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IQBAL LAW PLLC
Mohamed A. Iqbal, Jr. (NSB #10623)
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Attorneys for Plaintiffs Joe N. Brown and Nettie J. Brown

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Nov 05 2019 03:17 p.m.
Elizabeth A. Brown
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DISTRICT COURT
CLARK COUNTY, NEVADA

JOE N. BROWN, an individual and his Wife, NETTIE J. BROWN, an individual, Plaintiffs, vs. GNL, CORP., a Nevada corporation; THYSSENKRUPP ELEVATOR CORP., a foreign corporation; DOE INDIVIDUALS 1-100, ROE BUSINESS ENTITIES 1-100, Defendants. AND ASSOCIATED CASES	Case No.: A-16-739887-C Dept. No.: XXXI **NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN that Plaintiffs JOE N. BROWN and NETTIE J. BROWN, by and through their attorneys of record Mohamed A. Iqbal, Jr., Esq. and Christopher Mathews, Esq. of the law firm of IQBAL LAW PLLC, hereby appeal to the Supreme Court of Nevada from: (1) the Order Granting Summary Judgment on Punitive Damages, entered on September 27, 2019, a copy of which is attached hereto as **Exhibit 1**; and (2) the Order Regarding Thyssenkrupp Elevator Corporation's Motion in Limine #8, entered on October 24, 2019, a copy of which is attached hereto as **Exhibit 2**.

Dated October 28, 2019.

Respectfully Submitted,

IQBAL LAW PLLC

By: */s/ Mohamed A. Iqbal, Jr.*
Mohamed A. Iqbal, Jr. (NSB #10623)
Christopher Mathews (NSB #10674)
Attorneys for Plaintiffs Joe N. Brown and Nettie J. Brown

Docket 79944 Document 2019-45492

Case Number: A-16-739887-C

CERTIFICATE OF SERVICE

I certify that I served the foregoing **NOTICE OF APPEAL** on all counsel of record in this matter using the Court's e-file/e-service system on October 28, 2019.

By: */s/ Kevin Williams*
An employee of IQBAL LAW PLLC

EXHIBIT 1

EXHIBIT 1

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Steven D. Grierson
CLERK OF THE COURT

OGSJ
ANNALISA N. GRANT II, ESQ.
Nevada Bar No. 11807
ALEXANDRA B. M^{c}LEOD, ESQ.
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Alexandra.M^{c}Leod@aig.com

Attorney for Defendant/Third-Party Plaintiff, GNL, CORP.

DISTRICT COURT

CLARK COUNTY, NEVADA

JOE N. BROWN, an individual, and his Wife, NETTIE J. BROWN, an individual,
Plaintiffs,

vs.

GNL, CORP., a Nevada corporation; THYSSENKRUPP ELEVATOR CORP., a foreign corporation; DOE INDIVIDUALS 1-100, ROE BUSINESS ENTITIES 1-100,

Defendants.

GNL, CORP., a Nevada corporation;

Third-Party Plaintiff,

vs.

THYSSENKRUPP ELEVATOR CORPORATION a foreign corporation; DOES 1-75; ROE CORPORATION 1-75 and ROE CORPORATION 1-25,

Third-Party Defendants

Case No.: A-16-739887-C
Dept. No.: XXXI

ORDER GRANTING SUMMARY JUDGMENT ON PUNITIVE DAMAGES

Date of hearing: Aug 27, 2019

Time of hearing: 9:30 a.m.

Defendant, GNL, CORP.'s Motion for Summary Judgment on Punitive Damages, and Defendant THYSSENKRUPP ELEVATOR CORPORATION's (TKE) Joinder to said Motion, having come on for hearing on the 27th day of August, 2019, the Honorable Joanna S. Kishner, District Court, Clark County, Department XXXI presiding; and this Honorable Court having

SEP 16 '19 AM 11:21*

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Case Number: A-16-739887-C

considered all of the papers and pleadings on file herein, as well as the argument of counsel for the parties hereto; and good cause appearing therefor;

FINDINGS OF FACT

1. Plaintiff Joe Brown's fall which is the subject of this lawsuit occurred on 5-12-15, on the "down" escalator at Golden Nugget Laughlin, leading from the casino floor to the lower restaurant level.

2. TKE (as successor to Dover Elevator Company) was the servicing company contracted to maintain and, as necessary, repair the subject "down" escalator at Golden Nugget Laughlin prior to and at the time of Plaintiff's fall.

3. Cracked escalator steps were replaced in 2012 and the "down" escalator received all new steps (salvaged steps were used on the neighboring "up" escalator).

4. State of Nevada required annual inspections and testing were completed on or about July 14, 2014 and February 11, 2015, and, according to the checklist, the steps were specifically checked. As there were no violations noted and there was nothing out of order with the subject "down" escalator, a new permit was issued for the time period including Plaintiff's fall. Likewise, the previous five (5) semi-annual inspections, both internal and external, revealed no discrepancies or code violations.

5. State of Nevada, Department of Business and Industry, Division of Industrial Relations, Mechanical Compliance Section records including Notices of Violation reveal that there were no violations/corrections in the preceding five years, approximately, that were not abated prior to the 5-12-15 incident when Mr. Brown fell.

6. State regulations mandate whenever an individual is injured on a piece of machinery and transported to the hospital for care that the equipment be taken out of service until inspection by the State.

7. The day following Brown's accident (5-13-15), State Inspector Steve Robertson arrived on site to investigate the occurrence and inspect the "down" escalator. Robertson specifically "checked the steps to make sure they were in good working order."

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8. As a result of his investigation, Inspector Robertson found no malfunctions or violations, and placed the down escalator back in service. Inspector Robertson determined the accident to have been caused by user error rather than equipment failure, and listed Brown's cane as a "contributing factor."

9. No further issue with replacement escalator steps cracking was identified until later in 2015, *after* Plaintiff's accident (and was subsequently cured with 40 additional replacement steps).

10. There has been no admissible evidence presented demonstrating that GNL had notice *after* it paid for the repairs and *before* Brown's fall that the down escalator still had cracked steps that could have posed a danger. The documentary evidence demonstrates that GNL was not notified of cracked steps again until after Brown's incident, not before.

CONCLUSIONS OF LAW

1. Nevada law has long recognized that "a plaintiff is never entitled to punitive damages as a matter of right." *Dillard Dept. Stores, Inc. v. Beckwith,* 115 Nev. 372, 380, 989 P.2d 882, 887 (1999) (quoting *Ramada Inns v. Sharp,* 101 Nev. 824, 826, 711 P.2d 1, 2 (1985)).

2. Tort liability alone is insufficient to support an award of punitive damages. *Wichinsky v. Mosa,* 109 Nev. 84, 89, 847 26 P.2d 727 (1993). Punitive damages statutes in Nevada require conduct exceeding recklessness or gross negligence. *Wyeth v. Rowatt,* 244 P.3d 765, 126 Nev. Adv. Rep. 44 (2010); *Countrywide Home Loans, Inc. v. Thitchener,* 124 Nev. 725, 743, 192 P.3d 243, 255 (2008).

3. As used in the Nevada statute, "[m]alice, express or implied, means conduct which is intended to injure a person or despicable conduct which is engaged in with a conscious disregard of the rights or safety of others." NRS 42.001(3). Nevada courts have made clear "[t]he term malice as used in the statute means malice in fact and denotes ill-will, or a desire to do harm for the mere satisfaction of doing it." *Warmbrodt v. Blanchard,* 692 P.2d 1282, 1286 (Nev. 1984) (emphases added).

4. "Conscious disregard" is defined in NRS 42.001 as "the knowledge of the probable harmful consequences of a wrongful act and a willful and deliberate failure to act to

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avoid those consequences." The Nevada Supreme Court has made it clear repeatedly that "conscious disregard" in the punitive damages statute, NRS 42.005, requires a "culpable state of mind that must exceed mere recklessness or gross negligence." *Countrywide, supra,* 124 Nev. at 743; *First Nat. Bank of Ely v. Progressive Cas. Ins.* Co., 2012 WL 5944847 (D. Nev. Nov. 27, 2012). "Even unconscionable irresponsibility will not support a punitive damages award." *Maduike v. Agency Rent-A-Car*, 114 Nev. 1, 5, 953 P.2d 24, 26 (1998), *citing First Interstate Bank v. Jafbros Auto Body,* 106 Nev. 54, 57, 787 P.2d 765, 767 (1990).

5. Even assuming *arguendo* that all the down escalator steps were not replaced in 2012-2013 or that maintenance of the subject escalator may be found to be lacking, punitive damages are not recoverable for negligent conduct or even grossly negligent or reckless conduct.

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IT IS HEREBY ORDERED that GNL, Corp.'s Motion for Summary Judgment on Punitive Damages, and TKE's Joinder to said Motion, are GRANTED and Plaintiffs' prayer for punitive damages shall be dismissed from the Second Amended Complaint.

DATED this _____ day of September, 2019.

JOANNA S. KISHNER

DISTRICT COURT JUDGE,
JOANNA S. KISHNER

Submitted by:

GRANT & ASSOCIATES #11897

Amalia N. Grant / for
ALEXANDRA B. M^CLEOD, ESQ.
Nevada Bar No. 8185
7455 Arroyo Crossing Parkway, Suite 300, Las Vegas, Nevada 89113
Attorney for GNL, Corp.

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Approved as to form and content:

Dated this ___ day of September, 2019.

ROGERS, MASTRANGELO, CARVALHO & MITCHELL

NEXT PAGE
Rebecca L. Mastrangelo, Esq.
700 South Third Street
Las Vegas, NV 89101
Attorney for Thyssenkrupp Elevator Corporation

Dated this ___ day of September, 2019.

IQBAL LAW PLLC

DECLINED
Mohamed A. Iqbal, Jr., Esq.
101 Convention Center Drive, Suite 1175
Las Vegas, NV 89109
Attorney for Plaintiffs

IT IS HEREBY ORDERED that GNL, Corp.'s Motion for Summary Judgment on Punitive Damages, and TKE's Joinder to said Motion, are GRANTED and Plaintiffs' prayer for punitive damages shall be dismissed from the Second Amended Complaint.

DATED this _____ day of September, 2019.

DISTRICT COURT JUDGE,
JOANNA S. KISHNER

Submitted by:

GRANT & ASSOCIATES

LAST PAGE

ALEXANDRA B. McLEOD, ESQ.
Nevada Bar No. 8185
7455 Arroyo Crossing Parkway, Suite 300, Las Vegas, Nevada 89113
Attorney for GNL, Corp.

Approved as to form and content:

Dated this 10th day of September, 2019.

ROGERS, MASTRANGELO, CARVALHO & MITCHELL

Rebecca L. Mastrangelo, Esq.
700 South Third Street
Las Vegas, NV 89101
Attorney for Thyssenkrupp Elevator Corporation

Dated this ___ day of September, 2019.

IQBAL LAW PLLC

DECLINED

Mohamed A. Iqbal, Jr., Esq.
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Attorney for Plaintiffs

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EXHIBIT 2

EXHIBIT 2

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ORDR
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Attorneys for Defendant/Third-Party Defendant
THYSSENKRUPP ELEVATOR CORPORATION

DISTRICT COURT

CLARK COUNTY, NEVADA

JOE N. BROWN, an individual, and his wife, NETTIE J. BROWN, an individual,

Plaintiffs,

vs.

GNL, CORP., a Nevada corporation
DOE INDIVIDUALS 1-100,
ROE BUSINESS ENTITIES 1-100,

Defendants.

CASE NO.: A-16-739887-C

DEPT. NO.: XXXI

GNL, CORP., a Nevada corporation;

Third-Party Plaintiff,

vs.

THYSSENKRUPP ELEVATOR CORPORATION a foreign corporation; DOES 1-75; ROE CORPORATIONS 1-75 and ROE CORPORATIONS 1-25,

Third-Party Defendants.

ORDER REGARDING THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE #8

DEFENDANT/THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S Motion in Limine #8 Re: Exclude the Testimony of Sheila Nabors Swett and the evidentiary hearing previously ordered in regard to the same (order entered 8/7/19) having come on for hearing on the 7th day of October, 2019, and Rebecca L. Mastrangelo, Esq., of the law firm of Rogers, Mastrangelo, Carvalho & Mitchell, appearing on behalf of Defendant/Third

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Party Defendant THYSSENKRUPP ELEVATOR CORPORATION, and Alexandra McLeod, Esq., of the law firm of GRANT & ASSOCIATES, and D. Lee Roberts, Jr., Esq. of the law firm of WEINBERG, WHEELER, HUDGINS, GUNN & DIAL, appearing on behalf of Defendant GNL, CORP. and Mohamed Iqbal, Esq., of the law firm of IQBAL LAW PLLC, appearing on behalf of Plaintiffs and the court having reviewed the pleadings and papers on file herein, heard the voir dire testimony of Sheila Nabors Swett, and entertained oral argument; and good cause appearing, the court finds as follows:

Findings of Fact and Conclusions of Law:

1. Plaintiffs disclosed Sheila Swett, aka Sheila Nabors Swett, as an escalator expert and produced a report and a rebuttal report authored by Ms. Swett.

2. NRS 50.275 provides that an expert must satisfy certain requirements in order to testify as an expert witness. These requirements include that: (1) she must be qualified in an area of "scientific, technical or other specialized knowledge" (the qualification requirement); (2) her specialized knowledge must "assist the trier of fact to understand the evidence or to determine a fact in issue" (the assistance requirement); and (3) her testimony must be limited "to matters within the scope of [her] specialized knowledge" (the limited scope requirement).

3. In determining whether an expert is properly qualified, the court considers the following factors: (1) formal schooling and academic degrees, (2) licensure, (3) employment experience, and (4) practical experience and specialized training. *Hallmark v. Eldridge*, 124 Nev. 492, 189 P.3d 646 (2008). These factors are not exhaustive, may be accorded varying weights, and may not be equally applicable in every case. *Id.*

4. As to the qualification requirement, Ms. Swett has some formal schooling and an Associate's degree but no Bachelor's degrees. She is not an engineer. She holds no engineering license, no elevator/escalator mechanic's license, nor any license which would allow her to perform maintenance or repair work on escalators. While Ms. Swett has some employment experience involving elevators and escalators, the majority of her work experience in the past 20

years has involved elevators, rather than escalators. As to escalators, her work experience in the past 20 years has been observing and inspecting. She has never performed any maintenance or repairs on any escalators and neither of her business entities employs anyone who performs maintenance or repairs on escalators. Ms. Swett has no practical experience or specialized training pertaining to escalator maintenance and repair.

5. The court has also considered whether Ms. Swett's testimony is based upon reliable methodology and would be able to assist the trier of fact. In determining the same, the court considers whether the expert's opinion is: (1) within a recognized field of expertise; (2) testable and has been tested; (3) published and subjected to peer review; (4) generally accepted in the scientific community; and (5) based more on particularized facts rather than assumption, conjecture, or generalization. *Hallmark v. Eldridge, supra*, 124 Nev. at 500–02.

6. Ms. Swett's opinions were not formed under any reliable or scientific methodology but were formed merely after her review of documents and photographs, a "cursory" observation of the subject escalator (three years post incident and after substantial changes had been made to the equipment), and an observation of the escalator steps which were removed post-incident. Despite having the removed escalator steps available for a thorough inspection of the alleged cracks in the steps, Ms. Swett chose to look at only a very few of the steps and did not inspect any of them for cracks. Merely saying that she observed cracks in photographs is not reliable or scientific methodology. Her formulation of opinions in this case was not based upon any published works nor anything subjected to peer review. Her formulation of opinions in this case was not tested or testable. Moreover, Ms. Swett's opinions consist of assumptions and conjecture as she admitted that she could not state whether or not Plaintiff Joe Brown was standing on a cracked step at the time of his fall, or whether the escalator steps were so dirty in May of 2015 that they would've prevented the escalator mechanic from seeing any cracks. Ms. Swett herself never observed any cracks in the steps and she did not experience any shaking or rocking of the steps at the time she rode the escalator. Ms. Swett never spoke to, nor

reviewed the deposition testimony of, the Plaintiffs, the other riders of the escalator at the time of Mr. Brown's fall, or the State of Nevada inspector who inspected the escalator after Mr. Brown's fall. Ms. Swett was unable to identify the code for escalators adopted by the State of Nevada which applied to the escalator at the time of Mr. Brown's incident. Ms. Swett did not consider any other possible reasons for Mr. Brown's fall or perform any scientific analysis to exclude other possibilities.

7. Based upon the Points and Authorities set forth in THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE #8 and its Reply brief in support of the Motion, as well as the testimony of Sheila Swett, the court finds that Ms. Swett is not qualified to render opinions as to escalator maintenance and supervision of maintenance and that she is not qualified to render opinions as to GNL, INC.'s oversight, training, and response to the alleged danger of escalator cracks.

8. Based upon the Points and Authorities set forth in THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE #8 and its Reply brief in support of the Motion, as well as the testimony of Sheila Swett, the court further finds that Ms. Swett's formulation of her opinions in this case fails the reliability and assistance requirements of NRS 50.275 for the reasons set forth above.

Based upon the foregoing, IT IS HEREBY ORDERED, ADJUDGED and DECREED that DEFENDANT/THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S Motion in Limine #8 Re: Exclude the Testimony of Sheila Nabors Swett is hereby GRANTED as to all the opinions set forth in Sheila Swett's initial expert report dated May 4, 2018, and as to any similar opinions set forth in Sheila Swett's rebuttal report dated May 28, 2018. This order does not necessarily preclude Sheila Swett from testifying in some capacity as a rebuttal expert, and a decision regarding same is deferred until trial.

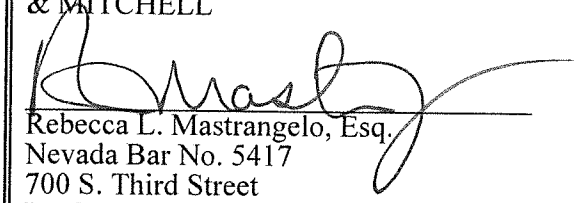
DATED this 18 day of October, 2019.

JOANNA S. KISHNER

DISTRICT JUDGE

SUBMITTED BY:

ROGERS, MASTRANGELO, CARVALHO & MITCHELL

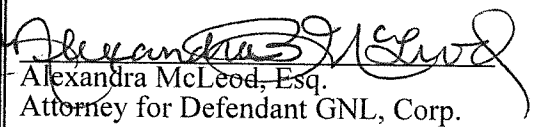


Rebecca L. Mastrangelo, Esq.
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Attorney for Defendant
THYSSENKRUPP ELEVATOR CORPORATION

APPROVED AS TO FORM AND CONTENT:



Mohamed Iqbal, Esq.
Attorney for Plaintiffs



Alexandra McLeod, Esq.
Attorney for Defendant GNL, Corp.



D. Lee Roberts, Esq.
Attorney for Defendant GNL, Corp.

SUBMITTED BY:

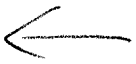
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Attorney for Defendant
THYSSENKRUPP ELEVATOR CORPORATION

~~APPROVED AS TO FORM AND CONTENT.~~
Plaintiffs respectfully decline to sign.

Mohamed Iqbal, Esq.
Attorney for Plaintiffs



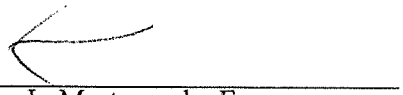
Alexandra McLeod, Esq.
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D. Lee Roberts, Esq.
Attorney for Defendant GNL, Corp.

SUBMITTED BY:

ROGERS, MASTRANGELO, CARVALHO
& MITCHELL

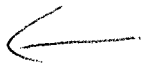


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Alexandra McLeod, Esq.
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D. Lee Roberts, Esq.
Attorney for Defendant GNL, Corp.

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Attorneys for Plaintiffs Joe N. Brown and Nettie J. Brown

DISTRICT COURT
CLARK COUNTY, NEVADA

JOE N. BROWN, an individual and his Wife, NETTIE J. BROWN, an individual, Plaintiffs, vs. GNL, CORP., a Nevada corporation; THYSSENKRUPP ELEVATOR CORP., a foreign corporation; DOE INDIVIDUALS 1-100, ROE BUSINESS ENTITIES 1-100, Defendants. AND ASSOCIATED CASES	Case No.: A-16-739887-C Dept. No.: XXXI **CASE APPEAL STATEMENT**

1. **Name of appellant filing this case appeal statement:**

   Appellants: Plaintiffs, Joe N. Brown and Nettie J. Brown

2. **Identify the judge issuing the decision, judgment, or order appealed from:**

   The Honorable Joanna S. Kishner

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

   Appellants: Plaintiffs, Joe N. Brown and Nettie J. Brown
   Counsel: Mohamed A. Iqbal, Jr., Esq.
   Christopher Mathews, Esq.
   IQBAL LAW PLLC
   101 Convention Center Dr., Suite 1175
   Las Vegas, Nevada 89109
   Tel: 702-750-2950

4. **Identify each respondent and the name and address of appellate counsel:**

   Respondent: Defendant, GNL, Corp., a Nevada Corporation
   Counsel: Alexandra B. McLeod, Esq.
   GRANT & ASSOCIATES

Case Number: A-16-739887-C

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Las Vegas, Nevada 89113
Tel: 702-940-3529

D. Lee Roberts, Esq.
WEINBERG WHEELER HUDGINS GUNN & DIAL
6384 South Rainbow Blvd., Suite 400
Las Vegas, Nevada 89118
Tel: 702-938-3809

Respondent: Defendant, Thyssenkrupp Elevator Corp., a foreign corporation
Counsel: Rebecca L. Mastrangelo, Esq.
ROGERS, MASTRANGELO, CARVALHO & MITCHELL
700 South Third St.
Las Vegas, Nevada 89101
Tel: 702-383-3400

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:**

All counsel listed above are licensed to practice in Nevada.

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

Appellants was represented by retained counsel in the district court (listed above).

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

Appellants are represented by retained counsel listed above on this appeal (listed above).

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 such leave was either requested or granted.

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

The original complaint was filed on July 12, 2016 and assigned to the Honorable Joanna S. Kishner, Department XXXI.

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

Nature of the Underlying Action:

Plaintiff Joe N. Brown, a retired bricklayer who previously volunteered for two tours of duty in Vietnam and was honorably discharged, is a resident of Clark County. He lives in North Las Vegas with his wife, Plaintiff Nettie J. Brown, who currently works[1] as hotel staff for Harrah's. Plaintiffs visited Laughlin to celebrate Mother's Day Weekend in 2015; on the evening of May 12, 2015, Plaintiffs and their party visited the Golden Nugget Casino in Laughlin, Nevada (the "Nugget") and headed to the Bubba Gump restaurant on the lower floor of the Nugget; Plaintiff Joe Brown, who was using a cane, took the "down" escalator.[2]

Unbeknownst to Plaintiffs, the "down" escalator had a history of mechanical issues and was in a faulty and dangerous condition.[3] The "down" escalator's wobbly step(s)/dangerous condition caused Mr. Brown to lose his balance and fall forward—and to fracture his neck. The escalator is owned and/or operated by Defendant GNL, Corp. ("GNL") and serviced/maintained by ThyssenKrupp Elevator Corporation ("TKE").[4] Plaintiffs moved during discovery to amend Plaintiffs' then-current complaint to add TKE as a defendant and to seek punitive damages against GNL and TKE, both of which the Honorable Judge Kishner granted.

