you?

10 A. No.

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11 Q. When you fell, did you hit your hands or your
12 knees or anything else?

13 A. No. It was just my cheek.

14 Q. Just your cheek. When you fell, did you just
15 fall forward or did you fall to one side?

16 A. I fell forward and then I think I hit my head or
17 something.

18 Q. Do you remember what part of your head you hit?

19 A. I mean, I'm not totally sure if it was my head,
20 but it was somewhere a little farther away from my
21 cheek.

22 Q. When you said that your friends went to talk to
23 the teacher, do you remember which teacher that was?

24 A. Yes.

25 Q. Who was that?

1 A. Ms. Michelle.

2 Q. Do you remember any other teachers being on the
3 playground when this happened?

4 A. No.

5 Q. Do you remember talking to any other teachers
6 other than Ms. Michelle?

7 A. Well, Ms. Michelle took me to the office. And I
8 think there was, there was another lady, but I didn't
9 get a good look of her. I was just really worried.

10 Q. What happened JASMIN LAUDIG once you went LAUDIG vs LANDS into the office?

11 A. They just, they filled up a glove full of ice and
12 they said that I'd be okay.

13 Q. What happened next that you recall?

14 A. My dad came and picked me up and we went home.

15 Q. Did you go to the doctor that day?

16 A. Yeah. I went to the JASMIN LAUDIG hospital.

17 Q. I understand that your mom is a nurse; is that
18 right?

19 A. Yes.

20 Q. Did she do anything to help you or treat that
21 cheek at home before you went to the hospital?

22 A. Yes.

23 Q. What was that?

24 A. I think some sort of medical things, I'm not
25 sure, but something to keep my, something to keep the

1 blood from pouring.

2 Q. To stop it bleeding?

3 A. Yeah.

4 Q. Do you remember going to the hospital?

5 A. Yes.

6 Q. Who went with you to the hospital?

7 A. My dad.

8 Q. Do you remember what they said or what they did
9 for you once you got to the hospital?

10 A. No.

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11 Q. Do you remember, did they sew it up or did they
12 just put glue on it, what did they do?

13 A. I don't remember.

14 Q. Did you ever -- did you go back to school at
15 Springstone after the incident?

16 A. Probably not.

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17 Q. Do you remember ever talking to any of your
18 friends again about what happened or how you hurt your
19 cheek?

20 A. Yes.

21 Q. Okay. Tell me what you remember.

22 A. So like I said, I didn't remember a lot. So they
23 told me what they had -- what happened. So I just
24 believed what they said. That's technically what I'm
25 telling you.

1 Q. Okay. Which friends told you what happened?

2 A. Oliver and Eliana.

3 Q. Do you remember when they told you what happened?

4 A. No.

5 Q. Was it the same day that you fell or was it
6 sometime later?

7 A. Sometime later.

8 Q. Did you see Oliver and Eliana outside of school
9 or did you only see them at Springstone?

10 A. So I don't know Oliver very well now, but I am
11 still friends with Eliana.

12 Q. Where do you see Eliana?

13 A. She goes to my school.

14 Q. You guys go to the same elementary school now?

15 A. Yeah.

16 Q. Do you remember every going back to Springstone
17 and talking to any of the teachers about what happened?

18 A. No.

19 Q. Did you ever go back to Springstone and look at
20 the gate where you fell to see if you could see
21 anything?

22 A. No.

23 Q. How is the scar from the injury on your cheek
24 now?

25 A. I don't -- I, kind of, get a little upset about

1 it because a lot of my friends ask me, like what is that
2 and how did it happen and that, kind of, bothers me.

3 Q. Does it cause you any pain? Does it hurt or is
4 it just people asking about it?

5 A. No.

6 Q. No pain?

7 A. No.

8 Q. Do you ever talk to anybody about how it bothers
9 you about how people ask about it?

10 A. Well, I tried explaining the story, but I can't
11 be, like very detailed about it because I just, I don't
12 really know if this happened or if this is true, but I
13 usually tell them what I remember.

14 Q. Has anybody told you that they can do something
15 for that scar now to fix it?

16 A. They said maybe when I was older, I might get
17 some sort of treatment on.

18 Q. Did they tell you what that treatment would be?

19 A. They didn't -- they weren't very specific so, no.

20 Q. I just want to make sure I understood you. Other
21 than Ms. Michelle, you don't recall talking to any other
22 teacher about the incident?

23 A. No.

24 Q. I think that's all the questions I have for you,
25 Jasmin, thank you very much.

1 A. Thank you.

2 MR. SCHNITZER: I don't have any questions.

3 Thank you.

4 COURT REPORTER: Mr. Schnitzer, did you want
5 a copy?

6 MR. SCHNITZER: Not right now, thank you.

7 COURT REPORTER: And how did you want to
8 handle read and sign?

9 MS. WILSON: Want her to waive?

10 MR. SCHNITZER: Yeah. Yeah. Yeah. We can
11 waive it. That wasn't very long.

12 (Pceeding ended at 2:21 PM.)

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REPORTER'S CERTIFICATE

STATE OF NEVADA)

) SS

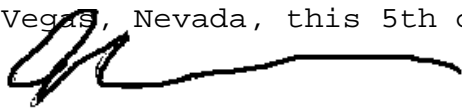
COUNTY OF CLARK)

I, Jamie Nieve, CCR-V No. 954, declare as follows: That I reported the taking of the deposition of JASMIN LAUDIG who remotely appeared before me from 1302 Surrey Downs Lane Las Vegas, Nv. 89135 commencing on August 5, 2021, at the hour of 2:00 PM.

