

Case No. \_\_\_\_\_

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IN THE SUPREME COURT OF NEVADA

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HARVEST MANAGEMENT SUB LLC,  
Petitioner,

Electronically Filed  
Apr 18 2019 01:36 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

vs.

EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE  
COUNTY OF CLARK, THE HONORABLE LINDA MARIE BELL, DISTRICT COURT  
CHIEF JUDGE,

Respondent,

- and -

AARON M. MORGAN and DAVID E. LUJAN,  
Real Parties in Interest.

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District Court Case No. A-15-718679-C, Department VII

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**APPENDIX TO PETITION FOR EXTRAORDINARY WRIT RELIEF  
VOLUME 1 OF 14**

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*Attorneys for Petitioner*  
HARVEST MANAGEMENT SUB LLC

**April 18, 2019**

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**APPENDIX TO PETITION FOR EXTRAORDINARY WRIT RELIEF**  
**VOLUME 1 OF 14**

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## **APPENDIX TO PETITION FOR EXTRAORDINARY WRIT RELIEF**

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TAB 1

TAB 1

## DISTRICT COURT CIVIL COVER SHEET

A-15-718679-C

County, Nevada

Case No.

VII

(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone):

Aaron M. Morgan

Defendant(s) (name/address/phone):

David E. Lujan; Harvest Management Sub LLC.

Attorney (name/address/phone):

Adam W. Williams

Attorney (name/address/phone):

Richard Harris Law Firm

801 S. 4th Street

Las Vegas, Nevada 89101

**II. Nature of Controversy** (please select the one most applicable filing type below)**Civil Case Filing Types**

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

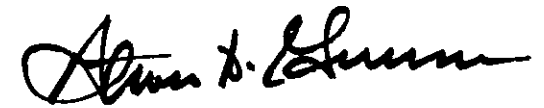
Business Court filings should be filed using the Business Court civil coversheet.

5/20/15

Date

Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

**COMP**  
ADAM W. WILLIAMS, ESQ.  
Nevada Bar No. 13617  
RICHARD HARRIS LAW FIRM  
801 South Fourth St.  
Las Vegas, NV 89101  
Tel. (702) 444-4444  
Fax (702) 444-4455  
Email [Adam.Williams@richardharrislaw.com](mailto:Adam.Williams@richardharrislaw.com)  
*Attorneys for Plaintiff*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

AARON M. MORGAN, individually

Plaintiff,

vs.

DAVID E. LUJAN, individually; HARVEST  
MANAGEMENT SUB LLC; a Foreign Limited-  
Liability Company; DOES 1 through 20; ROE  
BUSINESS ENTITIES 1 through 20, inclusive  
jointly and severally,

Defendants.

CASE NO.: A-15-718679-C

DEPT. NO.: VII

**COMPLAINT**

COMES NOW, Plaintiff AARON M. MORGAN, individually, by and through his attorney of record ADAM W. WILLIAMS, ESQ. of the RICHARD HARRIS LAW FIRM, and complains and alleges as follows:

**JURISDICTION**

1. That at all times relevant herein, Plaintiff AARON M. MORGAN (hereinafter referred to as "Plaintiff") is, a resident of Clark County, Nevada.
2. That at all times relevant herein, Defendant, DAVID E. LUJAN was, and is, a resident of Clark County, Nevada.



- 1 3. That at all times relevant herein, Defendant, HARVEST MANAGEMENT SUB
- 2 LLC, was, and is, a foreign limited-liability Company licensed and actively
- 3 conducting business in Clark County, Nevada
- 4 4. All the facts and circumstances that gave rise to the subject lawsuit occurred in Clark
- 5 County, Nevada.
- 6
- 7 5. The identities of Defendant DOES 1 through 20, and ROE BUSINESS ENTITIES 1
- 8 through 20, are unknown at this time and are individuals, corporations, associations,
- 9 partnerships, subsidiaries, holding companies, owners, predecessor or successor
- 10 entities, joint venturers, parent corporations or related business entities of
- 11 Defendants, inclusive, who were acting on behalf of or in concert with, or at the
- 12 direction of Defendants and are responsible for the injurious activities of the other
- 13 Defendants.
- 14 6. Plaintiff alleges that each named and Doe and Roe Defendant negligently, willfully,
- 15 intentionally, recklessly, vicariously, or otherwise, caused, directed, allowed or set in
- 16 motion the injurious events set forth herein.
- 17 7. Each named and Doe and Roe Defendant is legally responsible for the events and
- 18 happenings stated in this Complaint, and thus proximately caused injury and
- 19 damages to Plaintiff.
- 20 8. Plaintiff requests leave of the Court to amend this Complaint to specify the Doe and
- 21 Roe Defendants when their identities become known.
- 22 9. On or about April 1, 2014, Defendants, were the owners, employers, family
- 23 members and/or operators of a motor vehicle, while in the course and scope of
- 24 employment and/or family purpose and/or other purpose, which was entrusted and/or
- 25 driven in such a negligent and careless manner so as to cause a collision with the
- 26 vehicle occupied by Plaintiff.