Trial is currently set to begin on or about December 2, 2019. Plaintiffs intend to respectfully request from Her Honor a stay of the trial while Plaintiffs' appeal is addressed, on the bases and in the interests of judicial economy and efficiency.

Two Components to Plaintiffs' Appeal:

On August 27, 2019, Her Honor Judge Kishner heard and granted GNL's motion for summary judgment with respect to punitive damages; the order associated therewith—and from which Plaintiffs appeal—was entered on September 27, 2019.

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[1] Nettie Brown is set to retire in a few months.

[2] Nettie Brown took the stairs. Other members of Plaintiffs' party took the "down" escalator and the closest individual to Mr. Brown also felt the escalator to be wobbly.

[3] Defendants' records of the "down" escalator—to the extent records were even kept—reflected numerous problems and concerns which persisted for several years because GNL was too stingy to pay to make the "down" escalator safe, and TKE refused—even when paid by GNL—to make essential repairs that were paid for.

[4] TKE was originally a third-party defendant, having been brought into this action by GNL in approximately February of 2017.

On October 7, 2019, Her Honor Judge Kishner granted, following a *voir dire* of Plaintiffs' escalator expert Sheila Swett, TKE's motion in limine #8, which sought to exclude Ms. Swett as an expert witness. The order associated therewith—and from which Plaintiffs appeal—was entered on October 24, 2019.

Both orders from which this appeal flows are attached as Exhibit 1 and Exhibit 2, respectively, to Plaintiffs' Notice of Appeal, which was also filed on October 28, 2019.

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

- TKE filed a Petition for Writ of Mandamus on October 19, 2018
- In the caption, TKE was the Petitioner, versus the Eighth Judicial District Court of the State of Nevada in and for the County of Clark; and the Honorable Joanna Kishner, District Judge, Respondents; and Joe N. Brown and Nettie J. Brown were the Real Parties in Interest
- The Docket No. was 77211
- The Supreme Court of Nevada transferred the appeal to the Court of Appeals on November 2, 2018
- Plaintiffs were ***not*** served with the initial appeal filings
- TKE withdrew the Petition on January 10, 2019; the Petition contained erroneous/false statements
- The Court of Appeals issued an order denying the Petition on or about January 16, 2019

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

This appeal does not involve child custody or visitation.

/ / /

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

This appeal does not involve the possibility of settlement.

Dated October 28, 2019.

Respectfully Submitted,

IQBAL LAW PLLC

By: */s/ Mohamed A. Iqbal, Jr.*
Mohamed A. Iqbal, Jr. (NSB #10623)
Christopher Mathews (NSB #10674)
101 Convention Center Dr., Suite 1175
Las Vegas, Nevada 89109
1-(702) 750-2950 (Tel)

I LAW LV

CERTIFICATE OF SERVICE

I certify that I served the foregoing **CASE APPEAL STATEMENT** on all counsel of record in this matter using the Court's e-file/e-service system on October 28, 2019.

By: */s/ Marie-Claire Alsanjakli*
An employee of IQBAL LAW PLLC

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. A-16-739887-C

Joe Brown, Plaintiff(s)	§	Location:	**Department 31**
vs.	§	Judicial Officer:	**Kishner, Joanna S.**
GNL Corp, Defendant(s)	§	Filed on:	**07/12/2016**
	§	Cross-Reference Case Number:	**A739887**

CASE INFORMATION

Case Type: **Negligence - Premises Liability**

Case Status: **07/12/2016 Open**

DATE — CASE ASSIGNMENT

Current Case Assignment

Case Number	A-16-739887-C
Court	Department 31
Date Assigned	07/12/2016
Judicial Officer	Kishner, Joanna S.

PARTY INFORMATION

		Lead Attorneys
Plaintiff	**Brown, Joe N.**	**Iqbal, Mohamed A.** *Retained* 702-750-2950(W)
	Brown, Nettie J	**Iqbal, Mohamed A.** *Retained* 702-750-2950(W)
Defendant	**GNL Corp**	**Roberts, D Lee, Jr.** *Retained* 702-938-3838(W)
	Golden Nugget Inc Removed: 03/11/2019 Dismissed	**Grant, Annalisa N** *Retained* 702-940-3529(W)
	Landry's Inc. Removed: 03/11/2019 Dismissed	**McLeod, Alexandra B.** *Retained* 702-940-3529(W)
	Thyssenkrupp Elevator Corporation	**Mastrangelo, Rebecca L.** *Retained* 702-383-3400(W)
Third Party Defendant	**Thyssenkrupp Elevator Corporation**	**Mastrangelo, Rebecca L.** *Retained* 702-383-3400(W)
Third Party Plaintiff	**GNL Corp**	**Roberts, D Lee, Jr.** *Retained* 702-938-3838(W)

DATE — EVENTS & ORDERS OF THE COURT — INDEX

EVENTS

07/12/2016 Complaint
Filed By: Plaintiff Brown, Joe N.

Complaint

07/15/2016 Affidavit of Service
Filed By: Plaintiff Brown, Joe N.
Affidavit of Service

07/15/2016 Affidavit of Service
Filed By: Plaintiff Brown, Joe N.
Affidavit of Service

09/01/2016 Amended Complaint
Filed By: Plaintiff Brown, Joe N.
First Amended Complaint

09/21/2016 Initial Appearance Fee Disclosure
Filed By: Third Party Plaintiff GNL Corp
GNL, Corp.'s Initial Appearance Fee Disclosure

09/21/2016 Answer
Filed By: Third Party Plaintiff GNL Corp
GNL, Corp.'s Answer to Plaintiff's First Amended Complaint

09/21/2016 Demand for Jury Trial
Filed By: Third Party Plaintiff GNL Corp
GNL, Corp.'s Demand for Jury Trial

09/26/2016 Amended Answer
Filed By: Third Party Plaintiff GNL Corp
GNL, Corp.'s First Amended Answer to Plaintiff's Amended Complaint

11/03/2016 Commissioners Decision on Request for Exemption - Granted
Commissioner's Decision on Request for Exemption - Granted

11/10/2016 Early Case Conference Report
Filed By: Plaintiff Brown, Joe N.
Early Case Conference Report

01/19/2017 Scheduling Order
Scheduling Order

01/23/2017 Third Party Complaint
TPP: Third Party Plaintiff GNL Corp
Defendant/Third-Party Plaintiff GNL, Corp.'s Third-Party Complaint

02/01/2017 Summons
Filed by: Third Party Plaintiff GNL Corp
Third-Party Defendant Summons (ThyssenKrupp Elevator Corporation)

02/17/2017 Notice of Intent to Take Default
Party: Plaintiff Brown, Joe N.
Notice of Intent to Take Default of Landry's, Inc.

02/17/2017 Notice of Intent to Take Default

Party: Plaintiff Brown, Joe N.
Notice of Intent to Take Default of Golden Nugget, Inc., d/b/a Golden Nugget Laughlin

02/17/2017 Answer to Third Party Complaint
Filed By: Defendant Thyssenkrupp Elevator Corporation
Answer to Third-Party Complaint

02/17/2017 Initial Appearance Fee Disclosure
Filed By: Defendant Thyssenkrupp Elevator Corporation
Initial Appearance Fee Disclosure

02/17/2017 Demand for Jury Trial
Filed By: Defendant Thyssenkrupp Elevator Corporation
Demand for Jury Trial

02/17/2017 Demand for Prior Discovery
Filed By: Defendant Thyssenkrupp Elevator Corporation
Third-Party Defendant's Demand for Prior Pleadings and Discovery

02/22/2017 Initial Appearance Fee Disclosure
Filed By: Defendant Golden Nugget Inc
Golden Nugget, Inc. and Landry's, Inc.'s Initial Appearance fee Disclosure

02/22/2017 Motion
Filed By: Defendant Golden Nugget Inc
Defendants' Motion to Dismiss

03/02/2017 Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call
Order Setting Civil Jury Trial, Pre-trial Conference, Calendar Call, and Status Check

03/08/2017 Stipulated Protective Order
Filed By: Third Party Plaintiff GNL Corp
Stipulated Protective Order

03/09/2017 Notice of Entry
Filed By: Defendant Golden Nugget Inc
Notice of Entry of the Stipulated Protective Order

03/13/2017 Opposition to Motion to Dismiss
Filed By: Plaintiff Brown, Joe N.
Plaintiffs' Opposition to Defendants' Motion to Dismiss; Declaration of Mohamed A. Iqbal Jr. in Support Thereof

03/20/2017 Reply in Support
Filed By: Defendant Golden Nugget Inc
Defendant's Reply in Support of Motion to Dismiss

04/03/2017 Demand for Jury Trial
Filed By: Defendant Landry's Inc.
Defendants Landry's, Inc. and Golden Nugget, Inc.'s Demand for Jury Trial

04/03/2017 Answer to Amended Complaint
Filed By: Defendant Landry's Inc.
Defendants Landry's, Inc. and Golden Nugget, Inc.'s Answer to Plaintiffs'' Amended Complaint

04/11/2017	Notice of Change of Address Filed By: Defendant Thyssenkrupp Elevator Corporation *Notice of Change of Address*
04/24/2017	Order Denying Motion Filed By: Plaintiff Brown, Joe N. *Order Denying Defendants' Motion to Dismiss Plaintiffs' Complaint*
04/25/2017	Notice of Entry of Order Filed By: Plaintiff Brown, Joe N. *Notice of Entry of Order Denying Defendants' Motion to Dismiss Plaintiffs' Complaint*
05/23/2017	Motion for Summary Judgment Filed By: Defendant Golden Nugget Inc *Defendant's Motion for Summary Judgment*
06/07/2017	Opposition to Motion For Summary Judgment Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J *Plaintiffs' Opposition to Defendants' Motion for Summary Judgment and, in the Alternative, Request for Discovery Under NRCP 56(f)*
06/20/2017	Reply in Support *Defendants' Reply in Support of Motion for Summary Judgment*
06/30/2017	Disclosure Statement *Defendant Golden Nugget, Inc.'s NRCP 7.1 Disclosure Statement*
06/30/2017	Disclosure Statement *Defendant GNL Inc.'s NRCP 7.1 Disclosure Statement*
06/30/2017	Disclosure Statement *Defendant Landry's, Inc.'s NRCP 7.1 Disclosure Statement*
07/28/2017	Order Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J *Order Denying Defendant's Motion for Summary Judgment and Granting Plaintiffs' Countermotion for Discovery Under NRCP 56(f)*
07/31/2017	Notice of Entry of Order Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J *Notice of Entry of Order Denying Defendants' Motion for Summary Judgment and Granting Plaintiffs' Countermotion for Discovery Under NRCP 56(f)*
08/01/2017	Motion Filed By: Defendant Landry's Inc.; Defendant Golden Nugget Inc *Defendants Golden Nugget, Inc. and Landry's, Inc.'s Motion for Reconsideration*
08/08/2017	Stipulation and Order *Stipulation and Order to Extend Discoveyr Deadlines and Continue Trial*
08/09/2017	Notice of Entry *Notice of Entry of the Stipulation and Order to Extend Discovery Deadlines and Continue Trial (First Request)*

08/18/2017	Opposition to Motion Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J *Plaintiffs' Opposition to Defendants Golden Nugget, Inc. and Landrys, Inc.'s (sic) Motion for Reconsideration*
08/22/2017	Motion to Compel Filed By: Third Party Plaintiff GNL Corp *Defendant GNL, Corp.'s Motion to Compel HIPPA Release Executed by Plaintiff Joe Brown*
08/23/2017	Motion to Compel Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J *Motion To Compel Discovery From Defendants Landry s, Inc. And Golden Nugget, Inc. And Request For Sanctions*
08/24/2017	Reply in Support Filed By: Defendant Landry's Inc.; Defendant Golden Nugget Inc *Defendants' Reply in Support of Motion for Reconsideration*
08/24/2017	Errata Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J *Notice of Errata to Plaintiff's Motion To Compel Discovery From Defendants Landry's Inc. and Golden Nugget, Inc*
08/30/2017	Supplement Filed by: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J *PLAINTIFFS SUPPLEMENTAL OPPOSITION TO DEFENDANTS REPLY IN SUPPORT OF MOTION FOR RECONSIDERATION (ADDRESSING DEFENDANTS NEW ERRONEOUS CLAIMS OF FACT AND NEW REQUEST FOR RELIEF)*
09/11/2017	Opposition Filed By: Defendant Golden Nugget Inc *Defendants' Opposition to Plaintiffs' Motion to Compel Discovery From Defendants Landry's, Inc. and Golden Nugget, Inc. and Request for Sanctions*
09/14/2017	Notice of Order *Notice of Order Setting Hearing*
10/06/2017	Reply in Support Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J *Reply in Support of Plaintiffs Motion to Compel Discovery from Defendants Landry's Inc and Golden Nugget Inc and Request for Sanctions*
10/11/2017	Amended Order *Amended Order Setting Civil Jury Trial, Pre-Trial Conference, Calendar Call, and Status Check*
10/31/2017	Order Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J *Order Re Motion For Reconsideration*
10/31/2017	Notice of Entry of Order Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J *Notice Of Entry Of Order*

11/15/2017 Motion to Extend Discovery
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Plaintiff' Motion To Extend Discovery Deadlines Pursuant to EDCR 2.35 And Continuance Of Trial Date

11/16/2017 Errata
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Errata to Plaintiffs' Motion to Extend Discovery Deadlines Pursuant to EDCR 2.34 and Continuance of Trial Date

12/04/2017 Stipulation and Order
Filed by: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Stipulation And Order To Extend Discovery Deadlines And Continue Trial

12/04/2017 Notice of Entry of Order
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Notice of Entry of Order

12/12/2017 Amended
Amended Order Setting Civil Jury Trial, Pre-Trial Conference, Calendar Call, and Status Check

02/07/2018 Notice to Appear for Discovery Conference
Notice to Appear for Discovery Conference

03/15/2018 Stipulation and Order
Filed by: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Stipulation And Order To Extend Discovery Deadlines And Continue Trial (Third Request)

03/26/2018 Notice of Entry of Order
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Notice Of Entry Of Order

04/09/2018 Amended Order Setting Jury Trial
Amended Order Setting Civil Jury Trial, Pre Trial Conference, Calendar Call and Status Check

05/23/2018 Discovery Commissioners Report and Recommendations
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Discovery Commissioners's Report And Recommendations And Order

05/23/2018 Notice of Entry of Order
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Notice Of Entry Of Order

05/23/2018 Notice
Filed By: Defendant Thyssenkrupp Elevator Corporation
Notice of Counsel's Absence from Jurisdiction

06/04/2018 Notice
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Notice Of Plaintiffs' Counsel's Absence From Jurisdiction

07/04/2018 Motion

Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Plaintiffs' Motion For Leave to File Second Amended Complaint

07/05/2018 Declaration
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Declaration Of Mohamed Iqbal In Support Of Plaintiffs" Motion For Leave To File Second Amended Complaint

07/20/2018 Opposition to Motion
Filed By: Defendant Thyssenkrupp Elevator Corporation
Third-Party Defendant Thyssenkrupp Elevator Corporation's Opposition to Plaintiffs' Motion for Leave to File Second Amended Complaint

07/23/2018 Opposition
Filed By: Defendant Landry's Inc.; Defendant Golden Nugget Inc; Third Party Plaintiff GNL Corp
Defendants', GNL, Corp., Landry's, Inc. & Golden Nugget, Inc., Opposition to Plaintiffs' Motion for Leave to File Second Amended Complaint

08/02/2018 Reply in Support
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Reply In Support Of Motion For Leave To File Second Amended Complaint

08/10/2018 Recorders Transcript of Hearing
Transcript - Plaintiffs' Motion for Leave to File Second Amended Complaint 8/7/18

08/13/2018 Notice
Notice of Counsel's Absence from Jurisdiction

09/12/2018 Order
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Order Granting Motion For Leave To File Second Amended Complaint

09/12/2018 Notice of Entry of Order
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Notice Of Entry Of Order

09/18/2018 Amended Complaint
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Second Amended Complaint (Amount In Controversy Exceeds $50,000 Arbitration Exemption Requested)

10/11/2018 Answer to Amended Complaint
Filed By: Defendant Thyssenkrupp Elevator Corporation
ThyssenKrupp Elevator Corporation's Answer to Second Amended Complaint

11/01/2018 Motion for Summary Judgment
Defendants' Landry's and Golden Nugget, Inc.'s Motion for Summary Judgment

11/01/2018 Motion for Summary Judgment
Defendants' GNL, Landry's and Golden Nugget, Inc.'s Motion for Summary Judgment on Liability and Punitive Damages

11/01/2018 Motion to Dismiss

Landry's Inc.'s Motion to Dismiss for Lack of General or Personal Jurisdiction

11/08/2018 Errata
Errata to Defendants' Motion for Summary Judgment on Liability and Punitive Damages

11/13/2018 Motion in Limine
Filed By: Third Party Plaintiff GNL Corp
Defendants, GNL, Corp., Landry's, Inc. & Golden Nugget, Inc.'s Motion in Limine #1 to Exclude Srinivas Nalamachu, MD for Unauthorized Practice of Medicine in Nevada

11/13/2018 Motion in Limine
Filed By: Third Party Plaintiff GNL Corp
Defendants, GNL, Corp., Landry's, Inc. & Golden Nugget, Inc.'s Motion in Limine #2 Regarding Other Incidents or Repairs and #3 Regarding Discovery Matters

11/13/2018 Motion in Limine
Filed By: Defendant Thyssenkrupp Elevator Corporation
Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #1 re: Computation of Damages

11/13/2018 Motion in Limine
Filed By: Defendant Thyssenkrupp Elevator Corporation
Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #2 re: Treating Physicians

11/13/2018 Motion in Limine
Filed By: Defendant Thyssenkrupp Elevator Corporation
Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #3 re: Responsibility Avoidance and Reptile Theory Arguments

11/13/2018 Motion in Limine
Filed By: Defendant Thyssenkrupp Elevator Corporation
Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #4 re: Improper Voir Dire

11/13/2018 Motion in Limine
Filed By: Defendant Thyssenkrupp Elevator Corporation
Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #5 re: Limit Experts to Opinions and Matters Set forth In Their Reports

11/13/2018 Motion in Limine
Filed By: Defendant Thyssenkrupp Elevator Corporation
Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #6 re: Exclusion of Evidence of Subsequent Incidents

11/13/2018 Motion in Limine
Filed By: Defendant Thyssenkrupp Elevator Corporation
Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #7 re: Claim that Thyssenkrupp "Hid" or Failed to Produce Evidence

11/13/2018 Motion in Limine
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Plaintiffs' Motion In Limine To Exclude Expert Witness Davis L. Turner For Failure To Disclose Inspection, Related Information, And Documents

11/14/2018

	Declaration Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J *Declaration of Mohamed A Iqbal, Jr., Esq in Support of Plaintiff's Motion in Limine to Exclude Expert Witness Davis L. Turner for Failure to Disclose Inspection, Related Information, and Documents*
11/14/2018	Motion in Limine Filed By: Defendant Thyssenkrupp Elevator Corporation *Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #8 re: Exclude the Testimony of Sheila Nabors Swett*
11/15/2018	Motion Filed By: Third Party Plaintiff GNL Corp *Motion to File Documents Under Seal per SRCR 3 or, Alternatively, Submit In Camera*
11/16/2018	Joinder to Motion For Partial Summary Judgment Filed By: Defendant Thyssenkrupp Elevator Corporation *Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Joinder In, and Additional Points and Authorities in Support of, Defendant GNL Corp.'s Motion for Summary Judgment on Punitive Damages*
11/19/2018	Errata Filed By: Defendant Thyssenkrupp Elevator Corporation *Defendant/Third Party Defendant Thyssenkrupp Elevator Corporation's Errata to Motion in Limine #7 Re: Claim that Thyssenkrupp "Hid" or Failed to Produce Evidence*
11/19/2018	Opposition to Motion For Summary Judgment Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J *PLAINTIFFS OPPOSITION TO MOTION FOR SUMMARY JUDGMENT ON LIABILITY AND PUNITIVE DAMAGES*
11/19/2018	Opposition to Motion For Summary Judgment Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J *Plaintiffs' Opposition to Defendants' Landry's and Golden Nugget, Inc.'s Motion for Summary Judgment*
11/19/2018	Opposition to Motion to Dismiss Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J *Plaintiffs' Opposition to Motion to Dismiss*
11/19/2018	Joinder to Motion in Limine Filed By: Defendant Thyssenkrupp Elevator Corporation *Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Joinder to Defendants' GNL, Corp., Landry's, Inc. & Golden Nugget, Inc.'s Motion in Limine #2 Regarding Other Incidents or Repairs and #3 Regarding Discovery Matters*
11/19/2018	Joinder to Motion in Limine Filed By: Defendant Thyssenkrupp Elevator Corporation *Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Joinder to Defendants' GNL. Corp., Landry's, Inc. & Golden Nugget, Inc.'s Motion in Limine #1 to Exclude Srinivas Nalamachu, M.D. for Unauthorized Practice of Medicine in Nevada*
11/20/2018	Errata Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J *Errata To Plaintiffs (1) Opposition To Motion To Dismiss And (2) Opposition To Defendant Landry s And Golden Nugget, Inc. s Motion For Summary Judgment*

11/27/2018	Reply Filed by: Defendant Landry's Inc. *Reply in Support of Landry's, Inc.'s Motion to Dismiss for Lack of General or Personal Jurisdiction*
11/28/2018	Reply in Support Filed By: Defendant Landry's Inc. *Reply in Support of Defendants', Landry's and Golden Nugget, Inc.'s Motion for Summary Judgment*
11/28/2018	Reply in Support Filed By: Defendant Landry's Inc.; Defendant Golden Nugget Inc; Third Party Plaintiff GNL Corp *Reply in Support of Defendants Motion for Summary Judgment on Liability and Punitive Damages*
11/30/2018	Response Filed by: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J *Plaintiffs Response to Defendant/Third Party Defendant Thyssenkrupp Elevator Corporation's Joinder In, and Additional Brief In Support of, Defendant GNL, Corp. S Motion For Summary Judgment on Punitive Damages*
12/03/2018	Opposition to Motion in Limine *Opposition to Plaintiffs' Motion in Limine to Exclude Expert Witness, David L. Turner*
12/03/2018	Opposition to Motion in Limine Filed By: Defendant Thyssenkrupp Elevator Corporation *Defendant/Third Party Defendant Thyssenkrupp Elevator Corporation's Opposition to Plaintiffs' Motion in Limine to Exclude Expert Davis L. Turner*
12/10/2018	Motion Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J *Plaintiffs' Emergency Motion For Reopening Discovery, Court Intervention, And Sanctions On Order Shortening Time*
12/10/2018	Motion Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J *Plaintiffs' Emergency Motion For Reopening Discovery, Court Intervention, And Sanctions On Order Shortening Time*
12/13/2018	Order *Order Permitting Filing of Certain Documents under Seal Pursuant to SRCR 3*
12/18/2018	Notice of Entry of Order *Notice of Entry of Order Permitting Filing of Certain Documents Under Seal Pursuant to SRCR 3*
12/20/2018	Opposition to Motion Filed By: Defendant Thyssenkrupp Elevator Corporation *Defendant Thyssenkrupp Elevator Corporation's Opposition to Plaintiffs' Emergency Motion for Reopening of Discovery, Court Intervention, and Sanctions on Order Shortening Time*
12/20/2018	Filed Under Seal *Defendants' Landry's and Golden Nugget, Inc.'s Errata to Motion for Summary Judgment to be Filed Under Seal Pursuant to Court Order*