That prior to being examined, the witness remotely appeared who was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth; that I thereafter transcribed said Voice Steno notes into typewriting and that the typewritten transcript is a complete, true and accurate transcription of said Voice Steno notes; that a request has not been made to review the transcript.

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

Dated at Las Vegas, Nevada, this 5th day of August, 2021.



Jamie Nieve CCR-V No. 954

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JASMIN LAUDIG
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EXHIBIT G

1

DISTRICT COURT

2

CLARK COUNTY, NEVADA

3

4

JASMIN LAUDIG, a minor, by and)
through her father, JOHN LAUDIG,)
an individual,)

6

Plaintiff,)

7

vs.)

Case No.: A-20-808230-C

8

Dept. No.: 21

9

LANDS, INC., dba SPRINGSTONE LAKES)
MONTESSORI SCHOOL, a domestic)
corporation; SPRINGLANDS LLC, a)
domestic limited liability)
corporation; DOES 1 through 10, and)
ROE CORPORATIONS 1 through 20,)
inclusive,)

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Defendants.)

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16

VIDEOTAPED, VIDEOCONFERENCED DEPOSITION OF MICHELLE DeSOTO

17

18

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20

21

On Friday, July 30, 2021

22

At 10:01 a.m.

23

24

Reported by: Sarah M. Winn-Boddie, RPR, CCR No. 868
Job No. 45647

25

1 APPEARANCES:

2 For the Plaintiff: JORDAN P. SCHNITZER, ESQ.
3 The Schnitzer Law Firm
4 9205 West Russell Road
Suite 240
Las Vegas, Nevada 89148
(702) 960-4050

5 For the Defendant: TIFFANIE C. BITTLE, ESQ.
6 Alverson Taylor & Sanders
7 6605 Grand Montecito Parkway
Suite 200
8 Las Vegas, Nevada 89149
(702) 384-7000

9
10 Also Present: Scott Beck, Videographer

11 *****

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1 FRIDAY, JULY 30, 2021; LAS VEGAS, NEVADA

2 10:01 a.m.

3 -oOo-

4 THE VIDEOGRAPHER: Good morning. Today is
5 July 30th, 2000- -- or excuse me, July 30th, 2021. The
6 time is approximately 10:01 a.m. This is the remote
7 deposition of Michelle DeSoto in the case Jasmin Laudig,
8 et al., versus Lands, Inc., et al. I'm Scott Beck with Oasis
9 Reporting Services, and I'll be monitoring the proceedings and
10 recording both video and audio today.

11 At this time I'll ask counsel to identify
12 themselves, state whom they represent, and agree on the record
13 that there is no objection to the court reporter administering
14 a binding oath to the witness through remote
15 videoconferencing. If no objection is stated, we'll proceed
16 forward with the agreement of all counsel. We'll begin
17 appearances with the noticing attorney, please.

18 MR. SCHNITZER: Jordan Schnitzer for the plaintiff.
19 No objection, and if it's okay with everyone, I'm going to
20 shut my video off because I think that helps me pull up my
21 exhibits faster, so I think we'll actually get through this
22 quicker.

23 MS. BITTLE: Tiffanie Bittle for Defendant, and I
24 have no objection.

25 THE VIDEOGRAPHER: Thank you. The court reporter

1 today is Sarah Winn-Boddie with Oasis Reporting Services, and
2 the reporter may now swear in the witness, please.

3 Whereupon,

4 MICHELLE DeSOTO,
5 having been first duly sworn to testify to the truth, the
6 whole truth, and nothing but the truth, was examined and
7 testified as follows:

8 EXAMINATION

9 BY MR. SCHNITZER:

10 Q. Could you please state your name?

11 A. My name is Michelle DeSoto.

12 Q. Could you spell that for us?

13 A. M-i-c-h-e-l-l-e, last name is DeSoto, D-e-S-o-t-o.

14 Q. Okay. Is it okay if I call you Michelle?

15 A. Correct. Yes.

16 Q. Michelle, have you ever had your deposition taken
17 before?

18 A. No.

19 Q. So let me go over some of the ground rules, we call
20 them admonitions sometimes, with you just so we're all on the
21 same page.

22 A. Okay.

23 Q. Today is not a marathon. You know, it's not a --
24 you're not forced to be here by any sense of if at any point
25 you need to take a break for any reason, let me know. I'll be

1 happy to do so, okay? The only thing I'd ask is that if I've
2 got a question pending, so if I've asked you a question, that
3 you go ahead and answer the question before we take a break;
4 is that fair?

5 A. Okay.

6 Q. Do you understand that the oath you've taken today
7 carries with it the same penalties of perjury as if you were in
8 a court of law?

9 A. Yes.

10 Q. The court reporter is taking down everything we say
11 today, and so for that reason, we have to do things a little
12 bit different than we would in everyday conversation, because
13 she's typing everything down and at the end of this, she'll
14 print out a booklet that basically has a transcript of what
15 took place, so we have to avoid saying things like "uh-huh" or
16 "huh-uh," because that's probably going to look exactly the
17 same on the transcript.

