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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

11	ROBERTO BARRERA, individually,	)	CASE NO. 2:19-cv-02068-JCM-DJA
		)	
12	Plaintiff,	)	
	vs.	)	
13		)	
14	ALBERTSONS, LLC, a foreign limited liability	)	<b><u>JOINT PRETRIAL ORDER</u></b>
15	company dba ALBERTON’S; DOES I-X, and ROE	)	
16	CORPORATIONS, Inc.,	)	
		)	
17	Defendant.	)	

18 After pretrial proceedings in this cause,

19 IT IS SO ORDERED:

20 **I.**  
 21 **NATURE OF THE ACTION**

22 This is an action for: an incident that occurred on July 28, 2019 at the Albertsons LLC Grocery Store,  
 23 located at 1940 Village Center Circle, Las Vegas, NV 89134 (the “Premises”). Plaintiff alleges that he  
 24 slipped and fell on a wet, slippery substance on the floor of Defendant’s property as he was shopping (“Subject  
 25 Accident”). As a result of the slip and fall, Plaintiff Roberto Barrera allegedly sustained injuries and damages  
 26 as indicated below.

27 **Plaintiff’s Contentions:** Plaintiff contends on or around July 28, 2019, Plaintiff was lawfully on  
 28 Defendant’s property. Defendant maintains and was in control of the property. Plaintiff slipped and fell on

1 a wet, slippery substance on the floor of Defendant's property and was seriously injured. Plaintiff  
2 ultimately underwent a bilateral C3-4, C4-5, and L5-S1 epidural steroid injections in October 2019 and  
3 later an L3-4, L4-5, and L5-S1 discography in December 2020, but continues to treat for his injuries.  
4 Plaintiff also contends that Defendant's negligence was the actual proximate cause of Plaintiff's physical  
5 injuries. Finally, Plaintiff contends an incurred pecuniary loss, medical expenses, and pain and suffering as  
6 a result of the accident. Plaintiff will continue to accrue pain and suffering, and future medical bills.  
7

8 **Defendant's Contentions:** Defendant contends that it did not have actual or constructive notice of the wet  
9 substance on the floor as no one apprised Defendant of the condition and such condition did not exist when  
10 Defendant had performed its timely sweeps of the store to look for and clean up such potential conditions.  
11 Defendant further contends that Plaintiff's complained of injuries and past and future damages were not all  
12 caused by the Subject Accident.  
13

## 14 II.

### 15 **STATEMENT OF JURISDICTION**

16 Defendant removed this action to the United States District Court from the District of Nevada on  
17 December 3, 2019, pursuant to 28 U.S.C. § 1441(b). Defendants' removal of this action was timely  
18 pursuant to 28 U.S.C. § 1446(b)(3).  
19

20 This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) because  
21 Plaintiff is and was at all relevant times a domiciliary of the State of Nevada, the amount in controversy  
22 exceeds \$75,000.00 exclusive of costs and interest, and Defendant is and was at all relevant times a  
23 corporation duly incorporated in the state of Delaware and with a principal place of business in the State of  
24 Delaware.  
25

26 The parties admit that the venue is properly laid in the United States District Court for the District  
27 of Nevada pursuant to 28 U.S.C. § 1391(b)(2).  
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**III.**  
**ADMITTED FACTS**

The following facts are admitted by the parties and require no proof:

1. On or about July 29, 2019, Defendant ALBERTSONS, LLC owned and operated the ALBERTSONS'S grocery store located at 1940 Village Center Circle, Las Vegas, NV 89134, located in Clark County, Nevada.
2. On or about July 29, 2019, Plaintiff Roberto Barrera was lawfully present at the ALBERTSONS Grocery store located at 1940 Village Center Circle, Las Vegas, Nevada, located in Clark County.

**IV.**  
**UNCONTESTED FACTS**

The following facts, though not admitted, will not be contested at trial by evidence to the contrary:

1. On July 29, 2019, as he was shopping, Plaintiff ROBERTO BARRERA slipped and fell in a clear liquid that was on the floor of the "GM (Hair Care)" aisle.