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///

**FIRST CAUSE OF ACTION**

**Negligence Against Employee Defendant, DAVID E. LUJAN**

10. Plaintiff incorporates paragraphs 1 through 9 of the Complaint as though said paragraphs were fully set forth herein.
11. Defendant DAVID E. LUJAN owed Plaintiff a duty of care. Defendant DAVID E. LUJAN breached that duty of care.
12. As a direct and proximate result of the negligence of Defendant, Plaintiff was seriously injured and caused to suffer great pain of body and mind, some of which conditions are permanent and disabling all to her general damage in an amount in excess of \$10,000.00.

**SECOND CAUSE OF ACTION**

**Negligence Per Se Against Employee Defendant, DAVID E. LUJAN**

13. Plaintiff incorporates paragraphs 1 through 12 of the Complaint as though said paragraphs were fully set forth herein.
14. The acts of Defendant DAVID E. LUJAN as described herein violated the traffic laws of the State of Nevada and Clark County, constituting negligence per se, and Plaintiff has been damaged as a direct and proximate result thereof in an amount in excess of \$10,000.00.

**THIRD CAUSE OF ACTION**

**Vicarious Liability/Respondeat Superior Against Defendant  
HARVEST MANAGEMENT SUB LLC.**

15. Plaintiff incorporates paragraphs 1 through 14 of the Complaint as though said paragraphs were fully set forth herein.
16. Plaintiff is informed and believes that DAVID E. LUJAN was employed as a driver for Defendant HARVEST MANAGEMENT SUB LLC.
17. At all times mentioned herein, Defendant HARVEST MANAGEMENT SUB LLC. was the owner of, or had custody and control of, the Vehicle.
18. That Defendant HARVEST MANAGEMENT SUB LLC. did entrust the Vehicle to the control of Defendant DAVID E. LUJAN.

19. That Defendant DAVID E. LUJAN was incompetent, inexperienced, or reckless in the operation of the Vehicle.
20. That Defendant HARVEST MANAGEMENT SUB LLC. actually knew, or by the exercise of reasonable care should have known, that Defendant DAVID E. LUJAN was incompetent, inexperienced, or reckless in the operation of motor vehicles.
21. That Plaintiff was injured as a proximate consequence of the negligence and incompetence of Defendant DAVID E. LUJAN, concurring with the negligent entrustment of the Vehicle by Defendant HARVEST MANAGEMENT SUB LLC..
22. That as a direct and proximate cause of the negligent entrustment of the Vehicle by Defendant HARVEST MANAGEMENT SUB LLC. to Defendant DAVID E. LUJAN, Plaintiff has been damaged in an amount in excess of \$10,000.00.

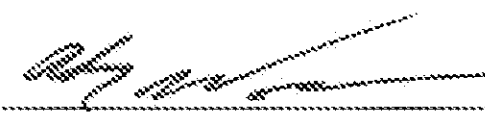
**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for relief and judgment against Defendants as follows:

1. General damages in an amount in excess of \$10,000.00;
2. Special damages for medical and incidental expenses incurred and to be incurred;
3. Special damages for lost earnings and earning capacity;
4. Attorney's fees and costs off suit incurred herein; and
5. For such other and further relief as the Court may deem just and proper.

DATED this 20 day of May, 2015.

**RICHARD HARRIS LAW FIRM**

  
\_\_\_\_\_  
ADAM W. WILLIAMS, ESQ.  
Nevada Bar No. 13617  
801 S. Fourth Street  
Las Vegas, Nevada 89101  
*Attorneys for Plaintiff*

1 **IAFD**  
2 ADAM W. WILLIAMS, ESQ.  
3 Nevada Bar No. 13617  
4 RICHARD HARRIS LAW FIRM  
5 801 South Fourth St.  
6 Las Vegas, NV 89101  
7 Tel. (702) 444-4444  
8 Fax (702) 444-4455  
9 Email [Adam.Williams@richardharrislaw.com](mailto:Adam.Williams@richardharrislaw.com)  
10 *Attorneys for Plaintiff*

11 **DISTRICT COURT**  
12 **CLARK COUNTY, NEVADA**

13 AARON M. MORGAN, individually

14 Plaintiff,

15 vs.

16 DAVID E. LUJAN, individually; HARVEST  
17 MANAGEMENT SUB LLC; a Foreign Limited-  
18 Liability Company; DOES 1 through 20; ROE  
19 BUSINESS ENTITIES 1 through 20, inclusive  
20 jointly and severally,

21 Defendants.

CASE NO.:  
DEPT. NO.:

**INITIAL APPEARANCE FEE  
DISCLOSURE**

22 Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted for  
23 parties appearing in the above entitled action as indicated below:

24 AARON M. MORGAN

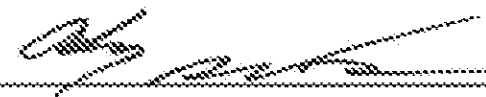
\$270.00

25 **TOTAL REMITTED:**

**\$270.00**

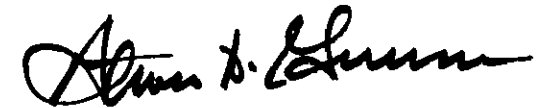
26 DATED this 20 day of May, 2015.

