Electronically Filed
12/7/2018 1:39 PM
Steven D. Grierson
CLERK OF THE COURT

NOAS

LEE J. GRANT II, ESQ.
Nevada Bar No. 11808
ALEXANDRA B. MCLEOD, ESQ.
Nevada Bar No. 8185
GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Tel.: (702) 940-3529
Fax: (855) 429-3413
Alexandra.McLeod@aig.com

Attorney for Defendant GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC.

Electronically Filed
Dec 14 2018 01:30 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

DISTRICT COURT

CLARK COUNTY, NEVADA

PATRICIA BROWNING, an individual,

Plaintiff,

vs.

GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC., a Nevada Corporation;

Defendants.

CASE NO.: A-15-728931-C
DEPT. NO.: XXVI

NOTICE OF APPEAL

Notice is hereby given that Defendant GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC. ("Defendant" or "Grand Desert"), by and through it counsel of record the law offices of **GRANT & ASSOCIATES**, hereby appeals to the Supreme Court of Nevada from the final Judgment on Jury verdict entered in this action on August 20, 2018, notice of which was given on December 6, 2018. Grand Dessert also hereby appeals from the Order Granting in Part and Denying Part Defendant's Motion to Retax and Settle Costs as well

. . .

. . .

GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Telephone No. (702) 940-3529
Facsimile No. (855) 429-3413

Docket 77667 Document 2018-908835

Case Number: A-15-728931-C

as the Order Granting Plaintiff's Motion for Attorney's Fees both entered in this action on November 8, 2018.

DATED this 7th day of December, 2018.

GRANT & ASSOCIATES



ALEXANDRA B. MCLEOD, ESQ.
Nevada Bar No. 8185
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Attorneys for Defendant GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC.

GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Telephone No. (702) 940-3529
Facsimile No. (855) 429-3413

CERTIFICATE OF SERVICE

I certify that I am an employee of GRANT & ASSOCIATES and that on this 7th day of December, 2018 I caused a true and correct copy of the foregoing **NOTICE OF APPEAL** to be served as follows:

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

___ Pursuant to EDCR 7.26, to be sent via facsimile; and/or

_X_ Pursuant to EDCR 7.26, by transmitting via the Court's electronic filing services by the document(s) listed above to the Counsel set forth on the service list.

Steven M. Burris, Esq.
Jeffrey L. Galliher, Esq.
LAW OFFICE OF STEVEN M. BURRIS
2810 W. Charleston Blvd, Ste. F-58
Las Vegas, NV 89102
Attorney for Plaintiff

/s/ Camie DeVoge

An Employee of **GRANT & ASSOCIATES**

Electronically Filed
12/7/2018 1:41 PM
Steven D. Grierson
CLERK OF THE COURT

ASTA
LEE J. GRANT II, ESQ.
Nevada Bar No. 11808
ALEXANDRA B. MCLEOD, ESQ.
Nevada Bar No. 8185
GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Tel.: (702) 940-3529
Fax: (855) 429-3413
Alexandra.McLeod@aig.com

Attorney for Defendant/Appellant GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC.

DISTRICT COURT

CLARK COUNTY, NEVADA

PATRICIA BROWNING, an individual, Plaintiff, vs. GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC., a Nevada Corporation; Defendants.	**CASE NO.: A-15-728931-C** **DEPT. NO.: XXVI** **CASE APPEAL STATEMENT**

1. **Name of the appellant filing case appeal statement**: Grand Desert Resort Vacation Owners Association, Inc.

2. **Identify the judge issuing the decision, judgment, or order appealed from**: Judge Gloria Sturman, Department 26

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

Appellant: Grand Desert Resort Vacation Owners Association, Inc.
Counsel for Appellant:
LEE J. GRANT II, ESQ.
Nevada Bar No. 11808
ALEXANDRA B. M^{C}LEOD, ESQ.
Nevada Bar Number 8185
GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300

GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Telephone No. (702) 940-3529
Facsimile No. (855) 429-3413

Las Vegas, Nevada 89113
Tel.: (702) 940-3529
Fax: (855) 429-3413
Alexandra.McLeod@aig.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, indicate as much and provide the name and address of that respondent's trial counsel)**

Respondent: Patricia Browning
Counsel for Respondent:
MICHAEL A. KONING, ESQ.
Nevada Bar Number 280
TRAVIS SHETLER, ESQ.
Nevada Bar Number 4747
LAS OFFICES OF STEVEN M. BURRIS
2810 W. Charleston Boulevard, Suite F-58
Las Vegas, Nevada 89102
Tel: (702) 258-6238
Fax: (702) 258-8280
ts@steveburrislaw.com

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):** Not applicable.
6. **Indicate whether appellant was represented by appointed or retained counsel in the district court**: Retained
7. **Indicated 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**: No
9. **Indicate the date the proceedings commenced in the district court**: Complaint filed December 14, 2015
10. **Brief description of the nature of the action and result (including the type of judgment or order being appealed)**: Plaintiff Patricia Browning claimed personal injuries arising from an alleged exposure to fumes that occurred in the early morning hours of December 18, 2013, at the Wyndham Grand Desert Resort located at 265 East Harmon Avenue in Las

GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Telephone No. (702) 940-3529
Facsimile No. (855) 429-3413

Vegas, Nevada. Specifically, Plaintiff alleged injuries from inhalation exposure to Methyl Methacrylate (MMA) used in the Flowcrete product used to resurface the pool deck. Trial went forward on July 9-17, 2018, resulting in a Plaintiff's verdict of only $900. Plaintiff was thereafter awarded $16,177.59 in costs and $100,000 in attorney fees as a "prevailing party" under NRS 18.010. Defendant appeals from evidentiary rulings and irregularities at trial, as well as the six-figure award for fees and five-figure award for costs which are wholly disproportionate and exorbitant in the face of a meager $900 verdict.

11. **Whether the case has previously been the subject of an appeal to or original writ proceeding (and, if so, the caption and Supreme Court docket number of the prior proceeding)**: Not applicable

12. **Whether the appeal involves child custody or visitation**: No

13. **Whether the appeal involves the possibility of settlement**: Yes

DATED this 7th day of December, 2018.

GRANT & ASSOCIATES



ALEXANDRA B. MCLEOD, ESQ.
Nevada Bar No. 8185
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Attorneys for Defendant/Appellant GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC.

GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Telephone No. (702) 940-3529
Facsimile No. (855) 429-3413

GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Telephone No. (702) 940-3529
Facsimile No. (855) 429-3413

CERTIFICATE OF SERVICE

I certify that I am an employee of GRANT & ASSOCIATES and that on this 7th day of December, 2018 I caused a true and correct copy of the foregoing **CASE APPEAL STATEMENT** to be served as follows:

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

___ Pursuant to EDCR 7.26, to be sent via facsimile; and/or

_X_ Pursuant to EDCR 7.26, by transmitting via the Court's electronic filing services by the document(s) listed above to the Counsel set forth on the service list.

Steven M. Burris, Esq.
Jeffrey L. Galliher, Esq.
LAW OFFICE OF STEVEN M. BURRIS
2810 W. Charleston Blvd, Ste. F-58
Las Vegas, NV 89102
Attorney for Plaintiff

/s/ Camie DeVoge
An Employee of **GRANT & ASSOCIATES**

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-15-728931-C

Patricia Browning, Plaintiff(s)	§	Location:	**Department 26**
vs.	§	Judicial Officer:	**Sturman, Gloria**
Wyndham Vacation Ownership Inc, Defendant(s)	§	Filed on:	**12/14/2015**
	§	Cross-Reference Case Number:	**A728931**

CASE INFORMATION

Statistical Closures
08/20/2018 Summary Judgment

Case Type: **Negligence - Premises Liability**

Case Status: **08/20/2018 Closed**

DATE — CASE ASSIGNMENT

Current Case Assignment

Case Number	A-15-728931-C
Court	Department 26
Date Assigned	12/14/2015
Judicial Officer	Sturman, Gloria

PARTY INFORMATION

Plaintiff	**Browning, Patricia**	**Grant, Lee J** *Retained* 702-940-3529(W)
Defendant	**Grand Desert Resort Vacation Owners Association Inc**	**Grant, Lee J** *Retained* 702-940-3529(W)
	Westdeck Concrete Coating, LLC Removed: 07/23/2018 Dismissed	
	Westdeck Concrete Coatings LLC Removed: 07/24/2018 Data Entry Error	
	Wyndham Vacation Ownership Inc	**Grant, Annalisa N** *Retained* 702-940-3529(W)

DATE — EVENTS & ORDERS OF THE COURT — INDEX

EVENTS

12/14/2015 Complaint
Filed By: Plaintiff Browning, Patricia
Complaint

12/30/2015 Summons
Filed by: Plaintiff Browning, Patricia
Summons - Civil

01/11/2016 Amended Complaint
Filed By: Plaintiff Browning, Patricia
Amended Complaint

01/13/2016	Acceptance of Service Filed By: Plaintiff Browning, Patricia *Acceptance of Service*
01/15/2016	Initial Appearance Fee Disclosure Filed By: Defendant Wyndham Vacation Ownership Inc *Defendant Grand Desert Resort Vacation Owners Association, Inc.'s Initial Appearance Fee Disclosure*
01/15/2016	Demand for Jury Trial Filed By: Defendant Wyndham Vacation Ownership Inc *Defendant Grand Desert Resort Vacation Owners Association, Inc.'s Demand for Jury Trial*
01/15/2016	Answer Filed By: Defendant Wyndham Vacation Ownership Inc *Defendant Grand Desert Resort Vacation Owners Association, Inc.'s Answer to Plaintiff's Amended Complaint*
01/29/2016	Notice of Early Case Conference Filed By: Plaintiff Browning, Patricia *Notice of 16.1 Early Case Conference*
02/22/2016	Commissioners Decision on Request for Exemption - Granted *Commissioner's Decision on Request for Exemption - Granted*
03/11/2016	Joint Case Conference Report Filed By: Plaintiff Browning, Patricia *Joint Case Conference Report*
03/30/2016	Scheduling Order *Scheduling Order*
04/01/2016	Order Setting Civil Jury Trial *Order Setting Civil Jury Trial*
05/03/2016	Notice of Change of Firm Name Filed By: Defendant Grand Desert Resort Vacation Owners Association Inc *Notice of Change of Firm Name*
06/03/2016	Motion Filed By: Plaintiff Browning, Patricia *Plaintiff's Motion for Leave to Amend Complaint*
07/07/2016	Amended Complaint Filed By: Plaintiff Browning, Patricia *Second Amended Complaint*
08/02/2016	Amended Complaint Filed By: Defendant Grand Desert Resort Vacation Owners Association Inc *Defendant Grand Desert Resort Vacation Owners Association, Inc.'s Answer To Plaintiff's Second Amended Complaint*
08/23/2016	Affidavit of Service Filed By: Plaintiff Browning, Patricia

Affidavit of Service & Summons (Westdeck Concrete)

08/28/2016 Notice of Change of Firm Name
Filed By: Defendant Wyndham Vacation Ownership Inc
Notice of Change of Firm Name

09/20/2016 Initial Appearance Fee Disclosure
Filed By: Defendant Westdeck Concrete Coating, LLC
Initial Appearance Fee Disclosure

09/20/2016 Answer to Amended Complaint
Filed By: Defendant Westdeck Concrete Coating, LLC
Defendant Westdeck Concrete Coating, LLC's Answer to Second Amended Complaint

11/03/2016 Supplemental Joint Case Conference Report
Party: Plaintiff Browning, Patricia
Supplemental Joint Case Conference Report

11/09/2016 Stipulation and Order
Filed by: Plaintiff Browning, Patricia
Stipulation and Order to Extend Discovery Deadlines and Continue Trial

11/09/2016 Notice of Entry of Stipulation and Order
Filed By: Plaintiff Browning, Patricia
Notice Of Entry Of Stipulation And Order To Extend Discovery Deadlines And Continue Trial

11/09/2016 Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call
Second Order Setting Civil Jury Trial

05/23/2017 Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call
Third Order Setting Civil Jury Trial

05/25/2017 Stipulation and Order
Filed by: Plaintiff Browning, Patricia
Stipulation and Order To Extend Discovery Deadlines and Continue Trial (Second Request)

05/25/2017 Notice of Entry of Stipulation and Order
Filed By: Plaintiff Browning, Patricia
Notice of Entry of Stipulation and Order to Extend Discovery Deadlines and Continue Trial

08/21/2017 Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call
Order Setting Civil Jury Trial

08/22/2017 Stipulation and Order
Filed by: Plaintiff Browning, Patricia
Stipulation and Order to Extend Discovery Deadlines and Continue Trial (Third Request)

09/17/2017 Notice of Entry
Filed By: Plaintiff Browning, Patricia
Notice of Entry of SAO to Extend Discovery Deadlines and Continue Trial (3rd)

09/19/2017 Notice of Association of Counsel
Filed By: Plaintiff Browning, Patricia

Notice of Association of Counsel

03/09/2018 Motion for Summary Judgment
Filed By: Defendant Grand Desert Resort Vacation Owners Association Inc
Grand Desert Resport Vacation Owners Assocaition, Inc's Motion for Summary Judgment

03/13/2018 Joinder to Motion For Summary Judgment
Filed By: Defendant Westdeck Concrete Coating, LLC
Defendant Westdeck Concrete Coating, LLC's Joinder to Grand Desert Resort Vacation Owners Assocation, Inc.'s Motion for Summary Judgment

03/26/2018 Opposition to Motion For Summary Judgment
Filed By: Plaintiff Browning, Patricia
Palintiff's Opposition to Defendant Grand Desert Resort Vacation Owner's Association, Inc. s Motion for Summary Judgment and Defendant Westdeck Concrete Coating, LLC's Joinder in Same

04/11/2018 Reply in Support
Filed By: Defendant Grand Desert Resort Vacation Owners Association Inc
Grand Desert Resort Vacation Owners Association, Inc.'s Reply in Support of Motion for Summary Judgment

05/03/2018 Motion
Defendant Westdeck Concrete Coating, LLC's Motion for Reconsideration of Defendant Grand Desert Resort Vacation Owners Association, Inc.'s Motion for Summary Judgment

05/11/2018 Joinder
Filed By: Defendant Grand Desert Resort Vacation Owners Association Inc
Joinder To Westdeck s Motion For Reconsideration Of Grand Desert s Motion For Summary Judgment

05/14/2018 Joinder To Motion
Filed By: Defendant Grand Desert Resort Vacation Owners Association Inc
Joinder to Westdeck's Motion for Reconsideration of Grand Desert's Motion for Summary Judgement

05/16/2018 Notice
Filed By: Plaintiff Browning, Patricia
Notice of E.D.C.R. 2.47 Conference

05/17/2018 Opposition to Motion
Filed By: Plaintiff Browning, Patricia
Plaintiff's Oppositon to Defendant WestDeck's Motion for Reconsideration of Motion for Summary Judgment and Grand Dester's Joinder

05/22/2018 Reply in Support
Defendant Westdeck Concrete Coating LLC's Reply in Support of Motion for Reconsideration of Defendant Grand Desert Resort Vacation Owners Association, Inc.'s Motion for Summary Judgment

05/29/2018 Motion in Limine
Westdeck Concrete Coating LLC's Motion in Limine #1 - Preclusion of Plaintiff's Expert Testimony / Opinion Regarding (1) Installation and (2) Wearing Protective Equipment

05/29/2018 Motion in Limine

Westdeck Concrete Coating LLC's Motion in Limine #2 - Request to (1) Preclude Any Witness From Testifying That the Cool Decking Products Were Toxic and (2) Preclude Counsel from Arguing That the Products Are Toxic

05/29/2018 Motion in Limine
Westdeck Concrete Coating LLC's Motion in Limine #3 - Preclusion of Testimony or Argument that (1) Plaintiff Notified Defendants of Her Health Conditions Before Her Alleged Injured and (2) That Plaintiff Notified Westdeck of Her Injuries Thereafter in a Timely Manner

05/29/2018 Motion in Limine
Filed By: Defendant Grand Desert Resort Vacation Owners Association Inc
Grand Desert Resprt Vacation Owners Association, Inc.'s Motion in Limine #1 to Strike Plaintiff's Expert, James G. Dahlgren, MD

05/29/2018 Motion in Limine
Filed By: Defendant Grand Desert Resort Vacation Owners Association Inc
Grand Desert Resort Vacation Owners Assocaition, Inc.'s Omnibus Motions in Limine #2-8

05/31/2018 Motion in Limine
Filed By: Plaintiff Browning, Patricia
Plaintiff's Motion in Limine No. 1 to Exclude Opinions from Defense Medical Expert Naresh P. Singh MD that do not meet Hallmark v. Eldridge's Admissibility Requirements

05/31/2018 Motion in Limine
Filed By: Plaintiff Browning, Patricia
Plaintiff's Motion in Limine No. 2 to Exclude Defense Medical Expert Michael H Lumpkin Ph.D.'s General and Specific Causation Opinions

05/31/2018 Motion in Limine
Filed By: Plaintiff Browning, Patricia
Plaintiff's Motion in Limine No. 3 to Require Defendants to Disclose all Impeachment Evidence Related to Plaintiff's Expert Dr. Gahlgren before Trial

05/31/2018 Motion in Limine
Filed By: Plaintiff Browning, Patricia
Plaintiff's Motion in Limine No. 4 to Allow Reptile Argment Now Permitted by Pizarro-Ortega v. Cervantes-Lopez

06/01/2018 Joinder to Motion in Limine
Westdeck Concrete Coating LLC's Joinder to Grand Desert Owners Association, Inc.'s Motion in Limine #1 to Strike Plaintiff's Expert James G. Dahlgren, M.d.