**V.**  
**CONTESTED FACTS**

The following are issues of facts to be tried and determined upon trial:

1. Whether Defendant knew or should have known, that the floor was wet;
2. Whether Defendant failed to properly warn Plaintiff of a wet floor;
3. Whether Defendant ALBERTSONS LLC was negligent;
4. Whether Plaintiff ROBERTO BARRERA sustained injuries as a result of slipping and falling on the clear liquid;
5. Whether Plaintiff was injured as a result of negligence on behalf of Defendant Albertsons, LLC.
6. The nature and extent of injuries sustained by Plaintiff ROBERTO BARRERA;
7. Whether Defendant's alleged failure to warn Plaintiff of a wet floor was a substantial factor in legally and proximately causing Plaintiff's complained injuries.
8. Whether Plaintiff's medical expenses were necessarily incurred as a result of the Incident.
9. Whether such medical expenses were reasonable and customary.

- 1 10. Whether Plaintiff's future medical treatment is a direct and proximate cause of the negligence
- 2 on behalf of Defendant Albertsons, LLC.;
- 3
- 4 11. Whether Plaintiff will be reasonably certain to incur medical expenses in the future as a result of
- 5 the Incident. If so, whether such future medical expenses are reasonable and customary.
- 6
- 7 12. Whether Plaintiff's past and future pain and suffering is related to his injuries as a result of
- 8 negligence on behalf of Defendant Albertsons, LLC.;
- 9
- 10 13. Whether Plaintiff's loss of enjoyment of life is as a result of negligence on behalf of Defendant
- 11 Albertsons, LLC.;
- 12
- 13 14. Whether Plaintiff's loss of society and relationship is as a result of negligence on behalf of
- 14 Defendant Albertsons, LLC.;
- 15
- 16 15. Whether Plaintiff is entitled to general damages, including pain and suffering, as a result of the
- 17 Incident.
- 18
- 19 16. Whether Plaintiff was negligent.
- 20
- 21 17. Whether Plaintiff's own conduct was a substantial factor in causing him to complain of injuries
- 22 and damages.
- 23
- 24 18. Whether Plaintiff's own conduct contributed more to his alleged injuries than Defendant's
- 25 alleged negligence.
- 26
- 27 19. Whether Plaintiff mitigated his injuries and damages.
- 28
20. Whether Plaintiff had a pre-existing condition or disability on July 29, 2019.

## VI. ISSUES OF LAW

The following are the issues of law to be tried and determined upon trial (each issues of law must be stated separately and in specific terms):

1. Whether Defendant was negligent.

2. The amount of negligence, if any, attributable to each party in this litigation.
3. Whether the subject incident was the proximate cause of Plaintiff’s claimed damages, as well as the extent of said damages.

**VII.**  
**EXHIBITS**

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

MARKED EXHIBIT	DESCRIPTION	BATES
	Records from Tropicana West Chiropractic	
	Records from Interventional Pain & Spine Institute	
	Records from Pueblo Medical Imaging	
	Records from Surgical Arts Center	
	Records from Las Vegas Neurosurgical Institute	
	Records from General Vascular Specialists	
	Records from Las Vegas Radiology	
	Records from First Physical Therapy	
	Records from Intermountain Healthcare	
	Billing from Tropicana West Chiropractic	
	Billing from Interventional Pain & Spine Institute	
	Billing from Pueblo Medical Imaging	
	Billing from Surgical Arts Center	
	Billing from Las Vegas Neurosurgical Institute	
	Billing from General Vascular Specialists	
	Billing from Las Vegas Radiology	
	Billing from First Physical Therapy	
	Billing from Intermountain Healthcare	
	Billing from CVS Pharmacy	
	Billing from Las Vegas Pharmacy	
	Billing from Lien RX	
	Plaintiff Roberto Barrera’s Answers to Defendant Albertsons First Set of Interrogatories	
	Plaintiff Roberto Barrera’s Responses to Defendant Albertsons’ First Set of Requests to Produce	
	Plaintiff Roberto Barrera’s Supplemental Answers to Defendant Albertsons First Set of Interrogatories	