**RICHARD HARRIS LAW FIRM**

27   
28 ADAM W. WILLIAMS  
Nevada Bar No. 13617  
801 S. Fourth Street  
Las Vegas, Nevada 89101  
*Attorneys for Plaintiff*

TAB 2

TAB 2



CLERK OF THE COURT

1 ANS  
2 DOUGLAS J. GARDNER, ESQ.  
3 Nevada Bar No. 4609  
4 RANDS, SOUTH & GARDNER  
5 1055 Whitney Ranch Drive, Suite 220  
6 Henderson, Nevada 89014  
7 (702) 940-2222  
8 (702) 940-2220 - Facsimile  
9 dgardner@rsglawfirm.com  
10 Attorneys for Defendants  
11 DAVID E. LUJAN; HARVEST  
12 MANAGEMENT SUB, LLC

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DISTRICT COURT

CLARK COUNTY, NEVADA

AARON M. MORGAN, individually )

Plaintiff, )

vs. )

DAVID E. LUJAN, individually; )  
HARVEST MANAGEMENT SUB LLC; )  
a Foreign Limited-Liability Company; )  
DOES 1 through 20; ROE BUSINESS )  
ENTITIES 1 through 20, inclusive jointly )  
and severally, )

Defendants. )

CASE NO.: A-15-718679-C

DEPT. NO.: VII

DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT

COME NOW, Defendants, DAVID E. LUJAN and HARVEST MANAGEMENT SUB LLC,  
by and through their attorneys of record, the Law Offices of RANDS, SOUTH & GARDNER, and  
answer Plaintiff's Complaint on file herein as follows:

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**THIRD CAUSE OF ACTION**  
**Vicarious Liability/Respondeat Superior Against Defendant**  
**HARVEST MANAGEMENT SUB LLC.**

8. Answering Paragraph 15 of the Third Cause of Action of Plaintiff's Complaint, these answering Defendants repeat and incorporate each and every response to Paragraphs 1 through 14 as though fully set forth therein.

7. Answering Paragraphs 16, 17 and 18 of Plaintiff's Complaint, these answering Defendants admit each and every allegation contained therein.

8. Answering Paragraphs 19, 20, 21 and 22 of Plaintiff's Complaint, these answering Defendants deny each and every allegation therein.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**

Plaintiff's Complaint fails to state a claim against Defendants upon which relief may be granted.

**SECOND AFFIRMATIVE DEFENSE**

The negligence of Plaintiff caused or contributed to any injuries or damages that Plaintiff may have sustained; and the negligence of Plaintiff in comparison with the alleged negligence of Defendants, if any, requires that the damages of Plaintiff be denied or be diminished in proportion to the amount of the negligence attributable to the Plaintiff.

**THIRD AFFIRMATIVE DEFENSE**

Plaintiff had knowledge of and was fully aware of the condition existing at the time of the incident and assumed any risks incident thereto by voluntarily encountering said conditions. The injuries alleged by Plaintiff were caused by and arose out of such risks. Plaintiff appreciated and knew of the possibility of injury at the time.



1                                    **FOURTH AFFIRMATIVE DEFENSE**

2            The damages and injuries sustained by the Plaintiff, if any, as alleged in the Complaint, were  
3 caused in whole or in part, or were contributed to by reason of Plaintiff's violation of the Nevada  
4 Revised Statutes and the provision of applicable codes and ordinances concerning the operation of a  
5 motor vehicle.  
6

7                                    **FIFTH AFFIRMATIVE DEFENSE**

8            That the Plaintiff has failed to mitigate his damages.

9                                    **SIXTH AFFIRMATIVE DEFENSE**

10           That the occurrence during which Plaintiff received said injuries, if any, as alleged in the  
11 Complaint, was the result of an unavoidable accident and occurred without the fault of either the  
12 Plaintiff or Defendants.  
13

14                                   **SEVENTH AFFIRMATIVE DEFENSE**

15           That the injuries sustained by the Plaintiff, if any, were caused by acts of unknown third  
16 persons who are not agents, servants or employees of these answering Defendants and who were not  
17 acting on behalf of these answering Defendants in any manner or form and, as such, these  
18 Defendants are not liable in any manner to the Plaintiff.  
19

20                                   **EIGHTH AFFIRMATIVE DEFENSE**

21           That the damages and injuries sustained by Plaintiff, as alleged in the Complaint herein, if  
22 any, were the result of an unavoidable accident.  
23

24                                   **NINTH AFFIRMATIVE DEFENSE**

25           The Plaintiff's Complaint should be dismissed based upon the doctrines of laches, estoppel  
26 and waiver.

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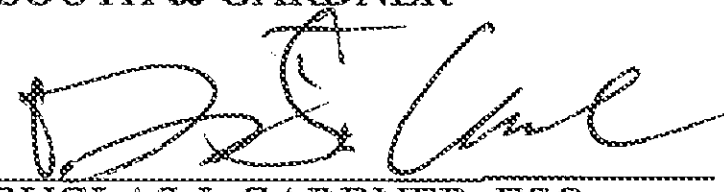
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1           3.       For such other and further relief as the Court deems proper.