06/01/2018 Joinder to Motion in Limine
Westdeck Concrete Coating, LLC's Joinder to Grand Desert Owners Association Inc.'s Omnibus Motions in Limine #2-8

06/11/2018 Mandatory Pretrial Disclosure
Defendant Westdeck Concrete Coating, LLC's Pretrial Disclosure of Witnesses and Exhibits

06/11/2018 Pre-Trial Disclosure
Party: Defendant Grand Desert Resort Vacation Owners Association Inc
Defendant Grand Desert Resort Vacation Owners Association, Inc.'s Pre-Trial Disclosure of Witnesses and Exhibits

06/11/2018 Opposition to Motion in Limine
Filed By: Plaintiff Browning, Patricia

Plaintiff's Opposition to Defendant Westdeck's MIL #1

06/11/2018 Opposition to Motion in Limine
Filed By: Plaintiff Browning, Patricia
Plaintiff's Opposition to Defendant Westdeck's Motion in Limine #3

06/11/2018 Opposition to Motion in Limine
Filed By: Plaintiff Browning, Patricia
Plaintiff's Opposition to Defendant Westdeck's Motion in Limine #2

06/11/2018 Opposition to Motion in Limine
Filed By: Plaintiff Browning, Patricia
Plaintiff's Opposition to Defendant Grand Desert Resort's Omnibus Motions in Limine 2-7

06/11/2018 Opposition to Motion in Limine
Filed By: Plaintiff Browning, Patricia
Plaintiff's Oppositon to Defendant Grand Desert Resort's Motion in Limine #1

06/15/2018 Pre-Trial Disclosure
Party: Plaintiff Browning, Patricia
Plaintiff, Patricia Browning's Pre Trial Disclosures

06/18/2018 Opposition to Motion in Limine
Defendant Westdeck Concrete Coatings, LLC's Opposition to Plaintiff's Motions in Limine #1 and #3

06/18/2018 Opposition to Motion in Limine
Defendant Westdeck Concrete Coatings LLC's Opposition to Plaintiff's Motion in Limine #4

06/18/2018 Opposition
Grand Desert Resort Vacation Owners Association, Inc.'s Opposition to Plaintiff's Motion in Limine #2 to Exclude Defense expert Michael H. Lumpkin's General and Specific Causation Opinions

06/18/2018 Opposition
Filed By: Defendant Grand Desert Resort Vacation Owners Association Inc
Grand Desert Resort Vacation Owners Association, Inc.'s Opposition to Plaintiff's Motion in Liminie #1 to Exclude Opinions from Defense Medical Expert Naresh Singh, MD

06/18/2018 Opposition to Motion in Limine
Defendant Westdeck Concrete Coatings LLC's Opposition to Plaintiff's Motion in Limine #2

06/20/2018 Reply in Support
Westdeck Concrete Coatings LC's Reply in Support of Motion in Limine#1 - Preclusion of Plaintiff's Expert Testimony / Opinion Regarding (1) Installation and (2) Wearing Protective Equipment

06/20/2018 Reply in Support
Westdeck Concrete Coatings LLC's Reply in Support of Motion in Limine #2 - Request to (1) Preclude Any Witness from Testifying That the Cool Decking Products were Toxic and (2) Preclude Counsel from Arguing That the Products are Toxic

06/20/2018 Reply in Support
Westdeck Concrete Coatings LLC's Reply in Support of Motion in Limine #3 - Preclusion of Plaintiff Alleging that she Notified Westdeck Concrete Coatings, LLC of Her Health Issues

Before and After the Alleged Exposure

06/22/2018 Reply
Grand Desert Resort Vacation Owners Association, Inc.'s Reply in Support of Motion in Limine #1 to Strike Plaintiff's Expert, James G. Dahlgren, MD

06/22/2018 Notice
Filed By: Plaintiff Browning, Patricia
Notice of E.D.C.R/ 2.67 Conference

06/22/2018 Reply
Grand Desert Resort Vacation Owners Association, Inc.'s Reply in Support of Omnibus Motions in Limine #2-8

06/22/2018 Reply to Opposition
Filed by: Plaintiff Browning, Patricia
Plaintiff's Reply to Defendant Grand Desert Resort Vacation Owners Association, Inc.'s Opposition to Plaintiff's Motion in Limine #2 to Exclude Opinions from Defense Medical Expert Naresh Singh, M.D.

06/22/2018 Reply to Opposition
Filed by: Plaintiff Browning, Patricia
Plaintiff's Reply to Defendant Grand Desert Resort Vacation Owners Association, Inc.'s Opposition to Plaintiff's Motion in Limine #2 to Exclude Defense Expert Michael H. Lumpkin s General and Specific Causation Opinions

06/22/2018 Reply to Opposition
Filed by: Plaintiff Browning, Patricia
Plaintiff's Reply to Defendant Grand Desert Resort Vacation Owners Association, Inc.'s Opposition to Plaintiff's Motion in Limine #4 to Allow "Reptilian" Argument under Pizarro

06/22/2018 Motion
Filed By: Plaintiff Browning, Patricia
Plaintiff's Motion for Juror Questionnaire

06/22/2018 Reply to Opposition
Filed by: Plaintiff Browning, Patricia
Plaintiff's Reply to Defendant Westdeck Concrete Coatings, LLC's Opposition to Plaintiff's Motions in Limine #1 and #3

06/22/2018 Reply to Opposition
Filed by: Plaintiff Browning, Patricia
Plaintiff's Reply to Defendant Westdeck Concrete Coatings, LLC's Opposition to Plaintiff's Motions in Limine #2

06/22/2018 Reply to Opposition
Filed by: Plaintiff Browning, Patricia
Plaintiff's Reply to Defendant Westdeck Concrete Coatings, LLC's Opposition to Plaintiff's Motions in Limine #4

06/26/2018 Supplement
Filed by: Plaintiff Browning, Patricia
Plaintiffs' Supplement to Opposition to Defendants' Motion for Summary Judgment

06/29/2018 Objection

Filed By: Defendant Grand Desert Resort Vacation Owners Association Inc
Defendant Grand Desert Resort Vacation Owners Association, Inc.'s Objection to Plaintiff's Pre-Trial Disclosures Pursuant to NRCP 16.1 (a)(3)

07/08/2018 Trial Subpoena
Filed by: Plaintiff Browning, Patricia
Trial Subpoena-Civil

07/10/2018 Jury List

07/10/2018 Jury List

07/15/2018 Brief
Filed By: Plaintiff Browning, Patricia
Plaintiff's EDCR 7.27 Civil Trial Memorandum re Jury Not Permitted to Assess and Apportion Fault of NonParties

07/17/2018 Trial Memorandum
Grand Desert Resort Vacation Owners Association, Inc.'s Civil Trial Memorandum Regarding Several Liability, Verdict Form, and Renewing its NRCP 50 Motion

07/17/2018 Order Denying Motion
Order Denying Grand Desert Resort Vacation Owners Association Inc's Motion for Summary Judgment and Defendant Westdeck Concrete Coating, LLC's Joinder to Grand Desert Resort Vacation Owners Association, Inc's Motion for Summary Judgment

07/17/2018 Stipulation and Order to Amend
Stipulation and Order to Amend Caption

07/17/2018 Proposed Jury Instructions Not Used At Trial
Grand Desert Resort Vacation Owners Association, Inc.'s Proposed Additional Special Jury Instructions (Cited)

07/17/2018 Proposed Verdict Forms Not Used at Trial
Grand Desert Resort Vacation Owners Association, Inc.'s Proposed Special Verdict Form

07/17/2018 Jury Instructions

07/17/2018 Verdict
Verdict Form

07/23/2018 Proposed Jury Instructions Not Used At Trial

07/23/2018 Order Granting Motion
Order Granting Joint Motion for Voluntary Dismissal Pursuant to NRCP 41 pf Defendant Westdeck Concrete Coating, LLC

07/24/2018 Notice of Entry of Order
Notice of Entry of Order

08/20/2018 Judgment Upon Jury Verdict
Filed By: Plaintiff Browning, Patricia
Judgment Upon Jury Verdict

08/20/2018	Memorandum of Costs and Disbursements Filed By: Plaintiff Browning, Patricia *Plaintiff's Verified Memorandum of Costs and Disbursements and Exhibits 1-3*
08/21/2018	Exhibits *Plaintiff's Exhibits 3-8 to Verified Memorandum of Costs and Disbursements*
08/21/2018	Redacted Version *Redacted version of Exhibits per Order 8/29/18*
08/23/2018	Ex Parte Petition Filed By: Plaintiff Browning, Patricia *Ex Parte Petition for Order to Direct Court Clerk to Redact Social Security Number on Insurance Claim Form*
08/23/2018	Motion to Retax *Defendant Grand Desert Resort Vacation Owners Associations, Inc.'s Motion to Retax and Settle Costs*
08/27/2018	Motion for Attorney Fees Filed By: Plaintiff Browning, Patricia *Plaintiff's Motion for Attorney's Fees*
08/29/2018	Ex Parte Order Filed By: Plaintiff Browning, Patricia *Ex-Parte Order Directing Court clerk to Redact Social Security Number on Insurance Claim Form*
08/29/2018	Notice of Entry of Order Filed By: Plaintiff Browning, Patricia *Notice of Entry of Exparte Order*
08/30/2018	Opposition to Motion Filed By: Plaintiff Browning, Patricia *Plaintiff's Opposition to Defendant Grand Desert Resort's Motion to Retax and Settle Costs*
09/14/2018	Opposition Filed By: Defendant Grand Desert Resort Vacation Owners Association Inc *Grand Desert Resort Vacation Owners Association, Inc.'s Opposition to Plaintiff's Motion for Attorney Fees*
09/18/2018	Reply in Support *Defendant's Reply in Support of Motion to Retax Costs*
09/26/2018	Notice of Entry Filed By: Plaintiff Browning, Patricia *Notice of Entry of Ex-Parte Order re Redaction*
09/26/2018	Reply to Opposition Filed by: Plaintiff Browning, Patricia *Reply to Grand Desert Resort Vacation Owners Association, Inc.'s Opposition to Plaintiff Patricia Browning's Motion for Attorney's Fees*
11/07/2018	

	Order Granting Filed By: Plaintiff Browning, Patricia *Order Granting in Part and Denying in Part Defendant Grand Desert REsort's Motion to Retax and Settle Costs*
11/07/2018	Order Granting Filed By: Plaintiff Browning, Patricia *Order Granting Plaintiff Patricia Browning's Motion for Attorney's Fees*
11/08/2018	Recorders Transcript of Hearing Party: Defendant Wyndham Vacation Ownership Inc *Recorders Transcript of Jury Trial (Day 1), Monday, July 9, 2018*
11/08/2018	Recorders Transcript of Hearing Party: Defendant Wyndham Vacation Ownership Inc *Recorder's Transcript of Jury Trial (Day 2), Tuesday, July 10, 2018*
11/08/2018	Recorders Transcript of Hearing Party: Defendant Wyndham Vacation Ownership Inc *Recorder's Transcript of Jury Trial (Day 3), Wednesday, July 11, 2018*
11/08/2018	Recorders Transcript of Hearing Party: Defendant Wyndham Vacation Ownership Inc *Recorder's Transcript of Jury Trial, (Day 4), Thursday, July 12, 2018*
11/08/2018	Recorders Transcript of Hearing Party: Defendant Wyndham Vacation Ownership Inc *Recorder's Transcript of Jury Trial, (Day 5), Friday, July 13, 2018*
11/08/2018	Recorders Transcript of Hearing Party: Defendant Wyndham Vacation Ownership Inc *Recorder's Transcript of Jury Trial, (Day 6), Monday, July 16, 2018*
11/08/2018	Recorders Transcript of Hearing Party: Defendant Wyndham Vacation Ownership Inc *Recorder's Transcript of Jury Trial, (Day 7), Tuesday, July 17, 2018*
11/08/2018	Notice of Entry of Order Filed By: Plaintiff Browning, Patricia *Notice of Entry of Order Granting Plaintiff's Motion for Attorney's Fees*
11/08/2018	Notice of Entry of Order Filed By: Plaintiff Browning, Patricia *Notice of Entry of Order Granting in Part and Denying Part Defendant's Motion to Retax and Settle Costs*
12/06/2018	Notice of Entry *Notice of Entry of Judgment Upon the Jury Verdict*
12/07/2018	Case Appeal Statement *Case Appeal Statement*
12/07/2018	Notice of Appeal Filed By: Defendant Grand Desert Resort Vacation Owners Association Inc

Notice of Appeal

DISPOSITIONS

07/17/2018 **Verdict** (Judicial Officer: Sturman, Gloria)
Debtors: Grand Desert Resort Vacation Owners Association Inc (Defendant)
Creditors: Patricia Browning (Plaintiff)
Judgment: 07/17/2018, Docketed: 07/24/2018
Total Judgment: 900.00

07/23/2018 **Order of Dismissal With Prejudice** (Judicial Officer: Sturman, Gloria)
Debtors: Patricia Browning (Plaintiff)
Creditors: Westdeck Concrete Coating, LLC (Defendant)
Judgment: 07/23/2018, Docketed: 07/24/2018

08/20/2018 **Judgment Upon the Verdict** (Judicial Officer: Sturman, Gloria)
Debtors: Grand Desert Resort Vacation Owners Association Inc (Defendant)
Creditors: Patricia Browning (Plaintiff)
Judgment: 08/20/2018, Docketed: 08/21/2018

11/07/2018 **Order** (Judicial Officer: Sturman, Gloria)
Debtors: Grand Desert Resort Vacation Owners Association Inc (Defendant)
Creditors: Patricia Browning (Plaintiff)
Judgment: 11/07/2018, Docketed: 11/08/2018
Total Judgment: 16,177.59

11/07/2018 **Order** (Judicial Officer: Sturman, Gloria)
Debtors: Grand Desert Resort Vacation Owners Association Inc (Defendant)
Creditors: Patricia Browning (Plaintiff)
Judgment: 11/07/2018, Docketed: 11/08/2018
Total Judgment: 100,000.00

HEARINGS

07/07/2016 **Motion for Leave** (3:00 PM) (Judicial Officer: Sturman, Gloria)
Plaintiff's Motion for Leave to Amend Complaint
Motion Granted;
Journal Entry Details:
ADVANCE DECISION MINUTE ORDER There being no opposition and pursuant to EDCR 2.23, COURT GRANTED Law Offices of Steven M. Burris' PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT without oral argument and ORDERED the motion removed from the July 12, 2016 civil calendar. Mr. Burris to file the Second Amended Complaint within ten (10) days of receipt of this minute order. CLERK'S NOTE: A copy of this minute order was forwarded to Steven M. Burris, Esq. sb@steveburrislaw.com; Jeffrey L. Galliher, Esq. jg@steveburrislaw.com and Annalisa Grant Esq. annalisa.grant@aig.com (CHIU & ASSOCIATES)./ ld 7/7/16;

03/30/2017 *CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Sturman, Gloria)
Vacated - per Stipulation and Order

04/24/2017 *CANCELED* **Jury Trial** (9:00 AM) (Judicial Officer: Sturman, Gloria)
Vacated - per Stipulation and Order

09/21/2017 *CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Sturman, Gloria)
Vacated - per Stipulation and Order

10/16/2017 *CANCELED* **Jury Trial** (9:00 AM) (Judicial Officer: Sturman, Gloria)
Vacated - per Stipulation and Order

11/21/2017 **Status Check** (9:00 AM) (Judicial Officer: Sturman, Gloria)

11/21/2017, 03/16/2018, 04/17/2018
Status Check: End of Discovery
Parties filed new Discovery Schedule - Deadline is 02/09/18
Matter Continued;
Minute Order - No Hearing Held;
Matter Heard;
Parties filed new Discovery Schedule - Deadline is 02/09/18
Matter Continued;
Minute Order - No Hearing Held;
Matter Heard;
Journal Entry Details:
COURT FINDS on calendar for March 20, 2018 a Status Check Re: End of Discovery. Following a review of the record COURT ORDERED, Counsel to forward a STATUS REPORT to Chambers indicating the current status of the case; hearing currently on calendar for March 20, 2018 VACATED AND RESET to be heard with Deft.'s Motions for Summary Judgment currently scheduled for April. 04/17/18 9:30 AM STATUS CHECK: END OF DISCOVERY CLERK'S NOTE: A copy of this minute order was placed in the attorney folder (s) of: Steven Burris, Esq. (Burris Law), Annalisa Grant, Esq. (Grant & Assoc.), and Scott Rasmussen, Esq. (Cooper Levenson)./ ls 03-16-18;
Parties filed new Discovery Schedule - Deadline is 02/09/18
Matter Continued;
Minute Order - No Hearing Held;
Matter Heard;
Journal Entry Details:
Ms. West stated discovery had been pushed back to February and they were working on discovery. Upon inquiry by the Court, Mr. Shetler stated they would be ready for trial in July. COURT ORDERED, Status Check: End of Discovery CONTINUED. CONTINUED TO: 3/20/18 9:00 AM;

01/18/2018 *CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Sturman, Gloria)
Vacated - per Stipulation and Order

02/12/2018 *CANCELED* **Jury Trial** (9:00 AM) (Judicial Officer: Sturman, Gloria)
Vacated - per Stipulation and Order

04/17/2018 **Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Sturman, Gloria)
Grand Desert Resort Vacation Owners Association Inc.'s Motion for Summary Judgment
Denied Without Prejudice;

04/17/2018 **Joinder** (9:30 AM) (Judicial Officer: Sturman, Gloria)
Defendant Westdeck Concrete Coating, LLC's Joinder to Grand Desert Resort Vacation Owners Assocation, Inc.'s Motion for Summary Judgment
Denied Without Prejudice;

04/17/2018 **All Pending Motions** (9:30 AM) (Judicial Officer: Sturman, Gloria)
Denied Without Prejudice;
Journal Entry Details:

