Electronically Filed
7/24/2017 10:19 PM
Steven D. Grierson
CLERK OF THE COURT

NOAS

BENJAMIN P. CLOWARD, ESQ.
Nevada Bar No. 11087
RICHARD HARRIS LAW FIRM
801 South Fourth Street
Las Vegas, Nevada 89101
Phone: (702) 444-4444
Fax: (702) 444-4455
E-Mail: Benjamin@RichardHarrisLaw.com
Attorneys for Plaintiff

Electronically Filed
Aug 03 2017 02:41 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

DISTRICT COURT

CLARK COUNTY, NEVADA

GABRIEL PAZ-TOLEDANO, individually, Plaintiffs, vs. DENNIS HEIM, individually; KEOLIS TRANSIT SERVICES, LLC; LEOMAR GUINTOS, individually; LOS ANGELES VAN RENTALS, INC.; DOES X, and ROE CORPORATIONS I-X, inclusive , Defendants.	Case No.: A-15-726343-C Dept. No. 31 Consolidated with:
CHRISTY MCLAUGHLIN, Plaintiff, vs. DENNIS HEIM, individually; KEOLISTRANSIT AMERICA LLC; LEOMAR GINTOS, individually; LOS ANGELES VAN RENTALS, INC.; DOES 1 through 10; and ROE CORPORATIONS 1 through 10, inclusive, Defendants.	Case No.: A-16-730387-C Dept. No. 15 **NOTICE OF APPEAL**

RICHARD HARRIS LAW FIRM

Docket 73624 Document 2017-25894

Case Number: A-15-726343-C

NOTICE OF APPEAL

COMES NOW, Plaintiff, Christy McLaughlin by and though her attorney of record, BENJAMIN P. CLOWARD, ESQ. of the RICHARD HARRIS LAW FIRM, and hereby appeals to the Supreme Court of Nevada from Notice of Entry of Summary Judgment Notice of entry which was served electronically on June 21, 2017 and is attached hereto as Exhibit "1".

DATED THIS 24th day of July 2017.

RICHARD HARRIS LAW FIRM

BENJAMIN P. CLOWARD, ESQ.
Nevada Bar No. 11087
801 South Fourth Street
Las Vegas, Nevada 89101
Attorneys for Plaintiff

RICHARD HARRIS LAW FIRM

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of RICHARD HARRIS LAW FIRM, and that on this 26 day of July 2017, I served a copy of the foregoing NOTICE OF APPEAL as follows:

☑ Electronic Service — in accordance with Administrative Order 14-2 and Rule 9 of the Nevada Electronic Filing and Conversion Rules (N.E.F.C.R.).

MICHAEL P. LOWRY, ESQ.
WILSON ELSER MOSKOWITZ
EDELMAN & DICKER LLP
300 South Fourth Street, 11th Floor
Las Vegas, Nevada 89101-6014
Attorneys for Dennis Heim, Keolis Transit Services, LLC

CRAIG A. HENDERSON, ESQ.
GLEN LERNER INJURY ATTORNEYS
4795 S. Durango Dr.
Las Vegas, Nevada 89147
Attorneys for Gabriel Paz-Toledano

An employee of RICHARD HARRIS LAW FIRM

RICHARD HARRIS LAW FIRM

EXHIBIT "1"

Electronically Filed
6/21/2017 9:05 AM
Steven D. Grierson
CLERK OF THE COURT

MICHAEL P. LOWRY, ESQ.
Nevada Bar No. 10666
E-mail: Michael.Lowry@wilsonelser.com
WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP
300 South Fourth Street, 11th Floor
Las Vegas, Nevada 89101-6014
Telephone: (702) 727-1400
Facsimile: (702) 727-1401
Attorneys for Dennis Heim and
Keolis Transit Services, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

GABRIEL PAZ-TOLEDANO, individually,

Plaintiffs,

vs.

DENNIS HEIM, individually; KEOLIS TRANSIT SERVICES, LLC; LEOMAR GUINTOS, individually; LOS ANGELES VAN RENTALS, INC.; DOES I-X, and ROE CORPORATIONS I-X, inclusive,

Defendants.

CHRISTY MCLAUGHLIN,

Plaintiff,

vs.

DENNIS HEIM, individually; KEOLIS TRANSIT AMERICA LLC; LEOMAR GUINTOS, individually; LOS ANGELES VAN RENTALS, INC.; DOES 1 through 10; and ROE CORPORATIONS 1 through 10, inclusive,

Defendants.

Case No.: A-15-726343-C
Dept. No. 31

Consolidated with: A-16-730387-C

Notice of Entry of Order

Please take notice that an Order Granting Dennis Heim & Keolis Transit Services, LLC's Motions for Summary Judgment was entered by the Court on June 20, 2017. A copy of the Order is attached hereto.

DATED this 6th day of June, 2017.

WILSON ELSER MOSKOWITZ
EDELMAN & DICKER LLP

/s/ Michael P. Lowry
MICHAEL P. LOWRY, ESQ.
Nevada Bar No. 10666
300 South Fourth Street, 11th Floor
Las Vegas, Nevada 89101-6014
Attorneys for Dennis Heim, Keolis Transit Services, LLC

CERTIFICATE OF SERVICE

Pursuant to NRCP 5, I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on June 21, 2017, I served **Notice of Entry of Order** via electronic service by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk.

BY: */s/ Naomi E. Sudranski*
An Employee of
WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP

Electronically Filed
6/20/2017 4:27 PM
Steven D. Grierson
CLERK OF THE COURT

MICHAEL P. LOWRY, ESQ.
Nevada Bar No. 10666
E-mail: Michael.Lowry@wilsonelser.com
WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP
300 South Fourth Street, 11th Floor
Las Vegas, Nevada 89101-6014
Telephone: (702) 727-1400
Facsimile: (702) 727-1401
Attorneys for Dennis Heim and
Keolis Transit Services, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

GABRIEL PAZ-TOLEDANO, individually, Plaintiffs, vs. DENNIS HEIM, individually; KEOLIS TRANSIT SERVICES, LLC; LEOMAR GUINTOS, individually; LOS ANGELES VAN RENTALS, INC.; DOES I-X, and ROE CORPORATIONS I-X, inclusive , Defendants.	Case No.: A-15-726343-C Dept. No. 31 Consolidated with: A-16-730387-C **Order Granting Dennis Heim & Keolis Transit Services, LLC's Motions for Summary Judgment**
CHRISTY MCLAUGHLIN, Plaintiff, vs. DENNIS HEIM, individually; KEOLIS TRANSIT AMERICA LLC; LEOMAR GUINTOS, individually; LOS ANGELES VAN RENTALS, INC.; DOES 1 through 10; and ROE CORPORATIONS 1 through 10, inclusive, Defendants.	

On May 16, 2017 Mr. Heim and Keolis Transit Services, LLC ("Keolis") filed two motions for summary judgment. One sought summary judgment as to Ms. McLaughlin, arguing she lacks the evidence necessary to support the causation and damages elements of her negligence cause of action. A second alternatively sought partial summary judgment as to both Plaintiffs' causes of action for negligent entrustment and negligent hiring, supervision, and retention. Both motions contained a

notice indicating they were scheduled for hearing on June 20, 2017. Both contained certificates of service indicating proper service. On May 23, 2017 Mr. Heim and Keolis filed an errata clarifying that the motion for partial summary judgment applied only to Ms. McLaughlin given that Mr. Paz-Toledano had previously dismissed the causes of action at issue. This errata also indicated it was properly served.

The court received no opposition from Ms. McLaughlin as to either motion, nor does the docket indicate one was filed. Michael P. Lowry appeared for Mr. Heim and Keolis at the June 20, 2017 hearing, but no appearance was entered for Ms. McLaughlin.

On the merits, the court concludes Ms. McLaughlin lacks the evidence required to create genuine issues of material fact as to the causation and damages elements of her negligence cause of action. The court also concludes that the negligent entrustment and negligent hiring, supervision, and retention causes of action pled in her complaint were extinguished by Mr. Heim and Keolis admitting that Mr. Heim was within the course and scope of his employment when the accident alleged in the complaint occurred.

Mr. Heim and Keolis' motions as to Ms. McLaughlin are granted. This ruling has no impact upon Mr. Paz-Toledano's consolidated case.

It is so ordered this 20 day of June, 2017.