12/20/2018 Joinder to Opposition to Motion
Filed by: Defendant Landry's Inc.; Defendant Golden Nugget Inc; Third Party Plaintiff GNL Corp
Joinder to ThyssenKrupp's Opposition to Plaintiffs' Motion to Re-Open Discovery and For Sanctions

12/21/2018 Reply in Support
Filed By: Defendant Thyssenkrupp Elevator Corporation
Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Reply in Support of Joinder In, and Additional Points and Authorities in Support of, Defendant GNL, Corp.'s Motion for Summary Judgment on Puntive Damages

12/28/2018 Reply
Filed by: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Plaintiffs' Reply In Support Of Emergency Motion For Reopening Discovery, Court Intervention, And Sanctions On Order Shortening Time

01/29/2019 Amended Order Setting Jury Trial
Amended Order Setting Jury Trial, Pre-Trial Conference, Calendar Call, and Status Check

02/11/2019 Order
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Order Granting Emergency Motion for Reopening Discovery, Court Intervention, and Sanctions on Order Shortening Time

02/11/2019 Notice of Entry of Order
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Notice of Entry of Order Granting Emergency Motion for Reopening Discovery, Court Intervention, and Sanctions on Order Shortening Time

02/12/2019 Stipulation and Order
Filed by: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Stipulation and Order Regarding Hearing Dates for Pending Motions and Motions in Limine

02/12/2019 Notice of Entry of Order
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Notice of Entry of Stipulation and Order Regarding Hearing Dates for Pending Motions and Motions in Limine

02/15/2019 Opposition to Motion in Limine
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Plaintiffs' Limited Opposition to Defendant/Third Part Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #1 RE: Computation of Damages

02/15/2019 Opposition to Motion in Limine
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Plaintiffs' Opposition to Defendant/Third Party Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #7 Re: claim that Thyssenkrupp "Hid" of Failed to Prodce Evidence

02/15/2019 Opposition to Motion in Limine
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Plaintiffs' Opposition to Defendant/Third Party Defendant Thussenkrupp Elevator Corporation's Motion in Limine #8 Re: Exclude [sic] The Testimony of Shelia Nabors Swett

02/15/2019 Opposition to Motion in Limine
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Plaintiffs' Opposition to Defendant/Third Party Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #3 Re: Responsibility Avoidance and Reptile Theory [sic] Arguments

02/15/2019 Opposition to Motion in Limine
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Plaintiffs' Opposition to Defendant/Third Party Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #6 Re: Exlusion of Evidence of Subsequent Incidents

02/15/2019 Opposition to Motion in Limine
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Plaintiffs' Opposition to Defendants' GNL Corp., Landry's, Inc. & Golden Nugget, Inc.'s Motion in Limine #3 Regarding Discovery Matters

02/15/2019 Opposition to Motion in Limine
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Plaintiffs' Opposition to GNI Corp., Landry's Inc. & Golden Nugget, Inc.'s Motion in Limine #1 to Exlcude Srinivas Nalamachu, M.D. for Unauthorized Practice of Medicine in Nevada

02/15/2019 Opposition to Motion in Limine
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Plaintiffs' Opposition to GNL, Corp., Landry's Inc. & Golden Nugget, Inc.'s Motion in Limine #2 Regarding Other Incidents or Repairs

02/15/2019 Notice
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Plaintiffs Notice of Limited Non-Oppostion to Defendant/Third Party Defendant Thyssenkrupp Elevator Corporation Motion in Limine #2 Re: Treating Physicians; and Motion in Limine #5 Re: Limit Experts to Opinions and Matters Set Forth in Their Reports

02/15/2019 Opposition to Motion in Limine
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Plaintiffs' Opposition to Defendant/Third Party Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #4 RE: Improper Voir Dire

02/25/2019 Motion in Limine
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Plaintiffs Motion In Limine #2 Regarding Certain Opinion Testimony Of Davis l. Turner

02/28/2019 Reply in Support
Filed By: Defendant Thyssenkrupp Elevator Corporation
Defendant/Third Party Defendant Thyssenkrupp Elevator Corporation's Reply in Support of Motion in Limine #1 re: Computation of Damages

02/28/2019 Reply in Support
Filed By: Defendant Thyssenkrupp Elevator Corporation
Defendant/Third Party Defendant Thyssenkrupp Elevator Corporation's Reply in Support of Motion in Limine #2 re: Treating Physicians

02/28/2019 Reply in Support
Filed By: Defendant Thyssenkrupp Elevator Corporation
Defendant/Third Party Defendant Thyssenkrupp Elevator Corporation's Reply in Support of Motion in Limine #3 re: Responsibility Avoidance and Reptile Theory Arguments

02/28/2019 Reply in Support
Filed By: Defendant Thyssenkrupp Elevator Corporation
Defendant/Third Party Defendant Thyssenkrupp Elevator Corporation's Reply in Support of Motion in Limine #4 re: Improper Voir Dire

02/28/2019 Reply in Support
Filed By: Defendant Thyssenkrupp Elevator Corporation
Defendant/Third Party Defendant Thyssenkrupp Elevator Corporation's Reply in Support of Motion in Limine #5 re: Limit Experts to Opinions and Matters Set Forth in Their Reports

02/28/2019 Reply in Support
Filed By: Defendant Thyssenkrupp Elevator Corporation
Defendant/Third Party Defendant Thyssenkrupp Elevator Corporation's Reply in Support of Motion in Limine #6 re: Exclusion of Evidence of Subsequent Incidents

02/28/2019 Reply in Support
Filed By: Defendant Thyssenkrupp Elevator Corporation
Defendant/Third Party Defendant Thyssenkrupp Elevator Corporation's Reply in Support of Motion in Limine #7 re: Claim That Thyssenkrupp "Hid" or Failed to Produced Evidence

02/28/2019 Reply in Support
Filed By: Defendant Thyssenkrupp Elevator Corporation
Defendant/Third Party Defendant Thyssenkrupp Elevator Corporation's Reply in Support of Motion in Limine #8 re: Exclude Testimony of Sheila Nabors Swett

02/28/2019 Reply in Support
Filed By: Defendant Thyssenkrupp Elevator Corporation
Defendant/Third Party Defendant Thyssenkrupp Elevator Corporation's Reply in Support of Its Joinder to Defendants' GNL, Corp., Landry's, Inc. & Golden Nugget, Inc.'s Motion in Limine #2 Regarding Other Incidents or Repairs

02/28/2019 Reply in Support
Filed By: Third Party Plaintiff GNL Corp
Reply in Support of Defendant GNL, Corp's Motions in Limine #1-3

03/08/2019 Opposition
Filed By: Defendant Thyssenkrupp Elevator Corporation
Defendant/Third Party Defendant thyssenkrupp Elevator Corporation's Opposition to Plaintiffs' Motion in Limine to Exclude Expert Davis l. Turner's Opinions on Alcohol Use

03/11/2019 Joinder
Filed By: Third Party Plaintiff GNL Corp
Joinder to Thyssenkrupp's Opposition to Plaintiffs' Motion in Limine to Exclude Expert Davis L.Turner's Opinions on Alcohol Use

03/11/2019 Order
Filed By: Third Party Plaintiff GNL Corp
Order Granting Summary Judgment as to Landry's, Inc. and Golden Nugget, Inc.

03/11/2019 Notice of Entry of Order
Filed By: Third Party Plaintiff GNL Corp
Notice of Entry of Order Granting Summary Judgment as to Landry's, Inc. and Golden Nugget, Inc.

03/13/2019 Stipulation and Order

Filed by: Defendant Thyssenkrupp Elevator Corporation
Stipulation and Order to Continue Pretrial Conference

03/19/2019 Notice of Entry of Order
Filed By: Defendant Thyssenkrupp Elevator Corporation
Notice of Entry of Order

03/20/2019 Reply
Filed by: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
REPLY IN SUPPORT OF PLAINTIFFS MOTION IN LIMINE #2 REGARDING CERTAIN OPINION TESTIMONY OF DAVIS L. TURNER

03/22/2019 Pre-Trial Disclosure
Party: Defendant Thyssenkrupp Elevator Corporation
Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's NRCP 16.1(a)(3) Pretrial Disclosures

03/22/2019 Pre-Trial Disclosure
Defendant s/Third-Party Plaintiffs s Pre-Trial Disclosures Pursuant to NRCP.1(a)(3)

03/22/2019 Pre-Trial Disclosure
Party: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
PLAINTIFFS PRE-TRIAL DISCLOSURES PURSUANT TO NRCP 16.1(a)(3)

04/05/2019 Pre-Trial Disclosure
Defendant GNL, Corp. s Objections To Plaintiffs Pre-Trial Disclosures Pursuant To NRCP 16.1(a)(3)

04/16/2019 Request
Filed by: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
PLAINTIFFS REQUEST FOR A SHORT EXTENSION OF TIME TO SUBMIT STIPULATION AND ORDER REGARDING DISCOVERY MATTERS AND TRIAL SETTING

04/19/2019 Order
Order on Defendant GNL, Corp's Motion for Summary Judgment on Liability and Punitive Damages

04/19/2019 Notice of Entry of Order
Notice of Entry of Order

04/22/2019 Stipulation and Order
Filed by: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
STIPULATION AND ORDER REGARDING DISCOVERY MATTERS AND TRIAL STACK

04/22/2019 Notice of Entry of Order
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
NOTICE OF ENTRY OF STIPULATION AND ORDER REGARDING DISCOVERY MATTERS AND TRIAL STACK

04/23/2019 Order
Filed By: Defendant Thyssenkrupp Elevator Corporation
Order

04/26/2019 Notice of Motion

Filed By: Defendant Thyssenkrupp Elevator Corporation
Notice of Motion of Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Motions in Limine 1-8

04/26/2019 Clerk's Notice of Hearing
Notice of Hearing

04/26/2019 Notice of Entry of Order
Filed By: Defendant Thyssenkrupp Elevator Corporation
Notice of Entry of Order

05/02/2019 Amended Order Setting Jury Trial
Amended Order Setting Civil Jury Trial, Pre-Trial/Trial Setting Conference, and Calendar Call/Final Pre-Trial Conference

05/07/2019 Notice
Re-Notice of Motion of Defendants' GNL, Corp.'s Motion in Limine #1 to Exclude Srinivas Nalamachu, MD for Unauthorized Practice of Medicine in Nevada; Motion in Limine #2 regarding Other Incidents or Repairs; and #3 Regarding Discovery Matters

05/14/2019 Stipulation and Order
Filed by: Defendant Thyssenkrupp Elevator Corporation
Stipulation and Order to Continue Defendant Thyssenkrupp Elevator Corporation's Motions in Limine

05/15/2019 Notice of Entry
Filed By: Defendant Thyssenkrupp Elevator Corporation
Notice of Entry of Stipulation and Order to Continue Defendant Thyssenkrupp Elevator Corporation's Motions in Limine

05/16/2019 Clerk's Notice of Hearing
Notice of Hearing

06/25/2019 Order
Filed By: Defendant Thyssenkrupp Elevator Corporation
Order Regarding Thyssenkrupp Elevator Corporation's Motions in Limine 1-6

06/27/2019 Notice of Entry of Order
Filed By: Defendant Thyssenkrupp Elevator Corporation
Notice of Entry of Order

06/27/2019 Motion to Extend Discovery
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Motion To Extend Deadline For Court-Ordered Discovery On Order Shortening Time

07/01/2019 Objection
Filed By: Defendant Thyssenkrupp Elevator Corporation
Objection to Subpoena for Deposition

07/03/2019 Opposition
Filed By: Defendant Thyssenkrupp Elevator Corporation
Defendant Thyssenkrupp Elevator Corporation's Opposition to Plaintiffs' Motion to Extend Deadline for Court-Ordered Discovery on an Order Shortening Time

07/05/2019 Joinder

Filed By: Third Party Plaintiff GNL Corp
Joinder to thyssenkrupp s Opposition to Plaintiffs Motion to Extend Deadline for Court-Ordered Discovery

07/08/2019 Reply
Filed by: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
REPLY IN SUPPORT OF MOTION TO EXTEND DEADLINE FOR COURT-ORDERED DISCOVERY ON ORDER SHORTENING TIME

07/19/2019 Notice of Motion
Filed By: Third Party Plaintiff GNL Corp
Re-Notice of Motion of Defendant, GNL, Corp. s Motion for Summary Judgment on Liability & Punitive Damages

07/26/2019 Joinder to Motion For Summary Judgment
Filed By: Defendant Thyssenkrupp Elevator Corporation
Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Joinder in GNL's Motion for Summary Judgment on Punitive Damages

08/02/2019 Order
Filed By: Defendant Thyssenkrupp Elevator Corporation
Order Regarding Thyssenkrupp Elevator Corporation's Motions In Limine 7-8

08/02/2019 Order
Filed By: Defendant Thyssenkrupp Elevator Corporation
Order Regarding Plaintiffs' Motion to Extend Deadline for Court-Ordered Discovery

08/06/2019 Opposition to Motion For Summary Judgment
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
Plaintiff's Omnibus Opposition to GNL, Corp.'s Motion for Summary Judgment on Punitive Damages and to Thyssenkrupp Elevator Corp.'s Joinder

08/07/2019 Exhibits
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
EXHIBITS TO: PLAINTIFFS OMNIBUS OPPOSITION TO GNL, CORP. S MOTION FOR SUMMARY JUDGMENT ON PUNITIVE DAMAGES AND TO THYSSENKRUPP ELEVATOR CORP. S JOINDER

08/07/2019 Notice of Entry of Order
Filed By: Defendant Thyssenkrupp Elevator Corporation
Notice of Entry of Order

08/07/2019 Notice of Entry of Order
Filed By: Defendant Thyssenkrupp Elevator Corporation
Notice of Entry of Order

09/13/2019 Pre-Trial Disclosure
Party: Third Party Plaintiff GNL Corp
Defendant/Third-Party Plaintiff, GNL, Corp.'s Amended Pre-Trial Disclosures Pursuant to NRCP 16.1(a)(3)

09/19/2019 Pre-Trial Disclosure
Party: Third Party Plaintiff GNL Corp
Defendant/Third-Party Plaintiff, GNL, Corp's Second Amended Pre-Trial Disclosures Pursuant to NRCP 16.1(a)(3)

09/20/2019 Notice of Appearance
Party: Third Party Plaintiff GNL Corp
Notice of Appearance

09/20/2019 Notice of Appearance
Party: Third Party Plaintiff GNL Corp
Amended Notice of Appearance

09/23/2019 Order Granting Summary Judgment
Filed By: Third Party Plaintiff GNL Corp
Order Granting Summary Judgment on Punitive Damages

09/25/2019 Memorandum
Memo

09/27/2019 Notice of Entry of Order
Filed By: Third Party Plaintiff GNL Corp
Notice of Entry of Order Granting Summary Judgment on Punitive Damages

09/30/2019 Pre-trial Memorandum
DEFENDANT/THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S PRETRIAL MEMORANDUM

10/01/2019 Audiovisual Transmission Equipment Appearance Request
Party: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
AUDIOVISUAL TRANSMISSION EQUIPMENT APPEARANCE REQUEST & AUDIOVISUAL TRANSMISSION EQUIPMENT APPEARANCE CONSENT

10/07/2019 Objection
Filed By: Third Party Plaintiff GNL Corp
Defendant/Third-Party Plaintiff, GNL, Corp. Objections to Deposition Excerpts of Don Hartmann, January 24, 2018

10/07/2019 Objection
Filed By: Third Party Plaintiff GNL Corp
Defendant/Third-Party Plaintiff, GNL, Corp. Objections to Deposition Excerpts of Don Hartmann, May 17, 2019

10/07/2019 Pre-trial Memorandum
Filed by: Third Party Plaintiff GNL Corp
Individual Pre-Trial Memo of GNL, Corp.

10/07/2019 Pre-trial Memorandum
Filed by: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
PLAINTIFFS' PRE-TRIAL MEMORANDUM

10/14/2019 Order
Filed By: Third Party Plaintiff GNL Corp
Order Regarding GNL, Corp's Motions in Limine #1-3

10/16/2019 Notice of Entry of Order
Filed By: Third Party Plaintiff GNL Corp
Notice of Entry of Order Regarding GNL, Corp.'s Motions in Limine #1-3

10/18/2019 Amended Order Setting Jury Trial
Amended Order Setting Civil Jury Trial and Calendar Call/Final Pre-Trial Conference

10/23/2019 Order
Filed By: Defendant Thyssenkrupp Elevator Corporation
Order Regarding Thyssenkrupp Elevator Corporation's Motion in Limine #8

10/24/2019 Notice of Entry of Order
Filed By: Defendant Thyssenkrupp Elevator Corporation
Notice of Entry of Order

10/28/2019 Notice of Appeal
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
NOTICE OF APPEAL

10/28/2019 Case Appeal Statement
Filed By: Plaintiff Brown, Joe N.; Plaintiff Brown, Nettie J
CASE APPEAL STATEMENT

DISPOSITIONS

03/11/2019 **Summary Judgment** (Judicial Officer: Kishner, Joanna S.)
Debtors: Joe N. Brown (Plaintiff), Nettie J Brown (Plaintiff)
Creditors: Landry's Inc. (Defendant), Golden Nugget Inc (Defendant)
Judgment: 03/11/2019, Docketed: 03/11/2019

03/11/2019 **Order of Dismissal** (Judicial Officer: Kishner, Joanna S.)
Debtors: Joe N. Brown (Plaintiff), Nettie J Brown (Plaintiff)
Creditors: Landry's Inc. (Defendant), Golden Nugget Inc (Defendant)
Judgment: 03/11/2019, Docketed: 03/11/2019

09/23/2019 **Summary Judgment** (Judicial Officer: Kishner, Joanna S.)
Debtors: Joe N. Brown (Plaintiff), Nettie J Brown (Plaintiff)
Creditors: GNL Corp (Defendant), Thyssenkrupp Elevator Corporation (Defendant)
Judgment: 09/23/2019, Docketed: 09/24/2019

09/23/2019 **Order of Dismissal** (Judicial Officer: Kishner, Joanna S.)
Debtors: Joe N. Brown (Plaintiff), Nettie J Brown (Plaintiff)
Creditors: GNL Corp (Defendant), Thyssenkrupp Elevator Corporation (Defendant)
Judgment: 09/23/2019, Docketed: 09/30/2019
Comment: Certain Claims

HEARINGS

03/28/2017 **Motion to Dismiss** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Defendants Golden Nugget, Inc. and Landry's, Inc. Motion to Dismiss
Denied Without Prejudice;
Journal Entry Details:
Matter argued and submitted. Court stated its findings, and ORDERED, Defendants Golden Nugget, Inc. and Landry's, Inc.'s Motion to Dismiss is DENIED WITHOUT PREJUDICE. Counsel for Plaintiff to prepare the Order, circulating to all counsel for approval as to form and content in accordance with EDCR 7.21.;

06/27/2017 **Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Defendants' Motion for Summary Judgment
Denied;

06/27/2017 **Opposition and Countermotion** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Plaintiffs' Opposition to Defendants' Motion for Summary Judgment and, in the Alternative,

Request for Discovery Under NRCP 56(f)
Motion Granted;

06/27/2017 **All Pending Motions** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Matter Heard;
Journal Entry Details:
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT...PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND, IN THE ALTERNATIVE, REQUEST FOR DISCOVERY UNDER NRCP 56(F) Arguments by Ms. Grant and Mr. Iqbal. COURT stated its FINDINGS and ORDERED, Deft's Motion for Summary Judgment DENIED, Pltf's Countermotion for Rule 56(f) Relief GRANTED. Counsel for Pltf to prepare the Order, provide it to counsel and submit to the Court in accordance with EDCR 7.21. CLERK'S NOTE: This minute order was corrected to reflect MSJ was denied and Countermotion was granted./pi CLERK'S NOTE: Minutes corrected. anm/7/14/17;

09/01/2017 **Motion For Reconsideration** (3:00 AM) (Judicial Officer: Kishner, Joanna S.)
09/01/2017, 10/10/2017
Defendants Golden Nugget, Inc. and Landry's, Inc.'s Motion for Reconsideration
Hearing Set;
Pursuant to faxed letter from counsel
Motion Denied;
Hearing Set;
Pursuant to faxed letter from counsel
Motion Denied;

09/22/2017 *CANCELED* **Motion to Compel** (9:00 AM) (Judicial Officer: Bulla, Bonnie)
Vacated
Defendant GNL, Corp.'s Motion to Compel HIPPA Release Executed by Plaintiff Joe Brown

10/10/2017 **Motion For Reconsideration** (10:00 AM) (Judicial Officer: Kishner, Joanna S.)
Defendants' Motion for Reconsideration
Pursuant to faxed letter from counsel
Motion Denied;

10/10/2017 **All Pending Motions** (10:00 AM) (Judicial Officer: Kishner, Joanna S.)
Matter Heard;
Journal Entry Details:
DEFTS' GOLDEN NUGGET, INC. AND LANDRY'S, INC'S MOTION FOR RECONSIDERATION...DEFTS' MOTION FOR RECONSIDERATION Mr. Grant argued in support of motion to reconsider. Opposition by Mr. Iqbal. Further argument by Mr. Grant. Court FINDS this does not meet the standard for reconsideration and ORDERED, motions DENIED. Further, as to request for stay, COURT ORDERED, request DENIED.;

10/13/2017 **Motion to Compel** (9:00 AM) (Judicial Officer: Bulla, Bonnie)
Motion To Compel Discovery From Defendants Landry s, Inc. And Golden Nugget, Inc. And Request For Sanctions
see fax dated 9/18/17
Granted in Part; Motion To Compel Discovery From Defendants Landry s, Inc. And Golden Nugget, Inc. And Request For Sanctions
Journal Entry Details:
Arguments by counsel. Defts felt there wasn't a meaningful 2.34 conference. Colloquy re: Defts providing documentation supporting ownership of Laughlin Casino on the date of accident. COMMISSIONER RECOMMENDED, motion is GRANTED IN PART; answer and verify Interrogatories, and provide supporting documents on the date of accident; if Golden Nugget Laughlin takes responsibility, then tender defenses. Arguments by counsel. At the time of 2.34 conference, Ms. McLeod was not with the Law Firm, and Ms. Grant is in Trial. COMMISSIONER RECOMMENDED, Interrogatory 2 on Landry's is MODIFIED - on the date of accident, whether or not they had an ownership interest in Golden Nugget Laughlin; as to Landry's - Interrogatories 3, 4 are PROTECTED; Request to Produce 1 - look at SEC or gaming document at the time of accident; Interrogatory 5 is PROTECTED; provide supplemental responses no later than 11-13-17; no fees or costs. Colloquy re: preparing a Stipulation and Order to Dismiss. COMMISSIONER RECOMMENDED, Interrogatory 1 on

