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8 *Attorneys for Defendants/Third-Party Plaintiffs Legacy*
Transportation Systems, LLC, Angeles Transportation,
LLC & Leoncio Angeles

9 **UNITED STATES DISTRICT COURT**
 10 **DISTRICT OF NEVADA**

11 SARAH DIXON,
 12 Plaintiff,

13 vs.

14 LEGACY TRANSPORTATION SYSTEMS,
 15 LLC; a Utah Limited Liability Company;
 ANGELES TRANSPORTATION, LLC; a
 16 Utah Limited Liability Company, LEONCIO
 ANGELES;
 17 Defendants.

CASE NO. 2:15-cv-01359-JAD-PAL

**DEFENDANTS’/THIRD-PARTY
 PLAINTIFFS’ EMERGENCY MOTION TO
 CONTINUE HEARING OF ECF 101, 102, 109,
 AND 120 AND REQUEST FOR SANCTIONS**

18 ALL RELATED THIRD-PARTY CLAIMS

20 Defendants LEGACY TRANSPORTATION SYSTEMS, LLC; ANGELES
 21 TRANSPORTATION, LLC; and LEONCIO ANGELES (hereinafter collectively, the “Legacy
 22 Defendants”), by and through their counsel of record, Steven T. Jaffe, Esq., and Jason R. Wigg, Esq., of
 23 Hall, Jaffe & Clayton, LLP, hereby move on an emergency basis to continue the hearing as to ECF 101,
 24 102, 109, and 120, and for sanctions.

25 **MEMORANDUM OF POINTS AND AUTHORITIES**

26 The Legacy Defendants have pending four motions set to be heard by this court on July 25, 2017.
 27 Counsel for the Legacy Defendants previously contacted the court about continuing the hearing date,
 28 because lead counsel for the Legacy Defendants, Steven T. Jaffe, Esq., will be away on a vacation

1 between July 20 and August 2, which has been planned, booked, and paid for quite some time ago. *See*
 2 Jaffe Declaration, attached as **Exhibit 1**. The Court learned of the parties agreement to continue the July
 3 25 hearing date in Legacy Defendants' Emergency Motion to Stay or Extend Briefing Deadlines [ECF
 4 No.114] *See* Wigg Declaration, attached as **Exhibit 2**. Subsequent, good faith efforts were made to
 5 continue the hearing of the pending Motions to August 8. *See* Exhibits 1, 2, 3, 4, 5 and 6.

6 The motions set for hearing are, as follows:

- 7 1. Motion to Strike Plaintiff's Expert, Dr. Kathleen Smith's Supplemental Report, ECF 101;
- 8 2. Motion to Strike Plaintiff's expert, Dan Berkabile, ECF 102;
- 9 3. Motion to Preclude Testimony from Plaintiff's treating physicians and to preclude them from
 10 offering expert testimony, ECF 109; and,
- 11 4. Motion to Preclude Dr. Kathleen Smith from testifying; or, Alternatively, to Order an Evidentiary
 12 Hearing, ECF 120.

13 The Legacy Defendants have requested that Mr. Jaffe argue these four motions, as lead trial counsel
 14 expressly hired for that purpose in this matter.

15 The Legacy Defendants began trying to obtain this rescheduling since June 23. *See* Exhibit 2.
 16 Since then, Jason R. Wigg, Esq., also working on this matter with Mr. Jaffe, obtained every party's
 17 consent. *Id.* Unfortunately, thereafter, counsel for the Plaintiff began stonewalling the process. *Id.*, see
 18 also **Exhibit 3 and 4**, which includes true and correct copies of a series of emails exchanged between
 19 the parties on July 11 and July 12, respectively, regarding this matter. Specifically, Eric Dobberstein,
 20 Esq., Plaintiff's counsel, refused to commit to a date or provide alternative dates. *Id.* That conduct
 21 continued through July 12, 2017, without resolution. Emails and records confirm the following
 22 chronology:

- | | | |
|----|----------------|--|
| 23 | June 13, 2017: | The court ordered hearings on ECF 101, 102, and 109 on July 25, 2017, see ECF |
| 24 | | 112; |
| 25 | July 11, 2017: | The court ordered an addition hearing on ECF 120, also to take place on July 25, |
| 26 | | 2017, see ECF 126; |
| 27 | July 12, 2017: | Mr. Jaffe wrote Mr. Dobberstein, asking one final time for proposed alternative |