GRAND DESERT RESORT VACATION OWNERS ASSOCIATION INC'S MOTION FOR SUMMARY JUDGMENT .. DEFENDANT WESTDECK CONCRETE COATING, LLC'S JOINDER TO GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC.'S MOTION FOR SUMMARY JUDGMENT .. STATUS CHECK: END OF DISCOVERY Ms. Grant argued the Pltf. must put forward evidence rather than just rest on her allegations, as she'd only provided her testimony, which at this point can be taken as true should she be able to prove the other elements of her case. Ms. Grant argued the doctor's opinion fell short of adequate methodology, there was no medical scientific evidence regarding exposure and the link to causation, and that the Pltf. failed to show actual and proximate causation. Ms. Grant argued Pltf. didn't refute undisputed facts with evidence and there were no material facts that should go to the jury. Mr. Rasmussen stated he joined and argued Pltf.'s doctor admitted he couldn't be an expert regarding the application of the product; therefore they don't have an expert. Mr. Rasmussen further argued Pltf. says she got sick after the product was applied; however the workers who applied it did not experience the same symptoms and none of them have gotten sick. Mr. Shetler argued his client could testify as to what occurred. Ms. Grant

argued Pltf. admited she received notice of the work at the pool, there was no additional evidence indicating the hotel or Westdeck could foresee a hazard with the product that would require additional warnings above that, and there was no evidence that Wyndham or it's subsidiaries had any reason to foresee particular harm to any party. Mr. Shetler argued here there was an odor and the bare facts of the claim were supported. Mr. Rasmussen argued this product had been used all over town with no problems and no one was disputing it was unreasonably applied. Ms. Grant argued the Pltf. claimed blowers were in the doors indicating they knew there was a risk; however it was the odor that they wanted to keep from the building. COURT FINDS forseeablity was not briefed, that the motion was about whether the expert could reach the burden, and that the question was whether this was supported by experts and if they could get the evidence in under Hallmark. COURT THEREFORE ORDERED, Motion for Summary Judgment DENIED WITHOUT PREJUDICE as it comes down to forseeability, which was not well developed. ;

06/07/2018 **Calendar Call** (9:00 AM) (Judicial Officer: Sturman, Gloria)
Matter Heard;
Journal Entry Details:
Mr. Shetler noted the Motions in Limine conflicted with the trial start date. Following colloquy regarding counsel and expert schedules, COURT ORDERED, Trial Dates SET; Motions in Limine VACATED AND RESET on the same day as the Pre Trial Conference. 07/05/18 10:30 AM PRE TRIAL CONFERENCE 07/05/18 10:30 AM MOTIONS IN LIMINE 07/09/18 9:00 AM JURY TRIAL;

06/12/2018 **Motion For Reconsideration** (9:00 AM) (Judicial Officer: Sturman, Gloria)
Defendant Westdeck Concrete Coating, LLC's Motion for Reconsideration of Defendant Grand Desert Resort Vacation Owners Association, Inc.'s Motion for Summary Judgment
Denied;

06/12/2018 **Joinder** (9:00 AM) (Judicial Officer: Sturman, Gloria)
Joinder to Westdeck's Motion for Reconsideration of Grand Desert's Motion for Summary Judgement
Denied;

06/12/2018 **Joinder** (9:00 AM) (Judicial Officer: Sturman, Gloria)
Joinder to Westdeck's Motion for Reconsideration of Grand Desert's Motion for Summary Judgment
Denied;

06/12/2018 **All Pending Motions** (9:00 AM) (Judicial Officer: Sturman, Gloria)
Deferred Ruling;
Journal Entry Details:
DEFENDANT WESTDECK CONCRETE COATING, LLC'S MOTION FOR RECONSIDERATION OF DEFENDANT GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC.'S MOTION FOR SUMMARY JUDGMENT .. JOINDER TO WESTDECK'S MOTION FOR RECONSIDERATION OF GRAND DESERT'S MOTION FOR SUMMARY JUDGMENT .. JOINDER TO WESTDECK'S MOTION FOR RECONSIDERATION OF GRAND DESERT'S MOTION FOR SUMMARY JUDGMENT Mr. Rasmussen argued regarding ventilation, eye goggles, and proper application of the product. Mr. Rasmussen argued the product was installed outside which provided sufficient ventilation, that the product was applied with paint rollers to the ground and the product could not go up, that his clients took precautions to close the pool area, that his clients completed the work in the early morning hours, and that the product was hazardous not toxic. Mr. Rasmussen further argued the Pltf.'s expert admitted he cannot testify regarding how the product was installed, that this was not a product defect claim, and that Pltf.'s cannot change it into one. Ms. McLeod argued the Pltf. never came forward with any disputed facts, that the Court can decide as to forseeablity if this situation was one that should extend liability, and that it was her belief that liability should be limited. Ms. McLeod stated the Court advised the Pltf. they had a problem with forseeablity and they have not cured it; therefore this Court had the authority to decide it today. Mr. Shetler argued the facts were disputed, that the data sheets talk about respiratory reactions and reactions to skin contact, that every person reacted differently, that this Pltf. had different problems, and that it was a disputed fact that should go to the jury. Mr. Shetler argued Westdeck employees must complete specific training in Texas before applying this product, that this was not a strict liability issue, that this was a product federal regulators say can cause reactions, that employees at the Grand Desert Resort stated they usually put up

	warning signs on the elevators, and that a question of probability of harm should go to the jury. Mr. Rasmussen argued this had a product defect standard, Pltf.'s did not have an expert, there was no evidence of anyone else being harmed, and that the case was only plead as a negligence case. Ms. McLeod argued there was a duty between the resort and the timeshare holders; however none with Westdeck, that the question was did her client act in a prudent manner, did they do the work in a reasonably safe way, and did they notice the timeshare parties. Ms. McLeod argued the timeshare parties were noticed, nothing was done unsafely, the product was not known to cause harm, and that the resort met the standard of care as to breach. Following colloquy, COURT STATED FINDINGS AND ORDERED, Motion for Reconsideration DEFERRED RULING until after the Motions in Limine (MIL) have been ruled upon; Counsel STIPULATED to a briefing schedule; Deft.'s Opposition to Pltf.'s MIL's due June 18, 2018; Deft.'s Reply due June 20, 2018, Pltf.'s Reply due June 22, 2018; Motions in Limine VACATED AND RESET. 06/27/18 2:00 PM MOTIONS IN LIMINE ;
06/27/2018	**Motion in Limine** (2:00 PM) (Judicial Officer: Sturman, Gloria) *Westdeck Concrete Coating LLC's Motion in Limine #1 - Preclusion of Plaintiff's Expert Testimony / Opinion Regarding (1) Installation and (2) Wearing Protective Equipment* Denied in Part;
06/27/2018	**Motion in Limine** (2:00 PM) (Judicial Officer: Sturman, Gloria) *Westdeck Concrete Coating LLC's Motion in Limine #2 - Request to (1) Preclude Any Witness From Testifying That the Cool Decking Products Were Toxic and (2) Preclude Counsel from Arguing That the Products Are Toxic* Granted in Part;
06/27/2018	**Motion in Limine** (2:00 PM) (Judicial Officer: Sturman, Gloria) *Westdeck Concrete Coating LLC's Motion in Limine #3 - Preclusion of Testimony or Argument that (1) Plaintiff Notified Defendants of Her Health Conditions Before Her Alleged Injured and (2) That Plaintiff Notified Westdeck of Her Injuries Thereafter in a Timely Manner* Granted;
06/27/2018	**Motion in Limine** (2:00 PM) (Judicial Officer: Sturman, Gloria) *Grand Desert Resprt Vacation Owners Association, Inc.'s Motion in Limine #1 to Strike Plaintiff's Expert, James G. Dahlgren, MD* Denied;
06/27/2018	**Motion in Limine** (2:00 PM) (Judicial Officer: Sturman, Gloria) *Grand Desert Resort Vacation Owners Assocaition, Inc.'s Omnibus Motions in Limine #2-8* Granted in Part;
06/27/2018	**Motion in Limine** (2:00 PM) (Judicial Officer: Sturman, Gloria) *Plaintiff's Motion in Limine No. 1 to Exclude Opinions from Defense Medical Expert Naresh P. Singh MD that do not meet Hallmark v. Eldridge's Admissibility Requirements* Denied;
06/27/2018	**Motion in Limine** (2:00 PM) (Judicial Officer: Sturman, Gloria) *Plaintiff's Motion in Limine No. 2 to Exclude Defense Medical Expert Michael H Lumpkin Ph.D.'s General and Specific Causation Opinions* Granted;
06/27/2018	**Motion in Limine** (2:00 PM) (Judicial Officer: Sturman, Gloria) *Plaintiff's Motion in Limine No. 3 to Require Defendants to Disclose all Impeachment Evidence Related to Plaintiff's Expert Dr. Gahlgren before Trial* Denied;
06/27/2018	**Motion in Limine** (2:00 PM) (Judicial Officer: Sturman, Gloria) *Plaintiff's Motion in Limine No. 4 to Allow Reptile Argment Now Permitted by Pizarro-Ortega v. Cervantes-Lopez* Granted;
06/27/2018	**Joinder to Motion in Limine** (2:00 PM) (Judicial Officer: Sturman, Gloria) *Westdeck Concrete Coating LLC's Joinder to Grand Desert Owners Association, Inc.'s Motion*

in Limine #1 to Strike Plaintiff's Expert James G. Dahlgren, M.d.
Granted;

06/27/2018 **Joinder to Motion in Limine** (2:00 PM) (Judicial Officer: Sturman, Gloria)
Westdeck Concrete Coating, LLC's Joinder to Grand Desert Owners Association Inc.'s Omnibus Motions in Limine #2-8
Matter Heard;

06/27/2018 **All Pending Motions** (2:00 PM) (Judicial Officer: Sturman, Gloria)
Decision Made;
Journal Entry Details:

Westdeck Concrete Coating LLC's Motion in Limine #1 - Preclusion of Plaintiff's Expert Testimony / Opinion Regarding (1) Installation and (2) Wearing Protective Equipment: Following arguments by counsel, COURT ORDERED, Motion GRANTED IN PART as the doctor will not be allowed to testify regarding the gear or knowledge of installation; DENIED IN PART as to commenting on the MSD sheets until the time of trial. Westdeck Concrete Coating LLC's Motion in Limine #2 - Request to (1) Preclude Any Witness From Testifying That the Cool Decking Products Were Toxic and (2) Preclude Counsel from Arguing That the Products Are Toxic: COURT STATED FINDINGS and ORDERED, Motion GRANTED IN PART to limited and narrow finding that it was inappropriate to label a product as toxic until that determination was made by the jury; however the word was not appropriate to be said; counsel cannot say it has been determined to be toxic; DENIED IN PART as to the general use of the word toxic. Westdeck Concrete Coating LLC's Motion in Limine #3 - Preclusion of Testimony or Argument that (1) Plaintiff Notified Defendants of Her Health Conditions Before Her Alleged Injured and (2) That Plaintiff Notified Westdeck of Her Injuries Thereafter in a Timely Manner: Following arguments by counsel, COURT ORDERED. Motion GRANTED as there was no evidence of notification to Westdeck. Grand Desert Resort Vacation Owners Association, Inc.'s Motion in Limine #1 to Strike Plaintiff's Expert, James G. Dahlgren, MD and Westdeck Concrete Coating LLC's Joinder to Grand Desert Owners Association, Inc.'s Motion in Limine #1 to Strike Plaintiff's Expert James G. Dahlgren, M.D.: Following arguments by counsel, COURT ORDERED, Motion DENIED as it was up to the jury to decide if it goes outside his expertise, subject to objections at the time of trial should he go outside the scope. Grand Desert Resort Vacation Owners Association, Inc.'s Omnibus Motions in Limine #2-8 and Westdeck Concrete Coating, LLC's Joinder to Grand Desert Owners Association Inc.'s Omnibus Motions in Limine #2-8: Motion in Limine #2 determining that the collateral source rule does not exclude liens: Following arguments by counsel, COURT ORDERED, Motion GRANTED as that was true as to bias only. Motion in Limine #3 to permit questioning that Pltf. s treating physicians regularly accept amounts less than the charges for satisfaction of their bills: At the request counsel, COURT ORDERED, Motion WITHDRAWN. Motion in Limine #4 to limit treating physicians testimony pursuant to NRCP 16.1(a)(2)(b): Following arguments by counsel, COURT ORDERED, Motion GRANTED however limited to Dr. Dahlgren and the records coming in as having been reviewed. Motion in Limine #5 to prohibit cumulative testimony form treaters regarding causation: COURT FINDS the parties were not bringing in multiple physicians AND THEREFORE ORDERED, Motion MOOT. Motion in Limine #6 to exclude treating Physician rule : COURT FINDS the parties were not bringing in multiple physicians AND THEREFORE ORDERED, Motion MOOT. Motion in Limine #7 to exclude reference to Flowcrete pool deck coating as toxic COURT STATED FINDINGS and ORDERED, Motion GRANTED IN PART to limited/narrow finding that it was inappropriate to label a product as toxic until that determination was made by the jury; however the word was not appropriate to be said; counsel cannot say it has been determined to be toxic; DENIED IN PART as to the general use of the word toxic. Stipulation in Limine #8 to exclude reference to corporate wealth or relative wealth of the parties: Following arguments by counsel, COURT ORDERED, Motion GRANTED as that was the law. Plaintiff's Motion in Limine No. 1 to Exclude Opinions from Defense Medical Expert Naresh P. Singh MD that do not meet Hallmark v. Eldridge's Admissibility Requirements: Following arguments by counsel, COURT FINDS he was a medical witness with an alternative theory and there was a different standard for causation and he meets it. If there are issues he is asked about and counsel thinks they should be challenged, it would be appropriate to bring that argument at the time of trial. He is a medical doctor, he did a records review, and he reported regarding on going treatment. He may lack some foundation regarding the rebuttal of other witness reports; however he shouldn t be excluded in his entirety. COURT THEREFORE ORDERED, Motion DENIED as to excluding his testimony in its entirety, any objections regarding it being outside his expertise to be addressed at the time of trial. Plaintiff's Motion in Limine No. 2 to Exclude Defense Medical Expert Michael H Lumpkin Ph.D.'s General and Specific Causation Opinions: Following arguments by counsel, COURT ORDERED, Motion DENIED as he was a qualified expert with

relevant information and will be allowed to testify within his expertise; however objections would be allowed at the time of trial should he go outside his expertise. Plaintiff's Motion in Limine No. 3 to Require Defendants to Disclose all Impeachment Evidence Related to Plaintiff's Expert Dr. Dahlgren before Trial: COURT FINDS no written response to this motion and stated it was up to the expert to keep his curriculum vitae up to date and as long as the parties completed their 16.1 conference and made those productions to the best of their abilities, then they complied with 16.1 AND THEREFORE ORDERED, Motion DENIED. Plaintiff's Motion in Limine No. 4 to Allow Reptile Argument Now Permitted by Pizarro-Ortega v. Cervantes-Lopez: Following arguments by counsel, COURT FINDS everyone must follow Lioche and counsel should stay within those guidelines AND THEREFORE ORDERED, Motion GRANTED to the extent that objections can be made at the time of trial. DEFENDANT WESTDECK CONCRETE COATING, LLC'S MOTION FOR RECONSIDERATION OF DEFT. GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC.'S MOTION FOR SUMMARY JUDGMENT: Following arguments by counsel, COURT ORDERED, Motion DENIED. CLERK'S NOTE: Minutes updated to include the outcome of the Motion for Reconsideration continued from June 12, 2018./ls 08/03/18;

07/05/2018 **Pre Trial Conference** (10:30 AM) (Judicial Officer: Sturman, Gloria)
Matter Heard;
Journal Entry Details:
Court noted a joint Motion for Voluntary Dismissal on an Order Shortening Time had been submitted to Chambers. Upon Court's inquiry, Mr. Koning and Ms. McCloud advised they are prepared to argue the matter today. Mr. Koning advised counsel for Plaintiff and counsel for Westdeck Concrete Coating, LLC have agreed to a dismissal of Defendant Westdeck Concrete Coating, LLC with each party to bear its own fees and costs. Ms. McCloud objected to the dismissal of Defendant Westdeck Concrete Coating, LLC and argued in support of her position. Following arguments by counsel, COURT ORDERED, Motion for Voluntary Dismissal GRANTED with the understanding that the Court is not signing the original document on an Order Shortening Time as all parties were on notice of the issues. Mr. Rasmussen to prepare the order. Mr. Rasmussen no longer present. Upon Court's inquiry, Mr. Koning advised he is not going to introduce medical bills or medical records at trial, he is withdrawing the medical claim and will be pursuing general damages. Ms. McCloud advised there will be 18 joint exhibits. Colloquy regarding expert reports, jury selection and trial schedule. Ms. McCloud advised she will arrange a time to drop off the joint exhibits with the Court on Friday.;

07/05/2018 *CANCELED* **Pre Trial Conference** (10:30 AM) (Judicial Officer: Sturman, Gloria)
Vacated

07/09/2018 **Jury Trial** (9:00 AM) (Judicial Officer: Sturman, Gloria)
07/09/2018-07/13/2018, 07/16/2018-07/17/2018
at Calendar Call
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Verdict;
Verdict
Journal Entry Details:
Orders SIGNED and FILED IN OPEN COURT. Jonathan Browning, Plaintiff's husband, and Brian Sarno, Representative from Wyndham Vacation Ownership, also present. OUTSIDE THE PRESENCE OF THE JURY. Ms. McLeod advised that counsel was not able to come to an agreement regarding the verdict form. Arguments by counsel regarding verdict forms. COURT ORDERED, motion for Special Instruction DENIED. IN THE PRESENCE OF THE JURY. Testimony presented (see worksheet). Defense rested. Jury Instructions read. Closing arguments. At the hour of 5:31 PM, the jury retired to deliberate. At the hour of 7:11 PM, the jury returned with a verdict in accordance with written verdict which was FILED IN OPEN COURT. Verdict found in favor of Plaintiff Patricia Browning, in the amount of $900.00 for Past Damages, and $0.00 for Future Damages. OUTSIDE THE PRESENCE OF THE JURY. COURT ORDERED, Court's Joint Exhibit binder returned to counsel.;
at Calendar Call
Trial Continues;