GNI is MODIFIED - on the date of accident, whether or not they had an ownership interest in Golden Nugget Laughlin; as to GNI - Interrogatory 2 is PROTECTED; Request to Produce 1 - MODIFIED and show no ownership interest in Golden Nugget Laughlin; Request to Produce 2 is PROTECTED; provide supplemental responses no later than 11-13-17; no fees or costs. COMMISSIONER RECOMMENDED, verify all Interrogatories. Mr. Iqbai to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.;

12/14/2017 **Status Check: Compliance** (3:00 AM) (Judicial Officer: Bulla, Bonnie)
12/14/2017, 02/01/2018
10-13-17 DCRR
Matter Continued;
Set Notice To Appear;
Matter Continued;
Set Notice To Appear;
Journal Entry Details:
The 10-13-17 Report and Recommendation remains outstanding. Mr. Iqbal was given the responsibility to submit the Report and Recommendation from the 10-13-17 hearing. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a sanction. COMMISSIONER RECOMMENDED, matter CONTINUED to an in chambers status check. CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of: Mohamed Iqbal;

12/20/2017 *CANCELED* **Motion to Extend Discovery** (9:00 AM) (Judicial Officer: Bulla, Bonnie)
Vacated
Plaintiffs Motion to Extend Discovery Deadlines Pursuant to EDCR 2.35 and Continuance of Trial Date

01/09/2018 *CANCELED* **Status Check** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - per Stipulation and Order

02/15/2018 *CANCELED* **Pre Trial Conference** (10:15 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - per Stipulation and Order

03/13/2018 *CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - per Stipulation and Order

03/19/2018 *CANCELED* **Jury Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - per Stipulation and Order

03/20/2018 *CANCELED* **Status Check: Trial Setting** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - per Stipulation and Order

04/17/2018 **Discovery Conference** (10:30 AM) (Judicial Officer: Bulla, Bonnie)
Discovery Conference
Matter Heard;
Journal Entry Details:
Commissioner received the Report and Recommendation this morning and everything was fine. Mr. Iqbal apologized for the mistake. No sanctions today. MATTER RECALLED: Attorneys Alexandra McLeod and Sarah Hartig present. Outcome provided to counsel.;

05/31/2018 *CANCELED* **Pre Trial Conference** (10:15 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - per Stipulation and Order

06/19/2018 *CANCELED* **Status Check** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - per Stipulation and Order

06/26/2018 *CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - per Stipulation and Order

07/02/2018	*CANCELED* **Jury Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) *Vacated - per Stipulation and Order*
08/07/2018	**Motion for Leave** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) *Plaintiffs' Motion For Leave to File Second Amended Complaint* Motion Granted; Journal Entry Details: *Following arguments by Mr. Iqbal, Ms. Mastrangelo and Mr. McLeod, COURT ORDERED, Plaintiffs' Motion for Leave to File Second Amended Complaint GRANTED; Plaintiffs will have ten (10) days from Notice of Entry of Order to file its Second Amended Complaint. Mr. Iqbal to prepare the Order pursuant to EDCR 7.21.;*
08/09/2018	*CANCELED* **Pre Trial Conference** (10:15 AM) (Judicial Officer: Kishner, Joanna S.) *Vacated - per Stipulation and Order*
09/04/2018	*CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) *Vacated - per Stipulation and Order*
09/10/2018	*CANCELED* **Jury Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) *Vacated - per Stipulation and Order*
10/16/2018	**Status Check** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) Matter Heard; Journal Entry Details: *Mr. Iqbal stated they were ready to move forward with trial. Upon the Court's inquiry if the parties wished to go to a settlement conference, both Mr. Payne and Ms. McLeod declined. Mr. Iqbal indicated the last deposition is scheduled for Friday and the parties will work on resolving or be ready for trial. Ms. McLeon anticipates future motion practice. Court stated Trial Dates STAND.;*
12/04/2018	**Motion to Dismiss** (9:30 AM) (Judicial Officer: Kishner, Joanna S.) **12/04/2018, 02/12/2019** *Landry's, Inc.'s Motion to Dismiss for Lack of General or Personal Jurisdiction* Matter Continued; Denied Without Prejudice; Matter Continued; Denied Without Prejudice;
12/04/2018	**Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Kishner, Joanna S.) **12/04/2018, 02/12/2019** *Defendants' Landry's and Golden Nugget, Inc.'s, Motion for Summary Judgment* Matter Continued; Motion Granted; Matter Continued; Motion Granted;
12/04/2018	**Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Kishner, Joanna S.) **12/04/2018, 03/28/2019** *Defendants' GNL, Corp., Landry's, Inc. and Golden Nugget, Inc.'s Motion for Summary Judgment on Liability and Punitive Damages* Matter Continued; Granted in Part; Matter Continued; Granted in Part;
12/04/2018	**Motion to Seal/Redact Records** (9:30 AM) (Judicial Officer: Kishner, Joanna S.) *Motion to File Documents Under Seal per SRCR 3 or, Alternatively, Submit In Camera* Granted;
12/04/2018	**Joinder** (9:30 AM) (Judicial Officer: Kishner, Joanna S.) **12/04/2018, 03/28/2019**

Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Joinder In, and Additional Points and Authorities in Support of, Defendant GNL Corp.'s Motion for Summary Judgment on Punitive Damages
Matter Continued;
Granted in Part;
Matter Continued;
Granted in Part;

12/04/2018 **All Pending Motions** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Matter Heard;
Journal Entry Details:
The Court noted it received yesterday Plaintiff's Emergency Motion for Reopening Discovery on Order Shortening Time and stated if there was a joint agreement by the parties, it could hear the matter today. Counsel indicated they were not ready to address the motion today. MOTION TO FILE DOCUMENTS UNDER SEAL PER SRCR 3 OR, ALTERNATIVELY, SUBMIT IN CAMERA Ms. McLeod stated there were three exhibits produced in discovery under a protective order and a Motion to File Document Under Seal was filed and set for hearing on December 18, 2018. Colloquy regarding advancing the motion to today. At the request of counsel and by stipulation of the parties, COURT ORDERED, Motion to File Documents Under Seal ADVANCED and GRANTED. LANDRY'S INC.'S MOTION TO DISMISS FOR LACK OF GENERAL OR PERSONAL JURISDICTION...DEFENDANTS' LANDRY'S AND GOLDEN NUGGET, INC.'S MOTION FOR SUMMARY JUDGMENT...DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON LIABILITY AND PUNITIVE DAMAGES...DEFENDANT/THIRD-PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S JOINDER IN, AND ADDITIONAL POINTS AND AUTHORITIES IN SUPPORT OF, DEFENDANT GNL CORP.'S MOTION FOR SUMMARY JUDGMENT ON PUNITIVE DAMAGES Colloquy regarding scheduling. Mr. Iqbal indicated the pending Motion on Order Shortening Time could change the landscape of the pending matters. Ms. Mastrangelo's preference was to continue the trial to another stack in light of Plaintiff's Emergency Motion and the pending Writ. At the request of all counsel, COURT ORDERED, Trial Dates VACATED and RESET; no new dates are being opened up. COURT FURTHER ORDERED, all pending motions set for December 4, 2018 and December 18, 2018 CONTINUED and DIRECTED counsel to provide a letter to the Court with their agreed upon dates for hearing the Dispositive Motions, Motions in Limine, and Plaintiff's Emergency Motion and SET a Status Check on its Chambers Calendar. 12/7/18 (CHAMBERS) STATUS CHECK: LETTER FROM COUNSEL RESETTING 12/4/18 DISPOSITIVE MOTIONS, 12/18/18 MOTIONS IN LIMINE AND SETTING OST BRIEFING SCHEDULE AND HEARING 3/21/19 10:15 AM PRE TRIAL CONFERENCE 4/16/19 9:00 AM CALENDAR CALL 4/22/19 9:00 AM JURY TRIAL;

12/06/2018 *CANCELED* **Pre Trial Conference** (10:15 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - per Judge

12/07/2018 **Status Check** (3:00 AM) (Judicial Officer: Kishner, Joanna S.)
Status Check: Letter from Counsel Resetting 12/4/18 Dispositive Motions, 12/18/18 Motions in Limine and setting OST briefing schedule and hearing
Hearing Set; Status Check: Letter from Counsel Resetting 12/4/18 Dispositive Motions, 12/18/18 Motions in Limine and setting OST briefing schedule and hearing
Journal Entry Details:

This matter came on for hearing on December 4, 2018 regarding Motions to Dismiss and Motions for Summary Judgment. At the December 4, 2018 hearing, the parties requested to reschedule the hearings on the pending Motions that were set for December 4, 2018 and to reset Motions in Limine that were to be heard on December 18, 2018. In light of the parties, request, the parties were to send Department XXXI a fax prior to December 7th with their agreed upon proposed hearing dates for the December 4, 2018 Motions, December 18, 2018 Motions in Limine, and Plaintiffs' Emergency Motion for Reopening Discovery, Court Intervention, and Sanctions on Order Shortening Time. Accordingly, the matter was placed on Department XXXI's Chambers Calendar for December 7, 2018 so that the pending hearings could be reset. As of 2:00 p.m. on December 7th, the Court had not received any notification from the parties regarding rescheduled hearing dates. As a result, and in light of the April 4, 2018 trial date, the Court is setting the Motions to be heard on dates consistent with the scheduled trial stack. Accordingly, the Dispositive Motions that were set for December 4, 2018 and the pending December 18, 2018 Motions in Limine will now all be heard on February 12, 2019 at 10:00 a.m. Plaintiff's Emergency Motion for Reopening Discovery, Court Intervention,

and Sanctions on Order Shortening Time will be heard on January 10, 2019 at 9:00 a.m. If these dates are not convenient to the parties they will need to provide the Court with a Stipulation and proposed Order consistent with the EDCR to reschedule the hearings. CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Tena M. Jolley, to all registered parties for Odyssey File & Serve. (tmj:12/7/18);

12/18/2018 *CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - per Judge

01/07/2019 *CANCELED* **Jury Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - per Judge

01/08/2019 **Motion** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Plaintiffs' Emergency Motion For Reopening Discovery, Court Intervention, And Sanctions On Order Shortening Time
Motion Granted;
Journal Entry Details:
After the Court's consideration of the papers submitted by counsel in connection with this matter, and, having heard the oral arguments presented by Mr. Iqbal, Ms. McLeod and Ms. Mastrangelo, the COURT ORDERED, Plaintiffs' Emergency Motion for Reopening Discovery, Court Intervention, and Sanctions GRANTED; limited discovery is reopened, a new trial date will be set, and based on the lack of due diligence, SANCTIONS Defendant Tyssenkrupp Elevator Corporation for plaintiff counsel's attorney's fees for today's hearing, including the preparation of the motion and reply, as well as the costs of deposition transcript for deposing or redeposing the witnesses as to the Exhibit G emails and the individuals identified therein. Mr Iqbal to prepare the Order, circulating to opposing counsel and provide it back to the Court in accordance with EDCR 7.21. COURT FURTHER ORDERED matter SET for Status Check and DIRECTED counsel to confer and send the Court a letter requesting a telephonic conference be set within the next two weeks for setting limited discovery deadlines and scheduling a new trial date. 1/25/19 (CHAMBERS) STATUS CHECK: LETTER FROM COUNSEL TO SET TELEPHONIC CONFERENCE FOR SETTING LIMITED DISCOVERY DEADLINES AND RESET TRIAL DATES;

01/25/2019 **Status Check** (3:00 AM) (Judicial Officer: Kishner, Joanna S.)
01/25/2019, 02/07/2019
Status Check: Letter from Counsel to Set Telephonic Conference for Setting Limited Discovery Deadlines and Resetting Trial Dates
Hearing Set; NO Letter from Counsel regarding 1/8/19 Granting of Plaintiff's Emergency Motion For Reopening Discovery/Reset Trial Dates WAS RECEIVED / SET for in person Status Check 2/7/19
Matter Heard;
Journal Entry Details:
The Court noted that the Order submitted on the January 8, 2019, motion hearing was rejected on January 25, 2019, as it did not appear to have been circulated for opposing counsel's review; that the Court never received counsel's letter regarding the agreed upon limited discovery deadline and trial resetting; and therefore an Amended Order Setting Jury Trial was issued for the April 22, 2019, trial setting. Both Ms. Mastrangelo and Ms. Hartig indicated they reviewed the order and advised Mr. Iqbal of their requested changes. Mr. Iqbal stated he was not aware it was rejected and will see that it is corrected and resubmitted. The Court further noted that there were several unopposed Motions in Limine set for hearing on February 12, 2019, which the Court was ready to grant and unless there was a waiver, they will be granted. Mr. Iqbal stated his oppositions to Motions in Limine were not filed as it was his understanding that they would be reset but since the Motion to Dismiss and Motions for Summary Judgment had been fully briefed, they would proceed on February 12, 2019. Ms. Hartig requested that the Motion to Dismiss proceed on February 12th, but that the Motions for Summary Judgment be renoticed. Ms. Mastrangelo stated if the April 22nd trial setting was not being continued, that she would like to proceed with the Motions in Limine on February 12, 2019. Mr. Iqbal requested that the trial be reset for late Summer / August to allow the parties to finish the limited discovery. Ms. Hartig stated they would need 60-90 days for the additional discovery with out of state depositions to be completed. Ms. Mastrangelo stated she could live with the April 22nd trial setting, but that she would have a calendar conflict with a summer trial. The Court stated it would need proper motion practice if there was no agreement between all counsel. Counsel were unable to reach an agreement and the matter was adjourned.;

	Hearing Set; NO Letter from Counsel regarding 1/8/19 Granting of Plaintiff's Emergency Motion For Reopening Discovery/Reset Trial Dates WAS RECEIVED / SET for in person Status Check 2/7/19 Matter Heard;
02/12/2019	**All Pending Motions** (10:00 AM) (Judicial Officer: Kishner, Joanna S.) Matter Heard; Journal Entry Details: *Colloquy regarding matters being heard today. Stipulation and Order Regarding Hearing Dates for Pending Motions and Motions in Limine RECEIVED and SIGNED IN OPEN COURT. LANDRY'S, INC.'S MOTION TO DISMISS FOR LACK OF GENERAL OR PERSONAL JURISDICTION Following arguments by counsel, COURT ORDERED, Motion DENIED WITHOUT PREJUDICE. Mr. Iqbal to prepare the Order, circulating to opposing counsel and provide it back to the Court in accordance with EDCR 7.21. DEFENDANTS' LANDRY'S AND GOLDEN NUGGET, INC.'S MOTION FOR SUMMARY JUDGMENT Following arguments by counsel, COURT FINDS no material issues of fact in dispute and ORDERED, Motion for Summary Judgment GRANTED. Ms. McLeod to prepare the Order, circulating to opposing counsel and provide it back to the Court in accordance with EDCR 7.21.;*
03/28/2019	**Motion in Limine** (10:00 AM) (Judicial Officer: Kishner, Joanna S.) *Defendants, GNL, Corp., Landry's, Inc. & Golden Nugget, Inc.'s Motion in Limine #1 to Exclude Srinivas Nalamachu, MD for Unauthorized Practice of Medicine in Nevada* Matter Continued; Vacated - Heard on 6/4/19
03/28/2019	**Motion in Limine** (10:00 AM) (Judicial Officer: Kishner, Joanna S.) *Defendants, GNL, Corp., Landry's, Inc. & Golden Nugget, Inc.'s Motion in Limine #2 Regarding Other Incidents or Repairs and #3 Regarding Discovery Matters* Matter Continued; Vacated - Heard on 6/4/19
03/28/2019	**Motion in Limine** (10:00 AM) (Judicial Officer: Kishner, Joanna S.) *Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #1 re: Computation of Damages* Matter Continued; Vacated - Heard on 6/4/19
03/28/2019	**Motion in Limine** (10:00 AM) (Judicial Officer: Kishner, Joanna S.) *Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #2 re: Treating Physicians* Matter Continued; Vacated - Heard on 6/4/19
03/28/2019	**Motion in Limine** (10:00 AM) (Judicial Officer: Kishner, Joanna S.) *Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #3 re: Responsibility Avoidance and Reptile Theory Arguments* Matter Continued; Vacated - Heard on 6/4/19
03/28/2019	**Motion in Limine** (10:00 AM) (Judicial Officer: Kishner, Joanna S.) *Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #4 re: Improper Voir Dire* Matter Continued; Vacated - Heard on 6/4/19
03/28/2019	**Motion in Limine** (10:00 AM) (Judicial Officer: Kishner, Joanna S.) *Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #5 re: Limit Experts to Opinions and Matters Set forth In Their Reports* Matter Continued; Vacated - Heard on 6/4/19

03/28/2019	**Motion in Limine** (10:00 AM) (Judicial Officer: Kishner, Joanna S.) *Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #6 re: Exclusion of Evidence of Subsequent Incidents* Matter Continued; Vacated - Heard on 6/4/19
03/28/2019	**Motion in Limine** (10:00 AM) (Judicial Officer: Kishner, Joanna S.) *Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #7 re: Claim that Thyssenkrupp "Hid" or Failed to Produce Evidence* Matter Continued; Vacated - Heard on 6/4/19
03/28/2019	**Motion in Limine** (10:00 AM) (Judicial Officer: Kishner, Joanna S.) **03/28/2019, 04/03/2019** *Plaintiffs' Motion in Limine to Exclude Expert Witness Davis L Turner for Failure to Disclose Inspection Related Information and Documents* Matter Continued; Motion Denied; Matter Continued; Motion Denied;
03/28/2019	**Motion in Limine** (10:00 AM) (Judicial Officer: Kishner, Joanna S.) *Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Motion in Limine #8 re: Exclude the Testimony of Sheila Nabors Swett* Matter Continued; Vacated - Heard on 6/4/19
03/28/2019	**Joinder to Motion in Limine** (10:00 AM) (Judicial Officer: Kishner, Joanna S.) *Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Joinder to Defendants' GNL, Corp., Landry's, Inc. & Golden Nugget, Inc.'s Motion in Limine #2 Regarding Other Incidents or Repairs and #3 Regarding Discovery Matters* Matter Continued; Vacated - Heard on 6/4/19
03/28/2019	**Joinder to Motion in Limine** (10:00 AM) (Judicial Officer: Kishner, Joanna S.) *Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Joinder to Defendants' GNL. Corp., Landry's, Inc. & Golden Nugget, Inc.'s Motion in Limine #1 to Exclude Srinivas Nalamachu, M.D. for Unauthorized Practice of Medicine in Nevada* Matter Continued; Vacated - Heard on 6/4/19
03/28/2019	**Pre Trial Conference** (10:00 AM) (Judicial Officer: Kishner, Joanna S.) Matter Heard;
03/28/2019	**Motion in Limine** (10:00 AM) (Judicial Officer: Kishner, Joanna S.) **03/28/2019, 04/03/2019** *Plaintiffs' Motion In Limine #2 Regarding Certain Opinion Testimony Of Davis l. Turner* To be heard with all other motions Matter Continued; Motion Granted; To be heard with all other motions Matter Continued; Motion Granted;
03/28/2019	**All Pending Motions** (10:00 AM) (Judicial Officer: Kishner, Joanna S.) Matter Heard; Journal Entry Details: *DEFENDANTS' GNL, CORP., LANDRY'S, INC. AND GOLDEN NUGGET, INC.'S MOTION FOR SUMMARY JUDGMENT ON LIABILITY AND PUNITIVE*

DAMAGES...DEFENDANT/THIRD-PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S JOINDER IN, AND ADDITIONAL POINTS AND AUTHORITIES IN SUPPORT OF, DEFENDANT GNL CORP.'S MOTION FOR SUMMARY JUDGMENT ON PUNITIVE DAMAGES After the Court's consideration of the papers submitted by counsel in connection with this matter, and having heard the oral arguments presented by all counsel, COURT FINDS material issues of fact exist as to LIABILITY. Accordingly, COURT ORDERED Defendants' GNL, Corp., Landry's, Inc. and Golden Nugget, Inc.'s Motion for Summary Judgment on Liability DENIED WITHOUT PREJUDICE. Ms. McLeod to prepare the Order, circulating to opposing counsel and provide it back to the Court in accordance with EDCR 7.21. Pursuant to the agreement of counsel, the punitive damages portion of Defendants' GNL, Corp., Landry's, Inc. and Golden Nugget, Inc.'s Motion for Summary Judgment, as well as Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Joinder In, and Additional Points and Authorities in Support of, Defendant GNL Corp.'s Motion for Summary Judgment on Punitive Damages are WITHDRAWN and will be resubmitted after the limited discovery has been completed and will be viewed as timely. MOTIONS IN LIMINE and PRE TRIAL CONFERENCE Colloquy regarding pretrial matters pending and its impact on the current trial setting. At the request of counsel, COURT ORDERED all pending Motions in Limine CONTINUED for hearing on April 3, 2019, at 10:00 a.m. Additionally, COURT FINDS good cause exists and ORDERED Calendar Call and Trial Dates VACATED to be reset no later than the October 14, 2019, five-week trial stack. While counsel anticipate trial being reset for the October 14, 2019 Trial Stack, the Court offered counsel the July 1st, August 5th, or the September 9th trial stack as well. Ms. McLeod indicated counsel would meet and agree by April 15, 2019, and she will coordinate submitting the parties' stipulation to the Court. The Court stated it would not be reopening past pretrial deadlines with the exception that the Motion for Summary Judgment on Punitive Damages deadline will be triggered by the new trial date.;

04/03/2019 **All Pending Motions** (10:00 AM) (Judicial Officer: Kishner, Joanna S.)
Matter Heard;
Journal Entry Details:
PLAINTIFFS' MOTION IN LIMINE TO EXCLUDE EXPERT WITNESS DAVIS L. TURNER FOR FAILURE TO DISCLOSE INSPECTION RELATED INFORMATION AND DOCUMENTS Following arguments by counsel, and counsel having spoken among themselves and stated there had not been a privilege log provided, COURT FINDS exclusion is not proper as expert was timely disclosed and ORDERED Plaintiffs' Motion in Limine to Exclude Expert Witness Davis L. Turner for Failure to Disclose Inspection Related Information and Documents DENIED. PLAINTIFFS' MOTION IN LIMINE #2 REGARDING CERTAIN OPINION TESTIMONY OF DAVID L. TURNER Following arguments by counsel, COURT ORDERED Plaintiffs' Motion in Limine #2 Regarding Certain Opinion Testimony of Davis L. Turner GRANTED. Court inquired if counsel would like to resume the hearing on the Motions in Limine at 1:00 p.m. or if they wished to continued the pending motions to another date. Colloquy regarding scheduling. COURT ORDERED, matter CONTINUED. The Court was made aware of Ms. McLeod's calendar conflict with a 9:00 a.m. Pretrial Conference in Department 30 on April 22, 2019, and DIRECTED counsel to remind the Court and the Court can coordinate with Department 30 such that Ms. McLeod can appear for both matters. 4/23/19 8:30 AM ALL PENDING MOTIONS IN LIMINE;