2       DATED this 5 day of June, 2015.

3                               RANDS, SOUTH & GARDNER

4  
5       By



6                               DOUGLAS J. GARDNER, ESQ.

7                               Nevada Bar No. 4609

8                               1055 Whitney Ranch Drive, Suite 220

9                               Henderson, Nevada 89014

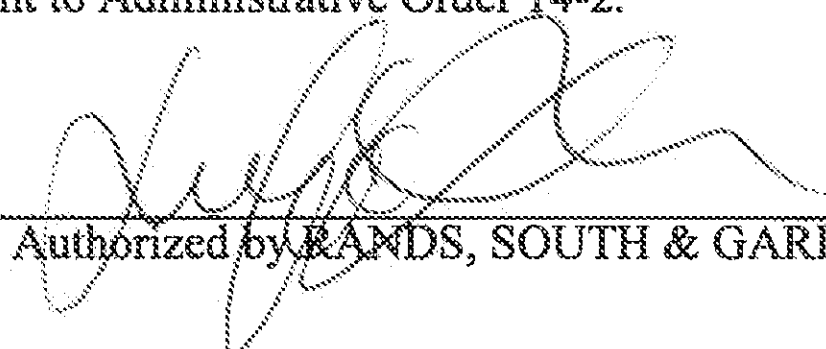
10                              Attorneys for Defendants,

11                              DAVID E. LUJAN; HARVEST

12                              MANAGEMENT SUB, LLC

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 16 day of June, 2015, I served a correct copy of the foregoing DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT via electronic means in the Eighth Judicial District Court pursuant to Administrative Order 14-2.

  
Authorized by RANDS, SOUTH & GARDNER

TAB 3

TAB 3

**INTG**  
BRYAN A. BOYACK, ESQ.  
Nevada Bar No. 9980  
RICHARD HARRIS LAW FIRM  
801 South Fourth St.  
Las Vegas, NV 89101  
Tel. (702) 444-4444  
Fax (702) 444-4455  
Email Bryan@richardharrislaw.com  
*Attorney for Plaintiff*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

AARON M. MORGAN, individually

Plaintiff,

vs.

DAVID E. LUJAN, individually; HARVEST  
MANAGEMENT SUB LLC; a Foreign Limited-  
Liability Company; DOES 1 through 20; ROE  
BUSINESS ENTITIES 1 through 20, inclusive  
jointly and severally,

Defendants.

CASE NO.: A-15-718679-C  
DEPT. NO.: VII

**PLAINTIFF'S FIRST SET OF  
INTERROGATORIES TO  
DEFENDANT HARVEST  
MANAGEMENT SUB LLC**

TO: HARVEST MANAGEMENT SUB LLC, Defendant;

TO: DOUGLAS J. GARDNER, ESQ., of the law office of RANDS, SOUTH &  
GARDNER, Attorney for Defendant.

COMES NOW, the Plaintiff, AARON M. MORGAN, under the authority of Rule 33 of  
the Nevada Rules of Civil Procedure, by and through his attorney, BRYAN A. BOYACK,  
ESQ., of the RICHARD HARRIS LAW FIRM, and hereby requests that Defendant, HARVEST  
MANAGEMENT SUB LLC., answer, in writing and under oath, within thirty (30) days of  
receipt hereof, the Interrogatories, hereinafter, set forth.

NOTE: When used in these interrogatories, the term "Defendant", its plural or any synonym thereof, is intended to and shall embrace and include in addition to the named party or parties, counsel for said party, and all agents, servants, employees, representatives, investigators, and others who are in possession of or may have obtained information for or on behalf of the named party or parties Defendant. As to each person named in response to each question herein, state the person's full name, last known residence address and telephone number, his last known business address and telephone number, and his job title, capacity or position at such last known employment.

These interrogatories shall be deemed continuing, and as additional information concerning the answers is secured, such additional information shall be supplied to Plaintiff.

#### PRELIMINARY STATEMENT AND DEFINITIONS

The following Preliminary Statement and Definitions apply to each of the Interrogatories set forth hereinafter and are deemed to be incorporated therein:

1. The singular number and the masculine gender, as used herein, also mean the plural, feminine or neuter, as may be appropriate.

2. These interrogatories call for all information (including information contained in writing) as is known or reasonably available to Defendant, Defendant's attorneys or any investigators or representatives or others acting on Defendant's behalf or under Defendant's direction or control, not merely such information as is known of Defendant's own personal knowledge.

3. If you cannot answer any of these Interrogatories in full after exercising due diligence to secure the information to do so, so state and answer the Interrogatory to the extent possible, specifying your inability to answer the remainder, the reasons therefor, the steps

1 taken to secure the answers to the unanswered portions, and stating whatever information or  
2 knowledge you have concerning the unanswered portions, please also identify the persons you  
3 believe to have such knowledge, what you believe the correct answer to be and the facts upon  
5 which you base your answer.  
6

7 4. If you consult any document or person in answering these Interrogatories,  
8 identify in regard to each such Interrogatory the person and/or document consulted.

