

1 LESLIE MARK STOVALL, ESQ.  
 Nevada Bar No. 2566  
 2 ROSS MOYNIHAN, ESQ.  
 Nevada Bar No. 11848  
 3 STOVALL & ASSOCIATES  
 2301 Palomino Lane  
 4 Las Vegas, NV 89107  
 Telephone: (702) 258-3034  
 5 E-service: court@lesstovall.com  
 Attorneys for Plaintiff

7 **UNITED STATES DISTRICT COURT**  
 8 **DISTRICT OF NEVADA**

<p>9 ROBERT BARCELON, an individual,           10 Plaintiff,           11 vs.           12           13 LANDFORCE CORPORATION          individually; ALBERT LEON HARRIS,          14 individually; DOES I-X; and ROES          CORPORATIONS I-X, inclusive,           15 Defendants.           16</p>	<p>Case No.: 2:18-cv-01493-GMN-DJA</p>
---	--

17 **JOINT PRE-TRIAL ORDER**

18 After pretrial proceedings in this case,

19 IT IS ORDERED:

20 I.

21 **NATURE OF ACTION AND CONTENTIONS OF PARTIES:**

22 **This is an action for negligence:**

23 In his Complaint [ECF 1], Plaintiff Robert Barcelon contends that on October 5,  
 24 2016, he was injured when the vehicle that he was operating and the vehicle owned by  
 25 Defendant Landforce Corporation and operated by Defendant Harris collided on  
 26 Highway 70 at milepost 185 in Colorado.  
 27  
 28

1 Plaintiff alleges that Defendant Harris negligently lost control of the vehicle he  
2 was driving resulting in the collision. Plaintiff alleges that Defendant Landforce  
3 negligently entrusted the vehicle to Defendant Harris.

4 In their Answers, Defendants admit that Defendant Harris was Defendant  
5 Landforce Corporation's employee in the course and scope of his employment. [ECF  
6 26 and 36] Defendants deny negligence in the incident. Defendants contend that  
7 Plaintiff has failed to state claims on which relief can be granted, that his injuries, if any,  
8 were a result of his own contributory negligence, that his negligence when compared to  
9 that of defendant, that Plaintiff failed to mitigate his damages, that the circumstances  
10 constituted a sudden emergency and that the accident was unavoidable.

11 **II.**

12 **STATEMENT OF JURISDICTION**

13 Plaintiff alleged diversity of citizenship, 28 U.S.C. §1441. Plaintiff states in his  
14 Complaint that he is a resident of the state of Nevada. Plaintiff's Complaint alleges that  
15 the principle place of business of Defendant Landforce Corporation is Victorville, CA  
16 and that the Defendant Harris is a resident of California. Plaintiff alleges damages in  
17 excess of \$75,000.00.

18 **III.**

19 **THE FOLLOWING FACTS ARE ADMITTED**  
20 **BY THE PARTIES AND REQUIRE NO PROOF:**

21 On October 5, 2016, Defendant Landforce Corporation was the owner of a  
22 certain International Tractor Trailer operated by Defendant Harris.

23 On October 5, 2016, Defendant Harris was an employee of Defendant Landforce  
24 Corporation and was acting in the course and scope of his employment at the time of  
25 the subject accident.

26 The subject motor vehicle accident occurred in the State of Colorado.  
27  
28

1 The parties have stipulated and the Court has ordered to the dismissal of  
2 Plaintiff's claim against Defendant Landforce Corporation that it negligently entrusted its  
3 vehicle to Defendant Harris. [ECF 88].

4  
5 **IV.**

6 **THE FOLLOWING FACTS, THOUGH NOT ADMITTED, WILL NOT BE CONTESTED**  
7 **AT TRIAL BY EVIDENCE TO THE CONTRARY:**

8  
9 N/A

10  
11 **V.**

12 **THE FOLLOWING ARE THE ISSUES OF FACT**  
13 **TO BE TRIED AND DETERMINED UPON TRIAL. [EACH ISSUE OF FACT MUST BE**  
14 **STATED SEPARATELY AND IN SPECIFIC TERMS.]**

15 **PLAINTIFF'S VIEW**

16 1. Did defendant Harris breach his duty to operate defendant Landforce's  
17 vehicle as a reasonably prudent driver under the same or similar circumstances prior to  
18 defendant Landforce's vehicle colliding with plaintiff's vehicle.