04/16/2019 *CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - per Judge

04/22/2019 *CANCELED* **All Pending Motions** (8:30 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated
ALL PENDING MOTIONS - MOTIONS IN LIMINE

04/22/2019 *CANCELED* **Jury Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - per Judge

05/30/2019 *CANCELED* **Motion** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
Vacated - On in Error
Motion to Release Lis Pendens and Pay Judgment from Escrow

06/04/2019 **Motion in Limine** (10:00 AM) (Judicial Officer: Kishner, Joanna S.)
Events: 04/26/2019 Notice of Motion

Defendant / Third Party Defendant Thyssenkrupp Elevator Corporation's Motion In Limine

	No. 2 Re: Treating Physicians Granted;
06/04/2019	**Motion in Limine** (10:00 AM) (Judicial Officer: Kishner, Joanna S.) *Defendant / Third Party Defendant Thyssenkrupp Elevator Corporation's Motion In Limine No. 1 Re: Computation Of Damages* Granted;
06/04/2019	**Motion in Limine** (10:00 AM) (Judicial Officer: Kishner, Joanna S.) *Defendant / Third Party Defendant Thyssenkrupp Elevator Corporation's Motion In Limine No. 3 Re: Responsibility Avoidance And Reptile Theory Arguments* Deferred Ruling;
06/04/2019	**Motion in Limine** (10:00 AM) (Judicial Officer: Kishner, Joanna S.) *Defendant / Third Party Defendant Thyssenkrupp Elevator Corporation's Motion In Limine No. 4 Re: Improper Voir Dire* Deferred Ruling;
06/04/2019	**Motion in Limine** (10:00 AM) (Judicial Officer: Kishner, Joanna S.) *Defendant / Third Party Defendant Thyssenkrupp Elevator Corporation's Motion In Limine No. 5 Re: Limit Experts To Opinions And Matters Set Forth In Their Reports* Granted;
06/04/2019	**Motion in Limine** (10:00 AM) (Judicial Officer: Kishner, Joanna S.) *Defendant / Third Party Defendant Thyssenkrupp Elevator Corporation's Motion In Limine No. 6 Re: Exclusion Of Evidence of Subsequent Incidents* Granted in Part;
06/04/2019	**Motion in Limine** (10:00 AM) (Judicial Officer: Kishner, Joanna S.) **06/04/2019, 06/18/2019, 07/10/2019** *Defendant / Third Party Defendant Thyssenkrupp Elevator Corporation's Motion In Limine No. 7 Re: Claim That Thyssenkrupp "Hid" Or Failed To Produce Evidence* Continued; Matter Continued; Matter Heard; Continued; Matter Continued; Matter Heard; Continued; Matter Continued; Matter Heard;
06/04/2019	**Motion in Limine** (10:00 AM) (Judicial Officer: Kishner, Joanna S.) **06/04/2019, 06/18/2019, 07/10/2019, 10/07/2019** *Defendant / Third Party Defendant Thyssenkrupp Elevator Corporation's Motion In Limine No. 8 Re: Exclude The Testimony Of Sheila Nabors Swett* Continued; Matter Continued; Deferred Ruling; Granted in Part; Continued; Matter Continued; Deferred Ruling; Granted in Part; Continued; Matter Continued; Deferred Ruling; Granted in Part; Continued; Matter Continued; Deferred Ruling; Granted in Part;

06/04/2019 **All Pending Motions** (10:00 AM) (Judicial Officer: Kishner, Joanna S.)
All Pending Motions (6/04/2019)
Matter Heard;
Journal Entry Details:
Matter argued and submitted. COURT ORDERED, as follows: DEFENDANT / THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 1 RE: COMPUTATION OF DAMAGES - MOTION GRANTED. DEFENDANT / THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 2 RE: TREATING PHYSICIANS - MOTION GRANTED as unopposed. DEFENDANT / THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 3 RE: RESPONSIBILITY AVOIDANCE AND REPTILE THEORY ARGUMENTS - MOTION DEFERRED to a date and time set by parties, for this motion to be discussed close to time of Calendar Call; and parties are to remind the Court at time of Pre-Trial Conference as to when this motion can be specifically addressed and to also provide a date when the proposed voir dire will be submitted. DEFENDANT / THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 4 RE: IMPROPER VOIR DIRE - MOTION DEFERRED to a date and time set by parties, for this motion to be discussed close to time of Calendar Call; and parties are to remind the Court at time of Pre-Trial Conference as to when this motion can be specifically addressed and to also provide a date when the proposed voir dire will be submitted. DEFENDANT / THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 5 RE: LIMIT EXPERTS TO OPINIONS AND MATTERS SET FORTH IN THEIR REPORTS - MOTION GRANTED as unopposed. DEFENDANT / THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 6 RE: EXCLUSION OF EVIDENCE OF SUBSEQUENT INCIDENTS - MOTION GRANTED IN PART only as to excluding testimony from Yolanda R. Moreno and Hector Ruelas about their own personal experiences at the property at issue and the escalator at issue. DEFENDANT / THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 7 RE: CLAIM THAT THYSSENKRUPP "HID" OR FAILED TO PRODUCE EVIDENCE - MOTION CONTINUED to June 18, 2019 at 10:00 A.M. DEFENDANT / THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 8 RE: EXCLUDE THE TESTIMONY OF SHEILA NABORS SWETT - MOTION CONTINUED to June 18, 2019 at 10:00 A.M. 6/18/19 10:00 A.M. DEFENDANTS' GNL, CORP LANDRY'S, INC. & GOLDEN NUGGET, INC.'S MOTION IN LIMINE NO. 1 TO EXCLUDE SRINIVAS NALAMACHU, M.D. FOR UNAUTHORIZED PRACTICE OF MEDICINE IN NEVADA; MOTION IN LIMINE NO. 2 REGARDING OTHER INCIDENTS OR REPAIRS; AND MOTION IN LIMINE NO. 3 REGARDING DISCOVERY MATTERS ;

06/18/2019 **Motion in Limine** (10:00 AM) (Judicial Officer: Kishner, Joanna S.)
06/18/2019, 07/10/2019
Re-Notice Of Motion Of Defendants' GNL, Corp.'s Motion In Limine #1 To Exclude Srinivas Nalamachu, MD For Unauthorized Practice Of Medicine In Nevada; Motion In Limine #2 Regarding Other Incidents Or Repairs; And #3 Regarding Discovery Matters
Matter Continued;
Granted;
Matter Continued;
Granted;

06/18/2019 **All Pending Motions** (10:00 AM) (Judicial Officer: Kishner, Joanna S.)
Matter Heard;
Journal Entry Details:
RE-NOTICE OF MOTION OF DEFTS' GNL, CORP'S MOTION IN LIMINE #1 TO EXCLUDE SRINIVAS NALAMACHU, MD, FOR UNAUTHORIZED PRACTICE OF MEDICINE IN NEVADA; MOTION IN LIMINE #2 REGARDING OTHER INCIDENTS OR REPAIRS; AND #3 REGARDING DISCOVERY MATTERS...DEFT / THIRD PARTY DEFT. THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 7 RE: CLAIM THAT THYSSENKRUPP "HID" OR FAILED TO PRODUCE EVIDENCE...DEFT / THIRD PARTY DEFT. TYHSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 87 RE: EXCLUDE TESTIMONY OF SHEILA NABORS SWETT CONFERENCE AT THE BENCH. COURT ORDERED, matters CONTINUED. CONTINUED TO: 7/10/19 1:00 PM;

07/10/2019 **Motion to Extend Discovery** (1:00 PM) (Judicial Officer: Kishner, Joanna S.)

Plaintiffs' Motion To Extend Deadline For Court-Ordered Discovery On Order Shortening Time
Denied;

07/10/2019 **All Pending Motions** (1:00 PM) (Judicial Officer: Kishner, Joanna S.)
Matter Heard;
Journal Entry Details:
Arguments by counsel. Court stated findings. COURT ORDERED, as follows: DEFENDANTS GNL, CORP., LANDRY'S, INC. & GOLDEN NUGGET, INC.'S MOTION IN LIMINE NO. 1 TO EXCLUDE SRINIVAS NALAMACHU, M.D. FOR UNAUTHORIZED PRACTICE OF MEDICINE IN NEVADA...DEFENDANT / THIRD-PARTY DEFENDANTS GNL, CORP., LANDRY'S, INC. & GOLDEN NUGGET, INC.'S MOTION IN LIMINE NO. 1 TO EXCLUDE SRINIVAS NALAMACHU, M.D. FOR UNAUTHORIZED PRACTICE OF MEDICINE IN NEVADA - MOTION AND JOINDER DENIED WITHOUT PREJUDICE, and Motion is DEFERRED IN PART with a caveat that an evidentiary hearing will be set for voir dire to be done on Srinivas Nalamachu, M.D., prior to trial, for clarification and more information to be provided on what this witness is intending to testify to. Parties made no objection to having the witness appear to testify by audio visual. DEFENDANTS GNL, CORP., LANDRY'S, INC. & GOLDEN NUGGET, INC,'S MOTIONS IN LIMINE NO. 2 REGARDING OTHER INCIDENTS OR REPAIRS AND NO. 3 REGARDING DISCOVERY MATTERS...DEFENDANT / THIRD-PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S JOINDER TO DEFENDANTS GNL, CORP., LANDRY'S, INC. & GOLDEN NUGGET, INC.'S MOTIONS IN LIMINE NO. 2 REGARDING OTHER INCIDENTS OR REPAIRS AND NO. 3 REGARDING DISCOVERY MATTERS - MOTION IN LIMINE NO. 2 AND JOINDER TO MOTION IN LIMINE NO. 2 are GRANTED; and, as to MOTION IN LIMINE NO. 3 AND JOINDER TO MOTION IN LIMINE NO. 3 - Motion and Joinder are GRANTED, parties are to follow the law, and what was not previously disclosed will not come in at trial. DEFENDANT / THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 7 RE: CLAIM THAT THYSSENKRUPP "HID" OR FAILED TO PRODUCE EVIDENCE - all parties are to follow the law. DEFENDANT / THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 8 RE: EXCLUDE THE TESTIMONY OF SHEILA NABORS SWETT - MOTION DEFERRED with a caveat that an evidentiary hearing will be set for voir dire to be done on Sheila Nabors Swett, prior to trial. Parties made no objection to having the witness appear to testify by audio visual. Court offered time for next week to both sides to get the voir dires done; and reminded the parties this needs to get done before trial. PLAINTIFFS' MOTION TO EXTEND DEADLINE FOR COURT-ORDERED DISCOVERY ON ORDER SHORTENING TIME - MOTION DENIED as the Court does not see good cause or excusable neglect to extend the deadline. Handouts on the audio visual procedures were provided. Ms. Mastrangelo to prepare the orders. Court stated this case may be ripe for a settlement conference program; and provided more information about this program and the senior judge settlement conference program. Counsel requested time to confer with each other and provide a letter to the Court about participating in a settlement conference. COURT SO ORDERED. ;

07/10/2019 **Joinder to Motion in Limine** (1:00 PM) (Judicial Officer: Kishner, Joanna S.)
Defendant / Third-Party Defendant Thyssenkrupp Elevator Corporation's Joinder To Defendants GNL, Corp., Landry's, Inc. & Golden Nugget, Inc.'s Motion In Limine No. 1 To Exclude Srinivas Nalamachu, M.D. For Unauthorized Practice Of Medicine In Nevada
Denied Without Prejudice;

07/10/2019 **Joinder to Motion in Limine** (1:00 PM) (Judicial Officer: Kishner, Joanna S.)
Defendant / Third-Party Defendant Thyssenkrupp Elevator Corporation's Joinder To Defendants GNL, Corp., Landry's, Inc. & Golden Nugget, Inc.'s Motion In Limine No. 2 Regarding Other Incidents Or Repairs And No. 3 Regarding Discovery Matters
Granted;

08/27/2019 **Motion for Summary Judgment** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Defendant / Third-Party Plantiff GNL, Corp.'s Re-Notice of Motion of Defendant, GNL, Corp.'s Motion for Summary Judgment on Liability and Punitive Damages
Granted;

08/27/2019 **Joinder** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Joinder in GNL's Motion for Summary Judgment on Punitive Damages

Granted;

08/27/2019 **All Pending Motions** (9:30 AM) (Judicial Officer: Kishner, Joanna S.)
All Pending Motions (8/27/2019)
Matter Heard;
Journal Entry Details:
DEFENDANT / THIRD PARTY PLAINTIFF GNL, CORP.'S RE-NOTICE OF MOTION OF DEFENDANT, GNL, CORP.'S MOTION FOR SUMMARY JUDGMENT ON LIABILITY AND PUNITIVE DAMAGES...DEFENDANT / THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S JOINDER IN GNL'S MOTION FOR SUMMARY JUDGMENT ON PUNITIVE DAMAGES Arguments by counsel as to punitive damages. Court stated its findings. COURT ORDERED, Motion GRANTED as a matter of law, and as to punitive damages. Counsel for GNL Corp., to submit a proposed findings of facts and conclusions of law, in accordance to EDCR 7.21.;

09/12/2019 **Pre Trial Conference** (10:15 AM) (Judicial Officer: Kishner, Joanna S.)
Trial Date Set;
Journal Entry Details:
Counsel stated parties met before coming to Court, to address some issues, and one of the issues was about voir dire. Colloquy regarding scheduling and availability of the parties. Counsel estimated 3 weeks for trial, and noted a 2.67 conference has been scheduled for September 24, 2019. COURT ORDERED, trial date SET. Court noted this case is #3. Discussions regarding pre-trial matters, juror notebooks being sought and voir dire. Parties to submit a joint letter after their 2.67 conference, regarding pre-trial matters to be addressed, and to include in the letter about whether or not the parties want to address the pre-trial matters on the day before Calendar Call, being Monday, October 7, 2019. 10/08/19 9:00 A.M. CALENDAR CALL 10/21/19 9:00 A.M. TRIAL BY JURY (#3) CLERK'S NOTE: Minutes updated 9/24/19. sb;

10/07/2019 **Hearing** (1:00 PM) (Judicial Officer: Kishner, Joanna S.)
Hearing Re: Pre-Trial Matters
Matter Heard;

10/07/2019 **All Pending Motions** (1:00 PM) (Judicial Officer: Kishner, Joanna S.)
All Pending Motions (10/07/2019)
Matter Heard;
Journal Entry Details:
HEARING RE: PRE TRIAL MATTERS Paralegal to Mr. Roberts also present in Court. Court addressed issues regarding what was provided by Plaintiffs' counsel recently, in regards to the request to address deposition excerpts, and the Court's memo having been issued to the parties. Discussions as to deposition excerpts counsel is seeking to resolve, and Rule 2.67 conference. Court reminded counsel about deposition excerpt rules and requirements; and clarified the voir dire of Sheila Swett is what is only being handled today. Court inquired about pre-trial memorandums. Statements by counsel regarding notification having been given on Pre-Trial Memorandums being due October 7, 2019. Statements by Paralegal to Mr. Roberts were made to the Court as to communication having been made to Chambers by defense counsel's firm about the pre-trial memorandum deadline. Court reminded the parties about the rules; and admonished parties not to contact a judicial department by phone to change a deadline date. DEFENDANT / THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 8 RE: EXCLUDE THE TESTIMONY OF SHEILA NABORS SWETT Expert Sheila Swett appeared by video conference; and provided sworn testimony. Court's Exhibits presented (See Worksheets.). Witness was excused when voir dire testimony concluded. Arguments by counsel. Discussion as to Hallmark standards and the testimony presented today. Court stated its analysis and findings; and ORDERED, Motion GRANTED as to all opinions set forth in Sheila Swett's initial expert report from May 4, 2018, and as to any similar opinions in the rebuttal report from May 28, 2018. Court noted its ruling does not preclude Ms. Swett from testifying in some capacity as a rebuttal expert, and the Court would defer this portion until time of trial. By agreement of counsel, COURT ORDERED, Calendar Call CONTINUED from October 15, 2019 to a date determined by Court. Court noted it was not extending any deadlines.;

10/11/2019 **Further Proceedings** (10:00 AM) (Judicial Officer: Kishner, Joanna S.)

	Matter Heard; Journal Entry Details: *Telephonic Conference. Court contacted counsel to set a trial date. Counsel estimated 15 days for trial. Court suggested that counsel talk with eachother and experts and send the Court a joint letter with their available trial dates. Court noted that it was not inclined to have the trial past March 2020 due to the age of the case.;*
10/14/2019	*CANCELED* **Jury Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) *Vacated - per Judge*
10/15/2019	*CANCELED* **Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) *Vacated*
10/21/2019	*CANCELED* **Jury Trial** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) *Vacated* *Jury Trial - FIRM (#3)*
11/19/2019	**Calendar Call** (9:00 AM) (Judicial Officer: Kishner, Joanna S.)
12/02/2019	**Jury Trial - FIRM** (9:00 AM) (Judicial Officer: Kishner, Joanna S.) **12/02/2019-12/06/2019, 12/09/2019-12/13/2019, 12/16/2019-12/20/2019**

DATE	FINANCIAL INFORMATION	
	Defendant Golden Nugget Inc	
	Total Charges	823.00
	Total Payments and Credits	823.00
	Balance Due as of 11/1/2019	**0.00**
	Defendant Landry's Inc.	
	Total Charges	30.00
	Total Payments and Credits	30.00
	Balance Due as of 11/1/2019	**0.00**
	Third Party Plaintiff GNL Corp	
	Total Charges	572.00
	Total Payments and Credits	572.00
	Balance Due as of 11/1/2019	**0.00**
	Plaintiff Brown, Joe N.	
	Total Charges	294.00
	Total Payments and Credits	294.00
	Balance Due as of 11/1/2019	**0.00**
	Plaintiff Brown, Nettie J	
	Total Charges	30.00
	Total Payments and Credits	30.00
	Balance Due as of 11/1/2019	**0.00**
	Defendant Thyssenkrupp Elevator Corporation	
	Total Charges	623.00
	Total Payments and Credits	623.00
	Balance Due as of 11/1/2019	**0.00**

DISTRICT COURT CIVIL COVER SHEET

County, Nevada

A-16-739887-C

Case No. XXXI

(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):
Joe N. Brown, an individual, and his Wife, Nettie J. Brown, an individual	Landry's Inc., a foreign corporation; Golden Nugget, Inc., a Nevada Corporation
3630 E. Owens Ave #1020, Las Vegas, NV 89110	d/b/a Golden Nugget, Laughlin; Doe Individuals 1-100; Roe Business Entities 1-100
702-629-7170	c/o National Registered Agents, Inc. of NV
	701 S. Carson St., Ste 200, Carson City, NV 89701
Attorney (name/address/phone):	Attorney (name/address/phone):
Mohamed A. Iqbal, Jr. (NSB 10623), Christopher Mathews (NSB 10674)	Unknown
Iqbal Law PLLC, 101 Convention Center Dr., Ste 1175, Las Vegas, NV 89109	
702-750-2950	
mai@ilawlv.com	

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

Civil Case Filing Types

Real Property	Torts	
Landlord/Tenant	**Negligence**	**Other Torts**
☐ Unlawful Detainer	☐ Auto	☐ Product Liability
☐ Other Landlord/Tenant	☒ Premises Liability	☐ Intentional Misconduct
Title to Property	☐ Other Negligence	☐ Employment Tort
☐ Judicial Foreclosure	**Malpractice**	☐ Insurance Tort
☐ Other Title to Property	☐ Medical/Dental	☐ Other Tort
Other Real Property	☐ Legal	
☐ Condemnation/Eminent Domain	☐ Accounting	
☐ Other Real Property	☐ Other Malpractice	

Probate	Construction Defect & Contract	Judicial Review/Appeal
Probate *(select case type and estate value)*	**Construction Defect**	**Judicial Review**
☐ Summary Administration	☐ Chapter 40	☐ Foreclosure Mediation Case
☐ General Administration	☐ Other Construction Defect	☐ Petition to Seal Records
☐ Special Administration	**Contract Case**	☐ Mental Competency
☐ Set Aside	☐ Uniform Commercial Code	**Nevada State Agency Appeal**
☐ Trust/Conservatorship	☐ Building and Construction	☐ Department of Motor Vehicle
☐ Other Probate	☐ Insurance Carrier	☐ Worker's Compensation
Estate Value	☐ Commercial Instrument	☐ Other Nevada State Agency
☐ Over $200,000	☐ Collection of Accounts	**Appeal Other**
☐ Between $100,000 and $200,000	☐ Employment Contract	☐ Appeal from Lower Court
☐ Under $100,000 or Unknown	☐ Other Contract	☐ Other Judicial Review/Appeal
☐ Under $2,500		

Civil Writ		Other Civil Filing
Civil Writ		**Other Civil Filing**
☐ Writ of Habeas Corpus	☐ Writ of Prohibition	☐ Compromise of Minor's Claim
☐ Writ of Mandamus	☐ Other Civil Writ	☐ Foreign Judgment
☐ Writ of Quo Warrant		☐ Other Civil Matters

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

July 12, 2016

Date

Signature of initiating party or representative

See other side for family-related case filings.

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Steven D. Grierson
CLERK OF THE COURT

OGSJ
ANNALISA N. GRANT II, ESQ.
Nevada Bar No. 11807
ALEXANDRA B. M^{c}LEOD, 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.M^{c}Leod@aig.com

Attorney for Defendant/Third-Party Plaintiff, GNL, CORP.

DISTRICT COURT

CLARK COUNTY, NEVADA

JOE N. BROWN, an individual, and his Wife, NETTIE J. BROWN, an individual,
Plaintiffs,

vs.

GNL, CORP., a Nevada corporation; THYSSENKRUPP ELEVATOR CORP., a foreign corporation; DOE INDIVIDUALS 1-100, ROE BUSINESS ENTITIES 1-100,

Defendants.

GNL, CORP., a Nevada corporation;

Third-Party Plaintiff,

vs.

THYSSENKRUPP ELEVATOR CORPORATION a foreign corporation; DOES 1-75; ROE CORPORATION 1-75 and ROE CORPORATION 1-25,

Third-Party Defendants

Case No.: A-16-739887-C
Dept. No.: XXXI

ORDER GRANTING SUMMARY JUDGMENT ON PUNITIVE DAMAGES

Date of hearing: Aug 27, 2019

Time of hearing: 9:30 a.m.

Defendant, GNL, CORP.'s Motion for Summary Judgment on Punitive Damages, and Defendant THYSSENKRUPP ELEVATOR CORPORATION's (TKE) Joinder to said Motion, having come on for hearing on the 27th day of August, 2019, the Honorable Joanna S. Kishner, District Court, Clark County, Department XXXI presiding; and this Honorable Court having

SEP 16 '19 AM 11:21*

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-16-739887-C

considered all of the papers and pleadings on file herein, as well as the argument of counsel for the parties hereto; and good cause appearing therefor;

FINDINGS OF FACT

1. Plaintiff Joe Brown's fall which is the subject of this lawsuit occurred on 5-12-15, on the "down" escalator at Golden Nugget Laughlin, leading from the casino floor to the lower restaurant level.