9 5. The term "person" as used herein shall be deemed to mean any natural person,  
10 firm, association, partnership, corporation or any other form of legal entity or governmental  
11 body, unless the context otherwise dictates.  
12

13 6. The term "document" as used in these Interrogatories means all written,  
14 recorded or graphic matters, however produced or reproduced and includes, but is not limited  
15 to, any record, report, paper, writing, book, letter, note, memorandum, correspondence,  
16 agreement, contract, journal, ledger, summary, minute of meeting, photograph, interoffice  
17 communication, telegram, schedule, diary, log, memorandum of telephone or in-person  
18 communication, meeting or conversation, Telex, cable, tape, transcript, recording, photograph,  
19 picture or film, computer printout, program or data of other graphic, symbolic, recorded or  
20 written materials of any nature whatsoever. Any document, as hereinabove defined, which  
21 contains any comment, notation, addition, insertion or marking of any kind which is part of  
22 another document, is to be considered a separate document.  
23  
24

25 7. The term "communication" as used in these Interrogatories shall mean any  
26 dissemination of information of transmission or a statement from one person to another or in  
27 the presence of another, whether by writing, orally or by action or conduct.  
28



1           8. The term "fact" as used in these Interrogatories shall include, without limitation,  
2 every matter occurrence, act, event, transaction, occasion, instance, circumstance,  
3 representation or other happening, by whatever name it is known.  
4

5           9. The term "identify" or request to "state the identity" as used in these  
6 Interrogatories shall call for the following information:  
7

8           With respect to a person:

- 9           (1) His full name;  
10           (2) His last known business and residence address.  
11           (3) His last known business and residence telephone numbers;  
12           (4) His last know job title and capacity;  
13           (5) His relationship to you, by blood or marriage, including former marriages;  
14           (6) Whether any statement pertaining to any matter involved in this litigation,  
15 whether written or oral, or by recording device or by court reporter, or whether signed  
16 or unsigned, has been taken from him, and if so, how many such statements, and as to  
17 each statement, state the identity of thereof.  
18

19           With respect to each document:

- 20           (1) Its nature (e.g., letter, memorandum, etc.);  
21           (2) Its title;  
22           (3) The date it bears;  
23           (4) The date it was sent;  
24           (5) The date it was received;  
25           (6) The identity of all persons who prepared it or participated in anyway in its  
26 preparation;  
27  
28

- 1 (7) The identity of the person sending it and who such person represented at that
- 2 time;
- 3 (8) The identity of the person to whom it was sent;
- 5 (9) The identity of the person who presently has custody of it and its present
- 6 location;
- 7 (10) Its subject matter and its substance;
- 8 (11) Whether the document is claimed to be privileged;
- 9 (12) If you exercise the option to produce business records pursuant to NRCP
- 10 34(c), please answer, nonetheless, subparts (1) through (9) hereof in regard to each
- 11 pertinent Interrogatory.
- 12
- 13

14 With respect to "communication":

- 15 (1) The maker;
- 16 (2) The receiver;
- 17 (3) When made;
- 18 (4) Where made;
- 19 (5) The identity of all persons present when made;
- 20 (6) The mode of communication;
- 21 (7) The subject matter and substance;
- 22 (8) Whether the communication is claimed to be privileged.
- 23
- 24

25 With respect to each "fact":

- 26 (1) The date and time it occurred;
- 27 (2) The place where it occurred;
- 28 (3) The identity of each person present;

1 (4) An identification of the subject matter, nature and substance of the fact.

2 10. With respect to each document or communication identified and claimed to be  
3 privileged, state the type of privilege claimed and its basis.  
4

5 11. If you object in whole or in part to any of the following Interrogatories, please state  
6 in complete detail the basis for your objection and all the facts in which you rely to support your  
7 objection.  
8

9 **INTERROGATORY NO. 1:**

10 State the name and address of each person who was a witness to or has any knowledge  
11 of the relevant facts related to the subject matter.  
12

13 **INTERROGATORY NO. 2:**

14 Please identify any and all documents, color photographs, surveillance video, or other  
15 items in your possession regarding the subject incident.  
16

17 **INTERROGATORY NO. 3:**

18 Please identify any statements you have from Plaintiff AARON M. MORGAN, either  
19 written, verbal or recorded, regarding the subject incident.  
20

21 **INTERROGATORY NO. 4:**

22 Please identify any and all insurance agreements and/or policies you had at the time or  
23 the subject incident. Your response should include but not be limited to the insurance carrier,  
24 the policy number and the policy liability limits.

25 **INTERROGATORY NO. 5:**

26 Please identify all pre-hiring procedures you performed prior to hiring Defendant,  
27 DAVID E. LUJAN. Your response should include, but not be limited to, any background  
28

1 checks performed, any pre-hiring testing performed and any other procedure followed by you  
2 prior to hiring Mr. Lujan.