DISTRICT JUDGE

Submitted by:

WILSON ELSER MOSKOWITZ
EDELMAN & DICKER LLP

MICHAEL P. LOWRY, ESQ.
Nevada Bar No. 10666
300 South Fourth Street, 11th Floor
Las Vegas, Nevada 89101-6014
Attorneys for Dennis Heim, Keolis Transit Services, LLC

Electronically Filed
7/24/2017 10:22 PM
Steven D. Grierson
CLERK OF THE COURT

ASTA
BENJAMIN P. CLOWARD, ESQ.
Nevada Bar No. 11087
RICHARD HARRIS LAW FIRM
801 South Fourth Street
Las Vegas, Nevada 89101
Phone: (702) 444-4444
Fax: (702) 444-4455
E-Mail: Benjamin@RichardHarrisLaw.com
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

GABRIEL PAZ-TOLEDANO, individually, Plaintiffs, vs. DENNIS HEIM, individually; KEOLIS TRANSIT SERVICES, LLC; LEOMAR GUINTOS, individually; LOS ANGELES VAN RENTALS, INC.; DOES X, and ROE CORPORATIONS I-X, inclusive , Defendants.	Case No.: A-15-726343-C Dept. No. 31 Consolidated with:
CHRISTY MCLAUGHLIN, Plaintiff, vs. DENNIS HEIM, individually; KEOLISTRANSIT AMERICA LLC; LEOMAR GINTOS, individually; LOS ANGELES VAN RENTALS, INC.; DOES 1 through 10; and ROE CORPORATIONS 1 through 10, inclusive, Defendants.	Case No.: A-16-730387-C Dept. No. 15 **CASE APPEAL STATEMENT**

RICHARD HARRIS LAW FIRM

Case Number: A-15-726343-C

CASE APPEAL STATEMENT

COMES NOW, Plaintiff, Christy McLaughlin by and though her attorney of record, BENJAMIN P. CLOWARD, ESQ. of the RICHARD HARRIS LAW FIRM, and hereby, hereby files this Case Appeal Statement:

1. Name of appellant filing this Case Appeal Statement: CHRISTY MCLAUGHLIN

2. Identify the Judge issuing the decision, judgment, or order appealed from: The Honorable JOANNA A. KISHNER

3. Identify each appellant and the name and address of counsel for each appellant.

BENJAMIN P. CLOWARD, Esq.
Nevada Bar No. 11087
RICHARD HARRIS LAW FIRM
801 S. 4th Street
Las Vegas, Nevada 89101
Telephone: 702-444-4003
Facsimile: 702-444-4455
benjamin@richardharrislaw.com

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicated as much and provide the name and address of that respondent's trial counsel):

Respondent: DENNIS HEIM, individually; KEOLIS TRANSIT AMERICA, LLC

Attorney for Respondents:

MICHAEL P. LOWRY, Esq.
Nevada Bar No. 10666
WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP
300 South Fourth Street, 11th Floor
Las Vegas, Nevada 89101-6014
Telephone: 702-727-1400
Facsimile: 702-727-1401
Michael.lowry@wilsonelser.com

RICHARD HARRIS LAW FIRM

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted that attorney permission to appear under SCR 42 (attach a copy of any district court order granting such permission):

N/A

6. Indicate whether appellant was represented by appointed or retained counsel in the district court:

Retained.

7. Indicate whether appellant is represented by appointed or retained counsel on appeal:

Retained.

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave:

N/A

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint indictment, information, or petition was filed):

January 15, 2016

10. Provide a brief description of the nature of the action and result in the district court, including the type of judgment or order being appealed and the relief granted by the district court:

> This is a personal injury case in which Christy McLaughlin was riding as a passenger on a bus operated by Keolis Transit and driven by Dennis Heim when Mr. Heim was unable to stop in time and collided with the back of a large passenger van. Christy was thrown to the ground sustaining several injuries as a result.

RICHARD HARRIS LAW FIRM

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:

N/A

12. Indicate whether this appeal involves child custody or visitation:

N/A

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

This appeal does involve the possibility of settlement.

DATED THIS 24th day of July 2017.

RICHARD HARRIS LAW FIRM

BENJAMIN P. CLOWARD, ESQ.
Nevada Bar No. 11087
801 South Fourth Street
Las Vegas, Nevada 89101
Attorneys for Plaintiff

RICHARD HARRIS LAW FIRM

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of RICHARD HARRIS LAW FIRM, and that on this 24 day of July 2017, I served a copy of the foregoing CASE APPEAL STATEMENT as follows:

☒ Electronic Service — in accordance with Administrative Order 14-2 and Rule 9 of the Nevada Electronic Filing and Conversion Rules (N.E.F.C.R.).

MICHAEL P. LOWRY, ESQ.
WILSON ELSER MOSKOWITZ
EDELMAN & DICKER LLP
300 South Fourth Street, 11th Floor
Las Vegas, Nevada 89101-6014
Attorneys for Dennis Heim, Keolis Transit Services, LLC

CRAIG A. HENDERSON, ESQ.
GLEN LERNER INJURY ATTORNEYS
4795 S. Durango Dr.
Las Vegas, Nevada 89147
Attorneys for Gabriel Paz-Toledano

An employee of RICHARD HARRIS LAW FIRM

RICHARD HARRIS LAW FIRM

DEPARTMENT 31

CASE SUMMARY

CASE NO. A-15-726343-C

Gabriel Paz-Toledano, Plaintiff(s)	§	Location:	**Department 31**
vs.	§	Judicial Officer:	**Kishner, Joanna S.**
Dennis Heim, Defendant(s)	§	Filed on:	**10/16/2015**
	§	Cross-Reference Case Number:	**A726343**

CASE INFORMATION

Related Cases
A-16-730387-C (Consolidated)

Case Type: **Negligence - Auto**

Case Flags: **Consolidated - Lead Case**
Appealed to Supreme Court
Jury Demand Filed
Arbitration Exemption Granted

DATE — CASE ASSIGNMENT

Current Case Assignment

Case Number	A-15-726343-C
Court	Department 31
Date Assigned	10/16/2015
Judicial Officer	Kishner, Joanna S.

PARTY INFORMATION

		Lead Attorneys
Plaintiff	**Paz-Toledano, Gabriel**	**Eschweiler, Corey M.** *Retained* 702-877-1500(W)
Defendant	**Guintos, Leomar**	**Iarussi, Joseph B.** *Retained* 702-473-9640(W)
	Heim, Dennis	**Lowry, Michael P.** *Retained* 702-727-1400(W)
	Keolis Transit Services LLC	**Lowry, Michael P.** *Retained* 702-727-1400(W)
	Los Angeles Van Rentals Inc Removed: 04/12/2016 Dismissed	

DATE — EVENTS & ORDERS OF THE COURT — INDEX

10/16/2015 Complaint
Filed By: Plaintiff Paz-Toledano, Gabriel
Complaint

10/20/2015 Demand for Jury Trial
Filed By: Plaintiff Paz-Toledano, Gabriel
Demand for Jury Trial

10/28/2015 Proof of Service
Filed by: Plaintiff Paz-Toledano, Gabriel
Proof of Service

10/29/2015	Amended Complaint Filed By: Plaintiff Paz-Toledano, Gabriel *Amended Complaint*
11/06/2015	Initial Appearance Fee Disclosure Filed By: Defendant Keolis Transit Services LLC *Dennis Heim & Keolis Transit Services, LLC's Initial Appearance Fee Disclosure*
11/06/2015	Disclosure Statement Party: Defendant Keolis Transit Services LLC *Keolis Transit Services, LLC's NRCP 7.1 Disclosure*
11/06/2015	Answer to Amended Complaint Filed By: Defendant Keolis Transit Services LLC *Dennis Heim & Keolis Transit Services, LLC's Answer to Amended Complaint*
11/06/2015	Demand for Jury Trial Filed By: Defendant Heim, Dennis *Dennis Heim & Keolis Transit Services, LLC's Jury Demand*
11/13/2015	Declaration Filed By: Plaintiff Paz-Toledano, Gabriel *Declaration of Service*
11/17/2015	Affidavit of Service Filed By: Plaintiff Paz-Toledano, Gabriel *Affidavit of Service on Leomar Guintos*
11/17/2015	Proof of Service Filed by: Plaintiff Paz-Toledano, Gabriel *Proof of Service*
12/11/2015	Initial Appearance Fee Disclosure Filed By: Defendant Guintos, Leomar *Initial Appearance Fee Disclosure*
12/11/2015	Answer to Amended Complaint Filed By: Defendant Guintos, Leomar *Answer to Amended Complaint*
12/14/2015	Joint Case Conference Report Filed By: Plaintiff Paz-Toledano, Gabriel *Joint Case Conference Report*
12/17/2015	Ex Parte Application to Extend Time for Service Filed By: Plaintiff Paz-Toledano, Gabriel *Ex Parte Application for Service of Defendant Los Angeles Van Rentals, Inc., Through California Secretary of State and Request for Enlargement of Time to Serve Defendant Los Angeles Van Rentals, Inc.*
01/05/2016	Commissioners Decision on Request for Exemption - Granted *Commissioner's Decision on Request for Exemption*
01/12/2016	Affidavit of Service

Filed By: Plaintiff Paz-Toledano, Gabriel
Affidavit of Service

01/13/2016 Supplemental Joint Case Conference Report

01/19/2016 **Motion** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Plaintiff's Ex Parte Application for Service of Defendant Los Angeles Van Rentals, Inc., Through California Secretary of State and Request for Enlargement of Time to Serve Defendant Los Angeles Van Rentals, Inc.