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Verdict;
Verdict
Journal Entry Details:
Jonathan Browning, Plaintiff's husband, and Brian Sarno, Representative from Wyndham Vacation Ownership, also present. OUTSIDE THE PRESENCE OF THE JURY. Counsel announced ready. Colloquy regarding Mr. Lumpkin's testimony. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented (see worksheet). OUTSIDE THE PRESENCE OF THE JURY. Colloquy regarding scheduling. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented (see worksheet). CONFERENCE AT BENCH. OUTSIDE THE PRESENCE OF THE JURY. Court made a record of side conference. IN THE PRESENCE OF THE JURY. Testimony and exhibits presented (see worksheet). CONFERENCE AT BENCH. Jury released for evening recess. OUTSIDE THE PRESENCE OF THE JURY. Court excused Courtroom Clerk for Counsel to complete Jury Instructions. OUTSIDE THE PRESENCE OF THE JURY. Court advised there were some jury instructions that were disputed. Arguments by counsel regarding proposed Jury Instructions. Jury Instructions settled. CONTINUED TO: 07/17/18 1:30 PM;
at Calendar Call
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Verdict;
Verdict
Journal Entry Details:
Also present was Jonathan Browning, spouse of the Pltf. and Brian Sarno, Wyndham representative. OUTSIDE THE PRESENCE OF THE JURY PANEL: Ms. McLeod requested approval to allow Westdeck to demonstrate the application of Flowcrete in the courtroom. Mr. Koning objected and argued it was unclear what the jury would see, that it was a hazardous substance, and that his client wouldn't be able to sit through it. Court stated it would not be up to her as she would need approval from Court Administration and following further discussion recommended Deft.'s provide a video demonstration. Following further arguments by counsel, COURT ORDERED, In Court Product Demonstration DENIED. JURY PANEL PRESENT: Testimony and Exhibits presented (see worksheets). At the hour of 3:00 PM Pltf.'s RESTED their case. Jury panel ADMONISHED, and EXCUSED for the evening with instructions to return tomorrow at the given time. OUTSIDE THE PRESENCE OF THE JURY PANEL: Ms. McLeod moved for a directed verdict. Ms. McLeod argued the Pltf.'s did not meet their burden of proof, that Mr. and Mrs. Browning testified; however they had no witness reconstruction, that Pltf.'s cannot confirm if the area was blocked off or if the application of the product was inappropriate. Ms. McLeod further argued they could not speak to the standard of care as it was outside their expert's purview, they were unable to discuss safety measures, and there was no evidence of a violation of the standard of care. Ms. McLeod argued despite warnings and precautions the Deft.'s cannot protect everyone, that Pltf. had an increased susceptibility and she didn't know it, that Pltf. did not advise the resort of her susceptibility, and the hotel couldn't safeguard against it. Mr. Koning argued the doctor addressed the medical causation and linked the injury to the episode, the law does not allow the Court to substitute their judgment regarding the standard of care, and that this was not the type of case that required expert testimony rather it was common sense. Mr. Konig further argued the jury was provided evidence regarding the hazardous materials applied, that the MSD sheets were to be provided to engineering and made available to front desk staff, that the front desk should know about what was going on around the hotel, that it was reasonable for the hotel to tell guests the pool was closed and why, that the guests were not provided sufficient information to make a decision to stay or leave, that vapors got into Pltf.'s room, and that it was for the jury to decide reasonableness. COURT FINDS Dr. Dahgren got the magic language in to casually relate the incident and that foreseeability was for the jury to decide and THEREFORE ORDERED, Motion DENIED. COURT ORDERED, Trial CONTINUED. CONTINUED TO: 07/16/18 9:00 AM ;
at Calendar Call
Trial Continues;

Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Verdict;
Verdict
Journal Entry Details:
Also present was Jonathan Browning, spouse of the Pltf. and Brian Sarno, Wyndham representative. JURY PANEL PRESENT: Testimony and Exhibits presented (see worksheets). Jury panel ADMONISHED, and EXCUSED for the evening with instructions to return tomorrow at the given time. COURT ORDERED, Trial CONTINUED. CONTINUED TO: 07/13/18 9:00 AM;
at Calendar Call
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Verdict;
Verdict
Journal Entry Details:
Also present was Jonathan Browning, spouse of the Pltf. and Brian Sarno, Wyndham representative. OUTSIDE THE PRESENCE OF THE JURY PANEL: Ms. McLeod objected to Pltf.'s slides for use in opening statements, the use of the word "hotel" when describing the name of the Vacation Owners Association, and the bullet point statements regarding the standard of care of notice of premises liability. Mr. Koning argued there was nothing in the statute theme regarding what a timeshare must provide to it's guests; however if you refer to hotel it indicated every structure where rooms were furnished for transient visitors. Mr. Koning argued that definition was what this was, that the Pltf.'s were transient and this resort provided lodging, and that just because it doesn't say hotel doesn't mean the hotel law shouldn't be used. Mr. McLeod argued this was an issue of first impression, that this was a negligence case, and the Pltf.'s were trying to hold them to a higher standard of care by using the standard for a hotel. COURT FINDS this was an opening statement not a jury instruction and that a timeshare was just a method of ownership of real property. Ms. McLeod argued the Pltf.'s sued a vacation ownership association not a hotel. COURT ORDERED, Objection regarding resort versus hotel OVERRULED. JURY PANEL PRESENT: Testimony and Exhibits presented (see worksheets). Jury panel ADMONISHED, and EXCUSED for the evening with instructions to return tomorrow at the given time. COURT ORDERED, Trial CONTINUED. CONTINUED TO: 07/12/18 1:30 PM ;
at Calendar Call
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Verdict;
Verdict
Journal Entry Details:
Also present was Jonathan Browning, spouse of the Pltf. and Brian Sarno, Wyndham representative. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Ms. McLeod stated she would file a motion to have the caption corrected. Following arguments by counsel regarding photographs used in the power point presentations for opening statements, use of the words "hotel or vacation ownership" in describing Grand Desert Resort, and safety rules, COURT ORDERED, Pltf. to review his photographs of Mr. Browning and select only one for the court's review for possible use, as he is not a party in the case and doesn't need to be here; the technical name for a time share location was "interval ownership" and that this was about the transient public who stay within the walls; and as to safety rules that was Pltf.'s concept and if they say it's a rule then the Deft.'s were free to say "show me the rule". PROSPECTIVE JURY PANEL PRESENT: Voir dire continued. Prospective Jury panel ADMONISHED, and EXCUSED with instructions to return at the given time. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Further arguments by counsel regarding the term "hotel". Court ADVISED the statute in Nevada was not clear and stated counsel

should have addressed this prior to the time of trial. Court further stated there were different types of ownership and it was unclear what the governing documents stated. Ms. Hartig argued it should be "resort" and that there was sufficient ambiguity to err on the side of caution. Ms. Hartig further stated it was unclear the name should even be part of a negligence case. Ms. Hartig argued the Pltf.'s were interval owners of the property and were suing the management of the board for the property. Court ADVISED it was not clear this was interval ownership and noted the only reference was under Air B&B statutes where it indicated it was not a hotel. Mr. Shetler argued they rented out rooms and that his client purchased her timeshare in San Francisco. Court stated counsel was quoting hotel regulations from Nevada Revised Statutes; however this was a place of transient residence, and that it didn't matter if they own it. Following further arguments, counsel AGREED to meet and confer to reach an agreement and notify the Court tomorrow. Counsel accepted the jury panel for cause. Counsel exercised peremptory challenges. PROSPECTIVE JURY PANEL PRESENT: Eight Jurors and two Alternates selected and sworn. Court THANKED AND EXCUSED the rest of the prospective jury panel. Jury panel ADMONISHED, and EXCUSED with instructions to return tomorrow at the given time. COURT ORDERED, Trial CONTINUED. OUTSIDE THE PRESENCE OF THE JURY PANEL: Colloquy regarding how the trial would proceed tomorrow. Court ADVISED counsel to contact chambers if they needed to come in early tomorrow to argue their motions. Counsel STIPULATED to invoke the EXCLUSIONARY RULE following the testimony of Mr. Browning. CONTINUED TO: 07/11/18 AT 2:00 PM ;
at Calendar Call
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Trial Continues;
Verdict;
Verdict
Journal Entry Details:
Also present was Jonathan Browning, spouse of the Pltf. and Brian Sarno, Wyndham representative. OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Counsel STIPULATED to the admission of Exhibits 1-18, COURT SO ORDERED. Court ADVISED counsel to provide the Court with a copy of their opening statements for the record. PROSPECTIVE JURY PANEL PRESENT: Introductions by the Court, Mr. Shetler and Ms. McLeod. Clerk called roll of the prospective panel and the Voir Dire Oath was administered. Voir dire by the Court. Prospective Jury panel ADMONISHED, and EXCUSED for lunch with instructions to return at the given time. PROSPECTIVE JURY PANEL PRESENT: Introductions by the Court, Mr. Shetler and Ms. McLeod. Clerk called roll of the prospective panel and the Voir Dire Oath was administered to new panel members No. 1018 through 1070. Voir Dire continued. Following conference at the bench, individual panel members excused for cause and/or hardship. Prospective Jury panel ADMONISHED, and EXCUSED for the evening with instructions to return tomorrow at the given time. COURT ORDERED, Trial CONTINUED. CONTINUED TO: 07/10/18 AT 1:30 PM;

07/31/2018 *CANCELED* **Motion** (9:00 AM) (Judicial Officer: Sturman, Gloria)
Vacated
Plaintiff's Motion for Juror Questionnaire

10/08/2018 **Motion to Retax** (9:30 AM) (Judicial Officer: Sturman, Gloria)
Defendant Grand Desert Resort Vacation Owners Associations, Inc.'s Motion to Retax and Settle Costs
At 09/25/18 Calendar
Motion Granted;

10/08/2018 **Motion for Attorney Fees** (9:30 AM) (Judicial Officer: Sturman, Gloria)
Plaintiff Patricia Browning's Motion for Attorney's Fees
Reset at 09/25/18 Calendar
Motion Granted;

10/08/2018 **All Pending Motions** (9:30 AM) (Judicial Officer: Sturman, Gloria)
Matter Heard;
Journal Entry Details:
PLAINTIFF PATRICIA BROWNING'S MOTION FOR ATTORNEY'S FEES...DEFENDANT

GRAND DESERT RESORT VACATION OWNERS ASSOCIATIONS, INC.'S MOTION TO RETAX AND SETTLE COSTS Arguments by counsel as to Pltf's Motion for Attorney's Fees. COURT ORDERED, Motion GRANTED; $100,000.00 attorney fees awarded. Arguments by counsel to Deft. Grand Desert Resort Vacation Owners Associations' Motion to Retax and Settle Costs. COURT FURTHER ORDERED, Motion GRANTED; costs awarded as follows: Clerk Filing Fees $358.60; Court Reporter Fees $4,201.45; Expert Witness Fees $10,435,46; Process Service Fees $135.00; Photo Copy Fees $250.00; Postage and Facsimile Fees $63.10; Records Retrieval Fees $609.98; Courier Service Fees $124.00. Prevailing party to prepare and submit respective orders; counsel to approve as to form and content.;

DATE	FINANCIAL INFORMATION	
	Defendant Westdeck Concrete Coating, LLC	
	Total Charges	482.50
	Total Payments and Credits	482.50
	Balance Due as of 12/11/2018	**0.00**
	Defendant Westdeck Concrete Coatings LLC	
	Total Charges	3.50
	Total Payments and Credits	3.50
	Balance Due as of 12/11/2018	**0.00**
	Defendant Grand Desert Resort Vacation Owners Association Inc	
	Total Charges	224.00
	Total Payments and Credits	224.00
	Balance Due as of 12/11/2018	**0.00**
	Defendant Wyndham Vacation Ownership Inc	
	Total Charges	223.00
	Total Payments and Credits	223.00
	Balance Due as of 12/11/2018	**0.00**
	Plaintiff Browning, Patricia	
	Total Charges	270.00
	Total Payments and Credits	270.00
	Balance Due as of 12/11/2018	**0.00**
	Defendant Grand Desert Resort Vacation Owners Association Inc	
	Appeal Bond Balance as of 12/11/2018	**500.00**

DISTRICT COURT CIVIL COVER SHEET

County, Nevada A-15-728931-C

Case No. XXVI
(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):
PATRICIA BROWNING, an individual	WYNDHAM VACATION OWNERSHIP, INC., a Delaware
	Corporation, dba Wyndham Grand Desert; DOES I through X;
	and ROE CORPORATIONS I through X, inclusive
Attorney (name/address/phone):	Attorney (name/address/phone):
Steve M. Burris, Esq. / Jeffrey L. Galliher, Esq.	Unknown
Law Offices of Steven M. Burris	
2810 W. Charleston Blvd., #F-58, Las Vegas, Nevada 89102	
(702) 258-6238	

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.

December 14, 2015
Date

Signature of initiating party or representative

See other side for family-related case filings.

Electronically Filed
8/20/2018 3:34 PM
Steven D. Grierson
CLERK OF THE COURT

JUJV
STEVEN M. BURRIS, ESQ.
Nevada Bar No. 000603
sb@steveburrislaw.com
TRAVIS E. SHETLER, ESQ.
Nevada Bar No. 004747
ts@steveburrislaw.com
LAW OFFICES OF STEVEN M. BURRIS
2810 W. Charleston Boulevard, Suite F-58
Las Vegas, Nevada 89102
(702) 258-6238 - Telephone
(702) 258-8280 - Facsimile
Attorneys for Plaintiff

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

DISTRICT COURT

CLARK COUNTY, NEVADA

PATRICIA BROWNING, an individual, Plaintiff, vs. GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC., a Nevada Corporation, Defendant.	CASE NO.: A-15-728931-C DEPT. NO.: XXVI

JUDGMENT UPON THE JURY VERDICT

This action having come on for trial before the Court and the jury, the Honorable District Court Judge Gloria J. Sturman presiding, and the issues having been duly tried and the jury having duly rendered its verdict as reflected by the Verdict Form attached hereto as Exhibit 1,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Judgment upon the Verdict is entered in favor of Plaintiff, PATRICIA BROWNING and against Defendant, GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC.

. . .

☐ Voluntary Dismissal
☑ Involuntary Dismissal
☐ Stipulated Dismissal
☐ Motion to Dismiss by Deft(s)
☒ Summary Judgment
☐ Stipulated Judgment
☐ Default Judgment
☐ Judgment of Arbitration

Case Number: A-15-728931-C

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff, PATRICIA BROWNING, may ~~be given~~ move for costs and attorney's fees in an amount as may be awarded by this Court via separate motion.

DATED this 14th day of August 2018.

DISTRICT COURT JUDGE

Submitted by:

LAW OFFICES OF STEVEN M. BURRIS

By:

Steven M. Burris, Esq.
Nevada Bar No. 000603
sb@steveburrislaw.com
2810 W. Charleston Boulevard, Suite F-58
Las Vegas, Nevada 89102
Attorneys for Plaintiff

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

CERTIFICATE OF SERVICE

I certify that on this 9th day of August, 2018, the foregoing **JUDGMENT UPON THE JURY VERDICT** was served on the following by [X] Electronic Service pursuant to NEFR 9 [ ] Electronic Filing and Service pursuant to NEFR 9 [ ] hand delivery [ ] overnight delivery [ ] fax [ ] fax and mail [ ] mailing by depositing with the U.S. mail in Las Vegas, Nevada, enclosed in a sealed envelope with first class postage prepaid, addressed as follows:

Alexandra B. McLeod, Esq.
Nevada Bar No. 8185
Alexandra.McLeod@aig.com
Grant & Associates
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
FAX: (855) 429-3413
Attorneys for Defendant
Grand Desert Resort Vacation Owners Association

/s/: *CANDICE R. SALERNO*
an employee of the
LAW OFFICES OF STEVEN M. BURRIS

EXHIBIT 1

EXHIBIT 1

DISTRICT COURT

CLARK COUNTY, NEVADA

PATRICIA BROWNING, an individual, Plaintiff, vs. GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC., a Nevada Corporation. Defendants.	CASE NO.: A-15-728931-C DEPT. NO.: XXVI

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT
JUL 17 2018 AT 7:15 PM
BY: NANCY MALDONADO, DEPUTY

VERDICT FORM

We, the jury in the above entitled action, find for the Plaintiff and against the Defendant and assess the total amount of the plaintiff's damages at $ 900.

We further find that the total amount of the Plaintiff's damages is divided into past damages and future damages as follows:

Past Damages $ 900

Future Damages $ 0

DATED this 17 day of July, 2018.

By: _____
FOREPERSON

A-16-728931-C
VER
Verdict
4764121

Electronically Filed
12/6/2018 3:06 PM
Steven D. Grierson
CLERK OF THE COURT

NEO

LEE J. GRANT II, ESQ.
Nevada Bar No. 11808
ALEXANDRA B. MCLEOD, ESQ.
Nevada Bar No. 8185
SARAH B. HARTIG, ESQ.
Nevada Bar No. 10070
GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Tel.: (702) 940-3529
Fax: (855) 429-3413
Alexandra.McLeod@aig.com

Attorney for Defendant GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC.

DISTRICT COURT

CLARK COUNTY, NEVADA

PATRICIA BROWNING, an individual, Plaintiff, vs. GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC., a Nevada Corporation; Defendants.	**CASE NO.: A-15-728931-C** **DEPT. NO.: XXVI** **NOTICE OF ENTRY OF JUDGMENT UPON THE JURY VERDICT**

PLEASE take notice that a Judgment was entered on the Court's docket on 20th day of August, 2018. A Copy of which is attached hereto.

DATED this 6th day of December, 2018.

GRANT & ASSOCIATES

ALEXANDRA B. MCLEOD, ESQ.
Nevada Bar No. 8185
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Attorneys for Defendant GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC.

GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Telephone No. (702) 940-3529
Facsimile No. (855) 429-3413

Case Number: A-15-728931-C

GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Telephone No. (702) 940-3529
Facsimile No. (855) 429-3413

CERTIFICATE OF SERVICE

I certify that I am an employee of GRANT & ASSOCIATES and that on this 6th day of December, 2018 I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF JUDGMENT UPON THE JURY VERDICT** to be served as follows:

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

___ Pursuant to EDCR 7.26, to be sent via facsimile; and/or

_X_ Pursuant to EDCR 7.26, by transmitting via the Court's electronic filing services by the document(s) listed above to the Counsel set forth on the service list.