3 **INTERROGATORY NO. 6:**

5 Please identify any and all documents in your possession and/or information pertaining  
6 to any property damage to your vehicle or to Plaintiff's vehicle. Your response should include  
7 but not be limited to the amount of property damage sustained, where the property damage was  
8 repaired, how any repairs were paid for and the contact information for the insurance company  
9 that paid for the property damage to be repaired.  
10  
11

12 **INTERROGATORY NO. 7:**

13 Describe in your own words and in detail, without legal conclusion, how you believe the  
14 subject accident occurred.  
15

16 **INTERROGATORY NO. 8:**

17 Please identify any disciplinary actions taken against Defendant, DAVID E. LUJAN,  
18 during the five years immediately preceding the subject accident through the present regarding  
19 Mr. Lujan's driving or operating one of your vehicles.  
20

21 **INTERROGATORY NO. 9:**

22 Please give the date on which Defendant, DAVID E. LUJAN, was hired by you.

23 **INTERROGATORY NO. 10:**

24 Please identify what Defendant, DAVID E. LUJAN's job duties were at the time of the  
25 subject accident.  
26

27 **INTERROGATORY NO. 11:**

28 Is Defendant, DAVID E. LUJAN, still employed by you?

**INTERROGATORY NO. 12:**

If your answer to Interrogatory No. 11 is "yes", please identify Mr. Lujan's current job title and current job duties.

**INTERROGATORY NO. 13:**

Was the vehicle that was owned and operated by the Defendant(s) with regard to the subject accident equipped with any devices which monitor the driver's performance, behavior, driving habits or speed at the time of the incident that is the subject of this lawsuit.

**INTERROGATORY NO. 15:**

Please provide the full name of the person answering these interrogatories on behalf of Defendant HARVEST MANAGEMENT SUB LLC, and state in what capacity are you authorized to respond on behalf of said Defendant.

DATED THIS 12 day of April, 2016.

**RICHARD HARRIS LAW FIRM**

BY: 

BRYAN A. BOYACK, ESQ.  
Nevada Bar No. 9980  
801 South Fourth Street  
Las Vegas, Nevada 89101  
*Attorney for Plaintiff*

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of RICHARD HARRIS LAW FIRM, and that on this 14th day of April, 2016, I served a copy of the foregoing

**PLAINTIFF'S FIRST SET OF INTERROGATORIES TO DEFENDANT HARVEST**

**MANAGEMENT SUB LLC** as follows:


☐ U.S. Mail—By depositing a true copy thereof in the U.S. mail, first class postage prepaid and addressed as listed below; and/or

☒ Pursuant to N.E.F.C.R. 9 by serving it via electronic service

☐ Facsimile—By facsimile transmission pursuant to EDCR 7.26 to the facsimile number(s) shown below and in the confirmation sheet filed herewith. Consent to service under NRCP 5(b)(2)(D) shall be assumed unless an objection to service by facsimile transmission is made in writing and sent to the sender via facsimile within 24 hours of receipt of this Certificate of Service; and/or

☐ Hand Delivery—By hand-delivery to the addresses listed below.

Douglas J. Gardner, Esq.  
RANDS, SOUTH & GARDNER  
1055 Whitney Ranch Drive, Suite 220  
Henderson, Nevada 89014  
*Attorneys for Defendant*

  
\_\_\_\_\_  
An employee of the Richard Harris Law Firm

TAB 4

TAB 4

1 **RSPN**  
2 DOUGLAS J. GARDNER, ESQ.  
3 Nevada Bar No. 4609  
4 RANDS, SOUTH & GARDNER  
5 1055 Whitney Ranch Drive, Suite 220  
6 Henderson, Nevada 89014  
7 (702) 940-2222  
8 (702) 940-2220 - Facsimile  
9 dgardner@rsglawfirm.com  
10 Attorneys for Defendants  
11 DAVID E. LUJAN; HARVEST  
12 MANAGEMENT SUB, LLC

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DISTRICT COURT  
CLARK COUNTY, NEVADA

AARON M. MORGAN, individually

Plaintiff,

vs.

DAVID E. LUJAN, individually;  
HARVEST MANAGEMENT SUB LLC;  
a Foreign Limited-Liability Company;  
DOES 1 through 20; ROE BUSINESS  
ENTITIES 1 through 20, inclusive jointly  
and severally,

Defendants.

CASE NO.: A-15-718679-C

DEPT. NO.: VII

**DEFENDANT, HARVEST MANAGEMENT SUB, LLC.'S RESPONSES TO PLAINTIFF'S  
FIRST SET OF INTERROGATORIES**

COMES NOW, Defendant HARVEST MANAGEMENT SUB, LLC, by and through their  
attorneys of record, the Law Office of RANDS, SOUTH & GARDNER, and hereby responds to  
PLAINTIFF'S FIRST SET OF INTERROGATORIES as follows:

///

///



1 **INTERROGATORY NO. 1:**

2 Please state the name and address of each person who was a witness to or has any  
3 knowledge of the relevant facts related to the subject matter.