01/22/2016 Ex Parte Motion for Enlargement of Time
Filed By: Plaintiff Paz-Toledano, Gabriel
Plaintiff's Ex-Parte Application for Enlargement of Time to Serve Defendant Los Angeles Van Rentals, Inc.; and Ex Parte Application for Order Shortening Time

01/26/2016 Order
Filed By: Plaintiff Paz-Toledano, Gabriel
Order Granting Ex Parte Application for Service of Defendant Los Angeles Van Rentals, Inc., Through California Secretary of State

01/28/2016 Proof of Service
Filed by: Plaintiff Paz-Toledano, Gabriel
Proof of Service

01/28/2016 **Motion** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Plaintiff's Ex-Parte Application for Enlargement of Time to Serve Defendant Los Angeles Van Rentals, Inc.; and Ex Parte Application for Order Shortening Time

02/03/2016 Scheduling Order
Scheduling Order

02/05/2016 *CANCELED* **Status Check** (3:00 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - per Order
Status Check: Order 1/19/16

02/08/2016 Order Granting
Filed By: Plaintiff Paz-Toledano, Gabriel
Order Granting Ex Parte Application for Enlargement of Time to Serve Defendant Los Angeles Van Rentals, Inc.

02/12/2016 *CANCELED* **Status Check** (3:00 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - per Order
Status Check: Order 1/28/16

02/16/2016 Motion to Dismiss
Filed By: Defendant Heim, Dennis
Dennis Heim & Keolis Transit Services, LLC's Motion to Dismiss Causes of Action 2 & 3.

02/25/2016 Three Day Notice of Intent to Default
Filed by: Plaintiff Paz-Toledano, Gabriel
Three Day Notice of Intent to Default

02/29/2016 Notice of Entry
Filed By: Defendant Heim, Dennis
Notice of Entry of Order

02/29/2016	Stipulation and Order Filed by: Defendant Heim, Dennis *Stipulation & Order to Dismiss Causes of Action 2 & 3*
02/29/2016	**Order of Dismissal With Prejudice** (Judicial Officer: Kishner, Joanna S.) Debtors: Gabriel Paz-Toledano (Plaintiff) Creditors: Dennis Heim (Defendant), Keolis Transit Services LLC (Defendant) Judgment: 02/29/2016, Docketed: 03/07/2016 Comment: Certain Causes
04/05/2016	*CANCELED* **Motion to Dismiss** (9:30 AM) (Judicial Officer: Kishner, Joanna S.) *Vacated - per Stipulation and Order* *Dennis Heim & Keolis Transit Services, LLC's Motion to Dismiss Causes of Action 2 & 3.*
04/12/2016	Voluntary Dismissal Without Prejudice Filed By: Plaintiff Paz-Toledano, Gabriel *Plaintiff's Voluntary Dismissal of Defendant Los Angeles Van Rentals, Inc. Only*
04/12/2016	**Dismissal Pursuant to NRCP 41** (Judicial Officer: Kishner, Joanna S.) Debtors: Los Angeles Van Rentals Inc (Defendant) Creditors: Gabriel Paz-Toledano (Plaintiff) Judgment: 04/12/2016, Docketed: 04/19/2016
04/25/2016	Order Setting Civil Non-Jury Trial *Order Setting Civil Jury Trial , Pre-Trial Conference, Calendar Call, and Status Check*
07/20/2016	Substitution of Attorney Filed by: Defendant Heim, Dennis *Substitution of Attorney*
08/17/2016	Motion to Consolidate Filed By: Defendant Heim, Dennis *Dennis Heim & Keolis Transit Services, LLC's Motion to Consolidate*
09/23/2016	**Motion to Consolidate** (3:00 AM) (Judicial Officer: Kishner, Joanna S.) *Dennis Heim & Keolis Transit Services, LLC's Motion to Consolidate*
09/26/2016	Notice of Department Reassignment *Notice of Department Reassignment*
09/30/2016	Stipulation and Order Filed by: Defendant Heim, Dennis *Stipulation and Order to Consolidate*
10/04/2016	Notice of Entry of Order Filed By: Defendant Heim, Dennis *Notice of Entry of Stipulation and Order to Consolidate*
10/17/2016	Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call *Amended Order Setting Civil Jury Trial, Pre-Trial Conference, Calendar Call, and Status Check*
11/11/2016	Motion in Limine Filed By: Defendant Heim, Dennis

	Dennis Heim & Keolis Transit Services, LLC's Motion in Limine 01 to Deem Prior Depositions Admissible
12/01/2016	Opposition to Motion in Limine Filed By: Plaintiff Paz-Toledano, Gabriel *Plaintiff Gabriel Paz-Toledano's Partial Opposition to Dennis Heim and Keolis Transit Services, LLC's Motion in Limine 01 to Deem Prior Depositions Admissible*
12/07/2016	Reply to Opposition Filed by: Defendant Heim, Dennis *Dennis Heim & Keolis Transit Services, LLC's Reply re Motion in Limine 01 to Deem Prior Depositions Admissible*
12/15/2016	*CANCELED* **Status Check** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) *Vacated*
12/15/2016	**Motion in Limine** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) *Dennis Heim & Keolis Transit Services, LLC's Motion in Limine 01 to Deem Prior Depositions Admissible*
01/09/2017	Order Filed By: Defendant Heim, Dennis *Order re Dennis Heim & Keolis Transit Services, LLC's Motion in Limine 01 to Deem Prior Depositions Admissible*
01/13/2017	Notice of Entry of Order Filed By: Defendant Keolis Transit Services LLC *Notice of Entry of Order*
02/09/2017	*CANCELED* **Pre Trial Conference** (10:15 AM) (Judicial Officer: Kishner, Joanna S.) *Vacated*
03/07/2017	*CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) *Vacated*
03/07/2017	Motion to Compel Filed By: Plaintiff Paz-Toledano, Gabriel *Plaintiff Gabriel Paz-Toledano's Motion to Compel Defendants Heim and Keolis to Supplement Discovery Responses*
03/07/2017	Redacted Version *Partial strike of Motion to Compel per minute order 04/07/17*
03/13/2017	*CANCELED* **Jury Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) *Vacated*
03/14/2017	Motion to Strike Filed By: Plaintiff Paz-Toledano, Gabriel *Plaintiff Gabriel Paz-Toledano's Motion to Strike Defendants Heim and Keolis's Expert Witness Ashley Dunn*
03/15/2017	Subpoena Duces Tecum Filed by: Defendant Keolis Transit Services LLC *Subpoena Duces Tecum To Custodian Of Records For Orthopedic & Sports Medicine Institute Of Las Vegas*
03/16/2017	Subpoena Duces Tecum

Filed by: Defendant Keolis Transit Services LLC
Subpoena Duces Tecum To Custodian Of Records For Interventional Pain And Spine Institute

03/21/2017 Opposition to Motion to Compel
Filed By: Defendant Heim, Dennis
Dennis Heim & Keolis Transit Services, LLC's Opposition to Motion to Compel

03/30/2017 Reply in Support
Filed By: Plaintiff Paz-Toledano, Gabriel
Reply in Support of Plaintiff Gabriel Paz-Toledano's Motion to Compel Defendants Heim and Keolis to Supplement Discovery Responses