19 2. Did defendant Landforce breach a duty to sufficiently train, qualify, and  
20 supervise Harris in the operation of its vehicle.

21 3. Was the plaintiff comparatively negligent in the operation of his vehicle  
22 prior to the defendant Landforce's vehicle colliding with the plaintiff's vehicle.

23 4. Did defendant Landforce's vehicle collision with the plaintiff's vehicle a  
24 proximate and actual cause of physical injury resulting in an aggravation or  
25 exacerbation of preexisting lumbar disc disorder.

26 5. Was the medical care rendered to plaintiff to treat injury to his low back  
27 medically reasonable and necessary and related to the collision.

28 6. Was the cost of medical care rendered to plaintiff to treat injury to his low  
back reasonable and customary within this community.

7. Did defendant Landforce's vehicle colliding with the plaintiff's vehicle  
cause physical injury to the plaintiff's middle back/thoracic spine.

1 8. Was the medical care rendered to plaintiff to treat injury to his middle back  
2 medically reasonable and necessary and related to the collision.

3 9. Was the cost of medical care rendered to plaintiff to treat injury to his  
4 middle back reasonable and customary within this community.

5 10. Did defendant Landforce's vehicle colliding with the plaintiff's vehicle  
6 cause physical injury to the plaintiff's neck/cervical spine.

7 11. Was the medical care rendered to plaintiff to treat injury to his neck  
8 medically reasonable and necessary and related to the collision.

9 12. Was the cost of medical care rendered to plaintiff to treat injury to his neck  
10 reasonable and customary within this community.

11 13. To a reasonable degree of medical probability, will plaintiff require future  
12 medical care to his neck/cervical spine as a result of the collision at issue in this case,  
13 and what will be the cost of that care.

14 14. Did, and to what extent did, the plaintiff suffer past loss of income, future  
15 loss of income, and a loss of future earning capacity as a result of the collision at issue  
16 in this case and resulting physical injury, to a reasonable degree of probability.

17 15. Did, and to what extent did, the plaintiff suffer general damages,  
18 specifically past and future pain and suffering as a result of the collision at issue in this  
19 case and what is a reasonable sum of money to compensate plaintiff for past and future  
20 pain and suffering.

21 **DEFENDANT'S VIEW**

22 All facts related to Plaintiff's operation of his vehicle under the circumstances.

23 Did Plaintiff's operation of his motor vehicle fall below the standard of reasonable  
24 care which a reasonable person would use under the same or similar circumstances?

25 All facts related to Defendant's operation of his vehicle under the circumstance.

26 Did Defendant's operation of his motor vehicle fall below the standard of  
27 reasonable which a reasonably careful person would use under the same or similar  
28 circumstances?

1 What percentage of the negligence was the Defendants’?

2 What percentage of the negligence was the Plaintiff’s?

3 Did Plaintiff’s share of negligence exceed the negligence of Defendant Harris’s  
4 share of negligence?

5 Was Defendants’ negligence, if any, the proximate cause of any of Plaintiff’s  
6 injures or damages?

7 Was Plaintiff’s negligence, if any, the proximate cause of Plaintiff’s injures or  
8 damages?

9 What medical care did Plaintiff obtain following the subject accident?

10 What if any pre-existing conditions did Plaintiff have at the time of the incidents?

11 What if any of the medical care that Plaintiff obtained following the incidents was  
12 necessary because of pre-existing condition(s) of Plaintiff?

13 Did Plaintiff sustain an aggravation to his pre-existing condition(s), if any, as a  
14 result of the incidents?

15 What if any of the medical care that Plaintiff obtained following the incident was  
16 necessary because of an aggravation to his pre-existing condition(s), if any?

17 What injuries if any did Plaintiff suffer any injury as a result of the incident?

18 What if any of the medical care that Plaintiff obtained following the incident was  
19 necessary because of injuries he received in the incident?

20 Did Plaintiff mitigate his damages by obtaining medical care the price of which  
21 was reasonable and customary in the community?

22 Did Plaintiff suffer any loss of earnings in the past?

23 Will Plaintiff suffer any loss of earnings in the future?

24 What is the extent, if any, of Plaintiff’s past and future damages that are related  
25 to the subject motor vehicle accident?