18 For the same reason, if you shrug your head -- shrug
19 your shoulders, nod your head, she doesn't take that down.
20 She only takes down verbal responses, okay?

21 A. Okay.

22 Q. And we also have to make sure, particularly because
23 we're on Zoom, that we don't talk over each other, so make
24 sure I get my full question out before you answer, and I'll
25 try to give you the same courtesy of making sure you get full

1 answers out before I ask the next question, okay?

2 A. Okay.

3 Q. If you don't understand my question for any reason,
4 please let me know, okay?

5 A. Okay. I will.

6 Q. If you answer my question, I'll assume that you
7 understood it; is that fair?

8 A. Yes.

9 Q. I don't want you to guess at anything today, okay?

10 A. Okay.

11 Q. But I do -- if you do have some basis of knowledge,
12 I do -- I am entitled to what we call your best estimate,
13 okay? --

14 A. Okay. --

15 Q. So -- and the difference between the two is
16 essentially if you have some -- some basis of knowledge to
17 give me a fair estimate, then I'm entitled to that. If it's
18 something you have no idea about and would totally be
19 guessing, just say "I don't know," and that's a totally fair
20 answer, okay?

21 A. Okay.

22 Q. Is there any -- have you taken anything or is there
23 any reason why you would not be able to understand my
24 questions and answer truthfully today?

25 A. No.

1 Q. Did you talk to anyone to prepare for your
2 deposition today?

3 A. I did. Yes.

4 Q. Who did you speak with?

5 A. To Tiffanie.

6 (Reporter interjection.)

7 BY MR. SCHNITZER:

8 Q. Tiffanie. Okay.

9 You're talking about the -- the lawyer for the
10 defendant?

11 A. Correct.

12 Q. Do you -- let me ask you this: What was your
13 position on the date of incident?

14 A. I was a assistant teacher for the -- for the
15 classroom.

16 Q. Were you a manager in any capacity?

17 A. No.

18 Q. Did you have any supervisory roles?

19 A. Just over the classroom itself, no. Other than
20 that, no.

21 Q. Okay. Are you currently employed with the
22 defendant?

23 A. No.

24 Q. Did you hire Tiffanie to be your attorney?

25 A. No.

1 Q. Did you ask Tiffanie to be your attorney?

2 A. No.

3 Q. How long did you and Tiffanie speak?

4 A. It was maybe 20, 30 minutes, I think.

5 Q. Okay. When was this?

6 A. What was that, Monday --

7 Q. Monday. Okay.

8 A. -- the 26th.

9 Q. Okay. And what did you all talk about?

10 A. Just how this was going to go and what -- what to
11 expect.

12 Q. Okay. Did you talk about any of the facts of the
13 case?

14 A. Like -- well --

15 MS. BITTLE: I'm just going to object that we were
16 asked by the Montessori School to represent her for this
17 deposition on their behalf, so I'm just going to object
18 attorney-client privilege to the actual content of our
19 discussions.

20 MR. SCHNITZER: So is that -- are you instructing
21 her not to answer?

22 MS. BITTLE: She can answer as to the general --
23 like when we discussed and just the general topics of
24 discussion, but as to the actual -- the actual content of our
25 discussion, I'm going to instruct her not to answer.

1 BY MR. SCHNITZER:

2 Q. Okay. Did you review any documents in preparation
3 of your deposition?

4 A. Yes.

5 Q. What documents did you review?

6 A. It was the -- the incident report that I wrote at
7 the time.

8 Q. Okay.

9 A. And then I don't remember what it was called, but it
10 was my signed, I guess, account of everything.

11 Q. Okay. Anything else?

12 A. No. That was it.

13 Q. Where -- what is your current address?

14 A. Current address is 1002 Grosvenor Street, and that's
15 Unit 1104, San Antonio, Texas 78221.

16 Q. Okay. Can you spell the street name for us?

17 A. Yes. It's G-r-o-v-e-n-s-o-r [sic].

18 Q. Okay. When did you move to San Antonio?

19 A. Let's see. About two months ago.

20 Q. Why did you move to San Antonio?

21 A. I was fired from the school and it was just an
22 opportunity to go ahead and move.

23 Q. Were you made aware that the school had asked
24 Tiffanie to represent you at this deposition?

25 A. I was told that someone would be representing me,

1 you know, but I didn't know who at the time, until just
2 recently, the -- when I met with her on that call.

3 Q. Why were you fired from the school?

4 A. I had been taking a lot of time off due to my health
5 and then my daughter's health, and it just became too much.
6 And I didn't call -- I didn't show up and I didn't call one
7 day, and when I came in the next day, they -- they just told
8 me not to bother coming -- not to bother clocking in. I went
9 in to go ahead and work, but they -- they told me not to.

10 Q. Do you have animosity towards them or are you on
11 good terms with them?

12 A. No. I'm still -- I still -- you know, I'm fine with
13 them.

14 Q. Okay. Do you have any plans to move from your
15 current address?

16 A. Not at the moment. I mean, down the road, yes, I
17 would like to.

18 Q. Would you stay in San Antonio or would you move
19 elsewhere?

20 A. Likely staying back here, yes.

21 Q. Okay. And the reason I'm asking is if the case goes
22 to trial, I just want to be able to make sure I can find you.