2. TKE (as successor to Dover Elevator Company) was the servicing company contracted to maintain and, as necessary, repair the subject "down" escalator at Golden Nugget Laughlin prior to and at the time of Plaintiff's fall.

3. Cracked escalator steps were replaced in 2012 and the "down" escalator received all new steps (salvaged steps were used on the neighboring "up" escalator).

4. State of Nevada required annual inspections and testing were completed on or about July 14, 2014 and February 11, 2015, and, according to the checklist, the steps were specifically checked. As there were no violations noted and there was nothing out of order with the subject "down" escalator, a new permit was issued for the time period including Plaintiff's fall. Likewise, the previous five (5) semi-annual inspections, both internal and external, revealed no discrepancies or code violations.

5. State of Nevada, Department of Business and Industry, Division of Industrial Relations, Mechanical Compliance Section records including Notices of Violation reveal that there were no violations/corrections in the preceding five years, approximately, that were not abated prior to the 5-12-15 incident when Mr. Brown fell.

6. State regulations mandate whenever an individual is injured on a piece of machinery and transported to the hospital for care that the equipment be taken out of service until inspection by the State.

7. The day following Brown's accident (5-13-15), State Inspector Steve Robertson arrived on site to investigate the occurrence and inspect the "down" escalator. Robertson specifically "checked the steps to make sure they were in good working order."

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7455 Arroyo Crossing Parkway, Suite 300
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8. As a result of his investigation, Inspector Robertson found no malfunctions or violations, and placed the down escalator back in service. Inspector Robertson determined the accident to have been caused by user error rather than equipment failure, and listed Brown's cane as a "contributing factor."

9. No further issue with replacement escalator steps cracking was identified until later in 2015, *after* Plaintiff's accident (and was subsequently cured with 40 additional replacement steps).

10. There has been no admissible evidence presented demonstrating that GNL had notice *after* it paid for the repairs and *before* Brown's fall that the down escalator still had cracked steps that could have posed a danger. The documentary evidence demonstrates that GNL was not notified of cracked steps again until after Brown's incident, not before.

CONCLUSIONS OF LAW

1. Nevada law has long recognized that "a plaintiff is never entitled to punitive damages as a matter of right." *Dillard Dept. Stores, Inc. v. Beckwith,* 115 Nev. 372, 380, 989 P.2d 882, 887 (1999) (quoting *Ramada Inns v. Sharp,* 101 Nev. 824, 826, 711 P.2d 1, 2 (1985)).

2. Tort liability alone is insufficient to support an award of punitive damages. *Wichinsky v. Mosa,* 109 Nev. 84, 89, 847 26 P.2d 727 (1993). Punitive damages statutes in Nevada require conduct exceeding recklessness or gross negligence. *Wyeth v. Rowatt,* 244 P.3d 765, 126 Nev. Adv. Rep. 44 (2010); *Countrywide Home Loans, Inc. v. Thitchener,* 124 Nev. 725, 743, 192 P.3d 243, 255 (2008).

3. As used in the Nevada statute, "[m]alice, express or implied, means conduct which is intended to injure a person or despicable conduct which is engaged in with a conscious disregard of the rights or safety of others." NRS 42.001(3). Nevada courts have made clear "[t]he term malice as used in the statute means malice in fact and denotes ill-will, or a desire to do harm for the mere satisfaction of doing it." *Warmbrodt v. Blanchard,* 692 P.2d 1282, 1286 (Nev. 1984) (emphases added).

4. "Conscious disregard" is defined in NRS 42.001 as "the knowledge of the probable harmful consequences of a wrongful act and a willful and deliberate failure to act to

GRANT & ASSOCIATES
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avoid those consequences." The Nevada Supreme Court has made it clear repeatedly that "conscious disregard" in the punitive damages statute, NRS 42.005, requires a "culpable state of mind that must exceed mere recklessness or gross negligence." *Countrywide, supra,* 124 Nev. at 743; *First Nat. Bank of Ely v. Progressive Cas. Ins.* Co., 2012 WL 5944847 (D. Nev. Nov. 27, 2012). "Even unconscionable irresponsibility will not support a punitive damages award." *Maduike v. Agency Rent-A-Car*, 114 Nev. 1, 5, 953 P.2d 24, 26 (1998), *citing First Interstate Bank v. Jafbros Auto Body,* 106 Nev. 54, 57, 787 P.2d 765, 767 (1990).

5. Even assuming *arguendo* that all the down escalator steps were not replaced in 2012-2013 or that maintenance of the subject escalator may be found to be lacking, punitive damages are not recoverable for negligent conduct or even grossly negligent or reckless conduct.

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GRANT & ASSOCIATES
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Las Vegas, Nevada 89113
Telephone No. (702) 940-3528
Facsimile No. (855) 429-3413

IT IS HEREBY ORDERED that GNL, Corp.'s Motion for Summary Judgment on Punitive Damages, and TKE's Joinder to said Motion, are GRANTED and Plaintiffs' prayer for punitive damages shall be dismissed from the Second Amended Complaint.

DATED this _____ day of September, 2019.

JOANNA S. KISHNER

DISTRICT COURT JUDGE,
JOANNA S. KISHNER

Submitted by:

GRANT & ASSOCIATES #11897

Amalia N. Grant / for

ALEXANDRA B. M^CLEOD, ESQ.
Nevada Bar No. 8185
7455 Arroyo Crossing Parkway, Suite 300, Las Vegas, Nevada 89113
Attorney for GNL, Corp.

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

Approved as to form and content:

Dated this ___ day of September, 2019.

ROGERS, MASTRANGELO, CARVALHO & MITCHELL

NEXT PAGE

Rebecca L. Mastrangelo, Esq.
700 South Third Street
Las Vegas, NV 89101
Attorney for Thyssenkrupp Elevator Corporation

Dated this ___ day of September, 2019.

IQBAL LAW PLLC

DECLINED

Mohamed A. Iqbal, Jr., Esq.
101 Convention Center Drive, Suite 1175
Las Vegas, NV 89109
Attorney for Plaintiffs

IT IS HEREBY ORDERED that GNL, Corp.'s Motion for Summary Judgment on Punitive Damages, and TKE's Joinder to said Motion, are GRANTED and Plaintiffs' prayer for punitive damages shall be dismissed from the Second Amended Complaint.

DATED this _____ day of September, 2019.

DISTRICT COURT JUDGE,
JOANNA S. KISHNER

Submitted by:

GRANT & ASSOCIATES

LAST PAGE

ALEXANDRA B. McLEOD, ESQ.
Nevada Bar No. 8185
7455 Arroyo Crossing Parkway, Suite 300, Las Vegas, Nevada 89113
Attorney for GNL, Corp.

Approved as to form and content:

Dated this 10th day of September, 2019.

ROGERS, MASTRANGELO, CARVALHO & MITCHELL

Rebecca L. Mastrangelo, Esq.
700 South Third Street
Las Vegas, NV 89101
Attorney for Thyssenkrupp Elevator Corporation

Dated this ___ day of September, 2019.

IQBAL LAW PLLC

DECLINED

Mohamed A. Iqbal, Jr., Esq.
101 Convention Center Drive, Suite 1175
Las Vegas, NV 89109
Attorney for Plaintiffs

GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
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9/27/2019 12:00 PM
Steven D. Grierson
CLERK OF THE COURT

NEOJ
ANNALISA N. GRANT, ESQ.
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Fax: (702) 938-3864
lroberts@wwhgd.com
hrussell@wwhgd.com
kkaskla@wwhgd.com

Attorneys for Defendant/Third-Party Plaintiff, GNL, CORP.

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

DISTRICT COURT

CLARK COUNTY, NEVADA

JOE N. BROWN, an individual, and his Wife, NETTIE J. BROWN, an individual,
Plaintiffs,

vs.

GNL, CORP., a Nevada corporation; THYSSENKRUPP ELEVATOR CORP., a foreign corporation; DOE INDIVIDUALS 1-100,
ROE BUSINESS ENTITIES 1-100,

Defendants.

GNL, CORP., a Nevada corporation;

Third-Party Plaintiff,

Case No.: A-16-739887-C
Dept. No.: XXXI

NOTICE OF ENTRY OF ORDER GRANTING SUMMARY JUDGMENT ON PUNITIVE DAMAGES

Case Number: A-16-739887-C

vs.

THYSSENKRUPP ELEVATOR CORPORATION a foreign corporation; DOES 1-75; ROE CORPORATION 1-75 and ROE CORPORATION 1-25,

Third-Party Defendants

NOTICE OF ENTRY OF ORDER GRANTING SUMMARY JUDGMENT ON PUNITIVE DAMAGES

PLEASE TAKE NOTICE that an *Order Granting Summary Judgment on Punitive Damages* was entered in this matter on the 23rd day of September, 2019; a copy of which is attached hereto.

DATED this 27th day of September, 2019.

GRANT & ASSOCIATES



ALEXANDRA B. MCLEOD, ESQ.
Nevada Bar No. 8185
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Attorney for Defendant/Third-Party Plaintiff, GNL, CORP.

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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 27th day of September, 2019 I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER GRANTING SUMMARY JUDGMENT ON PUNITIVE DAMAGES** 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.

Mohamed A. Iqbal, Jr., Esq.
Christopher Mathews, Esq.
IQBAL LAW PLLC
101 Convention Center Drive, Suite 1175
Las Vegas, NV 89109
Attorney for Plaintiffs

Rebecca L. Mastrangelo, Esq.
ROGERS, MASTRANGELO, CARVALHO & MITCHELL
700 South Third Street
Las Vegas, NV 89101
Attorney for Thyssenkrupp Elevator Corporation

D. Lee Roberts, Jr., Esq.
Howard J. Russell, Esq.
Kristian T. Kaskla, Esq.
WEINBERG, WHEELER, HUDGINS, GUNN & DIAL, LLC
6385 Rainbow Blvd., Suite 400
Las Vegas, NV 89118
Attorneys for GNL, Corp

/s/ Denisse A. Girard-Rubio

An Employee of **GRANT & ASSOCIATES**

Electronically Filed
9/23/2019 3:56 PM
Steven D. Grierson
CLERK OF THE COURT

OGSJ
ANNALISA N. GRANT II, ESQ.
Nevada Bar No. 11807
ALEXANDRA B. M^{c}LEOD, ESQ.
Nevada Bar No. 8185
GRANT & ASSOCIATES
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Las Vegas, Nevada 89113
Tel.: (702) 940-3529
Fax: (855) 429-3413
Alexandra.M^{c}Leod@aig.com

Attorney for Defendant/Third-Party Plaintiff, GNL, CORP.

DISTRICT COURT

CLARK COUNTY, NEVADA

JOE N. BROWN, an individual, and his Wife, NETTIE J. BROWN, an individual,
Plaintiffs,

vs.

GNL, CORP., a Nevada corporation; THYSSENKRUPP ELEVATOR CORP., a foreign corporation; DOE INDIVIDUALS 1-100, ROE BUSINESS ENTITIES 1-100,

Defendants.

GNL, CORP., a Nevada corporation;

Third-Party Plaintiff,

vs.

THYSSENKRUPP ELEVATOR CORPORATION a foreign corporation; DOES 1-75; ROE CORPORATION 1-75 and ROE CORPORATION 1-25,

Third-Party Defendants

Case No.: A-16-739887-C
Dept. No.: XXXI

ORDER GRANTING SUMMARY JUDGMENT ON PUNITIVE DAMAGES

Date of hearing: Aug 27, 2019

Time of hearing: 9:30 a.m.

Defendant, GNL, CORP.'s Motion for Summary Judgment on Punitive Damages, and Defendant THYSSENKRUPP ELEVATOR CORPORATION's (TKE) Joinder to said Motion, having come on for hearing on the 27th day of August, 2019, the Honorable Joanna S. Kishner, District Court, Clark County, Department XXXI presiding; and this Honorable Court having

SEP 16 '19 AM 11:21*

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-16-739887-C

considered all of the papers and pleadings on file herein, as well as the argument of counsel for the parties hereto; and good cause appearing therefor;

FINDINGS OF FACT

1. Plaintiff Joe Brown's fall which is the subject of this lawsuit occurred on 5-12-15, on the "down" escalator at Golden Nugget Laughlin, leading from the casino floor to the lower restaurant level.

2. TKE (as successor to Dover Elevator Company) was the servicing company contracted to maintain and, as necessary, repair the subject "down" escalator at Golden Nugget Laughlin prior to and at the time of Plaintiff's fall.

3. Cracked escalator steps were replaced in 2012 and the "down" escalator received all new steps (salvaged steps were used on the neighboring "up" escalator).

4. State of Nevada required annual inspections and testing were completed on or about July 14, 2014 and February 11, 2015, and, according to the checklist, the steps were specifically checked. As there were no violations noted and there was nothing out of order with the subject "down" escalator, a new permit was issued for the time period including Plaintiff's fall. Likewise, the previous five (5) semi-annual inspections, both internal and external, revealed no discrepancies or code violations.

5. State of Nevada, Department of Business and Industry, Division of Industrial Relations, Mechanical Compliance Section records including Notices of Violation reveal that there were no violations/corrections in the preceding five years, approximately, that were not abated prior to the 5-12-15 incident when Mr. Brown fell.

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7. The day following Brown's accident (5-13-15), State Inspector Steve Robertson arrived on site to investigate the occurrence and inspect the "down" escalator. Robertson specifically "checked the steps to make sure they were in good working order."

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Facsimile No. (855) 429-3413

8. As a result of his investigation, Inspector Robertson found no malfunctions or violations, and placed the down escalator back in service. Inspector Robertson determined the accident to have been caused by user error rather than equipment failure, and listed Brown's cane as a "contributing factor."

9. No further issue with replacement escalator steps cracking was identified until later in 2015, *after* Plaintiff's accident (and was subsequently cured with 40 additional replacement steps).

10. There has been no admissible evidence presented demonstrating that GNL had notice *after* it paid for the repairs and *before* Brown's fall that the down escalator still had cracked steps that could have posed a danger. The documentary evidence demonstrates that GNL was not notified of cracked steps again until after Brown's incident, not before.

CONCLUSIONS OF LAW

1. Nevada law has long recognized that "a plaintiff is never entitled to punitive damages as a matter of right." *Dillard Dept. Stores, Inc. v. Beckwith,* 115 Nev. 372, 380, 989 P.2d 882, 887 (1999) (quoting *Ramada Inns v. Sharp,* 101 Nev. 824, 826, 711 P.2d 1, 2 (1985)).

2. Tort liability alone is insufficient to support an award of punitive damages. *Wichinsky v. Mosa,* 109 Nev. 84, 89, 847 26 P.2d 727 (1993). Punitive damages statutes in Nevada require conduct exceeding recklessness or gross negligence. *Wyeth v. Rowatt,* 244 P.3d 765, 126 Nev. Adv. Rep. 44 (2010); *Countrywide Home Loans, Inc. v. Thitchener,* 124 Nev. 725, 743, 192 P.3d 243, 255 (2008).

3. As used in the Nevada statute, "[m]alice, express or implied, means conduct which is intended to injure a person or despicable conduct which is engaged in with a conscious disregard of the rights or safety of others." NRS 42.001(3). Nevada courts have made clear "[t]he term malice as used in the statute means malice in fact and denotes ill-will, or a desire to do harm for the mere satisfaction of doing it." *Warmbrodt v. Blanchard,* 692 P.2d 1282, 1286 (Nev. 1984) (emphases added).

4. "Conscious disregard" is defined in NRS 42.001 as "the knowledge of the probable harmful consequences of a wrongful act and a willful and deliberate failure to act to

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avoid those consequences." The Nevada Supreme Court has made it clear repeatedly that "conscious disregard" in the punitive damages statute, NRS 42.005, requires a "culpable state of mind that must exceed mere recklessness or gross negligence." *Countrywide, supra,* 124 Nev. at 743; *First Nat. Bank of Ely v. Progressive Cas. Ins.* Co., 2012 WL 5944847 (D. Nev. Nov. 27, 2012). "Even unconscionable irresponsibility will not support a punitive damages award." *Maduike v. Agency Rent-A-Car*, 114 Nev. 1, 5, 953 P.2d 24, 26 (1998), *citing First Interstate Bank v. Jafbros Auto Body,* 106 Nev. 54, 57, 787 P.2d 765, 767 (1990).

5. Even assuming *arguendo* that all the down escalator steps were not replaced in 2012-2013 or that maintenance of the subject escalator may be found to be lacking, punitive damages are not recoverable for negligent conduct or even grossly negligent or reckless conduct.

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GRANT & ASSOCIATES
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Telephone No. (702) 940-3528
Facsimile No. (855) 429-3413

IT IS HEREBY ORDERED that GNL, Corp.'s Motion for Summary Judgment on Punitive Damages, and TKE's Joinder to said Motion, are GRANTED and Plaintiffs' prayer for punitive damages shall be dismissed from the Second Amended Complaint.

DATED this _____ day of September, 2019.

JOANNA S. KISHNER

DISTRICT COURT JUDGE,
JOANNA S. KISHNER

Submitted by:

GRANT & ASSOCIATES #11897

Amalia N. Grant / for

ALEXANDRA B. M^CLEOD, ESQ.
Nevada Bar No. 8185
7455 Arroyo Crossing Parkway, Suite 300, Las Vegas, Nevada 89113
Attorney for GNL, Corp.

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

Approved as to form and content:

Dated this ___ day of September, 2019.

ROGERS, MASTRANGELO, CARVALHO & MITCHELL

NEXT PAGE

Rebecca L. Mastrangelo, Esq.
700 South Third Street
Las Vegas, NV 89101
Attorney for Thyssenkrupp Elevator Corporation

Dated this ___ day of September, 2019.

IQBAL LAW PLLC

DECLINED

Mohamed A. Iqbal, Jr., Esq.
101 Convention Center Drive, Suite 1175
Las Vegas, NV 89109
Attorney for Plaintiffs

IT IS HEREBY ORDERED that GNL, Corp.'s Motion for Summary Judgment on Punitive Damages, and TKE's Joinder to said Motion, are GRANTED and Plaintiffs' prayer for punitive damages shall be dismissed from the Second Amended Complaint.

DATED this _____ day of September, 2019.

DISTRICT COURT JUDGE,
JOANNA S. KISHNER

Submitted by:

GRANT & ASSOCIATES

LAST PAGE

ALEXANDRA B. McLEOD, ESQ.
Nevada Bar No. 8185
7455 Arroyo Crossing Parkway, Suite 300, Las Vegas, Nevada 89113
Attorney for GNL, Corp.

Approved as to form and content:

Dated this 10th day of September, 2019.

ROGERS, MASTRANGELO, CARVALHO & MITCHELL

Rebecca L. Mastrangelo, Esq.
700 South Third Street
Las Vegas, NV 89101
Attorney for Thyssenkrupp Elevator Corporation

Dated this ___ day of September, 2019.

IQBAL LAW PLLC

DECLINED

Mohamed A. Iqbal, Jr., Esq.
101 Convention Center Drive, Suite 1175
Las Vegas, NV 89109
Attorney for Plaintiffs

GRANT & ASSOCIATES
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Electronically Filed
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Steven D. Grierson
CLERK OF THE COURT

ORDR
ANNALISA N. GRANT II, ESQ.
Nevada Bar No. 11807
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Tel.: (702) 940-3529
Fax: (855) 429-3413
Alexandra.M^{c}Leod@aig.com

Attorney for Defendant/Third-Party Plaintiff, GNL, CORP.

DISTRICT COURT

CLARK COUNTY, NEVADA

JOE N. BROWN, an individual, and his Wife, NETTIE J. BROWN, an individual,
Plaintiffs,

vs.

GNL, CORP., a Nevada corporation; THYSSENKRUPP ELEVATOR CORP., a foreign corporation; DOE INDIVIDUALS 1-100, ROE BUSINESS ENTITIES 1-100,

Defendants.

GNL, CORP., a Nevada corporation;

Third-Party Plaintiff,

vs.

THYSSENKRUPP ELEVATOR CORPORATION a foreign corporation; DOES 1-75; ROE CORPORATION 1-75 and ROE CORPORATION 1-25,

Third-Party Defendants

Case No.: A-16-739887-C
Dept. No.: XXXI

ORDER REGARDING GNL, CORP.'S MOTIONS *IN LIMINE* #1-3

Date of hearing: July 10, 2019

Time of hearing: 1:00 p.m.

Defendant, GNL, CORP.'s Motions *in Limine* #1-3, and Defendant, THYSSENKRUPP ELEVATOR CORPORATION's Joinders to said Motions, having come on for hearing on the 10th day of July, 2019, the Honorable Joanna S. Kishner, District Court, Clark County, Department XXXI presiding; and this Honorable Court having considered all of the papers and

OCT 01 '19 PM12:37 RCVD

Case Number: A-16-739887-C

pleadings on file herein, as well as the argument of counsel for the parties hereto; and good cause appearing therefor;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. A ruling on GNL, Corp.'s Motion *in Limine* #1 to Exclude Exclude Srinivas Nalamachu, M.D. for Unauthorized Practice of Medicine in Nevada is deferred in part pending a pre-trial, evidentiary hearing outside the presence of the jury at which time Srinivas Nalamachu, M.D will be questioned as to the scope of his NRCP 35 examination of Plaintiff Joe Brown at his home here in Las Vegas, Nevada, and for clarification and more information to be provided on what this witness intends to testify.

2. Motion #2 and Joinder regarding Prior and Subsequent Events and Repairs are GRANTED. Because Plaintiffs have failed to meet the the substantial similarity requirement, twelve (12) prior incidents on 4-9-10; 8-28-10; 11-25-10; 2-8-12; 5-9-12; 8-17-12; 1-23-13; 2-23-13; 4-21-13; 5-26-13; 9-30-13; and 2-14-15, as well as a subsequent incident on 5-25-15 shall be excluded from evidence at that time of trial.

3. Motion #3 and Joinder regarding relitigating discovery disputes in front of the jury are GRANTED. Neither the timing of production of evidence nor the outcome of previous discovery disputes is relevant to any fact of consequence at trial and all references, argument, or testimony on those topics will be excluded from trial. The Court admonishes the parties are to follow the law, and evidence not not previously disclosed will not come in at trial.

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

IT IS SO ORDERED this 10 day of Oct, 2019.

JOANNA S. KISHNER

DISTRICT COURT JUDGE,
JOANNA S. KISHNER

Submitted by:

GRANT & ASSOCIATES

ALEXANDRA B. M°LEOD, ESQ.
Nevada Bar No. 8185
7455 Arroyo Crossing Parkway, Suite 300, Las Vegas, Nevada 89113
Attorney for GNL, Corp.