1	Plaintiff Roberto Barrera’s Supplemental Responses to Defendant Albertsons’ First Set of Requests to Produce	
2		
3	Defendant Albertson’s, LLC’s Responses to Plaintiff’s First Set of Requests for Admissions	
4		
5	Defendant Albertson’s, LLC’s Responses to Plaintiff’s First Set of Interrogatories	
6	Defendant Albertson’s, LLC’s First Supplemental Responses to Plaintiff’s First Set of Interrogatories	
7	Surveillance	ALB00001
8	Customer Incident Report (Redacted)	ALB00008
9	Employee Witness Statement (Redacted)	ALB00009
10	Incident Report (Redacted)	ALB00010-00011
11	Sweep Sheets	ALB00012-00014

12 Defendants stipulate that the medical bills and records disclosed by Plaintiff in this matter are  
 13 authentic and, therefore, Plaintiff will not be required to call the Custodian of Records to testify as to  
 14 authenticity. However, Defendants do not stipulate that the medical treatments and bills are reasonable,  
 15 customary, and causally related to Plaintiff’s injuries at issue.

16  
 17 (b) As to the following exhibits, the party against whom the same will be offered objects to their  
 18 admission upon the grounds stated:

19  
 20 **1. Plaintiff’s Exhibits and Defendant’s Objections thereto:**

	DESCRIPTION	DEFENDANT’S OBJECTIONS
21	1. Summary of Charges for Plaintiff	Authentication [FED. R. EVID. 901] Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403] Calls for Expert Testimony [FED. R. EVID. 702]
22	2. Photo of Thumb	Authentication [FED. R. EVID. 901] Hearsay [FED. R. EVID. 802] Foundation [FED. R. EVID. 602] Calls for Expert Testimony [FED. R. EVID. 702]
23	3. Photo of Puddle	Authentication [FED. R. EVID. 901] Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403]

4.	Three (3) photos of an accident scene from Plaintiff's subsequent accident	Authentication [FED. R. EVID. 901] Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403] Calls for Expert Testimony [FED. R. EVID. 702]
5.	ALB00006-00007: Review of Surveillance	Authentication [FED. R. EVID. 901] Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403]
6.	ALB00002-00005: Photos	Authentication [FED. R. EVID. 901] Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403]

Plaintiff reserves the right to offer into evidence any exhibit timely and properly disclosed during discovery for the purpose of impeachment.

Plaintiff reserves the right to utilize and/or seek to publish and/or admit into evidence all deposition testimony, all affidavits filed or attached to any motion or pleading in this case, and all responses to discovery from any party in this case for purposes of impeachment.

Plaintiff reserves the right to offer into evidence any exhibit timely and properly disclosed during discovery for the purposes of rebuttal.

Plaintiff reserves the right to offer into evidence any exhibit offered by any other parties to this action.

In addition to the above objections:

- a. Defendant reserves the right to make further objections regarding Plaintiff's proposed exhibits, including objections under FED. R. CIV. P. 402 and FED. R. CIV. P. 403.
- b. Defendant further objects to the extent that any exhibits involve matters in violation of any orders of the Court.
- c. Defendant reserves the right to supplement or amend its objections as exhibits are introduced

1 and to the extent that additional documents/exhibits, if any, are identified.

2 d. Defendant objects to all disclosures which are not properly authenticated at the time of trial.

3 **Plaintiff’s Use of Demonstrative Exhibits & Defendant’s Objections:**

4 Plaintiff may offer, at trial, certain Exhibits for demonstrative purposes including, but not limited to  
5 the following:

- 6
- 7 1. Demonstrative and charts relating to Plaintiff’s damage claims;
  - 8 2. Story board and computer digitized power point images;
  - 9 3. Blow-ups/transparencies/digitized images of various records; and
  - 10 4. Plaintiff reserves the right to offer into evidence any exhibit timely and properly disclosed

11 during discovery for the purpose of demonstration at trial. Additionally, Plaintiff reserves the right to offer  
12 into evidence any exhibit offered by any other parties to this action.