23 A. Oh.

24 Q. Do you -- what is your current phone number?

25 A. It's (707)372-6963.

1 Q. What is your date and place of birth?
2 A. It's November 17th, 1980 in San Diego, California.
3 Q. Are you currently married?
4 A. No.
5 Q. Have you ever been married?
6 A. No.
7 Q. Do you have any children?
8 A. Yes, two --
9 Q. How many?
10 A. Two children.
11 Q. Okay. How old are they?
12 A. 13 and 10.
13 Q. Have you ever been convicted of a felony or a crime
14 involving dishonesty in the last ten years?
15 A. No.
16 Q. Have you ever served in the military?
17 A. No.
18 Q. What is your highest level of education?
19 A. High school graduate, and then Montessori training.
20 Q. Where did you get the Montessori training?
21 A. Where did I do it?
22 Q. Yes.
23 A. With -- it was with Lands, Inc., with the school
24 two -- three years ago.
25 Q. Okay. So they actually train you?

1 A. Yes.

2 Q. Okay. Are you currently working?

3 A. Part time, yes.

4 Q. Where?

5 A. Just driving Lyft.

6 Q. Before -- how long were you employed at the school?

7 A. Seven years.

8 Q. Did you have the same job title the entire time?

9 A. No. I started as a visiting teacher and then became
10 an assistant and then became a lead.

11 Q. You said -- and on the date of the incident, you
12 were an assistant?

13 A. I was an assistant, yes.

14 Q. Okay. Did you have any teaching jobs before working
15 at the school?

16 A. No.

17 Q. Other than the attorney that's here today, have you
18 talked with anybody else about the incident since the
19 incident?

20 A. Just the other teachers that were involved.

21 Q. Okay. What other teachers?

22 A. It was Rosemary Rubio and Anca Sora.

23 Q. Can you spell that last one?

24 A. A-n-c-a, S-o-r-a. And then also the director of the
25 school.

1 Q. Who's that?

2 A. Rachelle Thompson.

3 Q. R-i-c-h-e-l-l-e [sic]?

4 A. Correct.

5 Q. And Thompson, the regular spelling?

6 A. Yes.

7 Q. When did you talk to Rosemary Rubio about the
8 incident?

9 A. The last time we spoke about it was when all of
10 this -- when all the case started coming back up when they
11 contacted me at the school.

12 Q. Okay. What did you all talk about then?

13 A. We were just -- we were kind of -- we didn't realize
14 that there was a -- still an ongoing thing, so we were just
15 discussing what happened.

16 Q. What happened with the incident?

17 A. Well, yeah, that -- like what we -- what was going
18 on. We didn't -- we didn't realize that, you know, like it
19 was still even a case and everything because it's been so
20 long.

21 Q. Okay. What about with Anca? When was the last time
22 you spoke with Anca about the case?

23 A. Same time. She -- because she doesn't work there
24 anymore, I just -- she reached out and said that -- I guess
25 someone reached out to her about it, and I told her, Yeah,

1 same thing, but that was all we spoke about.

2 Q. Okay. And what about Rachelle?

3 A. Well, I discussed it with her just because I got
4 called at the -- when I was at -- during my shift at work, so
5 I was in her office, and then we were just discussing it,
6 what -- what am I going to need to do or whatever, what's
7 expected or what to expect as far as the trial or the
8 deposition part of it.

9 Q. Yeah. What did she tell you?

10 A. Just that I would just need to speak with the -- our
11 representative, so...

12 Q. Okay. Were you ever told to say anything specific
13 during the deposition? --

14 A. No. --

15 Q. Were you ever told not to say anything during the
16 deposition?

17 A. No.

18 Q. Okay. So let's -- let's talk about the incident. I
19 guess let's start with give me your description of what
20 happened from your perspective.

21 A. Okay. I will try to remember as best as I can.

22 Q. Sure.

23 A. I remember we were outside on the playground and I
24 see Jasmin coming from one end of the playground holding her
25 cheek and -- she's crying and I see her holding her cheek and

1 I see that there is blood --

2 Q. Okay. Hold on. Hold on. Let me stop you there.

3 So where are you standing at this time?

4 A. If I remember correctly, I was on the opposite end
5 coming out of -- there's two doors that lead out to the
6 playground, and I was on the -- if we're facing outside, the
7 left-hand -- the door on the left side.

8 Q. Give me one second. I'm going to try and pull up an
9 aerial view. Maybe that will help us understand.

10 A. Okay.

11 Q. Sorry. Just give me a second. I told you my
12 computer runs a little slow.

13 Okay. I'm going to share the screen with you.
14 Sorry. Hold on. My (indiscernible) just shut down. My
15 computer hates when I'm on Zoom.