GRANT & ASSOCIATES
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Las Vegas, Nevada 89113
Telephone No. (702) 940-3529
Facsimile No. (855) 429-3413

Approved as to form and content:

Dated this 10th day of Sept, 2019.

ROGERS, MASTRANGELO, CARVALHO & MITCHELL

Rebecca L. Mastrangelo, Esq.
700 South Third Street
Las Vegas, NV 89101
Attorney for Thyssenkrupp Elevator Corporation

Dated this ___ day of _____, 2019.

IQBAL LAW PLLC

DECLINED

Mohamed A. Iqbal, Jr., Esq.
101 Convention Center Drive, Suite 1175
Las Vegas, NV 89109
Attorney for Plaintiffs

Electronically Filed
10/16/2019 10:22 AM
Steven D. Grierson
CLERK OF THE COURT

NEOJ
ANNALISA N. GRANT, ESQ.
Nevada Bar No. 11807
ALEXANDRA B. M^{C}LEOD, ESQ.
Nevada Bar No. 8185
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Alexandra.M^{C}Leod@aig.com

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Nevada Bar No.
WEINBERG, WHEELER, HUDGINS, GUNN & DIAL, LLC
6385 Rainbow Blvd., Suite 400
Las Vegas, NV 89118
Tel.: (702) 938-3809
Fax: (702) 938-3864
lroberts@wwhgd.com
hrussell@wwhgd.com
kkaskla@wwhgd.com

Attorneys for Defendant/Third-Party Plaintiff, GNL, CORP.

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

DISTRICT COURT

CLARK COUNTY, NEVADA

JOE N. BROWN, an individual, and his Wife, NETTIE J. BROWN, an individual,
Plaintiffs,

vs.

GNL, CORP., a Nevada corporation; THYSSENKRUPP ELEVATOR CORP., a foreign corporation; DOE INDIVIDUALS 1-100,
ROE BUSINESS ENTITIES 1-100,

Defendants.

GNL, CORP., a Nevada corporation;

Third-Party Plaintiff,

Case No.: A-16-739887-C
Dept. No.: XXXI

NOTICE OF ENTRY OF ORDER REGARDING GNL, CORP.'S MOTIONS *IN LIMINE* #1-3

Case Number: A-16-739887-C

vs.

THYSSENKRUPP ELEVATOR CORPORATION a foreign corporation; DOES 1-75; ROE CORPORATION 1-75 and ROE CORPORATION 1-25,

Third-Party Defendants

NOTICE OF ENTRY OF ORDER REGARDING GNL, CORP.'S MOTIONS *IN LIMINE* #1-3

PLEASE TAKE NOTICE that an *Order Regarding GNL, Corp's Motions in Limine #1-3* was entered in this matter on the 14th day of October, 2019; a copy of which is attached hereto.

DATED this 16th day of October, 2019.

GRANT & ASSOCIATES



ALEXANDRA B. MCLEOD, ESQ.
Nevada Bar No. 8185
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Attorney for Defendant/Third-Party Plaintiff, GNL, CORP.

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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 16th day of October, 2019 I caused a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER REGARDING GNL, CORP.'S MOTIONS *IN LIMINE* #1-3** 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.

Mohamed A. Iqbal, Jr., Esq.
Christopher Mathews, Esq.
IQBAL LAW PLLC
101 Convention Center Drive, Suite 1175
Las Vegas, NV 89109
Attorney for Plaintiffs

Rebecca L. Mastrangelo, Esq.
ROGERS, MASTRANGELO, CARVALHO & MITCHELL
700 South Third Street
Las Vegas, NV 89101
Attorney for Thyssenkrupp Elevator Corporation

D. Lee Roberts, Jr., Esq.
Howard J. Russell, Esq.
Kristian T. Kaskla, Esq.
WEINBERG, WHEELER, HUDGINS, GUNN & DIAL, LLC
6385 Rainbow Blvd., Suite 400
Las Vegas, NV 89118
Attorneys for GNL, Corp

/s/ Denisse A. Girard-Rubio

An Employee of **GRANT & ASSOCIATES**

Electronically Filed
10/14/2019 2:51 PM
Steven D. Grierson
CLERK OF THE COURT

ORDR
ANNALISA N. GRANT II, ESQ.
Nevada Bar No. 11807
ALEXANDRA B. M^{c}LEOD, ESQ.
Nevada Bar No. 8185
GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
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Tel.: (702) 940-3529
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Alexandra.M^{c}Leod@aig.com

Attorney for Defendant/Third-Party Plaintiff, GNL, CORP.

DISTRICT COURT

CLARK COUNTY, NEVADA

JOE N. BROWN, an individual, and his Wife, NETTIE J. BROWN, an individual,
Plaintiffs,

vs.

GNL, CORP., a Nevada corporation; THYSSENKRUPP ELEVATOR CORP., a foreign corporation; DOE INDIVIDUALS 1-100, ROE BUSINESS ENTITIES 1-100,

Defendants.

GNL, CORP., a Nevada corporation;

Third-Party Plaintiff,

vs.

THYSSENKRUPP ELEVATOR CORPORATION a foreign corporation; DOES 1-75; ROE CORPORATION 1-75 and ROE CORPORATION 1-25,

Third-Party Defendants

Case No.: A-16-739887-C
Dept. No.: XXXI

ORDER REGARDING GNL, CORP.'S MOTIONS *IN LIMINE* #1-3

Date of hearing: July 10, 2019

Time of hearing: 1:00 p.m.

Defendant, GNL, CORP.'s Motions *in Limine* #1-3, and Defendant, THYSSENKRUPP ELEVATOR CORPORATION's Joinders to said Motions, having come on for hearing on the 10th day of July, 2019, the Honorable Joanna S. Kishner, District Court, Clark County, Department XXXI presiding; and this Honorable Court having considered all of the papers and

OCT 01 '19 PM12:37 RCVD

Case Number: A-16-739887-C

pleadings on file herein, as well as the argument of counsel for the parties hereto; and good cause appearing therefor;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. A ruling on GNL, Corp.'s Motion *in Limine* #1 to Exclude Exclude Srinivas Nalamachu, M.D. for Unauthorized Practice of Medicine in Nevada is deferred in part pending a pre-trial, evidentiary hearing outside the presence of the jury at which time Srinivas Nalamachu, M.D will be questioned as to the scope of his NRCP 35 examination of Plaintiff Joe Brown at his home here in Las Vegas, Nevada, and for clarification and more information to be provided on what this witness intends to testify.

2. Motion #2 and Joinder regarding Prior and Subsequent Events and Repairs are GRANTED. Because Plaintiffs have failed to meet the the substantial similarity requirement, twelve (12) prior incidents on 4-9-10; 8-28-10; 11-25-10; 2-8-12; 5-9-12; 8-17-12; 1-23-13; 2-23-13; 4-21-13; 5-26-13; 9-30-13; and 2-14-15, as well as a subsequent incident on 5-25-15 shall be excluded from evidence at that time of trial.

3. Motion #3 and Joinder regarding relitigating discovery disputes in front of the jury are GRANTED. Neither the timing of production of evidence nor the outcome of previous discovery disputes is relevant to any fact of consequence at trial and all references, argument, or testimony on those topics will be excluded from trial. The Court admonishes the parties are to follow the law, and evidence not not previously disclosed will not come in at trial.

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...

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

IT IS SO ORDERED this 10 day of Oct, 2019.

JOANNA S. KISHNER

DISTRICT COURT JUDGE,
JOANNA S. KISHNER

Submitted by:

GRANT & ASSOCIATES

ALEXANDRA B. M°LEOD, ESQ.
Nevada Bar No. 8185
7455 Arroyo Crossing Parkway, Suite 300, Las Vegas, Nevada 89113
Attorney for GNL, Corp.

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

Approved as to form and content:

Dated this 10th day of Sept, 2019.

ROGERS, MASTRANGELO, CARVALHO & MITCHELL

Rebecca L. Mastrangelo, Esq.
700 South Third Street
Las Vegas, NV 89101
Attorney for Thyssenkrupp Elevator Corporation

Dated this ___ day of _____, 2019.

IQBAL LAW PLLC

DECLINED

Mohamed A. Iqbal, Jr., Esq.
101 Convention Center Drive, Suite 1175
Las Vegas, NV 89109
Attorney for Plaintiffs

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **March 28, 2017**

A-16-739887-C Joe Brown, Plaintiff(s)
vs.
GNL Corp, Defendant(s)

March 28, 2017 **9:30 AM** **Motion to Dismiss**

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

COURT CLERK: Sandra Harrell

RECORDER: Debbie Winn

REPORTER:

PARTIES PRESENT:

Grant, Lee J	Attorney
Iqbal, Mohamed A.	Attorney
Michalek, Charles A.	Attorney

JOURNAL ENTRIES

- Matter argued and submitted. Court stated its findings, and ORDERED, Defendants Golden Nugget, Inc. and Landry's, Inc.'s Motion to Dismiss is DENIED WITHOUT PREJUDICE. Counsel for Plaintiff to prepare the Order, circulating to all counsel for approval as to form and content in accordance with EDCR 7.21.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **June 27, 2017**

A-16-739887-C Joe Brown, Plaintiff(s)
vs.
GNL Corp, Defendant(s)

June 27, 2017 **9:30 AM** **All Pending Motions**

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

COURT CLERK: Phyllis Irby
Anntoinette Naumec-Miller

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Grant, Annalisa N	Attorney
Iqbal, Mohamed A.	Attorney
Mitchell, William C.	Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION FOR SUMMARY JUDGMENT...PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND, IN THE ALTERNATIVE, REQUEST FOR DISCOVERY UNDER NRCP 56(F)

Arguments by Ms. Grant and Mr. Iqbal. COURT stated its FINDINGS and ORDERED, Deft's Motion for Summary Judgment DENIED, Pltf's Countermotion for Rule 56(f) Relief GRANTED. Counsel for Pltf to prepare the Order, provide it to counsel and submit to the Court in accordance with EDCR 7.21.

CLERK'S NOTE: This minute order was corrected to reflect MSJ was denied and Countermotion was granted./pi

CLERK'S NOTE: Minutes corrected. anm/7/14/17

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **October 10, 2017**

A-16-739887-C Joe Brown, Plaintiff(s)
vs.
GNL Corp, Defendant(s)

October 10, 2017 **10:00 AM** **All Pending Motions**

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

COURT CLERK: April Watkins

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Grant, Lee J	Attorney
Iqbal, Mohamed A.	Attorney
Mitchell, William C.	Attorney

JOURNAL ENTRIES

- DEFTS' GOLDEN NUGGET, INC. AND LANDRY'S, INC'S MOTION FOR RECONSIDERATION...DEFTS' MOTION FOR RECONSIDERATION

Mr. Grant argued in support of motion to reconsider. Opposition by Mr. Iqbal. Further argument by Mr. Grant. Court FINDS this does not meet the standard for reconsideration and ORDERED, motions DENIED. Further, as to request for stay, COURT ORDERED, request DENIED.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability	**COURT MINUTES**	**October 13, 2017**

A-16-739887-C Joe Brown, Plaintiff(s)
vs.
GNL Corp, Defendant(s)

October 13, 2017	**9:00 AM**	**Motion to Compel**	**Motion To Compel Discovery From Defendants Landry s, Inc. And Golden Nugget, Inc. And Request For Sanctions**

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

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES PRESENT:

Iqbal, Mohamed A.	Attorney
McLeod, Alexandra B.	Attorney
Michalek, Charles A.	Attorney

JOURNAL ENTRIES

- Arguments by counsel. Defts felt there wasn't a meaningful 2.34 conference. Colloquy re: Defts providing documentation supporting ownership of Laughlin Casino on the date of accident. COMMISSIONER RECOMMENDED, motion is GRANTED IN PART; answer and verify Interrogatories, and provide supporting documents on the date of accident; if Golden Nugget Laughlin takes responsibility, then tender defenses. Arguments by counsel. At the time of 2.34 conference, Ms. McLeod was not with the Law Firm, and Ms. Grant is in Trial. COMMISSIONER RECOMMENDED, Interrogatory 2 on Landry's is MODIFIED - on the date of accident, whether or not they had an ownership interest in Golden Nugget Laughlin; as to Landry's - Interrogatories 3, 4 are PROTECTED; Request to Produce 1 - look at SEC or gaming document at the time of accident; Interrogatory 5 is PROTECTED; provide supplemental responses no later than 11-13-17; no fees or

costs. Colloquy re: preparing a Stipulation and Order to Dismiss.

COMMISSIONER RECOMMENDED, Interrogatory 1 on GNI is MODIFIED - on the date of accident, whether or not they had an ownership interest in Golden Nugget Laughlin; as to GNI - Interrogatory 2 is PROTECTED; Request to Produce 1 - MODIFIED and show no ownership interest in Golden Nugget Laughlin; Request to Produce 2 is PROTECTED; provide supplemental responses no later than 11-13-17; no fees or costs. COMMISSIONER RECOMMENDED, verify all Interrogatories. Mr. Iqbai to prepare the Report and Recommendations, and counsel to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **December 14, 2017**

A-16-739887-C Joe Brown, Plaintiff(s)
vs.
GNL Corp, Defendant(s)

December 14, 2017 **3:00 AM** **Status Check: Compliance**

HEARD BY: Bulla, Bonnie **COURTROOM:** No Location

COURT CLERK: Jennifer Lott

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- The 10-13-17 Report and Recommendation remains outstanding. Mr. Iqbal was given the responsibility to submit the Report and Recommendation from the 10-13-17 hearing. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a sanction. COMMISSIONER RECOMMENDED, matter CONTINUED to an in chambers status check.

CLERK'S NOTE: A copy of this minute order was placed in the attorney folder(s) of:

Mohamed Iqbal

DISTRICT COURT
CLARK COUNTY, NEVADA

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

A-16-739887-C Joe Brown, Plaintiff(s)
vs.
GNL Corp, Defendant(s)

April 17, 2018 **10:30 AM** **Discovery Conference**

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

COURT CLERK: Jennifer Lott

RECORDER: Francesca Haak

REPORTER:

PARTIES PRESENT:

Iqbal, Mohamed A.	Attorney
Michalek, Charles A.	Attorney

JOURNAL ENTRIES

- Commissioner received the Report and Recommendation this morning and everything was fine. Mr. Iqbal apologized for the mistake. No sanctions today. MATTER RECALLED: Attorneys Alexandra McLeod and Sarah Hartig present. Outcome provided to counsel.

DISTRICT COURT
CLARK COUNTY, NEVADA

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

A-16-739887-C Joe Brown, Plaintiff(s)
vs.
GNL Corp, Defendant(s)

August 07, 2018 **9:00 AM** **Motion for Leave**

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

COURT CLERK: Tena Jolley

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Iqbal, Mohamed A.	Attorney
Mastrangelo, Rebecca L.	Attorney
McLeod, Alexandra B.	Attorney

JOURNAL ENTRIES

- Following arguments by Mr. Iqbal, Ms. Mastrangelo and Mr. McLeod, COURT ORDERED, Plaintiffs' Motion for Leave to File Second Amended Complaint GRANTED; Plaintiffs will have ten (10) days from Notice of Entry of Order to file its Second Amended Complaint. Mr. Iqbal to prepare the Order pursuant to EDCR 7.21.

DISTRICT COURT
CLARK COUNTY, NEVADA

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

A-16-739887-C Joe Brown, Plaintiff(s)
vs.
GNL Corp, Defendant(s)

October 16, 2018 **9:00 AM** **Status Check**

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

COURT CLERK: Tena Jolley

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Iqbal, Mohamed A.	Attorney
McLeod, Alexandra B.	Attorney
Payne, Sean N.	Attorney

JOURNAL ENTRIES

- Mr. Iqbal stated they were ready to move forward with trial. Upon the Court's inquiry if the parties wished to go to a settlement conference, both Mr. Payne and Ms. McLeod declined. Mr. Iqbal indicated the last deposition is scheduled for Friday and the parties will work on resolving or be ready for trial. Ms. McLeon anticipates future motion practice. Court stated Trial Dates STAND.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **December 04, 2018**

A-16-739887-C Joe Brown, Plaintiff(s)
vs.
GNL Corp, Defendant(s)

December 04, 2018 9:30 AM All Pending Motions

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

COURT CLERK: Tena Jolley

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Iqbal, Mohamed A.	Attorney
Mastrangelo, Rebecca L.	Attorney
McLeod, Alexandra B.	Attorney

JOURNAL ENTRIES

- The Court noted it received yesterday Plaintiff's Emergency Motion for Reopening Discovery on Order Shortening Time and stated if there was a joint agreement by the parties, it could hear the matter today. Counsel indicated they were not ready to address the motion today.

MOTION TO FILE DOCUMENTS UNDER SEAL PER SRCR 3 OR, ALTERNATIVELY, SUBMIT IN CAMERA
Ms. McLeod stated there were three exhibits produced in discovery under a protective order and a Motion to File Document Under Seal was filed and set for hearing on December 18, 2018. Colloquy regarding advancing the motion to today. At the request of counsel and by stipulation of the parties, COURT ORDERED, Motion to File Documents Under Seal ADVANCED and GRANTED.

LANDRY'S INC.'S MOTION TO DISMISS FOR LACK OF GENERAL OR PERSONAL JURISDICTION...DEFENDANTS' LANDRY'S AND GOLDEN NUGGET, INC.'S MOTION FOR SUMMARY JUDGMENT...DEFENDANTS' MOTION FOR SUMMARY JUDGMENT ON LIABILITY AND PUNITIVE DAMAGES...DEFENDANT/THIRD-PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S JOINDER IN, AND ADDITIONAL POINTS AND AUTHORITIES IN

SUPPORT OF, DEFENDANT GNL CORP.'S MOTION FOR SUMMARY JUDGMENT ON PUNITIVE DAMAGES
Colloquy regarding scheduling. Mr. Iqbal indicated the pending Motion on Order Shortening Time could change the landscape of the pending matters. Ms. Mastrangelo's preference was to continue the trial to another stack in light of Plaintiff's Emergency Motion and the pending Writ. At the request of all counsel, COURT ORDERED, Trial Dates VACATED and RESET; no new dates are being opened up. COURT FURTHER ORDERED, all pending motions set for December 4, 2018 and December 18, 2018 CONTINUED and DIRECTED counsel to provide a letter to the Court with their agreed upon dates for hearing the Dispositive Motions, Motions in Limine, and Plaintiff's Emergency Motion and SET a Status Check on its Chambers Calendar.

12/7/18 (CHAMBERS) STATUS CHECK: LETTER FROM COUNSEL RESETTING 12/4/18 DISPOSITIVE MOTIONS, 12/18/18 MOTIONS IN LIMINE AND SETTING OST BRIEFING SCHEDULE AND HEARING

3/21/19 10:15 AM PRE TRIAL CONFERENCE

4/16/19 9:00 AM CALENDAR CALL

4/22/19 9:00 AM JURY TRIAL

DISTRICT COURT
CLARK COUNTY, NEVADA

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

A-16-739887-C Joe Brown, Plaintiff(s)
vs.
GNL Corp, Defendant(s)

December 07, 2018 **3:00 AM** **Status Check** **Status Check: Letter from Counsel Resetting 12/4/18 Dispositive Motions, 12/18/18 Motions in Limine and setting OST briefing schedule and hearing**

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

COURT CLERK: Tena Jolley

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

- This matter came on for hearing on December 4, 2018 regarding Motions to Dismiss and Motions for Summary Judgment. At the December 4, 2018 hearing, the parties requested to reschedule the hearings on the pending Motions that were set for December 4, 2018 and to reset Motions in Limine that were to be heard on December 18, 2018. In light of the parties, request, the parties were to send Department XXXI a fax prior to December 7th with their agreed upon proposed hearing dates for the December 4, 2018 Motions, December 18, 2018 Motions in Limine, and Plaintiffs' Emergency Motion for Reopening Discovery, Court Intervention, and Sanctions on Order Shortening Time. Accordingly, the matter was placed on Department XXXI's Chambers Calendar for December 7, 2018 so that the pending hearings could be reset.

As of 2:00 p.m. on December 7th, the Court had not received any notification from the parties

regarding rescheduled hearing dates. As a result, and in light of the April 4, 2018 trial date, the Court is setting the Motions to be heard on dates consistent with the scheduled trial stack. Accordingly, the Dispositive Motions that were set for December 4, 2018 and the pending December 18, 2018 Motions in Limine will now all be heard on February 12, 2019 at 10:00 a.m. Plaintiff's Emergency Motion for Reopening Discovery, Court Intervention, and Sanctions on Order Shortening Time will be heard on January 10, 2019 at 9:00 a.m. If these dates are not convenient to the parties they will need to provide the Court with a Stipulation and proposed Order consistent with the EDCR to reschedule the hearings.

CLERK'S NOTE: This Minute Order was electronically served by Courtroom Clerk, Tena M. Jolley, to all registered parties for Odyssey File & Serve. (tmj:12/7/18)

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **January 08, 2019**

A-16-739887-C Joe Brown, Plaintiff(s)
vs.
GNL Corp, Defendant(s)

January 08, 2019 **9:00 AM** **Motion**

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

COURT CLERK: Tena Jolley

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Iqbal, Mohamed A.	Attorney
Mastrangelo, Rebecca L.	Attorney
McLeod, Alexandra B.	Attorney

JOURNAL ENTRIES

- After the Court's consideration of the papers submitted by counsel in connection with this matter, and, having heard the oral arguments presented by Mr. Iqbal, Ms. McLeod and Ms. Mastrangelo, the COURT ORDERED, Plaintiffs' Emergency Motion for Reopening Discovery, Court Intervention, and Sanctions GRANTED; limited discovery is reopened, a new trial date will be set, and based on the lack of due diligence, SANCTIONS Defendant Tyssenkrupp Elevator Corporation for plaintiff counsel's attorney's fees for today's hearing, including the preparation of the motion and reply, as well as the costs of deposition transcript for deposing or redeposing the witnesses as to the Exhibit G emails and the individuals identified therein. Mr Iqbal to prepare the Order, circulating to opposing counsel and provide it back to the Court in accordance with EDCR 7.21.

COURT FURTHER ORDERED matter SET for Status Check and DIRECTED counsel to confer and send the Court a letter requesting a telephonic conference be set within the next two weeks for setting limited discovery deadlines and scheduling a new trial date.

1/25/19 (CHAMBERS) STATUS CHECK: LETTER FROM COUNSEL TO SET TELEPHONIC CONFERENCE FOR SETTING LIMITED DISCOVERY DEADLINES AND RESET TRIAL DATES

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **February 07, 2019**

A-16-739887-C Joe Brown, Plaintiff(s)
vs.
GNL Corp, Defendant(s)

February 07, 2019 **9:00 AM** **Status Check**

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

COURT CLERK: Tena Jolley

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Hartig, Sarah B.	Attorney
Iqbal, Mohamed A.	Attorney
Mastrangelo, Rebecca L.	Attorney

JOURNAL ENTRIES

- The Court noted that the Order submitted on the January 8, 2019, motion hearing was rejected on January 25, 2019, as it did not appear to have been circulated for opposing counsel's review; that the Court never received counsel's letter regarding the agreed upon limited discovery deadline and trial resetting; and therefore an Amended Order Setting Jury Trial was issued for the April 22, 2019, trial setting. Both Ms. Mastrangelo and Ms. Hartig indicated they reviewed the order and advised Mr. Iqbal of their requested changes. Mr. Iqbal stated he was not aware it was rejected and will see that it is corrected and resubmitted.