04/03/2017 Opposition to Motion
Filed By: Defendant Heim, Dennis
Dennis Heim & Keolis Transit Services, LLC's Opposition to Plaintiff's Motion to Strike Expert Witness Ashley Dunn and Countermotion to Strike Plaintiff's Rebuttal Expert David Elliott

04/07/2017 **Motion to Compel** (9:00 AM) (Judicial Officer: Bulla, Bonnie)
Plaintiff Gabriel Paz-Toledano's Motion to Compel Defendants Heim and Keolis to Supplement Discovery Responses

04/10/2017 Reply in Support
Filed By: Plaintiff Paz-Toledano, Gabriel
Reply in Support of Plaintiff Gabriel Paz-Toledano's Motion to Strike Defendant Heim and Keolis's Expert Witness Ashley Dunn And Opposition to Countermotion to Strike Plaintiff's Rebuttal Expert David Elliot

04/18/2017 **Motion to Strike** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Plaintiff Gabriel Paz-Toledano's Motion to Strike Defendants Heim and Keolis's Expert Witness Ashley Dunn

04/18/2017 **Opposition and Countermotion** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Dennis Heim & Keolis Transit Services, LLC's Opposition to Plaintiff's Motion to Strike Expert Witness Ashley Dunn and Countermotion to Strike Plaintiff's Rebuttal Expert David Elliott

04/18/2017 **All Pending Motions** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)

04/24/2017 Demand for Prior Discovery
Filed By: Plaintiff Paz-Toledano, Gabriel
Plaintiff's Christy McLaughlin's Demand for Prior Pleadings and Discovery to Defendants

04/26/2017 Response
Filed by: Defendant Keolis Transit Services LLC
Dennis Heim & Keolis Transit Services, LLC's Response to Plaintiff Christy McLaughlin's Demand for Prior Pleadings and Discovery

04/26/2017 Substitution of Attorney
Filed by: Consolidated Case Party McLaughlin, Christy
Substitution of Attorney

05/09/2017 Order Denying Motion
Filed By: Plaintiff Paz-Toledano, Gabriel
Order Denying Plaintiff Fabriel Paz-Toledano's Motion to Strike Defendant Heim and Keolis's Expert Witness Ashley Dunn and Denying Defendants Heim and Keolis's Countermotion to Strike Plaintiff's Rebuttal Expert Witness David Elliot

05/10/2017 Notice of Entry of Order
Filed By: Plaintiff Paz-Toledano, Gabriel
Notice of Entry of Order

05/16/2017 Motion for Summary Judgment
Filed By: Defendant Heim, Dennis; Defendant Keolis Transit Services LLC
Dennis Heim & Keolis Transit Services, LLC s Motion for Summary Judgment re: Christy McLaughlin

05/16/2017 Motion for Partial Summary Judgment
Filed By: Defendant Heim, Dennis; Defendant Keolis Transit Services LLC
Dennis Heim & Keolis Transit Services, LLC s Partial Motion for Summary Judgment re Causes of Action 2 and 3

05/17/2017 Discovery Commissioners Report and Recommendations
Filed By: Plaintiff Paz-Toledano, Gabriel
Discovery Commissioner's Report and Recommendations

05/18/2017 Errata
Filed By: Defendant Heim, Dennis; Defendant Keolis Transit Services LLC
Dennis Heim & Keolis Transit Services, LLC s Errata to Certificate of Service re Partial Motion for Summary Judgment re Causes of Action 2 and 3

05/23/2017 Errata
Filed By: Defendant Heim, Dennis; Defendant Keolis Transit Services LLC
Dennis Heim & Keolis Transit Services, LLC s Errata to Partial Motion for Summary Judgment re Causes of Action 2 and 3

05/23/2017 Motion for Partial Summary Judgment
Filed By: Plaintiff Paz-Toledano, Gabriel
Plaintiff Gabriel Paz-Toledano's Motion for Partial Summary Judgment on Past Medical Special Damages

05/25/2017 **Status Check** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Status Check

06/01/2017 *CANCELED* **Status Check: Compliance** (3:00 AM) (Judicial Officer: Bulla, Bonnie)
Vacated - per Commissioner

06/06/2017 Motion in Limine to Exclude Expert Witness
Filed by: Defendant Heim, Dennis; Defendant Keolis Transit Services LLC
Dennis Heim & Keolis Transit Services, LLC s Motion in Limine 02 re Stan Smith, Ph.D.

06/06/2017 Motion in Limine
Filed By: Defendant Heim, Dennis; Defendant Keolis Transit Services LLC
Dennis Heim & Keolis Transit Services, LLC s Motion in Limine 03 re Questioning Based on Local Standard of Care

06/06/2017 Motion in Limine
Filed By: Defendant Heim, Dennis; Defendant Keolis Transit Services LLC
Dennis Heim & Keolis Transit Services, LLC s Motion in Limine 04 re Pain and Suffering Damages

06/06/2017 Motion in Limine

	Filed By: Defendant Heim, Dennis; Defendant Keolis Transit Services LLC *Dennis Heim & Keolis Transit Services, LLC s Motion in Limine 05 re Property Damage Estimates*
06/20/2017	**Status Check** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) *STATUS CHECK: GOOD CAUSE FOR NON-APPEARANCE*
06/20/2017	**Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Kishner, Joanna S.) *Dennis Heim & Keolis Transit Services, LLC s Motion for Summary Judgment re: Christy McLaughlin*
06/20/2017	**Motion for Partial Summary Judgment** (9:30 AM) (Judicial Officer: Kishner, Joanna S.) *Dennis Heim & Keolis Transit Services, LLC s Partial Motion for Summary Judgment re Causes of Action 2 and 3*
06/20/2017	*CANCELED* **Motion for Partial Summary Judgment** (9:30 AM) (Judicial Officer: Kishner, Joanna S.) *Vacated - per Stipulation and Order* *Plaintiff Garbiel Paz-Toledano's Motion for Partial Summary Judgment on Past Medical Special Damages*
06/20/2017	**All Pending Motions** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
06/20/2017	Order Granting Motion Filed By: Defendant Heim, Dennis; Defendant Keolis Transit Services LLC *(A730387) Order Granting Dennis Heim & Keolis Transit Services, LLC's Motions for Summary Judgment*
06/21/2017	Notice of Entry of Order Filed By: Defendant Heim, Dennis; Defendant Keolis Transit Services LLC *(A730387) Notice of Entry of Order*
06/22/2017	Stipulation and Order Filed by: Defendant Heim, Dennis; Defendant Keolis Transit Services LLC *Stipulation and Order re Paz-Toledano Motion for Partial Summary Judgment*
06/23/2017	Opposition to Motion in Limine Filed By: Consolidated Case Party McLaughlin, Christy *Plaintiff's Christy McLaughlin's Opposition to Defendants' Dennis Heim & Keolis Transit Services, LLC's Motion in Limine 4 RE: Pain and Suffering Damages*
06/23/2017	Opposition to Motion in Limine Filed By: Consolidated Case Party McLaughlin, Christy *Plaintiff's Christy McLaughlin's Opposition to Defendants' Dennis Heim & Keolis Transit Services, LLC's Motion in Limine 5 RE: Property Damage Estimates*
06/23/2017	Notice of Entry of Stipulation and Order Filed By: Defendant Keolis Transit Services LLC *Notice of Entry of Stipulation and Order*
06/23/2017	**Partial Summary Judgment** (Judicial Officer: Kishner, Joanna S.) Debtors: Dennis Heim (Defendant), Keolis Transit Services LLC (Defendant) Creditors: Gabriel Paz-Toledano (Plaintiff) Judgment: 06/23/2017, Docketed: 06/26/2017 Total Judgment: 90,253.20
06/26/2017	Opposition to Motion in Limine

Filed By: Plaintiff Paz-Toledano, Gabriel
Plaintiff Gabriel Paz-Toledano's Opposition to Dennis Heim and Keolis Transit Services, LLC's Motion in Limine No. 4 Pain and Suffering Damages

06/26/2017 Opposition to Motion in Limine
Filed By: Plaintiff Paz-Toledano, Gabriel
Plaintiff Gabriel Paz-Toledano's Opposition to Dennis Heim and Keolis Transit Services, LLC's Motion in Limine No. 2 Re Stan Smith

06/26/2017 Opposition to Motion in Limine
Filed By: Plaintiff Paz-Toledano, Gabriel
Plaintiff Gabriel Paz-Toledano's Opposition to Dennis Heim and Keolis Transit Services, LLC's Motion in Limine No. 3 Re Questioning Based on Local Standard of Care

06/27/2017 Opposition to Motion in Limine
Filed By: Plaintiff Paz-Toledano, Gabriel
Plaintiff Gabriel Paz-Toledano's Opposition to Dennis Heim and Keolis Transit Services, LLC's Motion in Limine No. 5 Re Property Damage Estimates

06/30/2017 Reply to Motion
Filed By: Defendant Heim, Dennis; Defendant Keolis Transit Services LLC
Dennis Heim & Keolis Transit Services, LLC's Reply re Motion in Limine 02 re Stan Smith, Ph.D.