26 Did Plaintiff suffer any non-economic losses in the past?

27 Will Plaintiff suffer any non-economic losses in the future?

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**VI.**

**THE FOLLOWING ARE THE ISSUES OF LAW TO BE TRIED AND DETERMINED UPON TRIAL. EACH ISSUE OF LAW MUST BE STATED SEPARATELY AND IN SPECIFIC TERMS**

**PLAINTIFF’S VIEW**

1. Did defendant Landforce have a duty to adequately train and supervise defendant Harris, and ensure that he was adequately experienced to operate a tractor trailer in snowy/icy conditions.
2. Did defendant Harris have a duty to ensure that he was adequately trained and experienced to operate a tractor trailer in snowy/icy conditions.
3. Did defendant Harris have a duty to operate the tractor trailer as a reasonable person in the same or similar circumstances.
4. Is there adequate evidence to support a defense that plaintiff was comparatively negligent.
5. Did plaintiff have a duty to operate his vehicle as a reasonable person under the same or similar circumstances.
6. As a matter of law, does the mere existence of ordinary, age-related, and asymptomatic degeneration of the cervical, thoracic, and/or lumbar spine permit the defendants to argue that plaintiff has a “preexisting condition” which is the cause of plaintiff’s pain complaints/alleged injuries.
7. Is there adequate foundation for any of defendants’ alternative causation defenses in response to plaintiff’s damages claims.

**DEFENDANT’S VIEW**

Will the law of the state of Colorado apply to this incident which occurred on I-70 near Vail Colorado?

What duty, if any, did Defendant Harris owe to Plaintiff regarding the operation of their vehicle?

1 What Duty, if any, did Plaintiff owe to Defendants regarding the operation of his  
2 vehicle?

3 When the court applies the comparative fault of Plaintiff as assigned by the jury,  
4 does Colorado's comparative fault law, CRS §13-21-111, preclude him from a  
5 recovery?

6 When the court applies the comparative fault of Plaintiff as assigned by the jury,  
7 to what extent will Colorado's comparative fault law, CRS §13-21-111, reduce the  
8 recovery as stated in the verdict?

## 9 VII

### 10 THE FOLLOWING ARE EXHIBITS AND OBJECTIONS

11 **(a) The following exhibits are stipulated into evidence in this case and may be  
12 so marked by the clerk:**

13 (1) Plaintiff's exhibits.

14 The parties have not reached any stipulation regarding any of Plaintiff's  
15 exhibits.

16 (2) Defendant's exhibits.

17 The parties have not reached any stipulation regarding any of Defendant's  
18 exhibits.

19 **(b) As to the following exhibits, the party against whom the same will be  
20 offered objects to their admission on the grounds stated:**

21 (1) Set forth the plaintiff's exhibits and objections to them.

22 a) John Thalgott, MD Medical Records  
PLTF00008 - PLTF00049

23 b) John Thalgott, MD Billing Records  
24 PLTF00050 - PLTF00051,  
PLTF00234

25 c) SimonMed Imaging Medical Records  
26 PLTF00052 - PLTF00056

27 d) SimonMed Imaging Billing Records  
28 PLTF00057 - PLTF00058

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- e) Jackson Physical Therapy Medical Records  
PLTF00059 - PLTF00134
- f) Jackson Physical Therapy Billing Records  
PLTF00135 - PLTF00139
- g) Advanced Spine & Pain Center Medical Records  
PLTF00140 - PLTF00151
- h) Advanced Spine & Pain Center Billing Records  
PLTF00152 - PLTF00153
- i) Las Vegas Radiology Medical Records  
PLTF00154 - PLTF00169
- j) Las Vegas Radiology Billing Records  
PLTF00170 - PLTF00175
- k) Witold Iglkowski, MD Medical Records  
PLTF00176 - PLTF00181
- l) Witold Iglkowski, MD Billing Records  
PLTF00182
- m) Pain Institute of Nevada Medical Records  
PLTF00183 - PLTF00214  
PLTF00245 – PLTF00370
- n) Pain Institute of Nevada Billing Records  
PLTF00215 - PLTF00227  
PLTF00238- PLTF00244  
PLTF00370 - PLTF00379  
PLTF00393 -- PLTF00395
- o) West Las Vegas Surgery Center Medical Records  
PLTF00228 - PLTF00230
- p) West Las Vegas Surgery Center Billing Records  
PLTF00230 - PLTF00233
- q) Valley View Surgery Center  
PLTF00238
- r) The Center for Diseases and Surgery of the Spine Medical Records  
PLTF00380 – PLTF00389