1 dates by the end of the day, see **Exhibit 5**;
2 July 12, 2017: Mr. Dobberstein responded to Mr. Jaffe's final email, again stonewalling, and
3 notoriously refusing to provide alternative dates, despite the numerous requests
4 and prior admitted willingness to do so, see **Exhibit 6**; and,
5 July 12, 2017: Mr. Jaffe responded one final time referencing how Mr. Dobberstein again refused
6 to provide dates, and apparently now forced this Motion for a continuance and for
7 sanctions, see **Exhibit 7**.

8 As set forth in Mr. Jaffe's Declaration submitted herewith, due to an immediate family member who
9 now needs to undergo serious surgeries on August 11, and 23, 2017, he is available for hearings on these
10 Motions, as follows:

- 11 1. August 3 thru 9;
- 12 2. August 16 thru 21; and,
- 13 3. August 28 and thereafter.

14 Counsel for the Legacy Defendants now asks the court to reschedule the hearings for a date within that
15 range.

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1 The Legacy defendants now ask again for sanctions against Plaintiff's counsel. He again forces
2 vexatious litigation, warranting sanctions. More to the point, Judge Dorsey, when considering a
3 remarkably similar issue, admonished Plaintiff's present counsel against unprofessional conduct,
4 particularly refusing to grant simple courtesies, such as is sought in this situation. See Reporter's
5 Transcript of Hearings, June 2, 2017, 28:20-22, attached hereto as **Exhibit 8**, and related pleadings and
6 exhibits submitted therewith. Therefore, for again being forced to incur fees and costs with extended
7 and unnecessary delays trying to get agreements for a hearing date, and for having to again file this
8 Motion, the Legacy Defendants now seek fees as a sanction. 28 U.S.C. 1927.


9 DATED this 13th day of July, 2017.

10 HALL JAFFE & CLAYTON, LLP

11
12 By: /s/ Steven T. Jaffe
13 STEVEN T. JAFFE, ESQ.
14 Nevada Bar No. 007035
15 JASON R. WIGG, ESQ.
16 Nevada Bar No. 007953
17 7425 Peak Drive
18 Las Vegas, Nevada 89128
19 *Attorneys for Defendants/Third-Party Plaintiffs*
20 *Legacy Transportation Systems, LLC, Angeles*
21 *Transportation, LLC & Leoncio Angeles*

22 **IT IS ORDERED** that the Emergency Motion to Continue the Hearing on Motions
23 (ECF Nos. 101, 102, 109, and 119) is **GRANTED**, and the hearing on those motions shall
24 be continued to August 31, 2017, at 9:30 a.m., in Courtroom 3B.

25 Dated: July 14, 2017

26
27 
28 Peggy A. Leen
United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 12th day of July 2017, the foregoing
**DEFENDANTS'/THIRD-PARTY PLAINTIFFS' EMERGENCY MOTION TO STAY
IMPLEMENTATION OF ORDER GRANTING A MANDATORY SETTLEMENT
CONFERENCE, ECF 118** was duly served in accordance with the provisions of Rule 5(b) of the
Federal Rules of Civil Procedure to all parties or their attorney by the method indicated below:
Federal Rules of Civil Procedure to all parties or their attorney by the method indicated below:

_____ by deposit thereof, enclosed in a post-paid, properly addressed wrapper, in a post office or
an official depository under the exclusive care and custody of the United States Postal
Service, to the address(es) set forth above.

_____ by hand delivery by handing it to each attorney or party or by leaving it at the attorney's
office with a partner or employee at the office address(es) set forth above.

_____ by confirmed facsimile transmittal received at the facsimile number(s) set forth above
prior to 5:00 p.m. this date, as evidenced by a facsimile transaction report.

X by electronic filing via ECF pursuant to the Administrative Procedures Governing the
Filing and Service by Electronic Means of the United States District Court for the District
of Nevada.