06/30/2017 Reply to Motion
Filed By: Defendant Heim, Dennis; Defendant Keolis Transit Services LLC
Dennis Heim & Keolis Transit Services, LLC's Reply re Motion in Limine 03 re Questioning Based on Local Standard of Care

06/30/2017 Reply to Motion
Filed By: Defendant Heim, Dennis; Defendant Keolis Transit Services LLC
Dennis Heim & Keolis Transit Services, LLC's Reply re Motion in Limine 04 re Pain and Suffering Damages

06/30/2017 Reply Points and Authorities
Filed by: Defendant Heim, Dennis; Defendant Keolis Transit Services LLC
Dennis Heim & Keolis Transit Services, LLC's Reply re Motion in Limine 05 re Property Damage Estimates

07/05/2017 Motion for Partial Summary Judgment
Filed By: Plaintiff Paz-Toledano, Gabriel
Plaintiff Gabriel Paz-Toledano's Motion for Partial Summary Judgment on Damages for Future Medical Care

07/10/2017 Order to Show Cause
Order to Show Cause

07/11/2017 Motion in Limine
Filed By: Plaintiff Paz-Toledano, Gabriel
Plaintiff Gabriel Paz-Toledano's Motions in Limine 1 through 10

07/11/2017 Motion in Limine
Filed By: Plaintiff Paz-Toledano, Gabriel
Plaintiff Gabriel Paz-Toledanos Motions in Limine 11 through 22

07/17/2017

	Opposition to Motion Filed By: Defendant Heim, Dennis; Defendant Keolis Transit Services LLC *Dennis Heim & Keolis Transit Services, LLC s Opposition to Gabriel Paz-Toledano s Motion for Partial Summary Judgment re Future Medicals*
07/24/2017	**Motion in Limine** (1:30 PM) (Judicial Officer: Kishner, Joanna S.) *Dennis Heim & Keolis Transit Services LLC's Motion in Limine 02 Re Stan Smith PHD*
07/24/2017	**Motion in Limine** (1:30 PM) (Judicial Officer: Kishner, Joanna S.) *Dennis Heim & Keolis Transit Services, LLC s Motion in Limine 03 re Questioning Based on Local Standard of Care*
07/24/2017	**Motion in Limine** (1:30 PM) (Judicial Officer: Kishner, Joanna S.) *Dennis Heim & Keolis Transit Services, LLC s Motion in Limine 04 Re Palm and Suffering Damages*
07/24/2017	**Motion in Limine** (1:30 PM) (Judicial Officer: Kishner, Joanna S.) *Dennis Heim & Keolis Transit Services, LLC s Motion in Limine 05 re Property Damage Estimates*
07/24/2017	**All Pending Motions** (1:30 PM) (Judicial Officer: Kishner, Joanna S.)
07/24/2017	Case Appeal Statement Filed By: Consolidated Case Party McLaughlin, Christy *Case Appeal Statement*
07/24/2017	Notice of Appeal Filed By: Consolidated Case Party McLaughlin, Christy *Notice of Appeal*
07/25/2017	**Show Cause Hearing** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
07/25/2017	Memorandum of Costs and Disbursements Filed By: Defendant Heim, Dennis; Defendant Keolis Transit Services LLC *Dennis Heim & Keolis Transit Services, LLC s Memorandum of Costs re: Christy McLaughlin*
07/26/2017	Errata Filed By: Defendant Heim, Dennis; Defendant Keolis Transit Services LLC *Dennis Heim & Keolis Transit Services, LLC's Errata to Memorandum of Costs re: Christy McLaughlin*
07/27/2017	Receipt of Copy *Receipt of Copy of Plainitff McLaughlin's Motion to Set Aside Order Granting Summary Judgment on OST - Iarussi*
07/27/2017	Receipt of Copy Filed by: Consolidated Case Party McLaughlin, Christy *Receipt of Copy of Plainitff McLaughlin's Motion to Set Aside Order Granting Summary Judgment on OST - Henderson*
07/27/2017	Receipt of Copy Filed by: Consolidated Case Party McLaughlin, Christy *Receipt of Copy of Plainitff McLaughlin's Motion to Set Aside Order Granting Summary Judgment on OST - Lowry*
07/27/2017	Order Shortening Time

	Filed By: Consolidated Case Party McLaughlin, Christy *Plaintiff Christy McLaughlin's Motion to Set Aside an Order Granting Summary Judgment on Order Shortening Time*
08/03/2017	**Pre Trial Conference** (10:15 AM) (Judicial Officer: Kishner, Joanna S.)
08/03/2017	**Motion to Set Aside** (10:15 AM) (Judicial Officer: Kishner, Joanna S.) *Plaintiff Christy McLaughlin's Motion to Set Aside an Order Granting Summary Judgment on Order Shortening Time*
08/10/2017	**Motion for Partial Summary Judgment** (9:30 AM) (Judicial Officer: Kishner, Joanna S.) *Plaintiff Gabriel Paz-Toledano's Motion for Partial Summary Judgment on Damages for Future Medical Care*
08/15/2017	**Motion in Limine** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) *Plaintiff Gabriel Paz-Toledano's Motions in Limine 1 through 10*
08/15/2017	**Motion in Limine** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) *Plaintiff Gabriel Paz Toledano's Motions in Limine 11 Through 22*
08/29/2017	**Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
09/05/2017	**Jury Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)

DATE	FINANCIAL INFORMATION	
	Consolidated Case Party McLaughlin, Christy	
	Total Charges	24.00
	Total Payments and Credits	24.00
	Balance Due as of 7/28/2017	**0.00**
	Defendant Guintos, Leomar	
	Total Charges	223.00
	Total Payments and Credits	223.00
	Balance Due as of 7/28/2017	**0.00**
	Defendant Heim, Dennis	
	Total Charges	430.00
	Total Payments and Credits	430.00
	Balance Due as of 7/28/2017	**0.00**
	Defendant Keolis Transit Services LLC	
	Total Charges	223.00
	Total Payments and Credits	223.00
	Balance Due as of 7/28/2017	**0.00**
	Plaintiff Paz-Toledano, Gabriel	
	Total Charges	670.00
	Total Payments and Credits	670.00
	Balance Due as of 7/28/2017	**0.00**

A-15-726343-C

DISTRICT COURT CIVIL COVER SHEET

XXXI

County, Nevada

Case No. _____
(Assigned by Clerk's Office)

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

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone):
GABRIEL PAZ-TOLEDANO	DENNIS HEIM; KEOLIS TRANSIT SERVICES LAS VEGAS, LLC;
	LEOMAR GUINTOS; LOS ANGELES VAN RENTALS, INC.
Attorney (name/address/phone):	**Attorney (name/address/phone):**
ADAM D. SMITH, ESQ.	
c/o GLEN LERNER INJURY ATTORNEYS	
4795 So. Durango Dr.	
Las Vegas, Nevada 89147 (702) 877-1500	

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

Civil Case Filing Types

Real Property

Landlord/Tenant
- ☐ Unlawful Detainer
- ☐ Other Landlord/Tenant

Title to Property
- ☐ Judicial Foreclosure
- ☐ Other Title to Property

Other Real Property
- ☐ Condemnation/Eminent Domain
- ☐ Other Real Property

Torts

Negligence
- ■ Auto
- ☐ Premises Liability
- ☐ Other Negligence

Malpractice
- ☐ Medical/Dental
- ☐ Legal
- ☐ Accounting
- ☐ Other Malpractice

Other Torts
- ☐ Product Liability
- ☐ Intentional Misconduct
- ☐ Employment Tort
- ☐ Insurance Tort
- ☐ Other Tort

Probate

Probate *(select case type and estate value)*
- ☐ Summary Administration
- ☐ General Administration
- ☐ Special Administration
- ☐ Set Aside
- ☐ Trust/Conservatorship
- ☐ Other Probate