16 All right. Let's try this again.

17 Okay. Can you see that?

18 A. Yes.

19 Q. Okay. So are -- are you on -- it looks like you're
20 on your phone, aren't you?

21 A. I'm sorry?

22 Q. You're on your phone, aren't you?

23 A. Yes.

24 Q. Okay. So let -- I may have to annotate this for us.
25 Are you able to see my mouse?

1 A. Yes.

2 Q. Okay. So is that -- as I understand, this is --
3 this black part, that's an awning, correct?

4 A. Correct.

5 Q. Okay. And then there's a door right here?

6 A. So -- about there, yes.

7 Q. Okay. And then is that the door you were at or you
8 said you were at a different door?

9 A. As -- from what I can remember, I think I was at the
10 opposite door.

11 Q. Okay. Which is where? Down -- down --

12 A. It's right -- right there, about where you are --

13 Q. Okay.

14 A. -- about where your mouse is at.

15 Q. Okay. So I'm going to put a circle on this, as best
16 as I can draw a circle.

17 So that's about where you were?

18 A. I -- if I can remember correctly. Like I said, it's
19 been a while.

20 Q. Okay. Is that a fair approximation?

21 A. Yes.

22 Q. Okay. And then you said you saw Jasmin running
23 towards you?

24 A. If I -- I remember, she was going to -- she was just
25 coming out of that corner area where she was at --

1 Q. Okay. So hold on. The corner being over here?

2 A. A little -- it's under the -- actually, yeah, that's
3 about right, yep.

4 Q. Okay. So I'm going to place an X here --

5 A. Okay.

6 Q. -- where Jasmin was coming from.

7 A. Yes.

8 Q. Okay. So Jasmin's coming from this X up to where
9 you are at the circle?

10 A. She was just coming out of that area in general, and
11 Anca, I believe, was out there as well, and from what I can
12 remember, Anca kind of panicked, so I -- and I -- when I
13 walked out, I saw her -- saw Jasmin, so I immediately tended
14 to her because I knew something had happened.

15 Q. Yeah. Where was Anca standing?

16 A. I wanted to say that she was by the other door, the
17 closer one.

18 Q. Okay. So maybe about here?

19 A. Yes.

20 Q. Okay.

21 A. Somewhere around there.

22 Q. All right. So I'm going to put an A for Anca.

23 A. Okay.

24 Q. Okay. So X is where Jasmin comes from, A is Anca, O
25 is where you were standing, correct?

1 A. Correct.

2 Q. Okay. All right. So does -- does Jasmin pass Anca
3 or does Jasmin stop at Anca?

4 A. I think she kind of stopped there because she was
5 the closest teacher, but as I came out, I came running because
6 I -- or I approached her because I could see that Anca was
7 kind of in a panic, I guess, or not really sure what to do, so
8 I just --

9 Q. Okay.

10 A. Yeah.

11 Q. Do you know if Anca is still employed that school?

12 A. No. She -- she hasn't been for quite a few years.

13 Q. Okay. Do you have her phone number?

14 A. I do not.

15 Q. Do you know where she lives?

16 A. I think she's still in Las Vegas somewhere.

17 Q. Okay. So I'm going to save -- okay. So I saved
18 that image that we just drew and we'll mark that as Exhibit 1.

19 A. Okay.

20 Q. Okay. So was Jasmin screaming or was she just
21 holding her cheek or what --

22 A. Yeah, like -- like she's crying, kind of screaming,
23 like a panic -- excuse me -- because she -- you know, she was
24 hurt and she didn't know what to do, so...

25 Q. Yeah. You said you saw blood?

1 A. Yes. When I -- I could see that her cheek had some
2 blood on it, and then as she was walking or, you know, coming
3 towards -- out of that corner area, there was some drops on
4 the floor.

5 Q. How big were the drops?

6 A. Quite honestly, I don't remember.

7 Q. Did it seem like a lot of blood or a little blood?

8 A. I would say a little, I guess.

9 Q. I assume as an -- it's elementary school, correct?

10 A. I'm sorry?

11 Q. It -- the school is elementary school?

12 A. It goes from toddlers to third grade.

13 Q. Okay. So I assume kids are getting scrapes and
14 bruises, you know --

15 A. Yes.

16 Q. -- somewhat regularly?

17 A. Yes. Yes.

18 Q. Did this seem like more than just the regular scrape
19 or bruise that you might see on a playground?

20 A. Hello?

21 Q. I think you froze. So let me --

22 A. Yeah. I --

23 Q. -- let me reask the question. So I said, did this
24 seem to you like more than the regular scrape or bruise that
25 you might see on the playground?

1 A. Yes. Yes.

2 Q. When you -- what's the first thing you remember
3 Jasmin saying?

4 A. I don't remember her actually saying much. She was
5 just more crying and just like, you know, she didn't know what
6 to do, and I think I remember her asking -- I remember asking
7 what happened and she was just in a -- in a -- like I said, a
8 panic. She couldn't really -- she couldn't really tell me
9 other than, you know, she got hurt.

10 Q. Okay. Did you see her injury when you walked over
11 there?

12 A. Yes, I did.

13 Q. Okay. What did it look like to you?

14 A. It looked like a puncture in her cheek. I can't
15 remember what side it was, but yes, it looked like a puncture,
16 like something had poked her.

17 Q. Okay. Did it go all the way through her cheek?

18 A. I'm sorry?

19 Q. Did it go all the way through her cheek?

20 A. No. Not that I could tell, no.

21 Q. Did you -- did you look closely enough to see if it
22 went all the way through?

23 A. I did eventually, you know. I helped her get
24 cleaned up and took her to the office, and I know -- I know
25 some -- at some point, I did look and it didn't, from what I

1 could tell, look like it went all the way through.

2 Q. Okay. Did it look pretty deep, though?

3 A. I wouldn't say it was that deep. I mean, it
4 definitely punctured the skin and -- but from what I could
5 tell, it didn't seem very, very deep. I don't know.