13 Defendant objects to the use of any demonstrative exhibit that is not shown at least 72 hours prior to  
14 it being shown to the jury, other than an enlargement of an admitted exhibit. While Defendant agrees to  
15 take up any objections to the demonstrative exhibits outside of the presence of the jury with the Court,  
16 Defendant at this time lodges objections as to any demonstrative exhibit that it has been unable to review as  
17 being relevant, lacks foundation, includes unauthenticated matter, contains inadmissible hearsay, and/or  
18 includes an improper summary. To the extent that Plaintiff utilizes any exhibit that is not stipulated to,  
19 Defendant reserves its objections lodged thereto.

20 **2. Defendant’s Exhibits and Plaintiff’s Objections thereto:**

21

22

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BATES NO.	DESCRIPTION	PLAINTIFF’S OBJECTIONS
ALB00020-00061	Sweep Log Report 7/21/2019 to 8/4/2019	Authentication [FED. R. EVID. 901] Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403] Calls for Expert Testimony [FED. R. EVID. 702]
ALB00062-00065	Time and Attendance Report	Authentication [FED. R. EVID.

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BATES NO.	DESCRIPTION	PLAINTIFF'S OBJECTIONS
		901] Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403]
ALB00377-00380	Loss Run Report [Redacted]	Authentication [FED. R. EVID. 901] Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403]
ALB00390-00427	Interventional Pain & Spine Clinic	Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403]
ALB00428-00497	Las Vegas Neurological Institute	Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403]
ALB00498-00499	Las Vegas Pharmacy	Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403]
ALB00500-00501	LienRx Account statement 11-06-20	Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403]
ALB00502-00518	Pueblo Medical Imaging	Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403]
ALB00519-00585	Surgical Arts Center	Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403]
ALB00586-00726	Tropicana West Chiropractor	Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403]
ALB00727-00745	General Vascular Specialists	Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403]
ALB00746-00750	Dr. Wang Medical Examination and Record Review Report	Authentication [FED. R. EVID. 901] Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802]

BATES NO.	DESCRIPTION	PLAINTIFF'S OBJECTIONS
		Relevance / Prejudicial [FED. R. EVID. 402-403] Calls for Expert Testimony [FED. R. EVID. 702]
	Dr. Wang Updated Curriculum Vitae 2021	Authentication [FED. R. EVID. 901] Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403] Calls for Expert Testimony [FED. R. EVID. 702]
	Dr. Wang Updated Fee Schedule 2021	Authentication [FED. R. EVID. 901] Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403] Calls for Expert Testimony [FED. R. EVID. 702]
	Dr. Wang Updated Testimony List 2021	Authentication [FED. R. EVID. 901] Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403] Calls for Expert Testimony [FED. R. EVID. 702]
	Mr. Opfer Updated Curriculum Vitae 2021	Authentication [FED. R. EVID. 901] Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403] Calls for Expert Testimony [FED. R. EVID. 702]
	Mr. Opfer Updated Fee Schedule 2021	Authentication [FED. R. EVID. 901] Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403] Calls for Expert Testimony [FED. R. EVID. 702]
	Mr. Opfer Updated Testimony List 2021	Authentication [FED. R. EVID. 901] Foundation [FED. R. EVID. 602]

BATES NO.	DESCRIPTION	PLAINTIFF'S OBJECTIONS
		Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403] Calls for Expert Testimony [FED. R. EVID. 702]
	Mr. Opfer Initial Report 4/21/21	Authentication [FED. R. EVID. 901] Foundation [FED. R. EVID. 602] Hearsay [FED. R. EVID. 802] Relevance / Prejudicial [FED. R. EVID. 402-403] Calls for Expert Testimony [FED. R. EVID. 702]

(c) **Whether the parties intend to present electronic evidence for purposes of jury deliberations:**

Plaintiff will submit electronic evidence to the jury for utilization in the jury room during their deliberations.