Estate Value
- ☐ Over $200,000
- ☐ Between $100,000 and $200,000
- ☐ Under $100,000 or Unknown
- ☐ Under $2,500

Construction Defect & Contract

Construction Defect
- ☐ Chapter 40
- ☐ Other Construction Defect

Contract Case
- ☐ Uniform Commercial Code
- ☐ Building and Construction
- ☐ Insurance Carrier
- ☐ Commercial Instrument
- ☐ Collection of Accounts
- ☐ Employment Contract
- ☐ Other Contract

Judicial Review/Appeal

Judicial Review
- ☐ Foreclosure Mediation Case
- ☐ Petition to Seal Records
- ☐ Mental Competency

Nevada State Agency Appeal
- ☐ Department of Motor Vehicle
- ☐ Worker's Compensation
- ☐ Other Nevada State Agency

Appeal Other
- ☐ Appeal from Lower Court
- ☐ Other Judicial Review/Appeal

Civil Writ

Civil Writ
- ☐ Writ of Habeas Corpus
- ☐ Writ of Mandamus
- ☐ Writ of Quo Warrant
- ☐ Writ of Prohibition
- ☐ Other Civil Writ

Other Civil Filing

Other Civil Filing
- ☐ Compromise of Minor's Claim
- ☐ Foreign Judgment
- ☐ Other Civil Matters

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

10-16-15
Date

Signature of initiating party or representative

See other side for family-related case filings.

Electronically Filed
6/20/2017 4:27 PM
Steven D. Grierson
CLERK OF THE COURT

MICHAEL P. LOWRY, ESQ.
Nevada Bar No. 10666
E-mail: Michael.Lowry@wilsonelser.com
WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP
300 South Fourth Street, 11th Floor
Las Vegas, Nevada 89101-6014
Telephone: (702) 727-1400
Facsimile: (702) 727-1401
Attorneys for Dennis Heim and
Keolis Transit Services, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

GABRIEL PAZ-TOLEDANO, individually, Plaintiffs, vs. DENNIS HEIM, individually; KEOLIS TRANSIT SERVICES, LLC; LEOMAR GUINTOS, individually; LOS ANGELES VAN RENTALS, INC.; DOES I-X, and ROE CORPORATIONS I-X, inclusive , Defendants.	Case No.: A-15-726343-C Dept. No. 31 Consolidated with: A-16-730387-C **Order Granting Dennis Heim & Keolis Transit Services, LLC's Motions for Summary Judgment**
CHRISTY MCLAUGHLIN, Plaintiff, vs. DENNIS HEIM, individually; KEOLIS TRANSIT AMERICA LLC; LEOMAR GUINTOS, individually; LOS ANGELES VAN RENTALS, INC.; DOES 1 through 10; and ROE CORPORATIONS 1 through 10, inclusive, Defendants.	

On May 16, 2017 Mr. Heim and Keolis Transit Services, LLC ("Keolis") filed two motions for summary judgment. One sought summary judgment as to Ms. McLaughlin, arguing she lacks the evidence necessary to support the causation and damages elements of her negligence cause of action. A second alternatively sought partial summary judgment as to both Plaintiffs' causes of action for negligent entrustment and negligent hiring, supervision, and retention. Both motions contained a

notice indicating they were scheduled for hearing on June 20, 2017. Both contained certificates of service indicating proper service. On May 23, 2017 Mr. Heim and Keolis filed an errata clarifying that the motion for partial summary judgment applied only to Ms. McLaughlin given that Mr. Paz-Toledano had previously dismissed the causes of action at issue. This errata also indicated it was properly served.

The court received no opposition from Ms. McLaughlin as to either motion, nor does the docket indicate one was filed. Michael P. Lowry appeared for Mr. Heim and Keolis at the June 20, 2017 hearing, but no appearance was entered for Ms. McLaughlin.

On the merits, the court concludes Ms. McLaughlin lacks the evidence required to create genuine issues of material fact as to the causation and damages elements of her negligence cause of action. The court also concludes that the negligent entrustment and negligent hiring, supervision, and retention causes of action pled in her complaint were extinguished by Mr. Heim and Keolis admitting that Mr. Heim was within the course and scope of his employment when the accident alleged in the complaint occurred.

Mr. Heim and Keolis' motions as to Ms. McLaughlin are granted. This ruling has no impact upon Mr. Paz-Toledano's consolidated case.

It is so ordered this 20 day of June, 2017.

DISTRICT JUDGE

Submitted by:

WILSON ELSER MOSKOWITZ
EDELMAN & DICKER LLP

MICHAEL P. LOWRY, ESQ.
Nevada Bar No. 10666
300 South Fourth Street, 11th Floor
Las Vegas, Nevada 89101-6014
Attorneys for Dennis Heim, Keolis Transit Services, LLC

Electronically Filed
6/21/2017 9:05 AM
Steven D. Grierson
CLERK OF THE COURT

MICHAEL P. LOWRY, ESQ.
Nevada Bar No. 10666
E-mail: Michael.Lowry@wilsonelser.com
WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP
300 South Fourth Street, 11th Floor
Las Vegas, Nevada 89101-6014
Telephone: (702) 727-1400
Facsimile: (702) 727-1401
Attorneys for Dennis Heim and
Keolis Transit Services, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

GABRIEL PAZ-TOLEDANO, individually,

Plaintiffs,

vs.

DENNIS HEIM, individually; KEOLIS TRANSIT SERVICES, LLC; LEOMAR GUINTOS, individually; LOS ANGELES VAN RENTALS, INC.; DOES I-X, and ROE CORPORATIONS I-X, inclusive ,

Defendants.

CHRISTY MCLAUGHLIN,

Plaintiff,

vs.

DENNIS HEIM, individually; KEOLIS TRANSIT AMERICA LLC; LEOMAR GUINTOS, individually; LOS ANGELES VAN RENTALS, INC.; DOES 1 through 10; and ROE CORPORATIONS 1 through 10, inclusive,

Defendants.

Case No.: A-15-726343-C
Dept. No. 31

Consolidated with: A-16-730387-C

Notice of Entry of Order

Please take notice that an Order Granting Dennis Heim & Keolis Transit Services, LLC's Motions for Summary Judgment was entered by the Court on June 20, 2017. A copy of the Order is attached hereto.

DATED this 6th day of June, 2017.

WILSON ELSER MOSKOWITZ
EDELMAN & DICKER LLP

/s/ Michael P. Lowry
MICHAEL P. LOWRY, ESQ.
Nevada Bar No. 10666
300 South Fourth Street, 11th Floor
Las Vegas, Nevada 89101-6014
Attorneys for Dennis Heim, Keolis Transit Services, LLC

CERTIFICATE OF SERVICE

Pursuant to NRCP 5, I certify that I am an employee of Wilson Elser Moskowitz Edelman & Dicker LLP, and that on June 21, 2017, I served **Notice of Entry of Order** via electronic service by operation of the Court's electronic filing system, upon each party in this case who is registered as an electronic case filing user with the Clerk.

BY: */s/ Naomi E. Sudranski*
An Employee of
WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP

Electronically Filed
6/20/2017 4:27 PM
Steven D. Grierson
CLERK OF THE COURT

MICHAEL P. LOWRY, ESQ.
Nevada Bar No. 10666
E-mail: Michael.Lowry@wilsonelser.com
WILSON ELSER MOSKOWITZ EDELMAN & DICKER LLP
300 South Fourth Street, 11th Floor
Las Vegas, Nevada 89101-6014
Telephone: (702) 727-1400
Facsimile: (702) 727-1401
Attorneys for Dennis Heim and
Keolis Transit Services, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

GABRIEL PAZ-TOLEDANO, individually, Plaintiffs, vs. DENNIS HEIM, individually; KEOLIS TRANSIT SERVICES, LLC; LEOMAR GUINTOS, individually; LOS ANGELES VAN RENTALS, INC.; DOES I-X, and ROE CORPORATIONS I-X, inclusive , Defendants.	Case No.: A-15-726343-C Dept. No. 31 Consolidated with: A-16-730387-C **Order Granting Dennis Heim & Keolis Transit Services, LLC's Motions for Summary Judgment**
CHRISTY MCLAUGHLIN, Plaintiff, vs. DENNIS HEIM, individually; KEOLIS TRANSIT AMERICA LLC; LEOMAR GUINTOS, individually; LOS ANGELES VAN RENTALS, INC.; DOES 1 through 10; and ROE CORPORATIONS 1 through 10, inclusive, Defendants.	