- 1 s) The Center for Diseases and Surgery of the Spine Billing Records  
2 PLTF00390 – PLTF00392
- 3 t) Documents evidencing Plaintiff's earnings from Security National  
4 Mortgage  
5 PLTF00396 – PLTF00397
- 6 u) Estimate of Record 2009 Dodge Ram 1500 Truck  
7 BLWM 000006- BLWM 0000015
- 8 v) 2009 Dodge Ram 1500 Truck Market Value  
9 BLWM 000016- BLWM 0000032
- 10 w) Photo of Vehicle Damages 2009 Dodge Ram 1500 Truck  
11 BLWM 000033- BLWN 0000041
- 12 x) Photo  
13 LF 00027- LF 00034
- 14 y) Photos of Trailer with police accident exchange information  
15 LF 00037- LF 00038
- 16 z) Photo of 2009 White Dodge Ram 1500 Truck attached to E-mail  
17 from Edna Gomez to Yesenia Alvarado  
18 LF 00040- LF 00048
- 19 aa) Simon Medical Imaging Films for Plaintiff Independent Obtained  
20 CD SMI 00001
- 21 bb) Stienberg Diagnostic Medical Imaging Films  
22 for Plaintiff Independently obtained  
23 CD SDM 00001
- 24 cc) Ten Photographs of Plaintiff's vehicle taken by Heather Barcelon

25 Defendant objects to the Plaintiff's exhibits as follows:

- 26 a) Defendant objects to all of Plaintiff's proposed exhibits because  
27 Defendant has not been provided a copy of the proposed exhibits to  
28 determine whether they are documents that were produced in compliance  
with Plaintiff's Rule 26 obligations and Plaintiff has not served his FRCP  
26(a)(3) Disclosure.
- b) Defendant objects to Plaintiff's proposed exhibits because the  
records and bills are all hearsay and the records and bills do not qualify for  
admission based on any exception to the hearsay rule.

1 c) Defendant objects to the introduction of the reports, CVs, Fee  
2 Schedules, Testimonial Histories as well as rebuttal reports of any of  
3 Plaintiff's retained or non-retained medical experts because they are all  
4 hearsay and do not qualify to admission under any exception to that rule.

5 d) Defendant objects to the introduction of any deposition transcripts  
6 because deposition transcripts and the testimony recorded there are  
7 hearsay. Plaintiff has not taken the steps necessary to qualify to read  
8 from the transcripts or to introduce them into evidence.

9 e) Defendant objects to the introduction of any exhibits that Plaintiff  
10 did not disclosure during discovery and as provided for in F.R.C.P.  
11 37(c)(1)

12 f) Defendant objects to the introduction of physical copies of  
13 responses to written discovery because they are hearsay and Plaintiff has  
14 not laid the foundation to read anything from them into evidence.

15 (2) Set forth the defendant's exhibits and objections to them.

	Description	Bate Nos.	Exh. No
16	501 Traffic Accident Report & Statements	TAR 000006	501
17	502 Center for Disease & Surgery of the Spine	CFDASOTS 000003	508
18	503 Simon Med Imaging	SMI 00001-7	509
19	504 Advanced Spine and Pain Center	ASPC 00004-5, 10- 15	520
20	505 Valley View Surgical Center	VVSC 00001, 4, 10, 12	521
21	506 Pain Institute of Nevada	PIN 00003- 4, 6-8, 49- 51, 61-63, 67, 74, 75- 78	524
22	507 Jackson Physical Therapy	000077-79 (PLTF 132- 134)	527
23	508 Nevada Comprehensive Pain Center (Coppel)	NCPC 00001-2, 00005-0073	530
24	509 Thalgott, John, M.D.	JSTMD, 00001, 26- 27, 36-41, 48-49.	532
25	510 Lee, Franco, M.D.	FMLMD, 00001-4	533

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

		5-7, 8-12, 13-18, 36- 41, 47-52, 75-80 84-132	
511	Employer's Insurance Company of Nevada	<b>EICON</b> , 000001, 47 -58, 61-75, 84-97, 106, 111- 113, 143- 146, 153, 157-159 165-172 173, 180, 198, 221- 222, 225-238, 241-242	551
512	Tax Records	<b>IRS</b> 000001- 000037	560
513	Elite Investigation Videos	<b>Electronic Evidence</b>	579
514	Health Care Partners	<b>HCP / HCPN</b> 00001 -2, 72-80, 82- 95, 145-156, 314-317, 328, 432- 433, 582- 586, 611- 615	580
515	SimonMed Imaging Films	<b>Electronic Evidence</b>	583
516	Acree, W. Benjamin, D.C.	<b>WBADC</b> 00001 – 00009	585
518	Smiths Food and Drug Center	<b>SFD</b> 00001- 00015	576
519	Hanks, Jeffrey, D.C.	<b>JHDC</b> 00001- 00023	562