Defendant intends to present evidence in the form of jpegs, pdfs, etc., to jurors for the purposes of jury deliberations. Although it is not known at this time which exhibits will be electronically presented, Defendant will provide electronic evidence in an electronic format compatible with the Court's electronic jury evidence display system. Defendant will contact the courtroom administrator for instructions about how to prepare evidence in an electronic format and other requirements for the Court's electronic jury evidence display system.

**Defendant's Use of Demonstrative Exhibits & Plaintiff's Objections:**

Defendant intends to identify and allow for inspection any demonstrative exhibits planned to be used at the time of trial seventy-two (72) hours before the commencement of trial. Defendant agrees to take up any objections to the demonstrative exhibits outside of the presence of the jury with the Court. In the event a Party wishes to make changes to or use a different/additional demonstrative exhibit as trial progresses, Defendant agrees that the Parties should inform the opposing Party twenty-four (24) hours

1 before presenting and, if the opposing Party does agree with the presentation of said demonstrative exhibit,  
2 the Court shall decide whether the demonstrative exhibit may be presented.

3  
4 **Other Agreements Regarding Exhibits:**

5 With the exception of exhibits to be used solely for impeachment, Defendant requests that each  
6 evening by 8:00 p.m., they will exchange the exhibits that they plan to use the following day so that any  
7 exhibit disputes/objections can be addressed by the Court each morning before trial resumes. In addition,  
8 the parties will identify each witness that they intend to call at trial not less than 24 hours prior to calling  
9 each witness to testify. The failure to abide by these deadlines does not preclude either party from moving  
10 for the admission of other exhibits and/or calling a different witness when such timeline cannot be abided  
11 by.  
12

13  
14  
15 **(d) Depositions:**

16 **(1) Plaintiff will offer the following depositions:**

- 17 a. Plaintiff intends to offer live testimony of designated witnesses at trial. In the event that  
18 Plaintiff is unable to call a witness and must offer deposition testimony in lieu of live  
19 testimony, Plaintiff reserves the right to supplement this Pre-Trial Order to designate  
20 deposition testimony to be used at trial.  
21

22 **(2) Defendant will offer the following depositions:**

- 23 a. Roberto Barrera  
24

25 **(e) Objections to Depositions:**

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

27 Without having the opportunity to be disclosed of any deposition testimony and/or excerpts thereof,  
28 Defendant reserves the right to lodge objections to said testimony upon disclosure of the same.

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

1 Without having the opportunity to be disclosed of any deposition testimony and/or excerpts thereof,  
2 Plaintiff reserves the right to lodge objections to said testimony upon disclosure of the same.

3  
4 **(3) Other agreements as to objections to deposition use:**

5 The parties agree to provide page and line designations of witnesses' depositions that will be played  
6 or read in at trial no later than 30 days prior to the trial date. Objections and counter-designations will be  
7 due 7 days following the initial designations.

8 **VIII.**  
9 **WITNESSES**

10 The following witnesses may be called upon by the parties at trial:

11 **(a) Plaintiff's Witnesses:**

- 12 1. ROBERTO BARRERA  
13 c/o Paul D. Powell, Esq.  
14 Jared D. Powell, Esq.  
15 The Powell Law Firm  
16 8918 Spanish Ridge Avenue, Suite 100  
17 Las Vegas, Nevada 89148
- 18 2. ALBERTSONS LLC  
19 c/o Jack P. Burden, Esq.  
20 Shea M. Backus, Esq.  
21 Jacquelyn Franco, Esq.  
22 Backus, Carranza & Burden  
23 3050 South Durango Drive  
24 Las Vegas, Nevada 89117
- 25 3. Vicki Bolton  
26 Personal Contact Information Unknown  
27 c/o Albertsons Store #3333  
28 1940 Village Center Cir.  
Las Vegas, Nevada 89134
4. William G. Leavitt DC  
David Juarez  
Person Most Knowledgeable and/or  
Custodian of Records  
Tropicana West Chiropractic  
6819 West Tropicana Ave. Suite 100  
Las Vegas, Nevada 89103
5. Stuart Baird, MD  
Jorg Rosler, MD