Steven M. Burris, Esq.
Jeffrey L. Galliher, Esq.
LAW OFFICE OF STEVEN M. BURRIS
2810 W. Charleston Blvd, Ste. F-58
Las Vegas, NV 89102
Attorney for Plaintiff

R. Scott Rasmussen, Esq.
COOPER LEVENSON, P.A.
1835 Village Center Circle
Las Vegas, Nevada 89134
Attorney for Defendant,
Westdeck Concrete Coating, LLC

/s/ Camie DeVoge
_____
An Employee of **GRANT & ASSOCIATES**

Electronically Filed
8/20/2018 3:34 PM
Steven D. Grierson
CLERK OF THE COURT

JUJV
STEVEN M. BURRIS, ESQ.
Nevada Bar No. 000603
sb@steveburrislaw.com
TRAVIS E. SHETLER, ESQ.
Nevada Bar No. 004747
ts@steveburrislaw.com
LAW OFFICES OF STEVEN M. BURRIS
2810 W. Charleston Boulevard, Suite F-58
Las Vegas, Nevada 89102
(702) 258-6238 - Telephone
(702) 258-8280 - Facsimile
Attorneys for Plaintiff

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

DISTRICT COURT

CLARK COUNTY, NEVADA

PATRICIA BROWNING, an individual, Plaintiff, vs. GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC., a Nevada Corporation, Defendant.	CASE NO.: A-15-728931-C DEPT. NO.: XXVI

JUDGMENT UPON THE JURY VERDICT

This action having come on for trial before the Court and the jury, the Honorable District Court Judge Gloria J. Sturman presiding, and the issues having been duly tried and the jury having duly rendered its verdict as reflected by the Verdict Form attached hereto as Exhibit 1,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Judgment upon the Verdict is entered in favor of Plaintiff, PATRICIA BROWNING and against Defendant, GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC.

. . .

☐ Voluntary Dismissal
☑ Involuntary Dismissal
☐ Stipulated Dismissal
☐ Motion to Dismiss by Deft(s)
☒ Summary Judgment
☐ Stipulated Judgment
☐ Default Judgment
☐ Judgment of Arbitration

Case Number: A-15-728931-C

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff, PATRICIA BROWNING, may ~~be given~~ move for costs and attorney's fees in an amount as may be awarded by this Court via separate motion.

DATED this 14th day of August 2018.

DISTRICT COURT JUDGE

Submitted by:

LAW OFFICES OF STEVEN M. BURRIS

By:

Steven M. Burris, Esq.
Nevada Bar No. 000603
sb@steveburrislaw.com
2810 W. Charleston Boulevard, Suite F-58
Las Vegas, Nevada 89102
Attorneys for Plaintiff

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

CERTIFICATE OF SERVICE

I certify that on this 9th day of August, 2018, the foregoing **JUDGMENT UPON THE JURY VERDICT** was served on the following by [X] Electronic Service pursuant to NEFR 9 [ ] Electronic Filing and Service pursuant to NEFR 9 [ ] hand delivery [ ] overnight delivery [ ] fax [ ] fax and mail [ ] mailing by depositing with the U.S. mail in Las Vegas, Nevada, enclosed in a sealed envelope with first class postage prepaid, addressed as follows:

Alexandra B. McLeod, Esq.
Nevada Bar No. 8185
Alexandra.McLeod@aig.com
Grant & Associates
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
FAX: (855) 429-3413
Attorneys for Defendant
Grand Desert Resort Vacation Owners Association

/s/: *CANDICE R. SALERNO*
an employee of the
LAW OFFICES OF STEVEN M. BURRIS

EXHIBIT 1

EXHIBIT 1

DISTRICT COURT

CLARK COUNTY, NEVADA

PATRICIA BROWNING, an individual, Plaintiff, vs. GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC., a Nevada Corporation. Defendants.	CASE NO.: A-15-728931-C DEPT. NO.: XXVI

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT
JUL 17 2018 AT 7:15 PM
BY: NANCY MALDONADO, DEPUTY

VERDICT FORM

We, the jury in the above entitled action, find for the Plaintiff and against the Defendant and assess the total amount of the plaintiff's damages at $ 900.

We further find that the total amount of the Plaintiff's damages is divided into past damages and future damages as follows:

Past Damages $ 900

Future Damages $ 0

DATED this 17 day of July, 2018.

By: _____
FOREPERSON

A-16-728931-C
VER
Verdict
4764121

Electronically Filed
11/7/2018 8:10 PM
Steven D. Grierson
CLERK OF THE COURT

STEVEN M. BURRIS, ESQ.
Nevada Bar No. 000603
sb@steveburrislaw.com
TRAVIS E. SHETLER, ESQ.
Nevada Bar No. 004747
ts@steveburrislaw.com
LAW OFFICES OF STEVEN M. BURRIS
2810 W. Charleston Boulevard, Suite F-58
Las Vegas, Nevada 89102
(702) 258-6238 - Telephone
(702) 258-8280 - Facsimile
Attorneys for Plaintiff

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

DISTRICT COURT

CLARK COUNTY, NEVADA

PATRICIA BROWNING, an individual, Plaintiff, vs. GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC. Defendants.	CASE NO.: A-15-728931-C DEPT. NO.: XXVI Date of Hearing: October 8, 2018 Time of Hearing: 09:30 a.m.

ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC.'S MOTION TO RETAX AND SETTLE COSTS

Defendant Grand Desert Resort Vacation Owners Association, Inc.'s Motion to Retax and Settle Costs came on for hearing on the 8th day of October, 2018, Defendant, Grand Desert Resort Vacation Owners Association, Inc. (hereinafter "Grand Desert"), appearing by and through its counsel of record, Alexandra B. McLeod, Esq., of GRANT & ASSOCIATES, and Plaintiff, Patricia Browning, appearing by and through her counsel of record, Travis E. Shetler, Esq., of the LAW OFFICES OF STEVEN M. BURRIS.

The Court having considered the Motions, Oppositions and Replies thereto, and hearing

Case Number: A-15-728931-C

argument of counsel, good cause appearing therefore, hereby finds as follows:

1. **IT IS HEREBY FOUND THAT** this matter proceeded to trial beginning July 9, 2018. On July 17, 2018, the jury returned a unanimous verdict in favor of Plaintiff awarding judgment to Plaintiff in the amount of $900.00.

2. **IT IS FURTHER FOUND THAT** Plaintiff was the prevailing party in this matter. On August 20, 2018 Plaintiff timely filed a Verified Memorandum of Costs and Disbursements. On August 23, 2018 Defendant timely filed a Motion to Retax and Settle Costs pursuant to NRS 18.005 and NRS 18.110.

3. **IT IS FURTHER FOUND THAT** Plaintiff sought costs for Clerk Filing Fees in the amount of $358.60. Defendant did not oppose an allowance of costs for Clerk Filing Fees in the amount of $358.60.

4. **IT IS FURTHER FOUND THAT** Plaintiff sought costs for Court Reporter Fees in the amount of $4,288.95. Defendant objected to an $87.25 cancellation fee. Defendant did not oppose an allowance of costs for Court Reporter Fees for the remaining balance of $4,201.70.

5. **IT IS FURTHER FOUND THAT** Plaintiff sought costs for an Expert Witness Fee in the amount of $47,569.73 for Plaintiff's expert, James G. Dahlgren, M.D. Defendant objected to an award of costs for an Expert Witness Fee above the $1,500.00 amount allowed by NRS 18.005(5). Upon consideration of the evidence presented, the Court finds the circumstances surrounding the expert's testimony allow for an Expert Witness Fee above the $1,500.00 amount. The Court further finds the documented amount of the reasonable, necessary and actually incurred expert witness fee for Dr. Dahlgren to be $10,435.46.

6. **IT IS FURTHER FOUND THAT** Plaintiff sought costs in the amount of $135.00 for Process Server Fees. Defendant did not oppose an allowance of costs for Process Server Fees in

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

the amount of $135.00.

7. **IT IS FURTHER FOUND THAT** Plaintiff sought costs in the amount of $1,878.01 for Photocopy Fees. Based on its own observation, the Court takes notice that a significant number of photocopies were required in this case. The necessary photocopies included a Motion for Summary Judgment and Motions in Limine. The Court also required two complete sets of photocopied documents for trial which were extensive and constituted a total of four volumes of records. Based upon the amount of documents known by the Court to be necessary and incurred in the present case, the Court finds $250.00 is a reasonable amount for Plaintiff's photocopy costs. Plaintiffs documented photocopy costs also included invoices for $609.98 which were record retrieval fees paid to physicians for providing Plaintiff with copies of their medical and billing records. The Court finds Plaintiff is entitled to recover $609.98 for the record retrieval fees paid to physicians.

8. **IT IS FURTHER FOUND THAT** Plaintiff sought costs in the amount of $397.00 for Courier Service Fees. Based on the documentation and evidence provided, the Court finds Plaintiff is not entitled to recover Courier Service Fees for expedited delivery. Plaintiff is also not entitled to recover Courier Service Fees for deliveries to a co-defendant that was dismissed shortly before trial. The Court therefore finds the amount of necessary and reasonable Courier Service Fees to be $124.00.

NOW THEREFORE, IT IS HERE BY ORDERED, ADJUDGED AND DECREED that pursuant to NRS 18.005 and NRS 18.020(3), Plaintiff is awarded the following documented costs which were reasonable, necessary and actually incurred in the present case:

. . .

. . .

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

Clerk Filing Fees	$358.60
Court Reporter Fees	$4,201.45
Expert Witness Fees	$10,435.46
Process Service Fees	$135.00
Photocopy & Record Retrieval Fees	$859.98
Postage and Facsimile Fees	$63.10
Courier Service Fees	$124.00
TOTAL COST AWARD:	$ 16,177.59

ORDER

IT IS SO ORDERED.

DATED this 1st day of November, 2018.

DISTRICT COURT JUDGE

Respectfully Submitted by:

LAW OFFICES OF STEVEN M. BURRIS

By: _____

Steven M. Burris, Esq.
Nevada Bar No. 000603
sb@steveburrislaw.com
Travis E. Shetler, Esq.
Nevada Bar No. 004747
ts@steveburrislaw.com
2810 W. Charleston Boulevard, Suite F-58
Las Vegas, Nevada 89102
Attorneys for Plaintiff

. . .

. . .

. . .

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

Approved as to Form and Content:

GRANT & ASSOCIATES

By: _____

Alexandra B. McLeod, Esq.
Nevada Bar No. 8185
Alexandra.McLeod@aig.com
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
FAX: (855) 429-3413
Attorneys for Defendant
Grand Desert Resort Vacation Owners Association

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

Electronically Filed
11/8/2018 8:53 PM
Steven D. Grierson
CLERK OF THE COURT

STEVEN M. BURRIS, ESQ.
Nevada Bar No. 000603
sb@steveburrislaw.com
TRAVIS E. SHETLER, ESQ.
Nevada Bar No. 004747
ts@steveburrislaw.com
LAW OFFICES OF STEVEN M. BURRIS
2810 W. Charleston Boulevard, Suite F-58
Las Vegas, Nevada 89102
(702) 258-6238 - Telephone
(702) 258-8280 - Facsimile
Attorneys for Plaintiff

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

DISTRICT COURT

CLARK COUNTY, NEVADA

PATRICIA BROWNING, an individual, Plaintiff, vs. GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC. Defendants.	CASE NO.: A-15-728931-C DEPT. NO.: XXVI

NOTICE OF ENTRY ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC.'S MOTION TO RETAX AND SETTLE COSTS

TO: ALL INTERESTED PARTIES

PLEASE TAKE NOTICE that on the 7th day of November 2018, an Order Granting in Part and Denying in Part Defendant Grand Desert Resort Vacation Owners Association, Inc.'s Motion to

. . .

. . .

. . .

Case Number: A-15-728931-C

Retax and Settle Costs, a true and correct copy of which is attached hereto, was entered in the above-entitled action.

DATED this 8th day of November 2018.

LAW OFFICES OF STEVEN M. BURRIS

By: */s/ Travis E. Shetler*

Steven M. Burris, Esq.
Nevada Bar No. 000603
sb@steveburrislaw.com
Travis E. Shetler, Esq.
Nevada Bar No. 004747
ts@steveburrislaw.com
2810 W. Charleston Boulevard, Suite F-58
Las Vegas, Nevada 89102
Attorneys for Plaintiff

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

CERTIFICATE OF SERVICE

I certify that on this 8th day of November, 2018, the foregoing **NOTICE OF ENTRY OF ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC.'S MOTION TO RETAX AND SETTLE COSTS** was served on the following by [X] Electronic Service pursuant to NEFR 9 [ ] Electronic Filing and Service pursuant to NEFR 9 [ ] hand delivery [ ] overnight delivery [ ] fax [ ] fax and mail [ ] mailing by depositing with the U.S. mail in Las Vegas, Nevada, enclosed in a sealed envelope with first class postage prepaid, addressed as follows:

Alexandra B. McLeod, Esq.
Nevada Bar No. 8185
Alexandra.McLeod@aig.com
GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
FAX: (855) 429-3413
Attorneys for Defendant
Grand Desert Resort Vacation Owners Association

/s/: *CANDICE R. SALERNO*
an employee of the
LAW OFFICES OF STEVEN M. BURRIS

Electronically Filed
11/7/2018 8:10 PM
Steven D. Grierson
CLERK OF THE COURT

STEVEN M. BURRIS, ESQ.
Nevada Bar No. 000603
sb@steveburrislaw.com
TRAVIS E. SHETLER, ESQ.
Nevada Bar No. 004747
ts@steveburrislaw.com
LAW OFFICES OF STEVEN M. BURRIS
2810 W. Charleston Boulevard, Suite F-58
Las Vegas, Nevada 89102
(702) 258-6238 - Telephone
(702) 258-8280 - Facsimile
Attorneys for Plaintiff

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

DISTRICT COURT

CLARK COUNTY, NEVADA

PATRICIA BROWNING, an individual, Plaintiff, vs. GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC. Defendants.	CASE NO.: A-15-728931-C DEPT. NO.: XXVI Date of Hearing: October 8, 2018 Time of Hearing: 09:30 a.m.

ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC.'S MOTION TO RETAX AND SETTLE COSTS

Defendant Grand Desert Resort Vacation Owners Association, Inc.'s Motion to Retax and Settle Costs came on for hearing on the 8th day of October, 2018, Defendant, Grand Desert Resort Vacation Owners Association, Inc. (hereinafter "Grand Desert"), appearing by and through its counsel of record, Alexandra B. McLeod, Esq., of GRANT & ASSOCIATES, and Plaintiff, Patricia Browning, appearing by and through her counsel of record, Travis E. Shetler, Esq., of the LAW OFFICES OF STEVEN M. BURRIS.

The Court having considered the Motions, Oppositions and Replies thereto, and hearing

Case Number: A-15-728931-C

argument of counsel, good cause appearing therefore, hereby finds as follows:

1. **IT IS HEREBY FOUND THAT** this matter proceeded to trial beginning July 9, 2018. On July 17, 2018, the jury returned a unanimous verdict in favor of Plaintiff awarding judgment to Plaintiff in the amount of $900.00.

2. **IT IS FURTHER FOUND THAT** Plaintiff was the prevailing party in this matter. On August 20, 2018 Plaintiff timely filed a Verified Memorandum of Costs and Disbursements. On August 23, 2018 Defendant timely filed a Motion to Retax and Settle Costs pursuant to NRS 18.005 and NRS 18.110.

3. **IT IS FURTHER FOUND THAT** Plaintiff sought costs for Clerk Filing Fees in the amount of $358.60. Defendant did not oppose an allowance of costs for Clerk Filing Fees in the amount of $358.60.

4. **IT IS FURTHER FOUND THAT** Plaintiff sought costs for Court Reporter Fees in the amount of $4,288.95. Defendant objected to an $87.25 cancellation fee. Defendant did not oppose an allowance of costs for Court Reporter Fees for the remaining balance of $4,201.70.

5. **IT IS FURTHER FOUND THAT** Plaintiff sought costs for an Expert Witness Fee in the amount of $47,569.73 for Plaintiff's expert, James G. Dahlgren, M.D. Defendant objected to an award of costs for an Expert Witness Fee above the $1,500.00 amount allowed by NRS 18.005(5). Upon consideration of the evidence presented, the Court finds the circumstances surrounding the expert's testimony allow for an Expert Witness Fee above the $1,500.00 amount. The Court further finds the documented amount of the reasonable, necessary and actually incurred expert witness fee for Dr. Dahlgren to be $10,435.46.

6. **IT IS FURTHER FOUND THAT** Plaintiff sought costs in the amount of $135.00 for Process Server Fees. Defendant did not oppose an allowance of costs for Process Server Fees in

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

the amount of $135.00.

7. **IT IS FURTHER FOUND THAT** Plaintiff sought costs in the amount of $1,878.01 for Photocopy Fees. Based on its own observation, the Court takes notice that a significant number of photocopies were required in this case. The necessary photocopies included a Motion for Summary Judgment and Motions in Limine. The Court also required two complete sets of photocopied documents for trial which were extensive and constituted a total of four volumes of records. Based upon the amount of documents known by the Court to be necessary and incurred in the present case, the Court finds $250.00 is a reasonable amount for Plaintiff's photocopy costs. Plaintiffs documented photocopy costs also included invoices for $609.98 which were record retrieval fees paid to physicians for providing Plaintiff with copies of their medical and billing records. The Court finds Plaintiff is entitled to recover $609.98 for the record retrieval fees paid to physicians.

8. **IT IS FURTHER FOUND THAT** Plaintiff sought costs in the amount of $397.00 for Courier Service Fees. Based on the documentation and evidence provided, the Court finds Plaintiff is not entitled to recover Courier Service Fees for expedited delivery. Plaintiff is also not entitled to recover Courier Service Fees for deliveries to a co-defendant that was dismissed shortly before trial. The Court therefore finds the amount of necessary and reasonable Courier Service Fees to be $124.00.

NOW THEREFORE, IT IS HERE BY ORDERED, ADJUDGED AND DECREED that pursuant to NRS 18.005 and NRS 18.020(3), Plaintiff is awarded the following documented costs which were reasonable, necessary and actually incurred in the present case:

. . .

. . .

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

Clerk Filing Fees	$358.60
Court Reporter Fees	$4,201.45
Expert Witness Fees	$10,435.46
Process Service Fees	$135.00
Photocopy & Record Retrieval Fees	$859.98
Postage and Facsimile Fees	$63.10
Courier Service Fees	$124.00
TOTAL COST AWARD:	$ 16,177.59

ORDER

IT IS SO ORDERED.

DATED this 1st day of November, 2018.

DISTRICT COURT JUDGE

Respectfully Submitted by:

LAW OFFICES OF STEVEN M. BURRIS

By: _____

Steven M. Burris, Esq.
Nevada Bar No. 000603
sb@steveburrislaw.com
Travis E. Shetler, Esq.
Nevada Bar No. 004747
ts@steveburrislaw.com
2810 W. Charleston Boulevard, Suite F-58
Las Vegas, Nevada 89102
Attorneys for Plaintiff

. . .