4 **ANSWER TO INTERROGATORY NO. 1:**

5 Defendant David Lujan, Plaintiff Aaron Morgan, LVMPD Officer R. Schmitt

6 **INTERROGATORY NO. 2:**

7 Please identify any and all documents, color photographs, surveillance video, or other items  
8 in your possession regarding the subject incident.

9 **ANSWER TO INTERROGATORY NO. 2:**

10 Please see photographs and documents previously in Defendants ECC List of Witnesses and  
11 Documents and any supplements thereto. Discovery is continuing.

12 **INTERROGATORY NO. 3:**

13 Please identify any statements you have from Plaintiff AARON M. MORGAN, either  
14 written, verbal or recorded, regarding the subject incident.

15 **ANSWER TO INTERROGATORY NO. 3:**

16 None.

17 **INTERROGATORY NO. 4:**

18 Please identify any and all insurance agreements and/or policies you had at the time or the  
19 subject incident. Your response should include but not be limited to the insurance carrier, the  
20 policy number and the policy limits.

21 **ANSWER TO INTERROGATORY NO. 4:**

22 Alterra Markel Insurance  
23 Policy: MAX8HC0000440  
24 Limit: \$8 million after \$2 million self-insured retention

1 The subject incident has been reported to the excess carrier under claim MXUL35043.

2 **INTERROGATORY NO. 5:**

3 Please identify all pre-hiring procedures you performed prior to hiring Defendant, DAVID  
4 E. LUJAN. Your response should include, but not be limited to, any background checks performed,  
5 any pre-hiring testing performed and any other procedure followed by you prior to hiring Mr.  
6 Lujan.  
7

8 **ANSWER TO INTERROGATORY NO. 5:**

9 Mr. Lujan was hired in 2009. As part of the qualification process, a pre-employment DOT  
10 drug test was conducted as well as a criminal background screen and a motor vehicle record. Also,  
11 since he held a CDL, an inquiry with past/current employers within three years of the date of  
12 application was conducted and were satisfactory. A DOT physical medical certification was  
13 obtained and monitored for renewal as required. MVR was ordered yearly to monitor activity of  
14 personal driving history and always came back clear. Required Drug and Alcohol Training was also  
15 completed at the time of hire and included the effects of alcohol use and controlled substances use  
16 on an individual's health, safety, work environment and personal life, signs of a problem with these  
17 and available methods of intervention.  
18  
19

20 **INTERROGATORY NO. 6:**

21 Please identify any and all documents in your possession and/or information pertaining to  
22 any property damage to your vehicle or to Plaintiff's vehicle. Your response should include but be  
23 limited to the amount of property damage sustained, where the property damage was repaired, how  
24 any repairs were paid for and the contact information for the insurance company that paid for the  
25 property damage to be repaired.  
26

27 ///

1 ANSWER TO INTERROGATORY NO. 6:

2       Objection. Relevance. Without waiving this objection the Defendants says this about the  
3 Property Damage: The Plaintiff's vehicle was considered a total loss and not repaired. This  
4 responding Defendant reimbursed Mercury Insurance for the combined total loss and vehicle rental  
5 costs. Please see Defendants ECC List of Witnesses and Production of Documents for copies of  
6 documents pertaining to Plaintiff's property damage and Defendant's Responses to Request for  
7 Production of Documents for documents pertaining to Defendant's vehicle damage.  
8

9 INTERROGATORY NO. 7:

10       Describe in your own words and in detail, without legal conclusion, how you believe the  
11 subject accident occurred.  
12

13 ANSWER TO INTERROGATORY NO. 7:

14       Objection as to form of the question. Without waiving said objection, please refer to all  
15 applicable documents previously produced in Defendants ECC List of Witnesses and Production  
16 and any supplements thereto. This question also improperly invades the role of the finders of fact.  
17

18 INTERROGATORY NO. 8:

19       Please identify any disciplinary actions taken against Defendant, DAVID E. LUJAN, during  
20 the five years immediately preceding the subject accident through the present regarding Mr. Lujan's  
21 driving or operating one of your vehicles.  
22

23 ANSWER TO INTERROGATORY NO. 8:

24       None.

25 INTERROGATORY NO. 9:

26       Please give the date on which Defendant, DAVID E. LUJAN, was hired by you.

27       ///

1 ANSWER TO INTERROGATORY NO. 9:

2 June 24, 2009

3 INTERROGATORY NO. 10:

4 Please identify what Defendant, DAVID E. LUJAN's job duties were at the time of the  
5 subject accident.  
6

7 ANSWER TO INTERROGATORY NO. 10:

8 Operating the Commercial Bus

9 INTERROGATORY NO. 11

10 Is Defendant, DAVID E. LUJAN, still employed by you?  
11

12 ANSWER TO INTERROGATORY NO. 11:

13 No, his last day of employment was July 28, 2015.

14 INTERROGATORY NO. 12:

15 If your answer to Interrogatory No. 11 is "yes", please identify Mr. Lujan's current job title  
16 and current job duties.  
17

18 ANSWER TO INTERROGATORY NO. 12:

19 Not applicable.

20 INTERROGATORY NO. 13:

21 Was the vehicle that was owned and operated by the Defendant(s) with regard to the subject  
22 accident equipped with any devices which monitor the driver's performance, behavior, driving  
23 habits or speed at the time of the incident that is the subject of this lawsuit.  
24