On May 16, 2017 Mr. Heim and Keolis Transit Services, LLC ("Keolis") filed two motions for summary judgment. One sought summary judgment as to Ms. McLaughlin, arguing she lacks the evidence necessary to support the causation and damages elements of her negligence cause of action. A second alternatively sought partial summary judgment as to both Plaintiffs' causes of action for negligent entrustment and negligent hiring, supervision, and retention. Both motions contained a

notice indicating they were scheduled for hearing on June 20, 2017. Both contained certificates of service indicating proper service. On May 23, 2017 Mr. Heim and Keolis filed an errata clarifying that the motion for partial summary judgment applied only to Ms. McLaughlin given that Mr. Paz-Toledano had previously dismissed the causes of action at issue. This errata also indicated it was properly served.

The court received no opposition from Ms. McLaughlin as to either motion, nor does the docket indicate one was filed. Michael P. Lowry appeared for Mr. Heim and Keolis at the June 20, 2017 hearing, but no appearance was entered for Ms. McLaughlin.

On the merits, the court concludes Ms. McLaughlin lacks the evidence required to create genuine issues of material fact as to the causation and damages elements of her negligence cause of action. The court also concludes that the negligent entrustment and negligent hiring, supervision, and retention causes of action pled in her complaint were extinguished by Mr. Heim and Keolis admitting that Mr. Heim was within the course and scope of his employment when the accident alleged in the complaint occurred.

Mr. Heim and Keolis' motions as to Ms. McLaughlin are granted. This ruling has no impact upon Mr. Paz-Toledano's consolidated case.

It is so ordered this 20 day of June, 2017.

DISTRICT JUDGE

Submitted by:

WILSON ELSER MOSKOWITZ
EDELMAN & DICKER LLP

MICHAEL P. LOWRY, ESQ.
Nevada Bar No. 10666
300 South Fourth Street, 11th Floor
Las Vegas, Nevada 89101-6014
Attorneys for Dennis Heim, Keolis Transit Services, LLC

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Auto	**COURT MINUTES**	**January 19, 2016**

A-15-726343-C Gabriel Paz-Toledano, Plaintiff(s)
vs.
Dennis Heim, Defendant(s)

January 19, 2016 **9:00 AM** **Motion**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT: Kristof, Michael A. Attorney

JOURNAL ENTRIES

- PLAINTIFF'S EX PARTE APPLICATION FOR SERVICE OF DEFENDANT LOS ANGELES VAN RENTALS, INC., THROUGH CALIFORNIA SECRETARY OF STATE AND REQUEST FOR ENLARGEMENT OF TIME TO SERVE DEFENDANT LOS ANGELES VAN RENTALS, INC.

Statements by Mr. Kristof. Court stated its findings, and ORDERED, Plaintiff's Ex Parte Application for Service of Defendant Los Angeles Van Rentals, Inc., Through California Secretary of State is GRANTED. Mr. Kristof WITHDREW his request for enlargement of time. Mr. Kristof to prepare the Order. Matter SET for Status Check regarding receipt of proposed order.

2/5/16 STATUS CHECK: ORDER (CHAMBERS)

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Auto	**COURT MINUTES**	**January 28, 2016**

A-15-726343-C Gabriel Paz-Toledano, Plaintiff(s)
vs.
Dennis Heim, Defendant(s)

January 28, 2016 **9:00 AM** **Motion**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT: Henderson, Craig A. Attorney

JOURNAL ENTRIES

- Statements by Mr. Henderson. Court finds good cause, and ORDERED, Plaintiff's Ex-Parte Application for Enlargement of Time to Serve Defendant Los Angeles Van Rentals, Inc. on Order Shortening Time is GRANTED with Additional 30 days to Serve. Counsel for Plaintiff to prepare the Order, circulating to all parties for approval as to form and content. Matter SET for Status Check regarding receipt of proposed order.

2/12/16 STATUS CHECK: ORDER (CHAMBERS)

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Auto	**COURT MINUTES**	**September 23, 2016**

A-15-726343-C Gabriel Paz-Toledano, Plaintiff(s)
vs.
Dennis Heim, Defendant(s)

September 23, 2016 3:00 AM Motion to Consolidate

HEARD BY: Kishner, Joanna S. **COURTROOM:** Chambers

COURT CLERK: Sandra Harrell

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- DENNIS HEIM & KEOLIS TRANSIT SERVICES, LLC'S MOTION TO CONSOLIDATE

On August 17, 2016, Defendants Dennis Heim, and Keolis Transit Services, LLC filed a Motion to Consolidate A726343 currently assigned to Department XXXI with A-16-730387-C.

The matter was subsequently placed on the Chambers Calendar of Department XXXI. There being no opposition to the motion, and the time to oppose having passed, pursuant to EDCR 2.20 and for good cause showing, the Court hereby GRANTS the Motion to Consolidate.

This Decision sets forth the Court's intended disposition on the subject but anticipates further Order of the Court to make such disposition effective as an Order or Judgment. Such Order should set forth a synopsis of the supporting reasons proffered to the Court in briefing and in the record.

Counsel for Defendants Dennis Heim and Keolis Transit Services, LLC is directed to prepare the Order, and submit it to Chambers within 10 days pursuant to EDCR 7.21.

CLERK'S NOTE: The above minute order has been distributed via e-mail to: Michael Lowry, Esq., Corey Eschweiler, Esq. and Joseph Iarussi, Esq.\sjh 9-23-16

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Auto	**COURT MINUTES**	**December 15, 2016**

A-15-726343-C Gabriel Paz-Toledano, Plaintiff(s)
vs.
Dennis Heim, Defendant(s)

December 15, 2016 9:00 AM Motion in Limine

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT:

Henderson, Craig A.	Attorney
Lowry, Michael P.	Attorney

JOURNAL ENTRIES

- Statements by counsel. Pursuant to the stipulation of the parties in open court, COURT ORDERED, Dennis Heim & Keolis Transit Services, LLC's Motion in Limine 01 to Deem Prior Depositions Admissible is GRANTED IN PART; to the extent that the motion in limine is seeking that the depositions at issue could be used in this case meeting other standards of admissibility and without precluding any party from taking those depositions again, if they choose to in this case, and the parties agreement that the Pesterfield language would apply in this case as modified to meet the facts of this case, Court Grants in that regard.
Mr. Lowry to prepare the Order, circulating to all counsel for approval as to form and content in accordance with EDCR 7.21.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Auto	**COURT MINUTES**	**April 07, 2017**

A-15-726343-C Gabriel Paz-Toledano, Plaintiff(s)
vs.
Dennis Heim, Defendant(s)

April 07, 2017	**9:00 AM**	**Motion to Compel**	**Plaintiff Gabriel Paz-Toledano's Motion to Compel Defendants Heim and Keolis to Supplement Discovery Responses**

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Level 5 Hearing Room

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES PRESENT:

Henderson, Craig A.	Attorney
Lowry, Michael P.	Attorney

JOURNAL ENTRIES

- Mr. Lowry didn't expect anyone else's appearance. Cases were consolidated and new discovery dates were in the Order. Mr. Lowry stated discovery cutoff was extended to 5-11-17; initial expert disclosures due 2-10-17; rebuttal expert disclosures due 3-13-17. Mr. Heim's deposition may not be needed if Mr. Henderson answers Interrogatories.

COMMISSIONER RECOMMENDED, motion is GRANTED IN PART; colloquy re: verification; supplement Interrogatory 1; Commissioner will review Mr. Lowry's case law if he finds something re: verification; Request for Production 3 is PROTECTED. No indication of mechanical failure per Mr. Henderson. COMMISSIONER RECOMMENDED, supplement Interrogatory 8; no fees or costs; Page 57 from Exhibit 1-E is STRICKEN (Motion to Compel).