. . .

. . .

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

Approved as to Form and Content:

GRANT & ASSOCIATES

By: _____

Alexandra B. McLeod, Esq.
Nevada Bar No. 8185
Alexandra.McLeod@aig.com
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
FAX: (855) 429-3413
Attorneys for Defendant
Grand Desert Resort Vacation Owners Association

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

Electronically Filed
11/7/2018 8:10 PM
Steven D. Grierson
CLERK OF THE COURT

STEVEN M. BURRIS, ESQ.
Nevada Bar No. 000603
sb@steveburrislaw.com
TRAVIS E. SHETLER, ESQ.
Nevada Bar No. 004747
ts@steveburrislaw.com
LAW OFFICES OF STEVEN M. BURRIS
2810 W. Charleston Boulevard, Suite F-58
Las Vegas, Nevada 89102
(702) 258-6238 - Telephone
(702) 258-8280 - Facsimile
Attorneys for Plaintiff

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

DISTRICT COURT

CLARK COUNTY, NEVADA

PATRICIA BROWNING, an individual, Plaintiff, vs. GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC. Defendants.	CASE NO.: A-15-728931-C DEPT. NO.: XXVI Date of Hearing: October 8, 2018 Time of Hearing: 09:30 a.m.

ORDER GRANTING PLAINTIFF PATRICIA BROWNING'S MOTION FOR ATTORNEY'S FEES

Plaintiff Patricia Browning's Motion for Attorney's Fees came on for hearing on the 8th day of October, 2018, Defendant, Grand Desert Resort Vacation Owners Association, Inc. (hereinafter "Grand Desert"), appearing by and through its counsel of record, Alexandra B. McLeod, Esq., of GRANT & ASSOCIATES, and Plaintiff, Patricia Browning, appearing by and through her counsel of record, Travis E. Shetler, Esq., of the LAW OFFICES OF STEVEN M. BURRIS.

The Court having considered the Motions, Oppositions and Replies thereto, and hearing argument of counsel, good cause appearing therefore, hereby finds as follows:

Case Number: A-15-728931-C

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

1. **IT IS HEREBY FOUND THAT** the Complaint in this matter was filed on December 14, 2015 and this Court has presided over the litigation since that time. Plaintiff's Complaint sought damages for personal injuries.

2. **IT IS FURTHER FOUND THAT** this matter proceeded to trial beginning on July 9, 2018. On July 17, 2018, a jury returned a unanimous verdict in favor of Plaintiff awarding judgment to Plaintiff in the amount of $900.00.

3. **IT IS FURTHER FOUND THAT** a Judgment Upon Jury Verdict was entered in favor of Plaintiff and against Defendant on August 14, 2018 and filed August 20, 2018.

4. **IT IS FURTHER FOUND THAT** on August 27, 2018 Plaintiff timely filed a Motion for Attorney's Fees pursuant to NRS 18.010(2)(a) seeking an award of her reasonable attorneys' fees in the amount of $103,745.00.

5. **IT IS FURTHER FOUND THAT** pursuant to NRS 18.010, a prevailing party need not succeed on every issue but the action must proceed to judgment and a prevailing party must achieve some of the benefit sought. *MB America, Inc. v. Alaska Pacific Leasing Co.*, 132 Nev. Adv. Op. 8, 367 P.3d 1286 (2016). Plaintiff obtained a judgment and an award of damages. Plaintiff is therefore a prevailing party pursuant to NRS 18.010(2)(a) and is entitled to an award of attorney's fees.

6. **IT IS FURTHER FOUND THAT** upon weighing the factors in *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 455 P.2d 31 (1969): (i) Plaintiff's attorneys have the ability, training, education, experience, professional standing and skill to justify an attorney billable hour rate of $375.00. The rates of $75.00 per hour and $125.00 per hour for Plaintiff's paralegals are also found to be reasonable and within the market rates typically charged by paralegals in Clark County, Nevada; (ii) the character of the work done included matters that involved big issues, such as the

Motions in Limine, Motion for Summary Judgment and litigating this case to judgment, all of which required significant time and skill; (iii) Plaintiff's attorneys have sufficiently documented approximately 270 hours of attorney time and attention actually performed in this case and 23 hours of paralegal time and attention actually performed in this case which the Court finds to be reasonable and justified. Plaintiff's attorneys' hours are reasonable based on the Court's own observation and knowledge of the litigation itself and the substantial amount of time and work it took for Plaintiff's attorneys to litigate this case to a final judgment upon jury's verdict; and (iv) Plaintiff's attorneys were successful by obtaining a jury verdict in favor of Plaintiff awarding damages to Plaintiff.

7. **IT IS FURTHER FOUND THAT** after consideration and analysis of the *Brunzell* factors, the Court has determined the reasonable and justified amount of attorneys' fees is $100,000.00.

. . .

. . .

. . .

. . .

. . .

. . .

. . .

. . .

. . .

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

NOW THEREFORE, IT IS HERE BY ORDERED, ADJUDGED AND DECREED that pursuant to NRS 18.0010(2)(a) and upon consideration of the factors in *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 455 P.2d 31 (1969), Plaintiff is awarded reasonable attorneys' fees in the amount of ONE HUNDRED THOUSAND DOLLARS ($100,000.00).

ORDER

IT IS SO ORDERED.

DATED this 1st day of November, 2018.

DISTRICT COURT JUDGE

Respectfully Submitted by:

LAW OFFICES OF STEVEN M. BURRIS

By: _____

Steven M. Burris, Esq.
Nevada Bar No. 000603
sb@steveburrislaw.com
Travis E. Shetler, Esq.
Nevada Bar No. 004747
ts@steveburrislaw.com
2810 W. Charleston Boulevard, Suite F-58
Las Vegas, Nevada 89102
Attorneys for Plaintiff

Approved as to Form and Content:

GRANT & ASSOCIATES

By: _____

Alexandra B. McLeod, Esq.
Nevada Bar No. 8185
Alexandra.McLeod@aig.com
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
FAX: (855) 429-3413
Attorneys for Defendant
Grand Desert Resort Vacation Owners Association

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

CERTIFICATE OF SERVICE

I certify that on this _____ day of October, 2018, the foregoing **ORDER GRANTING PLAINTIFF PATRICIA BROWNING'S MOTION FOR ATTORNEY'S FEES** was served on the following by [ ] Electronic Service pursuant to NEFR 9 [x] Electronic Filing and Service pursuant to NEFR 9 [ ] hand delivery [ ] overnight delivery [ ] fax [ ] fax and mail [ ] mailing by depositing with the U.S. mail in Las Vegas, Nevada, enclosed in a sealed envelope with first class postage prepaid, addressed as follows:

Alexandra B. McLeod, Esq.
Nevada Bar No. 8185
Alexandra.McLeod@aig.com
Grant & Associates
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
FAX: (855) 429-3413
Attorneys for Defendant
Grand Desert Resort Vacation Owners Association

/s/: *CANDICE R. SALERNO*
an employee of the
LAW OFFICES OF STEVEN M. BURRIS

Electronically Filed
11/8/2018 8:53 PM
Steven D. Grierson
CLERK OF THE COURT

STEVEN M. BURRIS, ESQ.
Nevada Bar No. 000603
sb@steveburrislaw.com
TRAVIS E. SHETLER, ESQ.
Nevada Bar No. 004747
ts@steveburrislaw.com
LAW OFFICES OF STEVEN M. BURRIS
2810 W. Charleston Boulevard, Suite F-58
Las Vegas, Nevada 89102
(702) 258-6238 - Telephone
(702) 258-8280 - Facsimile
Attorneys for Plaintiff

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

DISTRICT COURT

CLARK COUNTY, NEVADA

PATRICIA BROWNING, an individual, Plaintiff, vs. GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC. Defendants.	CASE NO.: A-15-728931-C DEPT. NO.: XXVI

NOTICE OF ENTRY ORDER
GRANTING PLAINTIFF PATRICIA BROWNING'S MOTION FOR ATTORNEY'S FEES

TO: ALL INTERESTED PARTIES

PLEASE TAKE NOTICE that on the 7th day of November 2018, an Order Granting Plaintiff Patricia Browning's Motion or Attorney's Fees, a true and correct copy of which is attached hereto,

. . .

. . .

. . .

. . .

Case Number: A-15-728931-C

was entered in the above-entitled action.

DATED this 8th day of November 2018.

LAW OFFICES OF STEVEN M. BURRIS

By: */s/ Travis E. Shetler*

Steven M. Burris, Esq.
Nevada Bar No. 000603
sb@steveburrislaw.com
Travis E. Shetler, Esq.
Nevada Bar No. 004747
ts@steveburrislaw.com
2810 W. Charleston Boulevard, Suite F-58
Las Vegas, Nevada 89102
Attorneys for Plaintiff

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

CERTIFICATE OF SERVICE

I certify that on this 8th day of November, 2018, the foregoing **NOTICE OF ENTRY OF ORDER GRANTING PLAINTIFF PATRICIA BROWNING'S MOTION FOR ATTORNEY'S FEES** was served on the following by [X] Electronic Service pursuant to NEFR 9 [ ] Electronic Filing and Service pursuant to NEFR 9 [ ] hand delivery [ ] overnight delivery [ ] fax [ ] fax and mail [ ] mailing by depositing with the U.S. mail in Las Vegas, Nevada, enclosed in a sealed envelope with first class postage prepaid, addressed as follows:

Alexandra B. McLeod, Esq.
Nevada Bar No. 8185
Alexandra.McLeod@aig.com
GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
FAX: (855) 429-3413
Attorneys for Defendant
Grand Desert Resort Vacation Owners Association

/s/: *CANDICE R. SALERNO*
an employee of the
LAW OFFICES OF STEVEN M. BURRIS

Electronically Filed
11/7/2018 8:10 PM
Steven D. Grierson
CLERK OF THE COURT

STEVEN M. BURRIS, ESQ.
Nevada Bar No. 000603
sb@steveburrislaw.com
TRAVIS E. SHETLER, ESQ.
Nevada Bar No. 004747
ts@steveburrislaw.com
LAW OFFICES OF STEVEN M. BURRIS
2810 W. Charleston Boulevard, Suite F-58
Las Vegas, Nevada 89102
(702) 258-6238 - Telephone
(702) 258-8280 - Facsimile
Attorneys for Plaintiff

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

DISTRICT COURT

CLARK COUNTY, NEVADA

PATRICIA BROWNING, an individual, Plaintiff, vs. GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC. Defendants.	CASE NO.: A-15-728931-C DEPT. NO.: XXVI Date of Hearing: October 8, 2018 Time of Hearing: 09:30 a.m.

ORDER GRANTING PLAINTIFF PATRICIA BROWNING'S MOTION FOR ATTORNEY'S FEES

Plaintiff Patricia Browning's Motion for Attorney's Fees came on for hearing on the 8th day of October, 2018, Defendant, Grand Desert Resort Vacation Owners Association, Inc. (hereinafter "Grand Desert"), appearing by and through its counsel of record, Alexandra B. McLeod, Esq., of GRANT & ASSOCIATES, and Plaintiff, Patricia Browning, appearing by and through her counsel of record, Travis E. Shetler, Esq., of the LAW OFFICES OF STEVEN M. BURRIS.

The Court having considered the Motions, Oppositions and Replies thereto, and hearing argument of counsel, good cause appearing therefore, hereby finds as follows:

Case Number: A-15-728931-C

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

1. **IT IS HEREBY FOUND THAT** the Complaint in this matter was filed on December 14, 2015 and this Court has presided over the litigation since that time. Plaintiff's Complaint sought damages for personal injuries.

2. **IT IS FURTHER FOUND THAT** this matter proceeded to trial beginning on July 9, 2018. On July 17, 2018, a jury returned a unanimous verdict in favor of Plaintiff awarding judgment to Plaintiff in the amount of $900.00.

3. **IT IS FURTHER FOUND THAT** a Judgment Upon Jury Verdict was entered in favor of Plaintiff and against Defendant on August 14, 2018 and filed August 20, 2018.

4. **IT IS FURTHER FOUND THAT** on August 27, 2018 Plaintiff timely filed a Motion for Attorney's Fees pursuant to NRS 18.010(2)(a) seeking an award of her reasonable attorneys' fees in the amount of $103,745.00.

5. **IT IS FURTHER FOUND THAT** pursuant to NRS 18.010, a prevailing party need not succeed on every issue but the action must proceed to judgment and a prevailing party must achieve some of the benefit sought. *MB America, Inc. v. Alaska Pacific Leasing Co.*, 132 Nev. Adv. Op. 8, 367 P.3d 1286 (2016). Plaintiff obtained a judgment and an award of damages. Plaintiff is therefore a prevailing party pursuant to NRS 18.010(2)(a) and is entitled to an award of attorney's fees.

6. **IT IS FURTHER FOUND THAT** upon weighing the factors in *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 455 P.2d 31 (1969): (i) Plaintiff's attorneys have the ability, training, education, experience, professional standing and skill to justify an attorney billable hour rate of $375.00. The rates of $75.00 per hour and $125.00 per hour for Plaintiff's paralegals are also found to be reasonable and within the market rates typically charged by paralegals in Clark County, Nevada; (ii) the character of the work done included matters that involved big issues, such as the

Motions in Limine, Motion for Summary Judgment and litigating this case to judgment, all of which required significant time and skill; (iii) Plaintiff's attorneys have sufficiently documented approximately 270 hours of attorney time and attention actually performed in this case and 23 hours of paralegal time and attention actually performed in this case which the Court finds to be reasonable and justified. Plaintiff's attorneys' hours are reasonable based on the Court's own observation and knowledge of the litigation itself and the substantial amount of time and work it took for Plaintiff's attorneys to litigate this case to a final judgment upon jury's verdict; and (iv) Plaintiff's attorneys were successful by obtaining a jury verdict in favor of Plaintiff awarding damages to Plaintiff.

7. **IT IS FURTHER FOUND THAT** after consideration and analysis of the *Brunzell* factors, the Court has determined the reasonable and justified amount of attorneys' fees is $100,000.00.

. . .

. . .

. . .

. . .

. . .

. . .

. . .

. . .

. . .

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

NOW THEREFORE, IT IS HERE BY ORDERED, ADJUDGED AND DECREED that pursuant to NRS 18.0010(2)(a) and upon consideration of the factors in *Brunzell v. Golden Gate Nat. Bank*, 85 Nev. 345, 455 P.2d 31 (1969), Plaintiff is awarded reasonable attorneys' fees in the amount of ONE HUNDRED THOUSAND DOLLARS ($100,000.00).

ORDER

IT IS SO ORDERED.

DATED this 1st day of November, 2018.

DISTRICT COURT JUDGE

Respectfully Submitted by:

LAW OFFICES OF STEVEN M. BURRIS

By: _____

Steven M. Burris, Esq.
Nevada Bar No. 000603
sb@steveburrislaw.com
Travis E. Shetler, Esq.
Nevada Bar No. 004747
ts@steveburrislaw.com
2810 W. Charleston Boulevard, Suite F-58
Las Vegas, Nevada 89102
Attorneys for Plaintiff

Approved as to Form and Content:

GRANT & ASSOCIATES

By: _____

Alexandra B. McLeod, Esq.
Nevada Bar No. 8185
Alexandra.McLeod@aig.com
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
FAX: (855) 429-3413
Attorneys for Defendant
Grand Desert Resort Vacation Owners Association

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

LAW OFFICES OF
STEVEN M. BURRIS, LLC
2810 W. Charleston Blvd. Suite F-58
Las Vegas, Nevada 89102

CERTIFICATE OF SERVICE

I certify that on this _____ day of October, 2018, the foregoing **ORDER GRANTING PLAINTIFF PATRICIA BROWNING'S MOTION FOR ATTORNEY'S FEES** was served on the following by [ ] Electronic Service pursuant to NEFR 9 [x] Electronic Filing and Service pursuant to NEFR 9 [ ] hand delivery [ ] overnight delivery [ ] fax [ ] fax and mail [ ] mailing by depositing with the U.S. mail in Las Vegas, Nevada, enclosed in a sealed envelope with first class postage prepaid, addressed as follows:

Alexandra B. McLeod, Esq.
Nevada Bar No. 8185
Alexandra.McLeod@aig.com
Grant & Associates
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
FAX: (855) 429-3413
Attorneys for Defendant
Grand Desert Resort Vacation Owners Association

/s/: *CANDICE R. SALERNO*
an employee of the
LAW OFFICES OF STEVEN M. BURRIS

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **July 07, 2016**

A-15-728931-C Patricia Browning, Plaintiff(s)
vs.
Wyndham Vacation Ownership Inc, Defendant(s)

July 07, 2016 **3:00 PM** **Motion for Leave**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Linda Denman

RECORDER: Kerry Esparza

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- ADVANCE DECISION MINUTE ORDER

There being no opposition and pursuant to EDCR 2.23, COURT GRANTED Law Offices of Steven M. Burris' PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT without oral argument and ORDERED the motion removed from the July 12, 2016 civil calendar.

Mr. Burris to file the Second Amended Complaint within ten (10) days of receipt of this minute order.

CLERK'S NOTE: A copy of this minute order was forwarded to Steven M. Burris, Esq. sb@steveburrislaw.com; Jeffrey L. Galliher, Esq. jg@steveburrislaw.com and Annalisa Grant Esq. annalisa.grant@aig.com (CHIU & ASSOCIATES)./ ld 7/7/16

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **November 21, 2017**

A-15-728931-C Patricia Browning, Plaintiff(s)
vs.
Wyndham Vacation Ownership Inc, Defendant(s)

November 21, 2017 9:00 AM Status Check

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES PRESENT:

Shetler, Travis E	Attorney
West, Jessica A.	Attorney

JOURNAL ENTRIES

- Ms. West stated discovery had been pushed back to February and they were working on discovery. Upon inquiry by the Court, Mr. Shetler stated they would be ready for trial in July. COURT ORDERED, Status Check: End of Discovery CONTINUED.