6 Q. So what happened after she walked over to Anca and
7 you walk over? What happens next?

8 A. I -- I think -- I think I would have -- I think I --
9 like I said, I could tell that Anca was uncomfortable with the
10 situation or didn't really know what to do, so I -- I think I
11 took Jasmin up to the front, to the office, and I had Anca get
12 the -- the disinfectant to clean the floors and to kind of
13 keep the kids, the rest of the kids out of the area. And I
14 believe at the same time, Rosemary was -- just happened to be
15 coming back outside.

16 And yeah, that's -- I just -- like I said, I
17 remember just having her -- taking her up to the office to --
18 I think I took her up to the office just to have them put ice
19 and clean her up. I didn't know how much to clean it off
20 because I didn't know how deep it was, but -- yeah. That's --
21 that's about as much as I can remember for that.

22 Q. Okay.

23 A. And then they had me write the incident report.

24 Q. Okay. You said you went to make sure other kids
25 were out of the area?

1 A. Right. I -- if I remember correctly, I had Anca,
2 you know, kind of clean up whatever she could and keep the
3 kids away from the -- any blood and everything and try to keep
4 them all away from the area just so that they -- you know,
5 like little kids get nosey.

6 Q. Right. Were you concerned about the other kids'
7 safety?

8 A. Well, I didn't want them to either slip and fall in
9 the blood and/or touch the blood, so, you know, I wanted to
10 get them out of that area, and then I -- I know I -- I don't
11 know if it was before or after I took Jasmin or -- but I know
12 at one point, I did check the area to see what she could have
13 gotten hurt on, so I -- I definitely was having Anca just kind
14 of keep the kids to the other end of the playground. Excuse
15 me.

16 Q. Okay. My point was, were you concerned about the
17 other kids' safety about getting hurt on the same thing that
18 Jasmin hurt herself on?

19 A. Well, I just didn't know where she hurt herself, so
20 I just -- and I usually try to keep them out of that little
21 corner, and I wanted to make sure that, you know, she --
22 nobody else was going to go over there being nosey and either
23 step on anything that -- you know, like just so that I can --
24 I don't want to say like evidence, but like so I could see
25 what -- what she could have gotten hurt on or what happened,

1 because I was trying to get an answer out of her and some of
2 the other kids that were in the area.

3 Q. Okay. But my question is: At that time were you
4 concerned that other kids might hurt themselves on whatever it
5 was that hurt Jasmin?

6 A. Yes.

7 Q. And you said you asked other kids what happened?

8 A. Yes.

9 Q. And what -- yeah. What did you find out from them?

10 A. Nobody could tell me what happened. They just said
11 she got hurt, and I -- I don't remember what exactly they said
12 other than that. I just remember them acknowledging that she
13 had gotten hurt and -- but nobody could tell me what they saw,
14 as far as I remember.

15 Q. But you said you went to go try to see what it was
16 that Jasmin hurt herself on?

17 A. Yes.

18 Q. What did you find?

19 A. Nothing, honestly. I checked as much things as I
20 could in that area and a little bit outside of that area just
21 to -- yeah, just to see what it could have been.

22 Q. As you sit here today, what do you think she hurt
23 herself on?

24 A. My best guess would be -- which I didn't see any of
25 it, but something on the fence. That's all I could think.

1 That was my initial reaction.

2 Q. Did you look up close on the fence to see if there
3 were any pieces of fence that were sharp or sticking out?

4 A. I did. I -- I looked -- I looked along the fence,
5 even further out, you know, to where I thought she was at. I
6 ran my hand across the fence and I didn't find anything.

7 Q. Where -- what point of fence did you think she --
8 she fell on?

9 A. In that corner area, there's like an access gate
10 that opens.

11 Q. Yeah.

12 A. That's where I saw the girls playing and where we
13 usually tell them not to play, but yeah, I ran my hand along
14 the fence there and looked over the fence to see if maybe they
15 threw something over it that they didn't want us to see. I
16 looked along that area and I didn't see or feel anything.

17 Q. Okay. But you said you ran your hand along the
18 fence. Did you run your hand along the top of the fence? the
19 side of the fence? What part --

20 A. I -- I ran it along the top edge of it, around --
21 pretty much up and down the panel of it, I guess is how you
22 say it, but --

23 Q. Yeah.

24 A. -- yeah, everywhere that I could, because I couldn't
25 figure out what she hurt herself on.

1 Q. Did you ever come to the conclusion in terms of
2 whether she fell onto the -- the swinging gate part or the
3 stationary gate part?

4 A. I had no idea, so no.

5 Q. Still?

6 (Reporter interjection.)

7 BY MR. SCHNITZER:

8 Q. I said, still? You still don't know?

9 A. I still don't know.

10 Q. Why do you normally tell the kids not to play in
11 that area?

12 A. Because there's really nothing over there for them
13 to play with, and it's kind of not visually -- we can't -- you
14 know, depending where we are on the playground, it's not a
15 very good visual -- we can't see them very well in that spot.

16 Q. Right.

17 A. Yeah.

18 Q. After the incident until you left -- you said you
19 left about a couple months ago?

20 A. Yes.

21 Q. Did you ever see the school make any changes to the
22 fencing in that area between the accident and when you left?

23 A. Not -- no, not in that area.

24 Q. In other areas?

25 A. They started on the other end, but it -- by the time

1 I left, they just were -- it was just like a trial to see if
2 it was going to be something worth -- I don't -- I'm not
3 really sure what they were doing, I just noticed somebody
4 putting in a different type of covering, like a privacy screen
5 type of thing.