Plaintiff objects to the exhibits of Defendant as follows:

- a. with respect to 501, this is a traffic accident report and is inadmissible hearsay.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- b. with respect to 502, 503, 504, 505, 506, 507, and 512, plaintiff objects to these documents on authenticity and hearsay grounds. Plaintiff further objects as these selections of medical records appear not to be complete.
- c. with respect to 508, 509, 510, 514, 516, 518, and 519, plaintiff objects to these documents as they are mostly irrelevant to the facts at issue in this case and are offered as a means to confuse the jury and offer unfounded theories of alternative causation. Plaintiff further objects on authenticity and hearsay grounds.
- d. with respect to 513, plaintiff objects as this surveillance was not appropriately disclosed and therefore cannot be permitted as affirmative evidence and should not be permitted as impeachment evidence. Plaintiff further objects on relevancy, authenticity, and hearsay grounds.

**(c) Electronic evidence: [State whether the parties intent to present electronic evidence for purposes of jury deliberations.**

- (1) Plaintiff intends to present the following electronic evidence for jury deliberations.
  - (a) SimonMed Medical Films CD SMI 00001
  - (b) Stienberg Diagnostic Medical Imaging Films CD SDM 00001
- (2) Defendant intends to present the following electronic evidence for jury deliberations:
  - a) Surveillance Video of Plaintiff from Elite Investigations. (Exh. 579)
  - b) SimonMed Imaging Films (Exh. 583).

**(d) Depositions:**

- (1) Plaintiff will offer the following depositions: [Indicate name of deponent and identify portions to be offered by pages and lines and the party or parties against whom offered.
  - i) Name of Deponent Albert Leon Harris
  - ii) Portions to be Offered All
  - iii) Party against whom Offered Defendant
- i) Name of Deponent: Barcleon, Barbara
- ii) Portions to be Offered: All
- iii) Party against whom Offered: Defendant
- i) Name of Deponent: Barcelon, Heather
- ii) Portions to be Offered: All
- iii) Party against whom Offered: Defendant

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- i) Name of Deponent: Barcelon, Robert
- ii) Portions to be Offered: All
- iii) Party against whom Offered: Defendant
  
- i) Name of Deponent: Dempsey, Shelly
- ii) Portions to be Offered: All
- iii) Party against whom Offered: Defendant
  
- i) Name of Deponent: Gouker, Joshua
- ii) Portions to be Offered: All
- iii) Party against whom Offered: Defendant

**(2)** Defendant will offer the following depositions: [Indicate name of deponent and identify portions to be offered by pages and lines and the party or parties against who offered.

- i) Name of Deponent: Barcleon, Barbara
- ii) Portions to be Offered: All
- iii) Party against whom Offered: Plaintiff
  
- i) Name of Deponent: Barcelon, Heather
- ii) Portions to be Offered: All
- iii) Party against whom Offered: Plaintiff
  
- i) Name of Deponent: Barcelon, Robert
- ii) Portions to be Offered: All
- iii) Party against whom Offered: Plaintiff
  
- i) Name of Deponent: Dempsey, Shelly
- ii) Portions to be Offered: All
- iii) Party against whom Offered: Plaintiff
  
- i) Name of Deponent: Gouker, Joshua
- ii) Portions to be Offered: All
- iii) Party against whom Offered: Plaintiff

**(e)** Objections to depositions:

**(1)** Defendant objects to plaintiff's depositions as follows:

Defendant objects to the introduction of the physical transcript of any deposition. Defendant objects to the introduction into evidence of any testimony from the deposition because the record of testimony is hearsay. Plaintiff has failed to satisfy the requirements to read into evidence the testimony of any deponent including but not limited to the depositions of witness Albert Leon Harris Enriquez.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

(2) Plaintiff objects to defendant's depositions as follows:

Plaintiff generally objects to defense use of deposition transcripts for any purpose other than to appropriately impeach a witness at trial with the transcript of that witness' deposition. Plaintiff further objects because the defendants have not offered the specific portions of the depositions they seek to use and have not indicated the purpose for which they seek to use them.