- 1 Custodian of Records  
2 Interventional Pain & Spine Institute  
3 851 S. Rampart Blvd., Suite 100  
4 Las Vegas, Nevada 89145
- 5 6. Keith M. Lewis, MD  
6 Justin Puopolo DO  
7 Matt Treinen DO  
8 Micah Nielsen MD  
9 Nader Beheshti MD  
10 Person Most Knowledgeable and/or  
11 Custodian of Records  
12 Pueblo Medical Imaging  
13 8551 W. Lake Mead Blvd., Ste. 150  
14 Las Vegas, Nevada 89128
- 15 7. Jorg Rosler, MD  
16 Stuart Baird, MD  
17 Person Most Knowledgeable and/or  
18 Custodian of Records  
19 Surgical Arts Center  
20 9499 W Charleston Blvd., Ste 250  
21 Las Vegas, Nevada 89117
- 22 8. Jason Garber, MD  
23 Person Most Knowledgeable and/or  
24 Custodian of Records  
25 Las Vegas Neurological Institute  
26 3012 S Durango Dr  
27 Las Vegas, Nevada 89117
- 28 9. Earl Cottrell, MD  
Person Most Knowledgeable and/or  
Custodian of Records  
General Vascular Specialists  
7200 Cathedral Rock Dr Ste 130  
Las Vegas, Nevada 89128
10. Person Most Knowledgeable and/or  
Custodian of Records  
Las Vegas Pharmacy  
260 W. Sahara Ave., #120  
Las Vegas, Nevada 89102
11. Person Most Knowledgeable and/or  
Custodian of Records  
Lien RX  
1901 East Voorhees Street

- 1 Danville, Illinois 61834
- 2 12. Bhuvana P. Kittusamy, MD  
3 Person Most Knowledgeable and/or  
4 Custodian of Records  
5 Las Vegas Radiology  
6 7500 Smoke Ranch Road, Suite 100  
7 Las Vegas, Nevada 89128
- 8 13. Julian Penaranda  
9 Nicole Hoffman, MPT  
10 Joseph Scorza, PTA  
11 Person Most Knowledgeable and/or  
12 Custodian of Records  
13 First Physical Therapy  
14 1321 South Rainbow Boulevard, Suite 102  
15 Las Vegas, Nevada 89146
- 16 14. Person Most Knowledgeable and/or  
17 Custodian of Records  
18 CVS Pharmacy  
19 10400 West Charleston Boulevard  
20 Las Vegas, Nevada 89135
- 21 15. Son Bui, DO  
22 Miranda Aguirre, MA  
23 Kara Craig, MA  
24 Person Most Knowledgeable and/or  
25 Custodian of Records  
26 Intermountain Healthcare  
27 Healthcare Partners of Nevada  
28 700 East Warm Springs Road, Suite 110  
Las Vegas, Nevada 89119.
16. David Oliveri, M.D.  
851 S. Rampart Boulevard, Suite 115  
Las Vegas, Nevada 89145
17. Stan V. Smith, Ph.D.  
1165 N. Clark Street, Suite 600  
Chicago, Illinois
18. Jason E. Garber, M.D.  
3012 South Durango Drive  
Las Vegas, Nevada 89052
19. Brian Hinckley

1 United Nissan  
2 3025 East Sahara Avenue  
3 Las Vegas, Nevada 89104  
(702) 591-3503

4 20. James Chaisson  
5 1008 Arabian Sand Court  
6 Las Vegas, Nevada 89144  
(702) 686-0159

7 21. Lisa Barrera  
8 309 Emerald Vista Way  
9 Las Vegas, Nevada 89144  
(702) 336-2215

10 22. Dylan Barrera  
11 309 Emerald Vista Way  
12 Las Vegas, Nevada 89144  
13 (702) 336-2217

14 23. Robert Jarrod  
15 United Nissan  
16 3025 East Sahara Avenue  
17 Las Vegas, Nevada 89104  
(702) 587-8426

18 24. Danielle Du Fresne Arnold  
19 10026 Portula Valley Street  
20 Las Vegas, Nevada 89178  
(702) 321-6421