6 Q. So were they changing the fence or just changing the
7 covering?

8 A. The covering, but that's the only thing I had seen
9 done at all there on that fence.

10 Q. All right. But nothing -- nothing changed to the
11 fence in that area where the incident happened?

12 A. Not that I know of, no.

13 Q. I'm going to show you another photo.

14 Can you see this photo?

15 A. Yes.

16 Q. We'll mark this as Exhibit 2, which is Bates-stamped
17 Site Photo 1.

18 So I'll represent to you this is the fence over by
19 where the incident happened. Does this look -- I know it's
20 not a faraway view, but does this look similar to the fence
21 where the incident happened?

22 A. Yes.

23 Q. Okay. Do you see -- can you see my -- my mouse?

24 A. Yes.

25 Q. Do you see these spikes sticking up?

1 A. Yes.

2 Q. Do you recall whether or not those were there on the
3 date of the incident?

4 A. I -- I don't recall for sure, but, I mean, I'm
5 assuming they were, yes.

6 Q. Okay. Do those spikes look similar size to the
7 puncture wound that Jasmin had on the date of the incident?

8 A. Yes.

9 Q. Do you think that that's potentially what caused the
10 puncture wound in her cheek?

11 A. Not those in particular, but I -- I was looking for
12 something along the fence that I thought might have punctured
13 it, but I didn't -- I didn't see any blood or any -- any parts
14 sticking out that she could have fallen on at the time.

15 Q. Okay. But you said you don't recall whether those
16 spikes were there on the date of the incident, correct?

17 A. Correct.

18 Q. Sorry. Give me one second. I'm looking at my
19 notes. We went off -- off my script for a second.

20 Okay. Other than Rosemary, Anca, and you, was there
21 anybody else in the area at the time of the incident?

22 A. No.

23 Q. Do you know who Shimrit Yonasy is?

24 (Reporter interjection.)

25 MR. SCHNITZER: Yeah. Shimrit Yonasy,

1 S-h-i-m-r-i-t, Y-o-n-a-s-y.

2 THE WITNESS: No. I don't know who that is.

3 BY MR. SCHNITZER:

4 Q. I'll represent to you that's another mom at the
5 school. Does that ring a bell?

6 A. No.

7 Q. So you never spoke -- did you ever speak to a child
8 who said that -- that Jasmin fell and hit the gate?

9 A. No.

10 Q. Did you talk to all of the kids who were in the area
11 at the time or just some of them?

12 A. I talked to the girls that she was playing with that
13 she always played with.

14 Q. Yeah.

15 A. And yeah, they didn't -- they couldn't really tell
16 me what -- they all had different things to say, from what I
17 recall.

18 Q. What were the different things you heard?

19 A. They just were saying that she fell, but nobody said
20 anything specific. They just said she was playing and she
21 fell and got hurt.

22 Q. Did anyone saying anything about the gate?

23 A. Not that I recall.

24 Q. Did Jasmin come back to school after the incident.

25 A. Yes.

1 Q. Did -- were you able to see her injury after -- when
2 she came back?

3 A. Yes.

4 Q. How would you describe that?

5 A. It just -- it didn't look as -- as bad. I mean, it
6 was cleaned up, so it was -- there was no more blood. It just
7 was like a little -- it actually didn't look as -- I -- I
8 remember thinking it didn't look as bad as it did that day.

9 Q. Okay. Was it still bad?

10 A. I'm sorry?

11 Q. Was it still bad?

12 A. I mean, it was -- it was a -- you know, a puncture,
13 but it wasn't -- you know, the blood was all cleaned up, so it
14 didn't look as bad.

15 Q. Did you ever notice Jasmin have any -- be
16 self-conscious in any way about the puncture?

17 A. No, not that I could -- I mean, not that I noticed
18 or that I recall.

19 Q. Was she in your class, Jasmin?

20 A. Yes.

21 Q. Did you ever notice any of the kids talking to her
22 about it or talking amongst themselves about it?

23 A. It was just -- it was -- I know that her
24 girlfriends, her little group, you know, they'd asked her how
25 she was the next day, and then they went about their day. I

1 don't remember it being a -- like a big conversation, I guess,
2 thing.

3 Q. I can't remember if I asked you this. Other than
4 you, Rosemary, and Anca, was there anyone else outside at the
5 time, any other teachers or employees?

6 A. Not on that upper playground, no.

7 Q. You said when you first -- when the incident first
8 happened, you heard Jasmin was in pain because she was
9 screaming, right?

10 A. She was like -- yeah, like crying, like, you know,
11 as if any other kid gets hurt, you know, crying.

12 Q. How long did she cry for?

13 A. I can't remember.

14 Q. Do you remember it being a long time? a short time?

15 A. I would say, I guess, a short time. I mean, it
16 wasn't hours or anything. Excuse me.

17 Q. Okay. So it was less than hours?

18 A. Yeah. I mean, it -- if I can think, it was probably
19 by the time we got up to the office and calmed her down and
20 put some ice and -- yeah.

21 Q. Is there anything about the incident that we haven't
22 covered that you have knowledge of?

23 A. I -- let me see. I guess in the following days, I
24 think it was the next day or the day after, I know she had
25 been having -- her mom had asked me -- had asked the teachers

1 or staff to allow her to put on some kind of a cream, I think
2 it was like a -- to prevent a scar, and then also we noticed
3 that one of -- I'm not sure if it was the next day or the next
4 day after that, but she had -- she had -- had stitches put in.