**VIII.**

**THE FOLLOWING WITNESSES MAY BE CALLED BY THE PARTIES AT TRIAL:**

(a) **Provide names and addresses of plaintiff's witnesses.**

1. Robert Barcelon  
c/o Leslie Mark Stovall, Esq.  
Ross Moynihan, Esq.  
STOVALL & ASSOCIATES  
2301 Palomino Lane  
Las Vegas, NV 89107  
Ph: (702) 258-3034
2. Albert Leon Harris  
c/o Bauman Loewe Witt & Maxwell, PLLC  
Michael C. Mills, Esq.  
3650 N. Rancho Dr., Ste. 114  
Las Vegas, NV 89130
3. Landforce Corporation  
c/o Bauman Loewe Witt & Maxwell, PLLC  
Michael C. Mills, Esq.  
3650 N. Rancho Dr., Ste. 114  
Las Vegas, NV 89130
4. Officer Gouker  
c/o Colorado State Patrol  
District/ Troop 4C Office Location Glnwd  
Case Report Number: 8C162841  
(970) 945-6198
5. Heather Cain Barcelon  
c/o Leslie Mark Stovall, Esq.  
Ross Moynihan, Esq.  
STOVALL & ASSOCIATES  
2301 Palomino Lane  
Las Vegas, NV 89107  
Ph: (702) 258-3034
6. Shelly Dempsey  
c/o Leslie Mark Stovall, Esq.  
Ross Moynihan, Esq.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

STOVALL & ASSOCIATES  
2301 Palomino Lane  
Las Vegas, NV 89107  
Ph: (702) 258-3034

7. Barbara Barcelon  
c/o Leslie Mark Stovall, Esq.  
Ross Moynihan, Esq.  
STOVALL & ASSOCIATES  
2301 Palomino Lane  
Las Vegas, NV 89107  
Ph: (702) 258-3034
8. Center for Disease and Surgery of the Spine  
John Thalgott, MD  
600 South Rancho Drive, Suite 107  
Las Vegas, NV 89106  
(702) 878-8370
9. NRCP 30(b)(6) Representative(s)/Designee(s) and/or  
Custodian of Records  
SimonMed Imaging  
3651 Lindell Rd., Suite #D-698  
Las Vegas, NV 89103  
(480) 551-0264
10. NRCP 30(b)(6) Representative(s)/Designee(s) and/or  
Custodian of Records  
Jackson Physical Therapy  
4765 S. Durango Dr., Suite 106  
Las Vegas, NV 89147  
(702) 898-7633
11. Advanced Spine & Pain Center  
Edmund Pasimio, MD  
601 S. Rancho Drive, Suite A-6  
Las Vegas, NV 89106  
(702) 386-0909
12. Witold Iglkowski, MD  
2800 W. Horizon Ridge Pkwy, Suite 101  
Henderson, NV 89052
13. Pain Institute of Nevada  
Walter Kidwell, MD.  
7435 W. Azure Drive, Ste 190  
Las Vegas, NV 89130  
(702) 878-8252
14. Pain Institute of Nevada  
Katherine Travnicek, MD.  
7435 W. Azure Drive, Ste 190  
Las Vegas, NV 89130  
702) 878-8252

- 1 15. NRCP 30(b)(6) Representative(s)/Designee(s) and/or  
2 Custodian of Records  
3 West Las Vegas Surgery Center dba Valley View Surgery Center  
4 1330 S. Valley View Blvd.  
5 Las Vegas, NV 89102  
6 (702) 675-4800
- 7 16. Thomas Dunn, M.D  
8 Desert Orthopedic  
9 2800 E Desert Inn Rd #100,  
10 Las Vegas, NV 89121  
11 (702) 766-7836
- 12 17. Peter M. Himpfel, P.E  
13 Hamernik & Associates, Lnc  
14 1711 Perl Street Suite 201  
15 Boulder, Co 80302  
16 (303) 449-7942
- 17 18. Chris P. Reyes, MRC, CRC  
18 Vocational Economics Inc.  
19 3960 Howaed Hughes Parkway Suite 517  
20 Las Vegas, Nv 89169  
21 (702) 664-0077
- 22 19. Terrence M. Clauretje, Ph.D  
23 217 Palmetto Pointe Drive  
24 Henderson, Nv 89012  
25 (702) 811-9888