The Court further noted that there were several unopposed Motions in Limine set for hearing on February 12, 2019, which the Court was ready to grant and unless there was a waiver, they will be granted. Mr. Iqbal stated his oppositions to Motions in Limine were not filed as it was his understanding that they would be reset but since the Motion to Dismiss and Motions for Summary Judgment had been fully briefed, they would proceed on February 12, 2019. Ms. Hartig requested that the Motion to Dismiss proceed on February 12th, but that the Motions for Summary Judgment be renoticed. Ms. Mastrangelo stated if the April 22nd trial setting was not being continued, that she would like to proceed with the Motions in Limine on February 12, 2019. Mr. Iqbal requested that the

trial be reset for late Summer / August to allow the parties to finish the limited discovery. Ms. Hartig stated they would need 60-90 days for the additional discovery with out of state depositions to be completed. Ms. Mastrangelo stated she could live with the April 22nd trial setting, but that she would have a calendar conflict with a summer trial. The Court stated it would need proper motion practice if there was no agreement between all counsel. Counsel were unable to reach an agreement and the matter was adjourned.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **February 12, 2019**

A-16-739887-C Joe Brown, Plaintiff(s)
vs.
GNL Corp, Defendant(s)

February 12, 2019 **10:00 AM** **All Pending Motions**

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

COURT CLERK: Tena Jolley

RECORDER: Sandra Pruchnic

REPORTER:

PARTIES PRESENT:

Iqbal, Mohamed A.	Attorney
Mastrangelo, Rebecca L.	Attorney
McLeod, Alexandra B.	Attorney

JOURNAL ENTRIES

- Colloquy regarding matters being heard today. Stipulation and Order Regarding Hearing Dates for Pending Motions and Motions in Limine RECEIVED and SIGNED IN OPEN COURT.

LANDRY'S, INC.'S MOTION TO DISMISS FOR LACK OF GENERAL OR PERSONAL JURISDICTION
Following arguments by counsel, COURT ORDERED, Motion DENIED WITHOUT PREJUDICE. Mr. Iqbal to prepare the Order, circulating to opposing counsel and provide it back to the Court in accordance with EDCR 7.21.

DEFENDANTS' LANDRY'S AND GOLDEN NUGGET, INC.'S MOTION FOR SUMMARY JUDGMENT
Following arguments by counsel, COURT FINDS no material issues of fact in dispute and ORDERED, Motion for Summary Judgment GRANTED. Ms. McLeod to prepare the Order, circulating to opposing counsel and provide it back to the Court in accordance with EDCR 7.21.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **March 28, 2019**

A-16-739887-C Joe Brown, Plaintiff(s)
vs.
GNL Corp, Defendant(s)

March 28, 2019 **10:00 AM** **All Pending Motions**

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

COURT CLERK: Tena Jolley

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Iqbal, Mohamed A.	Attorney
Mastrangelo, Rebecca L.	Attorney
McLeod, Alexandra B.	Attorney

JOURNAL ENTRIES

- DEFENDANTS' GNL, CORP., LANDRY'S, INC. AND GOLDEN NUGGET, INC.'S MOTION FOR SUMMARY JUDGMENT ON LIABILITY AND PUNITIVE DAMAGES...DEFENDANT/THIRD-PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S JOINDER IN, AND ADDITIONAL POINTS AND AUTHORITIES IN SUPPORT OF, DEFENDANT GNL CORP.'S MOTION FOR SUMMARY JUDGMENT ON PUNITIVE DAMAGES

After the Court's consideration of the papers submitted by counsel in connection with this matter, and having heard the oral arguments presented by all counsel, COURT FINDS material issues of fact exist as to LIABILITY. Accordingly, COURT ORDERED Defendants' GNL, Corp., Landry's, Inc. and Golden Nugget, Inc.'s Motion for Summary Judgment on Liability DENIED WITHOUT PREJUDICE. Ms. McLeod to prepare the Order, circulating to opposing counsel and provide it back to the Court in accordance with EDCR 7.21.

Pursuant to the agreement of counsel, the punitive damages portion of Defendants' GNL, Corp., Landry's, Inc. and Golden Nugget, Inc.'s Motion for Summary Judgment, as well as Defendant/Third-Party Defendant Thyssenkrupp Elevator Corporation's Joinder In, and Additional

Points and Authorities in Support of, Defendant GNL Corp.'s Motion for Summary Judgment on Punitive Damages are WITHDRAWN and will be resubmitted after the limited discovery has been completed and will be viewed as timely.

MOTIONS IN LIMINE and PRE TRIAL CONFERENCE

Colloquy regarding pretrial matters pending and its impact on the current trial setting. At the request of counsel, COURT ORDERED all pending Motions in Limine CONTINUED for hearing on April 3, 2019, at 10:00 a.m. Additionally, COURT FINDS good cause exists and ORDERED Calendar Call and Trial Dates VACATED to be reset no later than the October 14, 2019, five-week trial stack. While counsel anticipate trial being reset for the October 14, 2019 Trial Stack, the Court offered counsel the July 1st, August 5th, or the September 9th trial stack as well. Ms. McLeod indicated counsel would meet and agree by April 15, 2019, and she will coordinate submitting the parties' stipulation to the Court. The Court stated it would not be reopening past pretrial deadlines with the exception that the Motion for Summary Judgment on Punitive Damages deadline will be triggered by the new trial date.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **April 03, 2019**

A-16-739887-C Joe Brown, Plaintiff(s)
vs.
GNL Corp, Defendant(s)

April 03, 2019 **10:00 AM** **All Pending Motions**

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

COURT CLERK: Tena Jolley

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Iqbal, Mohamed A.	Attorney
Mastrangelo, Rebecca L.	Attorney
McLeod, Alexandra B.	Attorney

JOURNAL ENTRIES

- PLAINTIFFS' MOTION IN LIMINE TO EXCLUDE EXPERT WITNESS DAVIS L. TURNER FOR FAILURE TO DISCLOSE INSPECTION RELATED INFORMATION AND DOCUMENTS

Following arguments by counsel, and counsel having spoken among themselves and stated there had not been a privilege log provided, COURT FINDS exclusion is not proper as expert was timely disclosed and ORDERED Plaintiffs' Motion in Limine to Exclude Expert Witness Davis L. Turner for Failure to Disclose Inspection Related Information and Documents DENIED.

PLAINTIFFS' MOTION IN LIMINE #2 REGARDING CERTAIN OPINION TESTIMONY OF DAVID L. TURNER

Following arguments by counsel, COURT ORDERED Plaintiffs' Motion in Limine #2 Regarding Certain Opinion Testimony of Davis L. Turner GRANTED.

Court inquired if counsel would like to resume the hearing on the Motions in Limine at 1:00 p.m. or if they wished to continued the pending motions to another date. Colloquy regarding scheduling.

COURT ORDERED, matter CONTINUED. The Court was made aware of Ms. McLeod's calendar conflict with a 9:00 a.m. Pretrial Conference in Department 30 on April 22, 2019, and DIRECTED counsel to remind the Court and the Court can coordinate with Department 30 such that Ms. McLeod can appear for both matters.

4/23/19 8:30 AM ALL PENDING MOTIONS IN LIMINE

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **June 04, 2019**

A-16-739887-C Joe Brown, Plaintiff(s)
vs.
GNL Corp, Defendant(s)

June 04, 2019 **10:00 AM** **All Pending Motions**

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

COURT CLERK: Susan Botzenhart

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Iqbal, Mohamed A.	Attorney
Mastrangelo, Rebecca L.	Attorney
McLeod, Alexandra B.	Attorney

JOURNAL ENTRIES

- Matter argued and submitted.

COURT ORDERED, as follows:

DEFENDANT / THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 1 RE: COMPUTATION OF DAMAGES - MOTION GRANTED.

DEFENDANT / THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 2 RE: TREATING PHYSICIANS - MOTION GRANTED as unopposed.

DEFENDANT / THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 3 RE: RESPONSIBILITY AVOIDANCE AND REPTILE THEORY ARGUMENTS - MOTION DEFERRED to a date and time set by parties, for this motion to be discussed close to time of Calendar Call; and parties are to remind the Court at time of Pre-Trial Conference as to when this motion can be specifically addressed and to also provide a date when the proposed voir dire will be submitted.

DEFENDANT / THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 4 RE: IMPROPER VOIR DIRE - MOTION DEFERRED to a date and time set by parties, for this motion to be discussed close to time of Calendar Call; and parties are to remind the Court at time of Pre-Trial Conference as to when this motion can be specifically addressed and to also provide a date when the proposed voir dire will be submitted.

DEFENDANT / THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 5 RE: LIMIT EXPERTS TO OPINIONS AND MATTERS SET FORTH IN THEIR REPORTS - MOTION GRANTED as unopposed.

DEFENDANT / THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 6 RE: EXCLUSION OF EVIDENCE OF SUBSEQUENT INCIDENTS - MOTION GRANTED IN PART only as to excluding testimony from Yolanda R. Moreno and Hector Ruelas about their own personal experiences at the property at issue and the escalator at issue.

DEFENDANT / THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 7 RE: CLAIM THAT THYSSENKRUPP "HID" OR FAILED TO PRODUCE EVIDENCE - MOTION CONTINUED to June 18, 2019 at 10:00 A.M.

DEFENDANT / THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 8 RE: EXCLUDE THE TESTIMONY OF SHEILA NABORS SWETT - MOTION CONTINUED to June 18, 2019 at 10:00 A.M.

6/18/19 10:00 A.M. DEFENDANTS' GNL, CORP LANDRY'S, INC. & GOLDEN NUGGET, INC.'S MOTION IN LIMINE NO. 1 TO EXCLUDE SRINIVAS NALAMACHU, M.D. FOR UNAUTHORIZED PRACTICE OF MEDICINE IN NEVADA; MOTION IN LIMINE NO. 2 REGARDING OTHER INCIDENTS OR REPAIRS; AND MOTION IN LIMINE NO. 3 REGARDING DISCOVERY MATTERS

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **June 18, 2019**

A-16-739887-C Joe Brown, Plaintiff(s)
vs.
GNL Corp, Defendant(s)

June 18, 2019 **10:00 AM** **All Pending Motions**

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

COURT CLERK: April Watkins

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Iqbal, Mohamed A.	Attorney
Mastrangelo, Rebecca L.	Attorney
McLeod, Alexandra B.	Attorney

JOURNAL ENTRIES

- RE-NOTICE OF MOTION OF DEFTS' GNL, CORP'S MOTION IN LIMINE #1 TO EXCLUDE SRINIVAS NALAMACHU, MD, FOR UNAUTHORIZED PRACTICE OF MEDICINE IN NEVADA; MOTION IN LIMINE #2 REGARDING OTHER INCIDENTS OR REPAIRS; AND #3 REGARDING DISCOVERY MATTERS...DEFT / THIRD PARTY DEFT. THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 7 RE: CLAIM THAT THYSSENKRUPP "HID" OR FAILED TO PRODUCE EVIDENCE...DEFT / THIRD PARTY DEFT. TYHSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 87 RE: EXCLUDE TESTIMONY OF SHEILA NABORS SWETT

CONFERENCE AT THE BENCH. COURT ORDERED, matters CONTINUED.

CONTINUED TO: 7/10/19 1:00 PM

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **July 10, 2019**

A-16-739887-C Joe Brown, Plaintiff(s)
vs.
GNL Corp, Defendant(s)

July 10, 2019 **1:00 PM** **All Pending Motions**

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

COURT CLERK: Susan Botzenhart

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Iqbal, Mohamed A.	Attorney
Mastrangelo, Rebecca L.	Attorney
McLeod, Alexandra B.	Attorney

JOURNAL ENTRIES

- Arguments by counsel.

Court stated findings.

COURT ORDERED, as follows:

DEFENDANTS GNL, CORP., LANDRY'S, INC. & GOLDEN NUGGET, INC.'S MOTION IN LIMINE NO. 1 TO EXCLUDE SRINIVAS NALAMACHU, M.D. FOR UNAUTHORIZED PRACTICE OF MEDICINE IN NEVADA...DEFENDANT / THIRD-PARTY DEFENDANTS GNL, CORP., LANDRY'S, INC. & GOLDEN NUGGET, INC.'S MOTION IN LIMINE NO. 1 TO EXCLUDE SRINIVAS NALAMACHU, M.D. FOR UNAUTHORIZED PRACTICE OF MEDICINE IN NEVADA - MOTION AND JOINDER DENIED WITHOUT PREJUDICE, and Motion is DEFERRED IN PART with a caveat that an evidentiary hearing will be set for voir dire to be done on Srinivas Nalamachu, M.D., prior to trial, for clarification and more information to be provided on what this witness is intending to testify to. Parties made no objection to having the witness appear to testify by audio visual.

DEFENDANTS GNL, CORP., LANDRY'S, INC. & GOLDEN NUGGET, INC,'S MOTIONS IN LIMINE NO. 2 REGARDING OTHER INCIDENTS OR REPAIRS AND NO. 3 REGARDING DISCOVERY MATTERS...DEFENDANT / THIRD-PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S JOINDER TO DEFENDANTS GNL, CORP., LANDRY'S, INC. & GOLDEN NUGGET, INC.'S MOTIONS IN LIMINE NO. 2 REGARDING OTHER INCIDENTS OR REPAIRS AND NO. 3 REGARDING DISCOVERY MATTERS - MOTION IN LIMINE NO. 2 AND JOINDER TO MOTION IN LIMINE NO. 2 are GRANTED; and, as to MOTION IN LIMINE NO. 3 AND JOINDER TO MOTION IN LIMINE NO. 3 - Motion and Joinder are GRANTED, parties are to follow the law, and what was not previously disclosed will not come in at trial.

DEFENDANT / THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 7 RE: CLAIM THAT THYSSENKRUPP "HID" OR FAILED TO PRODUCE EVIDENCE - all parties are to follow the law.

DEFENDANT / THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 8 RE: EXCLUDE THE TESTIMONY OF SHEILA NABORS SWETT - MOTION DEFERRED with a caveat that an evidentiary hearing will be set for voir dire to be done on Sheila Nabors Swett, prior to trial. Parties made no objection to having the witness appear to testify by audio visual.

Court offered time for next week to both sides to get the voir dires done; and reminded the parties this needs to get done before trial.

PLAINTIFFS' MOTION TO EXTEND DEADLINE FOR COURT-ORDERED DISCOVERY ON ORDER SHORTENING TIME - MOTION DENIED as the Court does not see good cause or excusable neglect to extend the deadline.

Handouts on the audio visual procedures were provided.

Ms. Mastrangelo to prepare the orders.

Court stated this case may be ripe for a settlement conference program; and provided more information about this program and the senior judge settlement conference program.

Counsel requested time to confer with each other and provide a letter to the Court about participating in a settlement conference. COURT SO ORDERED.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **August 27, 2019**

A-16-739887-C Joe Brown, Plaintiff(s)
vs.
GNL Corp, Defendant(s)

August 27, 2019 **9:30 AM** **All Pending Motions**

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

COURT CLERK: Susan Botzenhart

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Iqbal, Mohamed A.	Attorney
Mastrangelo, Rebecca L.	Attorney
McLeod, Alexandra B.	Attorney

JOURNAL ENTRIES

- DEFENDANT / THIRD PARTY PLAINTIFF GNL, CORP.'S RE-NOTICE OF MOTION OF DEFENDANT, GNL, CORP.'S MOTION FOR SUMMARY JUDGMENT ON LIABILITY AND PUNITIVE DAMAGES...DEFENDANT / THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S JOINDER IN GNL'S MOTION FOR SUMMARY JUDGMENT ON PUNITIVE DAMAGES

Arguments by counsel as to punitive damages. Court stated its findings. COURT ORDERED, Motion GRANTED as a matter of law, and as to punitive damages. Counsel for GNL Corp., to submit a proposed findings of facts and conclusions of law, in accordance to EDCR 7.21.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **September 12, 2019**

A-16-739887-C Joe Brown, Plaintiff(s)
vs.
GNL Corp, Defendant(s)

September 12, 2019 10:15 AM Pre Trial Conference

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

COURT CLERK: Susan Botzenhart

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Iqbal, Mohamed A.	Attorney
Mastrangelo, Rebecca L.	Attorney
McLeod, Alexandra B.	Attorney

JOURNAL ENTRIES

- Counsel stated parties met before coming to Court, to address some issues, and one of the issues was about voir dire. Colloquy regarding scheduling and availability of the parties. Counsel estimated 3 weeks for trial, and noted a 2.67 conference has been scheduled for September 24, 2019. COURT ORDERED, trial date SET. Court noted this case is #3. Discussions regarding pre-trial matters, juror notebooks being sought and voir dire. Parties to submit a joint letter after their 2.67 conference, regarding pre-trial matters to be addressed, and to include in the letter about whether or not the parties want to address the pre-trial matters on the day before Calendar Call, being Monday, October 7, 2019.

10/08/19 9:00 A.M. CALENDAR CALL

10/21/19 9:00 A.M. TRIAL BY JURY (#3)

CLERK'S NOTE: Minutes updated 9/24/19. sb

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **October 07, 2019**

A-16-739887-C Joe Brown, Plaintiff(s)
vs.
GNL Corp, Defendant(s)

October 07, 2019 **1:00 PM** **All Pending Motions**

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

COURT CLERK: Susan Botzenhart

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Iqbal, Mohamed A.	Attorney
Mastrangelo, Rebecca L.	Attorney
McLeod, Alexandra B.	Attorney
Roberts, D Lee, Jr.	Attorney

JOURNAL ENTRIES

- HEARING RE: PRE TRIAL MATTERS

Paralegal to Mr. Roberts also present in Court.

Court addressed issues regarding what was provided by Plaintiffs' counsel recently, in regards to the request to address deposition excerpts, and the Court's memo having been issued to the parties. Discussions as to deposition excerpts counsel is seeking to resolve, and Rule 2.67 conference. Court reminded counsel about deposition excerpt rules and requirements; and clarified the voir dire of Sheila Swett is what is only being handled today. Court inquired about pre-trial memorandums. Statements by counsel regarding notification having been given on Pre-Trial Memorandums being due October 7, 2019. Statements by Paralegal to Mr. Roberts were made to the Court as to communication having been made to Chambers by defense counsel's firm about the pre-trial memorandum deadline. Court reminded the parties about the rules; and admonished parties not to contact a judicial department by phone to change a deadline date.

DEFENDANT / THIRD PARTY DEFENDANT THYSSENKRUPP ELEVATOR CORPORATION'S MOTION IN LIMINE NO. 8 RE: EXCLUDE THE TESTIMONY OF SHEILA NABORS SWETT

Expert Sheila Swett appeared by video conference; and provided sworn testimony. Court's Exhibits presented (See Worksheets.). Witness was excused when voir dire testimony concluded. Arguments by counsel. Discussion as to Hallmark standards and the testimony presented today. Court stated its analysis and findings; and ORDERED, Motion GRANTED as to all opinions set forth in Sheila Swett's initial expert report from May 4, 2018, and as to any similar opinions in the rebuttal report from May 28, 2018. Court noted its ruling does not preclude Ms. Swett from testifying in some capacity as a rebuttal expert, and the Court would defer this portion until time of trial.

By agreement of counsel, COURT ORDERED, Calendar Call CONTINUED from October 15, 2019 to a date determined by Court. Court noted it was not extending any deadlines.

DISTRICT COURT
CLARK COUNTY, NEVADA

Negligence - Premises Liability **COURT MINUTES** **October 11, 2019**

A-16-739887-C Joe Brown, Plaintiff(s)
vs.
GNL Corp, Defendant(s)

October 11, 2019 **10:00 AM** **Further Proceedings**

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

COURT CLERK: Alice Jacobson

RECORDER: Sandra Harrell

REPORTER:

PARTIES PRESENT:

Iqbal, Mohamed A.	Attorney
Mastrangelo, Rebecca L.	Attorney
McLeod, Alexandra B.	Attorney
Roberts, D Lee, Jr.	Attorney

JOURNAL ENTRIES

- Telephonic Conference.

Court contacted counsel to set a trial date. Counsel estimated 15 days for trial. Court suggested that counsel talk with eachother and experts and send the Court a joint letter with their available trial dates. Court noted that it was not inclined to have the trial past March 2020 due to the age of the case.

EXHIBIT(S) LIST Evidentiary Hearing

Case No.: A-16-739867-C

Date: 10/07/19

Dept. No.: XXXI

Judge: JOANNA S. KISHNER

Court Clerk: Susan Botzenhart

Recorder: Sandra Harrell

Joe Brown
PLAINTIFF,

Counsel for Plaintiff: Mohamed Iqbal

vs.

GNLCorp
&
ThyssenKrupp Elevator Corporation
DEFENDANTS.

Counsel for Defendant: Alexandra McLeod, Rebecca Mastrangelo

TRIAL BEFORE THE COURT

Court 'S EXHIBITS

Exhibit Number	Exhibit Description	Date Offered	Objection	Date Admitted
1.	Resume of Sheila N. Swett	10-7-19	no	10-7-19
2.	Resume of Sheila N. Swett (copy)	10-7-19	no	10-7-19
3.	Inspection Form	10-7-19	no	10-7-19
4.	Product Bulletin	10-7-19	no	10-7-19

EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE

NOTICE OF DEFICIENCY

ON APPEAL TO NEVADA SUPREME COURT

MOHAMED A. IQBAL, JR.
101 CONVENTION CENTER DR., SUITE 1175
LAS VEGAS, NV 89109

DATE: November 1, 2019
CASE: A-16-739887-C

RE CASE: JOE N. BROWN; NETTIE J. BROWN vs. GNL, CORP.; THYSSENKRUPP ELEVATOR CORP.

NOTICE OF APPEAL FILED: October 28, 2019

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

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

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

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

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

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

☐ Order

☐ Notice of Entry of Order

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

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

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

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

Certification of Copy

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

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

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING SUMMARY JUDGMENT ON PUNITIVE DAMAGES; NOTICE OF ENTRY OF ORDER GRANTING SUMMARY JUDGMENT ON PUNITIVE DAMAGES; ORDER REGARDING GNL, CORP.'S MOTIONS IN LIMINE #1-3; NOTICE OF ENTRY OF ORDER REGARDING GNL, CORP.'S MOTIONS IN LIMINE #1-3; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

JOE N. BROWN; NETTIE J. BROWN,

Plaintiff(s),

vs.

GNL, CORP.; THYSSENKRUPP ELEVATOR CORP.,

Defendant(s),

Case No: A-16-739887-C

Dept No: XXXI

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto Set my hand and Affixed the seal of the Court at my office, Las Vegas, Nevada This 1 day of November 2019.

Steven D. Grierson, Clerk of the Court

Heather Ungermann, Deputy Clerk