21  
22 **(B) Defendant's witnesses:**

23 1. Robert Barrera  
24 c/o Paul D. Powell, Esq.  
25 Jared D. Powell, Esq.  
26 THE POWELL LAW FIRM  
27 8918 Spanish Ridge Ave. #100  
Las Vegas, NV 89148  
Tel: 702.728.5500

28 2. Vicki Bolton  
Albertson's Store #3333  
1940 Village Center Circle,  
Las Vegas, NV 89134



1 Tel: (702) 341-0308

2  
3 3. Charles Clay  
4 Albertson's Store #3333  
5 1940 Village Center Circle,  
6 Las Vegas, NV 89134  
7 Tel: (702) 341-0308

8 4. Bryce Tomlinson  
9 2416 Ginger Lily Lane  
10 Las Vegas, NV 89134  
11 Tel: (702) 525-4261

12 5. Sean Yamaguchi  
13 Address: to be supplemented  
14 Tel: To be supplemented

15 6. Rick Sparrow  
16 Address: to be supplemented  
17 Tel: To be supplemented

18 7. Jody Wood, Corporate Witness for Albertsons LLC  
19 c/o Jack Burden, Esq.  
20 BACKUS, CARRANZA AND BURDEN  
21 3050 S. Durango Drive  
22 Las Vegas, NV 89117

23 8. Jeffery C. Wang, MD  
24 Chief, Orthopaedic Spine Service  
25 Co-Director USC Spine Center  
26 Professor of Orthopaedic Surgery and Neurosurgery USC Spine Center  
27 1450 San Pablo St., Suite 5400  
28 Los Angeles, CA 90033  
Office: (323) 442-5303

9. Neil Opfer  
1920 Placid Ravine  
Las Vegas, NV 89117  
Tel: (702) 341-5828

**IX.**  
**TRIAL DATE**

The attorneys or parties have met and jointly offer these three trial dates:

1. June 6, 2022
2. June 13, 2022

1 3. June 20, 2022

2 It is expressly understood by the undersigned that the court will set the trial of this matter on one of the  
3 agreed upon dates, if possible. If not, the trial will be set at the convenience of the Court's calendar.  
4

5 **X.**  
6 **LENGTH OF TRIAL**

7 It is estimated that the trial herein will take a total of 7-10 full days.

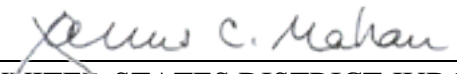
8 **APPROVED TO FORM AND CONTENT**

<p>9 DATED this <u>28th</u> day of October 2021.</p> <p>10 The Powell Law Firm</p> <p>11 <u>/s/ Tom W. Stewart</u></p> <p>12 Paul D. Powell, Esq. Nevada Bar No. 7488</p> <p>13 Jared D. Powell, Esq. Nevada Bar No. 15086</p> <p>14 Ryan T. O'Malley Nevada Bar No. 12461</p> <p>15 Tom W. Stewart Nevada Bar No. 14280</p> <p>16 8918 Spanish Ridge Las Vegas, Nevada 89148</p> <p>17 Attorneys for Plaintiff</p>	<p>9 DATED this <u>28th</u> day of October 2021.</p> <p>10 Backus, Carranza &amp; Burden</p> <p>11 <u>/s/ Jack P. Burden</u></p> <p>12 Jack P. Burden, Esq. Nevada Bar No. 6918</p> <p>13 Shea M. Backus, Esq. Nevada Bar No. 8361</p> <p>14 Jacqueline Franco, Esq. Nevada Bar No. 13484</p> <p>15 3050 South Durango Drive Las Vegas, Nevada 89117</p> <p>16 Attorneys for Defendant</p>
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20 **XI.**  
21 **ACTION BY THE COURT**

22 This case is set for jury trial on the stacked calendar on July 11, 2022 at 9:00 a.m. .  
23 Calendar call will be held on July 5, 2022 at 9:00 a.m. in courtroom 6A.  
24

25 DATED: November 3, 2021

26   
27 \_\_\_\_\_  
28 UNITED STATES DISTRICT JUDGE