CONTINUED TO: 3/20/18 9:00 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **March 16, 2018**

A-15-728931-C Patricia Browning, Plaintiff(s)
vs.
Wyndham Vacation Ownership Inc, Defendant(s)

March 16, 2018 **3:00 AM** **Status Check**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- COURT FINDS on calendar for March 20, 2018 a Status Check Re: End of Discovery. Following a review of the record COURT ORDERED, Counsel to forward a STATUS REPORT to Chambers indicating the current status of the case; hearing currently on calendar for March 20, 2018 VACATED AND RESET to be heard with Deft.'s Motions for Summary Judgment currently scheduled for April.

04/17/18 9:30 AM STATUS CHECK: END OF DISCOVERY

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Steven Burris, Esq. (Burris Law), Annalisa Grant, Esq. (Grant & Assoc.), and Scott Rasmussen, Esq. (Cooper Levenson)./ ls 03-16-18

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **April 17, 2018**

A-15-728931-C Patricia Browning, Plaintiff(s)
vs.
Wyndham Vacation Ownership Inc, Defendant(s)

April 17, 2018 **9:30 AM** **All Pending Motions**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES PRESENT:

Grant, Annalisa N	Attorney
Rasmussen, R. Scott	Attorney
Shetler, Travis E	Attorney

JOURNAL ENTRIES

- GRAND DESERT RESORT VACATION OWNERS ASSOCIATION INC'S MOTION FOR SUMMARY JUDGMENT .. DEFENDANT WESTDECK CONCRETE COATING, LLC'S JOINDER TO GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC.'S MOTION FOR SUMMARY JUDGMENT .. STATUS CHECK: END OF DISCOVERY

Ms. Grant argued the Pltf. must put forward evidence rather than just rest on her allegations, as she'd only provided her testimony, which at this point can be taken as true should she be able to prove the other elements of her case. Ms. Grant argued the doctor's opinion fell short of adequate methodology, there was no medical scientific evidence regarding exposure and the link to causation, and that the Pltf. failed to show actual and proximate causation. Ms. Grant argued Pltf. didn't refute undisputed facts with evidence and there were no material facts that should go to the jury.

Mr. Rasmussen stated he joined and argued Pltf.'s doctor admitted he couldn't be an expert regarding the application of the product; therefore they don't have an expert. Mr. Rasmussen further argued Pltf. says she got sick after the product was applied; however the workers who applied it did not experience the same symptoms and none of them have gotten sick.

Mr. Shetler argued his client could testify as to what occurred.

Ms. Grant argued Pltf. admited she received notice of the work at the pool, there was no additional evidence indicating the hotel or Westdeck could foresee a hazard with the product that would require additional warnings above that, and there was no evidence that Wyndham or it's subsidiaries had any reason to foresee particular harm to any party.

Mr. Shetler argued here there was an odor and the bare facts of the claim were supported.

Mr. Rasmussen argued this product had been used all over town with no problems and no one was disputing it was unreasonably applied.

Ms. Grant argued the Pltf. claimed blowers were in the doors indicating they knew there was a risk; however it was the odor that they wanted to keep from the building.

COURT FINDS forseeablity was not briefed, that the motion was about whether the expert could reach the burden, and that the question was whether this was supported by experts and if they could get the evidence in under Hallmark. COURT THEREFORE ORDERED, Motion for Summary Judgment DENIED WITHOUT PREJUDICE as it comes down to forseeability, which was not well developed.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability	**COURT MINUTES**	**June 07, 2018**

A-15-728931-C Patricia Browning, Plaintiff(s)
vs.
Wyndham Vacation Ownership Inc, Defendant(s)

June 07, 2018 **9:00 AM** **Calendar Call**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 03H

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES PRESENT:

Rasmussen, R. Scott		Attorney
Shetler, Travis E		Attorney

JOURNAL ENTRIES

- Mr. Shetler noted the Motions in Limine conflicted with the trial start date.

Following colloquy regarding counsel and expert schedules, COURT ORDERED, Trial Dates SET; Motions in Limine VACATED AND RESET on the same day as the Pre Trial Conference.

07/05/18 10:30 AM PRE TRIAL CONFERENCE

07/05/18 10:30 AM MOTIONS IN LIMINE

07/09/18 9:00 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **June 12, 2018**

A-15-728931-C Patricia Browning, Plaintiff(s)
vs.
Wyndham Vacation Ownership Inc, Defendant(s)

June 12, 2018 **9:00 AM** **All Pending Motions**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES PRESENT:

McLeod, Alexandra B.	Attorney
Rasmussen, R. Scott	Attorney
Shetler, Travis E	Attorney

JOURNAL ENTRIES

- DEFENDANT WESTDECK CONCRETE COATING, LLC'S MOTION FOR RECONSIDERATION OF DEFENDANT GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC.'S MOTION FOR SUMMARY JUDGMENT .. JOINDER TO WESTDECK'S MOTION FOR RECONSIDERATION OF GRAND DESERT'S MOTION FOR SUMMARY JUDGMENT .. JOINDER TO WESTDECK'S MOTION FOR RECONSIDERATION OF GRAND DESERT'S MOTION FOR SUMMARY JUDGMENT

Mr. Rasmussen argued regarding ventilation, eye goggles, and proper application of the product. Mr. Rasmussen argued the product was installed outside which provided sufficient ventilation, that the product was applied with paint rollers to the ground and the product could not go up, that his clients took precautions to close the pool area, that his clients completed the work in the early morning hours, and that the product was hazardous not toxic. Mr. Rasmussen further argued the Pltf.'s expert admitted he cannot testify regarding how the product was installed, that this was not a product defect claim, and that Pltf.'s cannot change it into one.

Ms. McLeod argued the Pltf. never came forward with any disputed facts, that the Court can decide

as to forseeablity if this situation was one that should extend liability, and that it was her belief that liability should be limited. Ms. McLeod stated the Court advised the Pltf. they had a problem with forseeablity and they have not cured it; therefore this Court had the authority to decide it today.

Mr. Shetler argued the facts were disputed, that the data sheets talk about respiratory reactions and reactions to skin contact, that every person reacted differently, that this Pltf. had different problems, and that it was a disputed fact that should go to the jury. Mr. Shetler argued Westdeck employees must complete specific training in Texas before applying this product, that this was not a strict liability issue, that this was a product federal regulators say can cause reactions, that employees at the Grand Desert Resort stated they usually put up warning signs on the elevators, and that a question of probability of harm should go to the jury.

Mr. Rasmussen argued this had a product defect standard, Pltf.'s did not have an expert, there was no evidence of anyone else being harmed, and that the case was only plead as a negligence case.

Ms. McLeod argued there was a duty between the resort and the timeshare holders; however none with Westdeck, that the question was did her client act in a prudent manner, did they do the work in a reasonably safe way, and did they notice the timeshare parties. Ms. McLeod argued the timeshare parties were noticed, nothing was done unsafely, the product was not known to cause harm, and that the resort met the standard of care as to breach.

Following colloquy, COURT STATED FINDINGS AND ORDERED, Motion for Reconsideration DEFERRED RULING until after the Motions in Limine (MIL) have been ruled upon; Counsel STIPULATED to a briefing schedule; Deft.'s Opposition to Pltf.'s MIL's due June 18, 2018; Deft.'s Reply due June 20, 2018, Pltf.'s Reply due June 22, 2018; Motions in Limine VACATED AND RESET.

06/27/18 2:00 PM MOTIONS IN LIMINE

ISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **June 27, 2018**

A-15-728931-C Patricia Browning, Plaintiff(s)
vs.
Wyndham Vacation Ownership Inc, Defendant(s)

June 27, 2018 **2:00 PM** **All Pending Motions**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES PRESENT:

Burris, Steven M.	Attorney
Koning, Michael A.	Attorney
McLeod, Alexandra B.	Attorney
Rasmussen, R. Scott	Attorney
Shetler, Travis E	Attorney

JOURNAL ENTRIES

- Westdeck Concrete Coating LLC's Motion in Limine #1 - Preclusion of Plaintiff's Expert Testimony / Opinion Regarding (1) Installation and (2) Wearing Protective Equipment:
Following arguments by counsel, COURT ORDERED, Motion GRANTED IN PART as the doctor will not be allowed to testify regarding the gear or knowledge of installation; DENIED IN PART as to commenting on the MSD sheets until the time of trial.

Westdeck Concrete Coating LLC's Motion in Limine #2 - Request to (1) Preclude Any Witness From Testifying That the Cool Decking Products Were Toxic and (2) Preclude Counsel from Arguing That the Products Are Toxic:
COURT STATED FINDINGS and ORDERED, Motion GRANTED IN PART to limited and narrow finding that it was inappropriate to label a product as toxic until that determination was made by the jury; however the word was not appropriate to be said; counsel cannot say it has been determined to be toxic; DENIED IN PART as to the general use of the word toxic.

Westdeck Concrete Coating LLC's Motion in Limine #3 - Preclusion of Testimony or Argument that (1) Plaintiff Notified Defendants of Her Health Conditions Before Her Alleged Injured and (2) That Plaintiff Notified Westdeck of Her Injuries Thereafter in a Timely Manner:
Following arguments by counsel, COURT ORDERED. Motion GRANTED as there was no evidence of notification to Westdeck.

Grand Desert Resort Vacation Owners Association, Inc.'s Motion in Limine #1 to Strike Plaintiff's Expert, James G. Dahlgren, MD
and
Westdeck Concrete Coating LLC's Joinder to Grand Desert Owners Association, Inc.'s Motion in Limine #1 to Strike Plaintiff's Expert James G. Dahlgren, M.D.:
Following arguments by counsel, COURT ORDERED, Motion DENIED as it was up to the jury to decide if it goes outside his expertise, subject to objections at the time of trial should he go outside the scope.

Grand Desert Resort Vacation Owners Association, Inc.'s Omnibus Motions in Limine #2-8
and
Westdeck Concrete Coating, LLC's Joinder to Grand Desert Owners Association Inc.'s Omnibus Motions in Limine #2-8:

Motion in Limine #2 determining that the collateral source rule does not exclude liens:
Following arguments by counsel, COURT ORDERED, Motion GRANTED as that was true as to bias only.

Motion in Limine #3 to permit questioning that Pltf. s treating physicians regularly accept amounts less than the charges for satisfaction of their bills:
At the request counsel, COURT ORDERED, Motion WITHDRAWN.

Motion in Limine #4 to limit treating physicians testimony pursuant to NRCP 16.1(a)(2)(b):
Following arguments by counsel, COURT ORDERED, Motion GRANTED however limited to Dr. Dahlgren and the records coming in as having been reviewed.

Motion in Limine #5 to prohibit cumulative testimony form treaters regarding causation:
COURT FINDS the parties were not bringing in multiple physicians AND THEREFORE ORDERED, Motion MOOT.

Motion in Limine #6 to exclude treating Physician rule :
COURT FINDS the parties were not bringing in multiple physicians AND THEREFORE ORDERED, Motion MOOT.

Motion in Limine #7 to exclude reference to Flowcrete pool deck coating as toxic
COURT STATED FINDINGS and ORDERED, Motion GRANTED IN PART to limited/narrow finding that it was inappropriate to label a product as toxic until that determination was made by the

jury; however the word was not appropriate to be said; counsel cannot say it has been determined to be toxic; DENIED IN PART as to the general use of the word toxic.

Stipulation in Limine #8 to exclude reference to corporate wealth or relative wealth of the parties:
Following arguments by counsel, COURT ORDERED, Motion GRANTED as that was the law.

Plaintiff's Motion in Limine No. 1 to Exclude Opinions from Defense Medical Expert Naresh P. Singh MD that do not meet Hallmark v. Eldridge's Admissibility Requirements:
Following arguments by counsel, COURT FINDS he was a medical witness with an alternative theory and there was a different standard for causation and he meets it. If there are issues he is asked about and counsel thinks they should be challenged, it would be appropriate to bring that argument at the time of trial. He is a medical doctor, he did a records review, and he reported regarding on going treatment. He may lack some foundation regarding the rebuttal of other witness reports; however he shouldn t be excluded in his entirety. COURT THEREFORE ORDERED, Motion DENIED as to excluding his testimony in its entirety, any objections regarding it being outside his expertise to be addressed at the time of trial.

Plaintiff's Motion in Limine No. 2 to Exclude Defense Medical Expert Michael H Lumpkin Ph.D.'s General and Specific Causation Opinions:
Following arguments by counsel, COURT ORDERED, Motion DENIED as he was a qualified expert with relevant information and will be allowed to testify within his expertise; however objections would be allowed at the time of trial should he go outside his expertise.

Plaintiff's Motion in Limine No. 3 to Require Defendants to Disclose all Impeachment Evidence Related to Plaintiff's Expert Dr. Dahlgren before Trial:
COURT FINDS no written response to this motion and stated it was up to the expert to keep his curriculum vitae up to date and as long as the parties completed their 16.1 conference and made those productions to the best of their abilities, then they complied with 16.1 AND THEREFORE ORDERED, Motion DENIED.

Plaintiff's Motion in Limine No. 4 to Allow Reptile Argument Now Permitted by Pizarro-Ortega v. Cervantes-Lopez:
Following arguments by counsel, COURT FINDS everyone must follow Lioche and counsel should stay within those guidelines AND THEREFORE ORDERED, Motion GRANTED to the extent that objections can be made at the time of trial.

DEFENDANT WESTDECK CONCRETE COATING, LLC'S MOTION FOR RECONSIDERATION OF DEFT. GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC.'S MOTION FOR SUMMARY JUDGMENT:
Following arguments by counsel, COURT ORDERED, Motion DENIED.

CLERK'S NOTE: Minutes updated to include the outcome of the Motion for Reconsideration continued from June 12, 2018./ls 08/03/18

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **July 05, 2018**

A-15-728931-C Patricia Browning, Plaintiff(s)
vs.
Wyndham Vacation Ownership Inc, Defendant(s)

July 05, 2018 **10:30 AM** **Pre Trial Conference**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Madalyn Kearney

RECORDER: Kerry Esparza

REPORTER:

PARTIES PRESENT:

Koning, Michael A.	Attorney
McLeod, Alexandra B.	Attorney
Rasmussen, R. Scott	Attorney

JOURNAL ENTRIES

- Court noted a joint Motion for Voluntary Dismissal on an Order Shortening Time had been submitted to Chambers. Upon Court's inquiry, Mr. Koning and Ms. McCloud advised they are prepared to argue the matter today. Mr. Koning advised counsel for Plaintiff and counsel for Westdeck Concrete Coating, LLC have agreed to a dismissal of Defendant Westdeck Concrete Coating, LLC with each party to bear its own fees and costs. Ms. McCloud objected to the dismissal of Defendant Westdeck Concrete Coating, LLC and argued in support of her position. Following arguments by counsel, COURT ORDERED, Motion for Voluntary Dismissal GRANTED with the understanding that the Court is not signing the original document on an Order Shortening Time as all parties were on notice of the issues. Mr. Rasmussen to prepare the order. Mr. Rasmussen no longer present. Upon Court's inquiry, Mr. Koning advised he is not going to introduce medical bills or medical records at trial, he is withdrawing the medical claim and will be pursuing general damages. Ms. McCloud advised there will be 18 joint exhibits. Colloquy regarding expert reports, jury selection and trial schedule. Ms. McCloud advised she will arrange a time to drop off the joint exhibits with the Court on Friday.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **July 09, 2018**

A-15-728931-C Patricia Browning, Plaintiff(s)
vs.
Wyndham Vacation Ownership Inc, Defendant(s)

July 09, 2018 **9:00 AM** **Jury Trial**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES PRESENT:

Browning, Patricia	Plaintiff
Hartig, Sarah B.	Attorney
Koning, Michael A.	Attorney
McLeod, Alexandra B.	Attorney
Shetler, Travis E	Attorney

JOURNAL ENTRIES

- Also present was Jonathan Browning, spouse of the Pltf. and Brian Sarno, Wyndham representative.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL:
Counsel STIPULATED to the admission of Exhibits 1-18, COURT SO ORDERED. Court ADVISED counsel to provide the Court with a copy of their opening statements for the record.

PROSPECTIVE JURY PANEL PRESENT:
Introductions by the Court, Mr. Shetler and Ms. McLeod. Clerk called roll of the prospective panel and the Voir Dire Oath was administered. Voir dire by the Court. Prospective Jury panel ADMONISHED, and EXCUSED for lunch with instructions to return at the given time.

PROSPECTIVE JURY PANEL PRESENT:
Introductions by the Court, Mr. Shetler and Ms. McLeod. Clerk called roll of the prospective panel and the Voir Dire Oath was administered to new panel members No. 1018 through 1070. Voir Dire

continued. Following conference at the bench, individual panel members excused for cause and/or hardship. Prospective Jury panel ADMONISHED, and EXCUSED for the evening with instructions to return tomorrow at the given time. COURT ORDERED, Trial CONTINUED.

CONTINUED TO: 07/10/18 AT 1:30 PM

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability	**COURT MINUTES**	**July 10, 2018**

A-15-728931-C Patricia Browning, Plaintiff(s)
vs.
Wyndham Vacation Ownership Inc, Defendant(s)

July 10, 2018 **1:30 PM** **Jury Trial**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES PRESENT:

Browning, Patricia	Plaintiff
Koning, Michael A.	Attorney
McLeod, Alexandra B.	Attorney
Shetler, Travis E	Attorney

JOURNAL ENTRIES

- Also present was Jonathan Browning, spouse of the Pltf. and Brian Sarno, Wyndham representative.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL:
Ms. McLeod stated she would file a motion to have the caption corrected. Following arguments by counsel regarding photographs used in the power point presentations for opening statements, use of the words "hotel or vacation ownership" in describing Grand Desert Resort, and safety rules, COURT ORDERED, Pltf. to review his photographs of Mr. Browning and select only one for the court's review for possible use, as he is not a party in the case and doesn't need to be here; the technical name for a time share location was "interval ownership" and that this was about the transient public who stay within the walls; and as to safety rules that was Pltf.'s concept and if they say it's a rule then the Deft.'s were free to say "show me the rule".

PROSPECTIVE JURY PANEL PRESENT:
Voir dire continued. Prospective Jury panel ADMONISHED, and EXCUSED with instructions to return at the given time.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL:
Further arguments by counsel regarding the term "hotel". Court ADVISED the statute in Nevada was not clear and stated counsel should have addressed this prior to the time of trial. Court further stated there were different types of ownership and it was unclear what the governing documents stated.