Mr. Henderson to prepare the Report and Recommendations, and Mr. Lowry to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

CLERK'S NOTE: Page 58 is also STRICKEN due to identifying information. JL

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Auto	**COURT MINUTES**	**April 18, 2017**

A-15-726343-C Gabriel Paz-Toledano, Plaintiff(s)
vs.
Dennis Heim, Defendant(s)

April 18, 2017 **9:00 AM** **All Pending Motions**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 15D

COURT CLERK: Kory Schlitz

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES PRESENT:

Henderson, Craig A.	Attorney
Lowry, Michael P.	Attorney

JOURNAL ENTRIES

- PLAINTIFF GABRIEL PAZ-TOLEDANO'S MOTION TO STRIKE DEFENDANTS HEIM AND KEOLIS'S EXPERT WITNESS ASHLEY DUNN... DENNIS HEIM & KEOLIS TRANSIT SERVICES, LLC'S OPPOSITION TO PLAINTIFF'S MOTION TO STRIKE EXPERT WITNESS ASHLEY DUNN AND COUNTERMOTION TO STRIKE PLAINTIFF'S REBUTTAL EXPERT DAVID ELLIOTT

COURT ORDERED, Motion to Strike and Countermotion DENIED WITHOUT PREJUDICE; Court is DEFERRING ruling until the time of trial. Court directed Mr. Henderson to prepare the Order, circulating to all parties for approval as to form and content in accordance with ECDR 7.21.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Auto	**COURT MINUTES**	**May 25, 2017**

A-15-726343-C Gabriel Paz-Toledano, Plaintiff(s)
vs.
Dennis Heim, Defendant(s)

May 25, 2017 **9:00 AM** **Status Check**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Louisa Garcia

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Henderson, Craig A.	Attorney
Lowry, Michael P.	Attorney

JOURNAL ENTRIES

- Mr. Lowry stated they have had no communications from the other attorneys about this hearing or the case in general. Mr. Lowry stated discovery was closed and they were on the September stack and trying to have settlement discussions. Court noted there were various motions for summary judgment set for June 20 and June 27. At the request of counsel, the hearing on June 27 advanced to June 20th. FURTHER, status check SET if any good cause for non-appearance.

6/20/17 9:00 AM STATUS CHECK: GOOD CAUSE FOR NON-APPEARANCE

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Auto	**COURT MINUTES**	**June 20, 2017**

A-15-726343-C Gabriel Paz-Toledano, Plaintiff(s)
vs.
Dennis Heim, Defendant(s)

June 20, 2017 **9:30 AM** **All Pending Motions**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Tena Jolley

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT: Lowry, Michael P. Attorney

JOURNAL ENTRIES

- STATUS CHECK: GOOD CAUSE FOR NON-APPEARANCE...DENNIS HEIM & KEOLIS TRANSIT SERVICES, LLC'S MOTION FOR SUMMARY JUDGMENT RE: CHRISTY MC LAUGHLIN...DENNIS HEIM & KEOLIS TRANSIT SERVICES, LLC'S PARTIAL MOTION FOR SUMMARY JUDGMENT RE CAUSES OF ACTION 2 AND 3

COURT ORDERED, Motions GRANTED pursuant to ECDR 2.20 and on the merits as to Christy McLaughlin ONLY. ORDER SIGNED IN OPEN COURT and returned to Mr. Lowry.

Upon Court's inquiry, Mr. Lowry indicated that the July 11, 2017 Motions In Limine are not mooted by today's rulings.

Addressing the Status Check: Good Cause for Non-Appearance, Court stated it had not received any notification for the prior non-appearance, nor has the Court received any notification of good cause for today's non-appearance. The Court stated it would evaluate whether it would be issuing an Order to Show Cause as to Mr. Cloward and Mr. Iarussi for their non-appearance as it has not received any notice of withdraw from either counsel.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Auto	**COURT MINUTES**	**July 24, 2017**

A-15-726343-C Gabriel Paz-Toledano, Plaintiff(s)
vs.
Dennis Heim, Defendant(s)

July 24, 2017 **1:30 PM** **All Pending Motions**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Louisa Garcia

RECORDER: Maria Garibay

REPORTER:

PARTIES PRESENT:

Henderson, Craig A.	Attorney
Lowry, Michael P.	Attorney

JOURNAL ENTRIES

- Court noted the absence of other counsel advising it has an opposition from them. Mr. Lawry stated Mr. McLaughlin was not present; he was not aware, at the time he filed the two motions that summary judgment had been granted against his client. He became aware of it last week and requested this hearing be moved so he could attend. Mr. Lawry stated he expressed his opinion as to why he would need to be present when summary judgment had been granted, that was the last time he spoke with him. Court advised it did not receive any request to change today's hearing and the only parties currently in which the pending motions in limine would apply to are present here before the court. Counsel concurred.

Following arguments by counsel as to Defendant's Motions in Limine, COURT ORDERED, as follows:

DENNIS HEIM & KEOLIS TRANSIT SERVICES LLC's MOTION IN LIMINE 02 RE. STAN SMITH PHD, COURT ORDERED, GRANTED as to household services because there was no methodology; and, DENIED as to Hedonic damages, goes more toward weight rather preclusion.

DENNIS HEIM & KEOLIS TRANSIT SERVICES, LLC's MOTION IN LIMINE 03 RE QUESTIONING BASED ON LOCAL STANDARD OF CARE, COURT ORDERED, Motion GRANTED as it does not preclude any comparison between the experts properly designated in court; however, it would preclude the other side from trying to bolster other experts that have not been specifically designated

DENNIS HEIM & KEOLIS TRANSIT SERVICES, LLC's MOTION IN LIMINE 04 RE PAIN AND SUFFERING DAMAGES, COURT ORDERED, GRANTED to the extent that counsel cannot suggest a specific number to the jury and, DENIED to the extent it prohibits Plaintiff's counsel from instructing the jury as to any framework or method of calculation.

DENNIS HEIM & KEOLIS TRANSIT SERVICES, LLC's MOTION IN LIMINE 05 RE PROPERTY DAMAGE ESTIMATES, COURT ORDERED, GRANTED as to pricing and DENIED as to listing parts.

Colloquy regarding trial stacks. Court advised parties were set on the 9/5 stack and it looks like it would be the first three weeks of the stack or placed No. 2 or 3, if later in the stack.

Mr. Lowry to prepare the Motion.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Auto	**COURT MINUTES**	**July 25, 2017**

A-15-726343-C Gabriel Paz-Toledano, Plaintiff(s)
vs.
Dennis Heim, Defendant(s)

July 25, 2017 **9:00 AM** **Show Cause Hearing**

HEARD BY: Kishner, Joanna S. **COURTROOM:** RJC Courtroom 12B

COURT CLERK: Tena Jolley

RECORDER: Patti Slattery

REPORTER:

PARTIES PRESENT: Cloward, Benjamin P. Attorney

JOURNAL ENTRIES

- Amanda Ebert, Esq. also present. Upon Court's inquiry, Mr. Cloward indicated there was a calendaring issue when he transferred firms and then the Order to Show Cause was served at the wrong address. Court FINDS good cause for non-appearance by Mr. Cloward and ORDERED, Order to Show Cause hearing VACATED as to Mr. Cloward.

Matter trailed as Mr. Iarussi was not present. MATTER RECALLED. Mr. Iarussi was still not present. COURT ORDERED second Order to Show Cause TO ISSUE as to Mr. Iarussi's non-appearance.

EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE

NOTICE OF DEFICIENCY

ON APPEAL TO NEVADA SUPREME COURT

BENJAMIN P. CLOWARD, ESQ.
801 SOUTH FOURTH ST.
LAS VEGAS, NV 89101

DATE: July 28, 2017
CASE: A-15-726343-C

RE CASE: GABRIEL PAZ-TOLEDANO vs. DENNIS HEIM; KEOLIS TRANSIT SERVICES, LLC; LEOMAR GUINTOS

NOTICE OF APPEAL FILED: July 24, 2017

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

☒ $250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)**
- If the $250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.

☒ $24 – District Court Filing Fee (Make Check Payable to the District Court)**

☒ $500 – Cost Bond on Appeal (Make Check Payable to the District Court)**
- NRAP 7: Bond For Costs On Appeal in Civil Cases

☐ Case Appeal Statement
- NRAP 3 (a)(1), Form 2

☐ Order

☐ Notice of Entry of Order

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

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

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

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

Certification of Copy

State of Nevada
County of Clark } **SS:**

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING DENNIS HEIM & KEOLIS TRANSIT SERVICES, LLC'S MOTIONS FOR SUMMARY JUDGMENT; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

GABRIEL PAZ-TOLEDANO,

Plaintiff(s),

vs.

DENNIS HEIM; KEOLIS TRANSIT SERVICES, LLC; LEOMAR GUINTOS,

Defendant(s),

Case No: A-15-726343-C
Consolidated with A-16-730387-C
Dept No: XXXI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 28 day of July 2017.

Steven D. Grierson, Clerk of the Court

Amanda Hampton, Deputy Clerk