16 **(b) Provide names and addresses of defendant's witnesses.**

17 Albert Leon Harris, Defendant  
18 c/o Michael C. Mills, Esq.  
19 Bauman Loewe Witt & Maxwell  
20 3650 N. Rancho Dr., Ste. 114  
21 Las Vegas, NV 89130

22 Landforce Corporation, Defendant  
23 c/o Michael C. Mills, Esq.  
24 Bauman Loewe Witt & Maxwell  
25 3650 N. Rancho Dr., Ste. 114  
26 Las Vegas, NV 89130  
27 Tamara Rockholt, RN, BSN  
28 Exam Works  
11030 White Rock Road, #110  
Rancho Cordova, CA 95670  
(800) 458-1261

Clive M. Segil, M.D., F.R.C.S., F.A.C.S.  
17777 Ventura Blvd. # 230  
Encino, CA 91316  
(818) 342-5490



1 Andrew Kim, D.O.  
2 Desert Orthopaedic Center  
2800 East Desert Inn Road, Suite 100  
3 Las Vegas, Nevada 89121  
(702) 562-7880

4 Aubrey A. Corwin, M.S., L.P.C., C.R.C., C.L.C.P.  
5 Vocational Diagnostics, Inc.  
3030 N. Central Ave, Suite 603  
6 Phoenix, AZ 85012  
(602) 285-0625

7 Officer Gouker  
8 c/o Colorado State Patrol  
District/Troop 4C  
9 Office Location Glenwood  
Case Report No. 8C162841

10 Robert Barcelon, Plaintiff  
11 c/o Leslie Mark Stovall, Esq.  
Stovall & Associates  
2301 Palomino Lane  
12 Las Vegas, NV 89107  
Barbara Barcelon  
13 c/o Leslie Mark Stovall, Esq.  
Stovall & Associates  
14 2301 Palomino Lane  
Las Vegas, NV 89107

15 Heather Barcelon  
16 c/o Leslie Mark Stovall, Esq.  
Stovall & Associates  
17 2301 Palomino Lane  
Las Vegas, NV 89107

18 Shelly Dempsey  
19 c/o Leslie Mark Stovall, Esq.  
Stovall & Associates  
20 2301 Palomino Lane  
Las Vegas, NV 89107

21 Center for Disease and Surgery of the Spine,  
22 John Thalgott, M.D.  
Person Most Knowledgeable  
23 600 S. Rancho Drive, Ste. 107  
Las Vegas, NV 89106  
24 (702) 878-8370

25 Jackson Physical Therapy  
26 Person Most Knowledgeable  
4765 S. Durango Dr., Ste. 106  
27 Las Vegas, NV 89147  
(702) 898-7633

28

1 Advanced Spine & Pain Center  
Edmund Pasimio, M.D.  
2 Person Most Knowledgeable  
601 S. Rancho Drive, Suite A-6  
3 Las Vegas, NV 89106  
(702) 386-0909

4 SimonMed Imaging  
5 Person Most Knowledgeable  
3651 Lindell Rd., St. D-698  
6 Las Vegas, NV 89103  
Phone: 480-551-0264

7 Pain Institute of Nevada  
8 Dr. Walter Kidwell  
Person Most Knowledgeable  
9 7435 W. Azure Dr., Ste. 190  
Las Vegas, NV 89130  
10 702.878.8252

11 West Las Vegas Surgery Center  
dba Valley View Surgery Center  
12 aka Canyon Medical Billing  
Person Most Knowledgeable  
13 1330 S. Valley View Blvd.  
Las Vegas, NV 89102  
14 (702) 675-4600

15 Nevada Comprehensive Pain Center  
Dr. Alain Coppel  
16 Person Most Knowledgeable  
9033 W. Sahara Ave.  
17 Las Vegas, NV 89117  
702.476.9999

18 Department of Treasury  
19 Internal Revenue Service  
and/or Person Most Knowledgeable  
20 PO Box 9941, Mail Stop 6734  
RAIVS Team  
21 Ogden, UT 84409  
(202) 622-2000

22 Franco M. Lee, M.D.  
23 Person Most Knowledgeable  
5741 S. Ft. Apache Rd., Ste. 100  
24 Las Vegas, NV 89148  
(702) 434-7246