Ms. Hartig argued it should be "resort" and that there was sufficient ambiguity to err on the side of caution. Ms. Hartig further stated it was unclear the name should even be part of a negligence case. Ms. Hartig argued the Pltf.'s were interval owners of the property and were suing the management of the board for the property.

Court ADVISED it was not clear this was interval ownership and noted the only reference was under Air B&B statutes where it indicated it was not a hotel.

Mr. Shetler argued they rented out rooms and that his client purchased her timeshare in San Francisco.

Court stated counsel was quoting hotel regulations from Nevada Revised Statutes; however this was a place of transient residence, and that it didn't matter if they own it.

Following further arguments, counsel AGREED to meet and confer to reach an agreement and notify the Court tomorrow.

Counsel accepted the jury panel for cause.

Counsel exercised peremptory challenges.

PROSPECTIVE JURY PANEL PRESENT:
Eight Jurors and two Alternates selected and sworn. Court THANKED AND EXCUSED the rest of the prospective jury panel. Jury panel ADMONISHED, and EXCUSED with instructions to return tomorrow at the given time. COURT ORDERED, Trial CONTINUED.

OUTSIDE THE PRESENCE OF THE JURY PANEL:
Colloquy regarding how the trial would proceed tomorrow. Court ADVISED counsel to contact chambers if they needed to come in early tomorrow to argue their motions. Counsel STIPULATED to invoke the EXCLUSIONARY RULE following the testimony of Mr. Browning.

CONTINUED TO: 07/11/18 AT 2:00 PM

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability	**COURT MINUTES**	**July 11, 2018**

A-15-728931-C Patricia Browning, Plaintiff(s)
vs.
Wyndham Vacation Ownership Inc, Defendant(s)

July 11, 2018 **1:30 PM** **Jury Trial**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- Also present was Jonathan Browning, spouse of the Pltf. and Brian Sarno, Wyndham representative.

OUTSIDE THE PRESENCE OF THE JURY PANEL:
Ms. McLeod objected to Pltf.'s slides for use in opening statements, the use of the word "hotel" when describing the name of the Vacation Owners Association, and the bullet point statements regarding the standard of care of notice of premises liability.

Mr. Koning argued there was nothing in the statute theme regarding what a timeshare must provide to it's guests; however if you refer to hotel it indicated every structure where rooms were furnished for transient visitors. Mr. Koning argued that definition was what this was, that the Pltf.'s were transient and this resort provided lodging, and that just because it doesn't say hotel doesn't mean the hotel law shouldn't be used.

Mr. McLeod argued this was an issue of first impression, that this was a negligence case, and the Pltf.'s were trying to hold them to a higher standard of care by using the standard for a hotel.

COURT FINDS this was an opening statement not a jury instruction and that a timeshare was just a method of ownership of real property.

Ms. McLeod argued the Pltf.'s sued a vacation ownership association not a hotel.

COURT ORDERED, Objection regarding resort versus hotel OVERRULED.

JURY PANEL PRESENT:
Testimony and Exhibits presented (see worksheets). Jury panel ADMONISHED, and EXCUSED for the evening with instructions to return tomorrow at the given time.

COURT ORDERED, Trial CONTINUED.

CONTINUED TO: 07/12/18 1:30 PM

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability	**COURT MINUTES**	**July 12, 2018**

A-15-728931-C Patricia Browning, Plaintiff(s)
vs.
Wyndham Vacation Ownership Inc, Defendant(s)

July 12, 2018 **1:30 PM** **Jury Trial**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES PRESENT:

Browning, Patricia	Plaintiff
Hartig, Sarah B.	Attorney
Koning, Michael A.	Attorney
McLeod, Alexandra B.	Attorney
Shetler, Travis E	Attorney

JOURNAL ENTRIES

- Also present was Jonathan Browning, spouse of the Pltf. and Brian Sarno, Wyndham representative.

JURY PANEL PRESENT:
Testimony and Exhibits presented (see worksheets). Jury panel ADMONISHED, and EXCUSED for the evening with instructions to return tomorrow at the given time. COURT ORDERED, Trial CONTINUED.

CONTINUED TO: 07/13/18 9:00 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **July 13, 2018**

A-15-728931-C Patricia Browning, Plaintiff(s)
vs.
Wyndham Vacation Ownership Inc, Defendant(s)

July 13, 2018 **9:00 AM** **Jury Trial**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Lorna Shell

RECORDER: Kerry Esparza

REPORTER:

PARTIES PRESENT:

Browning, Patricia	Plaintiff
Hartig, Sarah B.	Attorney
Koning, Michael A.	Attorney
McLeod, Alexandra B.	Attorney
Shetler, Travis E	Attorney

JOURNAL ENTRIES

- Also present was Jonathan Browning, spouse of the Pltf. and Brian Sarno, Wyndham representative.

OUTSIDE THE PRESENCE OF THE JURY PANEL:
Ms. McLeod requested approval to allow Westdeck to demonstrate the application of Flowcrete in the courtroom.

Mr. Koning objected and argued it was unclear what the jury would see, that it was a hazardous substance, and that his client wouldn't be able to sit through it.

Court stated it would not be up to her as she would need approval from Court Administration and following further discussion recommended Deft.'s provide a video demonstration.

Following further arguments by counsel, COURT ORDERED, In Court Product Demonstration DENIED.

JURY PANEL PRESENT:
Testimony and Exhibits presented (see worksheets). At the hour of 3:00 PM Pltf.'s RESTED their case. Jury panel ADMONISHED, and EXCUSED for the evening with instructions to return tomorrow at the given time.

OUTSIDE THE PRESENCE OF THE JURY PANEL:
Ms. McLeod moved for a directed verdict. Ms. McLeod argued the Pltf.'s did not meet their burden of proof, that Mr. and Mrs. Browning testified; however they had no witness reconstruction, that Pltf.'s cannot confirm if the area was blocked off or if the application of the product was inappropriate. Ms. McLeod further argued they could not speak to the standard of care as it was outside their expert's purview, they were unable to discuss safety measures, and there was no evidence of a violation of the standard of care. Ms. McLeod argued despite warnings and precautions the Deft.'s cannot protect everyone, that Pltf. had an increased susceptibility and she didn't know it, that Pltf. did not advise the resort of her susceptibility, and the hotel couldn't safeguard against it.

Mr. Koning argued the doctor addressed the medical causation and linked the injury to the episode, the law does not allow the Court to substitute their judgment regarding the standard of care, and that this was not the type of case that required expert testimony rather it was common sense. Mr. Konig further argued the jury was provided evidence regarding the hazardous materials applied, that the MSD sheets were to be provided to engineering and made available to front desk staff, that the front desk should know about what was going on around the hotel, that it was reasonable for the hotel to tell guests the pool was closed and why, that the guests were not provided sufficient information to make a decision to stay or leave, that vapors got into Pltf.'s room, and that it was for the jury to decide reasonableness.

COURT FINDS Dr. Dahgren got the magic language in to casually relate the incident and that foreseeability was for the jury to decide and THEREFORE ORDERED, Motion DENIED.

COURT ORDERED, Trial CONTINUED.

CONTINUED TO: 07/16/18 9:00 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **July 16, 2018**

A-15-728931-C Patricia Browning, Plaintiff(s)
vs.
Wyndham Vacation Ownership Inc, Defendant(s)

July 16, 2018 **9:00 AM** **Jury Trial**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Nancy Maldonado

RECORDER: Kerry Esparza

REPORTER:

PARTIES PRESENT:

Browning, Patricia	Plaintiff
Hartig, Sarah B.	Attorney
Koning, Michael A.	Attorney
McLeod, Alexandra B.	Attorney
Shetler, Travis E	Attorney

JOURNAL ENTRIES

- Jonathan Browning, Plaintiff's husband, and Brian Sarno, Representative from Wyndham Vacation Ownership, also present.

OUTSIDE THE PRESENCE OF THE JURY.
Counsel announced ready. Colloquy regarding Mr. Lumpkin's testimony.

IN THE PRESENCE OF THE JURY.
Testimony and exhibits presented (see worksheet).

OUTSIDE THE PRESENCE OF THE JURY.
Colloquy regarding scheduling.

IN THE PRESENCE OF THE JURY.
Testimony and exhibits presented (see worksheet). CONFERENCE AT BENCH.

OUTSIDE THE PRESENCE OF THE JURY.
Court made a record of side conference.

IN THE PRESENCE OF THE JURY.
Testimony and exhibits presented (see worksheet). CONFERENCE AT BENCH. Jury released for evening recess.

OUTSIDE THE PRESENCE OF THE JURY.
Court excused Courtroom Clerk for Counsel to complete Jury Instructions.

OUTSIDE THE PRESENCE OF THE JURY.
Court advised there were some jury instructions that were disputed. Arguments by counsel regarding proposed Jury Instructions. Jury Instructions settled.

CONTINUED TO: 07/17/18 1:30 PM

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **July 17, 2018**

A-15-728931-C Patricia Browning, Plaintiff(s)
vs.
Wyndham Vacation Ownership Inc, Defendant(s)

July 17, 2018 **1:30 PM** **Jury Trial**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Nancy Maldonado

RECORDER: Kerry Esparza

REPORTER:

PARTIES PRESENT:

Browning, Patricia	Plaintiff
Hartig, Sarah B.	Attorney
Koning, Michael A.	Attorney
McLeod, Alexandra B.	Attorney
Shetler, Travis E	Attorney

JOURNAL ENTRIES

- Orders SIGNED and FILED IN OPEN COURT.

Jonathan Browning, Plaintiff's husband, and Brian Sarno, Representative from Wyndham Vacation Ownership, also present.

OUTSIDE THE PRESENCE OF THE JURY.
Ms. McLeod advised that counsel was not able to come to an agreement regarding the verdict form. Arguments by counsel regarding verdict forms. COURT ORDERED, motion for Special Instruction DENIED.

IN THE PRESENCE OF THE JURY.
Testimony presented (see worksheet). Defense rested. Jury Instructions read. Closing arguments. At the hour of 5:31 PM, the jury retired to deliberate. At the hour of 7:11 PM, the jury returned with a verdict in accordance with written verdict which was FILED IN OPEN COURT. Verdict found in

favor of Plaintiff Patricia Browning, in the amount of $900.00 for Past Damages, and $0.00 for Future Damages.

OUTSIDE THE PRESENCE OF THE JURY.
COURT ORDERED, Court's Joint Exhibit binder returned to counsel.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability	**COURT MINUTES**	**October 08, 2018**

A-15-728931-C Patricia Browning, Plaintiff(s)
vs.
Wyndham Vacation Ownership Inc, Defendant(s)

October 08, 2018 **9:30 AM** **All Pending Motions**

HEARD BY: Sturman, Gloria **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Christopher Darling

RECORDER: Kerry Esparza

REPORTER:

PARTIES PRESENT:

McLeod, Alexandra B.	Attorney
Shetler, Travis E	Attorney

JOURNAL ENTRIES

- PLAINTIFF PATRICIA BROWNING'S MOTION FOR ATTORNEY'S FEES...DEFENDANT GRAND DESERT RESORT VACATION OWNERS ASSOCIATIONS, INC.'S MOTION TO RETAX AND SETTLE COSTS

Arguments by counsel as to Pltf's Motion for Attorney's Fees. COURT ORDERED, Motion GRANTED; $100,000.00 attorney fees awarded. Arguments by counsel to Deft. Grand Desert Resort Vacation Owners Associations' Motion to Retax and Settle Costs. COURT FURTHER ORDERED, Motion GRANTED; costs awarded as follows: Clerk Filing Fees $358.60; Court Reporter Fees $4,201.45; Expert Witness Fees $10,435,46; Process Service Fees $135.00; Photo Copy Fees $250.00; Postage and Facsimile Fees $63.10; Records Retrieval Fees $609.98; Courier Service Fees $124.00. Prevailing party to prepare and submit respective orders; counsel to approve as to form and content.

Case No.: A-15-728931-C
Dept. No.: XXVI

Hearing/Trial Date: July 9, 2018
Judge: Honorable Gloria Sturman
Court Clerk: Loma Shell/Nancy Maldonado
Recorder/Reporter: Kerry Esparza

Plaintiff: PATRICIA BROWNING

vs.

Defendant: GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC

Counsel for Plaintiff: Michael A. Koning, Esq.
Travis E. Shetler

Counsel for Defendant: Alexandra B. McLeod, Esq.
SARAH Hartig, Esq

JOINT TRIAL EXHBITIS

No.	Description	Stipulated	Dated Offered	Objection	Date Admitted
1.	Grand Desert Resort Incident Report 001	7/9/18	7/9/18	NO	7/9/18
2.	Contractor Agreement-WestDeck Concrete 002-015				
3.	Contractor Agreement-BND Plastering 016-021				
4.	Wyndham Safety Training Orientation 022-043				
5.	Wyndham Engineering-Maintenance Departmental Job Safety Training 044-059				
6.	Maintenance Supervisor, John Dingle Timecard 060				
7.	Flowcrete Safety Data Sheet-Flowfast Catalyst 061-066				
8.	Flowcrete Safety Data Sheet-Flowfast Semi-Flexible Sealer 067-075				
9.	Flowcrete Safety Data Sheet-Flowfast Standard Binder 076-084				
10.	Flowcrete Safety Data Sheet-Flowfast Standard Primer 085-093				
11.	WestDeck Concrete Invoices 844-848				
12.	Wyndham Ownership Packet 1466-1473				
13.	Deed of Trust & Contract 1400-1407				
14.	Grant Bargain Sale Deed 1408-1410				
15.	Allergy Book 1226-1375				
16.	Photographs of Plaintiff ~~1430~~-1434 1430				
17.	Photographs of Plaintiff's Bi-Pap machine (4) 1485-1488				
18.	Plaintiff's Bi-Pap machine instruction manual 1489-1500	7/9/18	7/9/18	NO	7/9/18
19.	Curriculum Vitae of James George Dahlgren 1083-1091				
20.	Photograph of POOLS	07/17/18	07/17/18	NO	07/17/18
1eA.	Duplicate copies of Photographs of Plaintiff	07/17/18	07/17/18	NO	07/17/18

COURT'S

EXHIBIT LIST

Case No: **A728931**
Dept. No.: **XXVI**
Plaintiff: **Patricia Browning**

vs.

Defendant: **Wyndham Vacation Ownership**

Trial Date: July 9, 2018
Judge: Gloria Sturman
Court Clerk: Lorna Shell | Nancy Maldonado
Reporter: Kerry Esparsa
Counsel for Plaintiff: Michael Koning, Esq.& Travis Shetler, Esq.
Counsel for Defendant: Annalisa Grant, Esq. & Sarah Hartig, Esq

TRIAL BEFORE THE COURT

COURT EXHIBITS

Exhibit Number	Exhibit Description	Bates No.	Date Offered	Objection	Date Admitted
1	Juror #1 Question		7/12/18	NO	7/12/18
2	Juror #2 Question		7/12/18	NO	7/12/18
3	Juror #1 Question		7/13/18	NO	7/13/18
4	Juror #1 question		07/16/18	yes	N/A
5	Defense closing Powerpoint		07/17/18	NO	07/17/18
6	Defense opening Powerpoint		07/17/18	NO	07/17/18
7	Plaintiff's opening Powerpoint		07/17/18	NO	07/18/18

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; JUDGMENT UPON THE JURY VERDICT; NOTICE OF ENTRY OF JUDGMENT UPON THE JURY VERDICT; ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC.'S MOTION TO RETAX AND SETTLE COSTS; NOTICE OF ENTRY OF ORDER GRANTING IN PART AND DENYING IN PART DEFFENDANT GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC.'S MOTION TO RETAX AND SETTLE COSTS; ORDER GRANTING PLAINTIFF PARTICIA BROWNING'S MOTION FOR ATTORNEY'S FEES; NOTICE OF ENTRY OF ORDER GRANTING PLAINTIFF PATRICIA BROWNING'S MOTION FOR ATTORNEY'S FEES; DISTRICT COURT MINUTES; EXHIBITS LIST

PATRICIA BROWNING,

Plaintiff(s),

vs.

GRAND DESERT RESORT VACATION OWNERS ASSOCIATION, INC.; WESTDECK CONCRETE COATING, LLC,

Defendant(s),

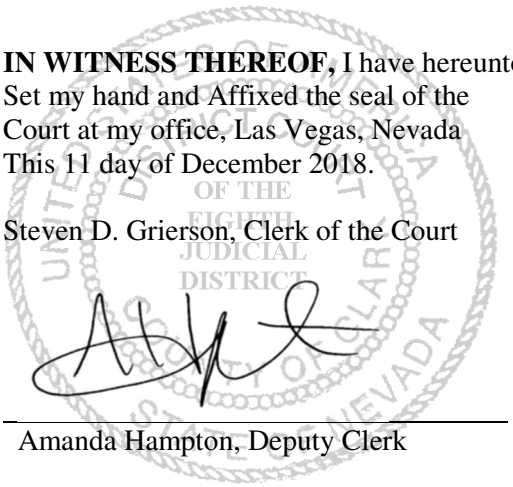
Case No: A-15-728931-C

Dept No: XXVI

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 11 day of December 2018.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk

ORIGINAL CHECK HAS A COLORED BACKGROUND PRINTED ON CHEMICAL REACTIVE PAPER – SEE BACK FOR DETAILS

NATIONWIDE LEGAL NEVADA LLC
1609 JAMES M. WOOD BLVD
LOS ANGELES, CA 90015
(213) 249-9999

CONFIRM ENCASHMENT OF OVER $200.00 W/ THE MAKER @ (213) 249-9999

BANK OF AMERICA
OLYMPIC-UNION BRANCH 309 (323) 730-9140
1825 W. OLYMPIC BLVD
LOS ANGELES, CA 90015
16-66/1220

27960

DATE 12/10/18

PAY TO THE ORDER OF Supreme Court $ 250.00

Two Hundred and fifty Dollars DOLLARS

DR#

CLIENT

NOT TO EXCEED $1,500.00
VOID AFTER 90 DAYS

CONTROL #

MP

⑈027960⑈ ⑆122000661⑆ 03094547193⑈