25 ANSWER TO INTERROGATORY NO. 13:

26 No.

27 ///

1 INTERROGATORY NO. 14:

2 Please provide the full name of the person answering the interrogatories on behalf of  
3 Defendant, HARVEST MANAGEMENT SUB LLC, and state in what capacity are you authorized  
4 to respond on behalf of said Defendant.  
5

6 ANSWER TO INTERROGATORY NO. 14:

7 Erica Janssen, Holiday Retirement Risk Management  
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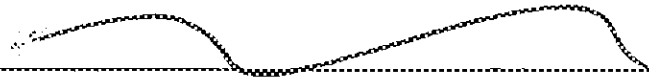
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VERIFICATION

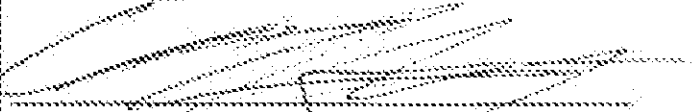
STATE OF OREGON                    )  
  ):ss  
COUNTY OF CLACKAMAS         )

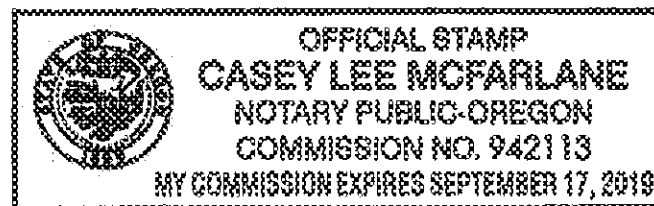
I, Erica Janssen, being first duly sworn, deposes and says:

I am the, Defendant's representative in the instant action; I have read the foregoing  
DEFENDANT'S ANSWERS TO PLAINTIFF'S FIRST SET OF INTERROGATORIES and know  
the contents thereof; that the answers made therein are true to the best of my knowledge, except as to  
those answers made on information and belief, and as to those answers, I believe them to be true.

  
Erica Janssen, Holiday Retirement Risk Management

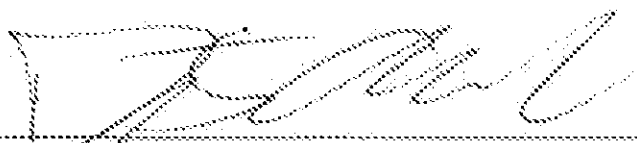
Subscribed and sworn to before me  
this 12 day of October, 2016.

  
NOTARY PUBLIC



Submitted by:

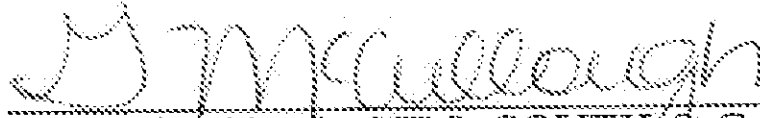
RANDS, SOUTH & GARDNER

  
DOUGLAS J. GARDNER, ESQ.  
Nevada Bar No. 4609  
1055 Whitney Ranch Drive, Suite 220  
Henderson, Nevada 89014  
Attorneys for Defendants  
DAVID E. LUJAN and HARVEST  
MANAGEMENT SUB, LLC.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12<sup>th</sup> day of October , 2016, I served a correct copy of the foregoing DEFENDANT'S RESPONSES TO PLAINTIFF'S INTERROGATORIES via electronic means in the Eighth Judicial District Court pursuant to Administrative Order 14-2.

  
Authorized by RANDS, SOUTH & GARDNER

TAB 5

TAB 5



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

## Negligence - Auto

# COURT MINUTES

**April 24, 2017**

A-15-718679-C      Aaron Morgan, Plaintiff(s)  
vs.  
David Lujan, Defendant(s)

**April 24, 2017                      9:00 AM                      Jury Trial - FIRM**

HEARD BY: Bell, Linda Marie

COURTROOM: RJC Courtroom 15A

**COURT CLERK:** Sylvia Perez

**RECORDER:** Renee Vincent

**REPORTER:**

## PARTIES

**PRESENT:** Boyack, Bryan A. Attorney for the Plaintiff  
Cloward, Benjamin P. Attorney for the Plaintiff  
Rands, Douglas R. Attorney for the Defendant

## JOURNAL ENTRIES

- Jury Trial

## OUTSIDE THE PERSPECTIVE JURY

Mr. Rands advised the defendant, Mr. Lujan, has been hospitalized and requested to continue the jury trial. No opposition by Mr. Cloward, requesting a status check be set. COURT ORDERED, jury trial CONTINUED and Mr. Rands to provide medical documentation as to Mr. Lujan's hospital stay by the upcoming court date. COURT FURTHER ORDERED, exhibits returned to Counsel and trial OFF CALENDAR .

5/16/17 9:00 AM STATUS CHECK: STATUS OF THE CASE

PRINT DATE: 04/24/2017

Page 1 of 1

Minutes Date: April 24, 2017