5 Q. Okay.

6 A. But that's -- that's about it. I mean, after that
7 it was -- everything seemed -- it was like normal days with
8 her at school and she was fine.

9 Q. Okay. Anything you thought I was going to ask you
10 about that I didn't?

11 A. No, not that I can think of.

12 Q. Okay. So given that you're out of state, we may
13 have to use this video in place of you coming to testify, you
14 know. I don't know what -- when trial will happen or when --
15 with all the COVID restrictions, so we may just end up using
16 this video, so --

17 A. Okay.

18 Q. -- is there anything else you would want the jury to
19 know about the incident that you haven't told us?

20 A. Not that I can think of, no.

21 Q. Okay. All right. Well, I appreciate your time.

22 MR. SCHNITZER: I'll pass the witness.

23 THE WITNESS: All right. Thank you.

24 MS. BITTLE: I have a few questions for you.

25 ///

1 EXAMINATION

2 BY MS. BITTLE:

3 Q. So you -- you mentioned you -- your assumption was
4 that she had fallen on the fence?

5 A. Yes.

6 Q. Is that based on any conversations you had with
7 anyone, any observations you had, or is it just lack of any
8 other explanation?

9 A. It was just, I guess, my assumption just because I
10 couldn't find anything there that she would have gotten a
11 puncture like I saw, so I just assumed it was something on the
12 fence, but I examined it and I didn't see anything on there or
13 feel anything with my own hand that would have punctured her
14 in that way.

15 Q. Okay. And then you -- you mentioned that there was
16 blood drops on the ground; is that correct?

17 A. Correct.

18 Q. Where did those blood drops start? Like how far
19 back into the corner did they go?

20 A. I honestly don't remember.

21 Q. Okay.

22 A. Yeah.

23 Q. And then do you recall the names of the girls who
24 were with her at the -- who were playing with her back in the
25 corner?

1 A. I believe it was the girls she's always -- she
2 always played with. It was Elliana, I can't think of her -- I
3 can't think of her last name now. It was Valentina Kung and
4 Elliana. I can't think of her last name. I'm sorry.

5 Q. Okay. And then you said you saw her -- you observed
6 that she had stitches --

7 A. Yes. Yes.

8 Q. Did she tell you where she got those stitches?

9 A. When we asked her about it, she said -- when myself
10 and Rosemary asked her about it, she said that her mom gave
11 her stitches that -- last night. That's -- from what I
12 recall, she said, "My mom give me stitches last night."
13 Excuse me.

14 Q. And then did you observe what the wound looked like
15 once it had healed?

16 A. Once it healed, it just looked like a nice -- a nice
17 dimple, like -- yeah.

18 Q. And did you ever observe her being teased or bullied
19 because of her wound or because of the scar?

20 A. No, not at all.

21 MS. BITTLE: Okay. I have no other questions.

22 MR. SCHNITZER: Sorry. I was trying to unmute. I
23 don't have any other questions. Thank you.

24 THE VIDEOGRAPHER: This will conclude the video
25 deposition of Michelle DeSoto, and we are off record at

1 10:51 a.m.

2 THE COURT REPORTER: Counsel, would you like a copy?

3 MS. BITTLE: Yes, and we'll reserve read and sign
4 through our office.

5 THE COURT REPORTER: What format do you prefer?

6 MS. BITTLE: I'm sorry. What was that?

7 THE COURT REPORTER: What format do you prefer?
8 Paper, e-transcript, or both?

9 MS. BITTLE: Both.

10 (Exhibits 1 and 2 marked for identification.)

11 (The deposition concluded at 10:52 a.m.)

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1	CERTIFICATE OF DEPONENT			
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16	I, MICHELLE DeSOTO, deponent herein, do hereby			
17	certify and declare under penalty of perjury the within			
18	and foregoing transcription to be my deposition in said			
19	action; that I have read, corrected, and do hereby affix			
20	my signature to said deposition.			
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1 CERTIFICATE OF REPORTER


2 STATE OF NEVADA)
3) ss:
4 COUNTY OF CLARK)

5 I, Sarah M. Winn-Boddie, a Certified Court Reporter
6 licensed by the State of Nevada, do hereby certify: That I
7 reported the videotaped, videoconferenced deposition of
8 MICHELLE DeSOTO, commencing on Friday, July 30, 2021
9 at 10:01 a.m.

10 That prior to being deposed, the witness was duly
11 sworn by me to testify to the truth. That I thereafter
12 transcribed my said shorthand notes into typewriting and that
13 the typewritten transcript is a complete, true and accurate
14 transcription of my said shorthand notes, and that a request
15 has been made to review the transcript.

16 I further certify that I am not a relative, employee
17 or independent contractor of counsel, of any of the parties,
18 nor a relative, employee or independent contractor of the
19 parties involved in said action, nor a person financially
20 interested in the action, nor do I have any other relationship
21 with any of the parties or with counsel of any of the parties
22 involved in the action that may reasonably cause my
23 impartiality to be questioned.

24 IN WITNESS WHEREOF, I have set my hand in my office
25 in the County of Clark, State of Nevada, this 6th day of
August, 2021.

26 
Sarah M. Winn-Boddie, RPR, CCR No. 868

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