25 Steven V. Kozmay, M.D.  
26 2851 El Camino Ave., Ste. 101  
Las Vegas, NV 89102  
27 (702) 380-3210

28 Smiths Food and Drug Centers Inc. Pharmacy  
c/o Kroger Pharmacy Records Group

1 1014 Vine Street  
2 Cincinnati, OH 45202  
(702) 631-6745

3 Stephen Miller, M.D. and/or  
4 The Person(s) Most Knowledgeable and/or The  
5 Custodian of Records for  
6 Healthcare Partners Nevada LLC,  
653 N Town Center Drive, Suite 306  
Las Vegas, NV 89144  
702.852.9000

7 Investigator John Schneider, and/or  
8 The Person(s) Most Knowledgeable and/or The  
9 Custodian of Records for  
10 ELITE INVESTIGATIONS  
11 c/o Bauman Loewe Witt & Maxwell  
12 3650 North Rancho Drive, Suite 114  
13 Las Vegas, Nevada 89130  
14 (702) 897-8473

15 W. Benjamin Acree  
16 The Person(s) Most Knowledgeable and/or The  
17 Custodian of Records for  
18 101 S. Rainbow Blvd, Ste. B32  
19 Las Vegas, NV 89145  
20 (702) 396-7056

21 Othella Ann Jurani-Suarez, M.D.  
22 HealthCare Partners Nevada  
23 Custodian of Records  
24 4730 S. Fort Apache Road, Ste. 150  
25 Las Vegas, NV 89147  
26 702.852.9000

27 Jeffrey Hanks, D.C.  
28 7720 Cimarron Rd. #150  
Las Vegas, NV 89113  
702.622.7618

Employers Insurance Company of Nevada (EICON)  
Custodian of Records  
112 N. Curry  
Carson City, NV 89703  
Phone 702.671.7000

24 Defendant reserves the right to call any witness named by Plaintiff.

25 Defendant reserves the right to call any witness as may be necessary for the  
26 purpose of impeachment and/or rebuttal

27 Defendant reserves the right to object to any of Plaintiff's witnesses at the time of  
28 trial.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**IX.**

**COUNSEL HAVE MET AND HEREWITH SUBMIT**

**A LIST OF THREE (3) AGREED-UPON TRIAL DATES:**

June 7, 2021 – June 15, 2021

June 14, 2021 – June 22, 2021

June 21, 2021 – June 29, 2021

It is expressly understood by the undersigned that the court will set the trial of this matter on one (1) of the agreed-upon dates if possible; if not, the trial will be set at the convenience of the court's calendar.

**X.**

**It is estimated that the trial herein will take a total of seven (7) trial days.**

APPROVED AS TO FORM AND CONTENT:

Dated this 7<sup>th</sup> day of August 2020

Dated this 7<sup>th</sup> day of August 2020

STOVALL & ASSOCIATES

BAUMAN LOEWE WITT & MAXWELL,

PLLC

*/s/ Ross Moynihan*

*/s/ Michael C. Mills*

---

LESLIE MARK STOVALL, ESQ.  
Nevada Bar No. 3167  
ROSS MOYNIHAN, ESQ.  
Nevada Bar No. 11848  
2301 Palomino Lane  
Las Vegas, NV 89107  
Phone: 702-258-3034  
Fax: 702-258-0093  
Attorneys for Plaintiff,  
Robert Barcelon

---

MICHAEL C. MILLS, ESQ.  
Nevada Bar No. 003534  
3650 N. Rancho Dr., Ste. 114  
Las Vegas, NV 89130  
Phone: 702-240-6060  
Fax: 702-240-4267  
Attorneys for Defendants,  
Albert Leon Harris  
Landforce Corporation

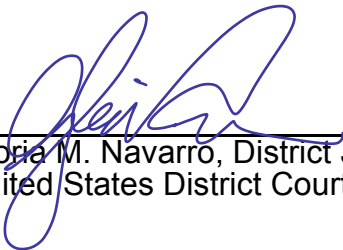
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**XI.**

**ACTION BY THE COURT**

This case is set down for jury trial on the fixed/stacked calendar on June 7, 2021 @ 8:30 a.m. . Calendar call shall be held on June 1, 2021 @ 9:00 a.m.

Dated this 11 day of August, 2020.

  
\_\_\_\_\_  
Gloria M. Navarro, District Judge  
United States District Court