/s/ Barbara Gracey
An Employee of HALL JAFFE & CLAYTON, LLP

EXHIBIT 1

EXHIBIT 1

DECLARATION OF STEVEN T. JAFFE

STEVEN T. JAFFE hereby deposes and says:

1. I am an attorney at law in the State of Nevada, and I am a member of the firm Hall, Jaffe & Clayton, LLP. I am the attorney primarily responsible for handling the instant matter, and I have personal knowledge of the matters stated herein and, if called to testify, would and could testify to the same;

2. My wife and I booked a vacation taking us out of Las Vegas between July 20, thru August 2. We planned that vacation over a year ago and booked it in October 2016. It has been paid for in full since March 2017.

3. Upon receiving notice of the hearing on our Motions, ECF 101, 102, and 109, I asked my staff to coordinate a change of hearing date. Jason R. Wigg, Esq., who is handling this case with me, oversaw this action.

4. As on July 11, 2017, the court scheduled a fourth Motion to be heard at that same time, I discussed this with Mr. Wigg, who advised me that Plaintiff's counsel was holding up agreeing to a new date. He advised me that he received an email from Eric Dobberstein, Esq., on that date, confirming that Plaintiff's counsel's office agreed to provide dates by the next day. I indicated that if they failed or refused to do so, we needed to file an emergent motion, as I needed this issue resolved prior to leaving on my vacation.

5. On July 12, 2017, I emailed Plaintiff's counsel, in response to his email with Mr. Wigg, explaining how we needed now to get these hearings rescheduled, and reminding him that Judge Dorsey previously admonished him about this precise conduct, refusing to agree to a professional courtesy, when denying a prior motion seeking sanction. I further advised in that email that I needed new confirmed dates of availability on July 12, or I would be left no choice but to file the within Motion.

6. On July 12, 2017, Mr. Dobberstein responded, without providing dates. I replied on July 12, 2017, confirming that he failed to provide dates, and advising him that we would now file the within Motion.

1 7. Since scheduling this vacation, an immediate family member has scheduled a series of
2 two life sustaining surgeries. Those surgeries are scheduled for August 11, and on August 23, in
3 California, so I will also have a few unavailable dates in August. Therefore, I am available for a
4 hearing on the following dates:

5 August 3 thru 9;

6 August 16 thru 21; and,

7 August 28, and thereafter.

8 I would request that the court reschedule the hearings within that series of dates, in August 2017.

9 8. I submit that Plaintiff's counsel again failed to provide a simple professional courtesy
10 vexatiously forcing this Motion, and failing to heed Judge Dorsey's admonition. Therefore, on behalf
11 of my client, I ask that the court now award sanctions, in addition to rescheduling the hearings.

12 I declare under penalty of perjury that the foregoing is true and correct.

13
14 Executed o July 13, 2017

/s/ Steven T. Jaffe
STEVEN T. JAFFE

EXHIBIT 2

EXHIBIT 2

DECLARATION OF JASON R. WIGG

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

JASON R. WIGG, states

1. I am licensed to practice law in the State of Nevada and an attorney with the law firm of Hall Jaffe & Clayton, LLP; I work with Steven T. Jaffe, Esq., who is lead counsel for Legacy Transportation Systems, LLC; Angeles Transportation, LLC, and Leoncio Angeles (collectively, "the Legacy Defendants") in this matter; I have personal knowledge of the matters stated herein and, if called to testify, would and could testify to the same;

2. The office addresses and telephone numbers of the movant and all affected parties are as follows:

Steven T. Jaffe, Esq.
Nevada Bar No. 7035
sjaffe@lawhjc.com
Jason R. Wigg, Esq.
Nevada Bar No. 7953
jwigg@lawhjc.com
Hall, Jaffe & Clayton, LLP
7425 Peak Drive
Las Vegas, NV 89128
702-316-4111
Counsel for the Legacy Defendants

Eric Dobberstein, Esq.
Nevada Bar No. 3712
edobberstein@mcpalaw.com
Chris Fellows, Esq.
Nevada Bar No. 13869
chrislaw@mcpalaw.com
McCullough, Dobberstein & Evans, Ltd.
601 South Rancho Drive, Suite A-10
Las Vegas, NV 89106
702-385-7383
Attorneys for Plaintiff

Benjamin J. Carman, Esq.
Nevada Bar No. 12565
BCarman@ranallilawyers.com
2400 W. Horizon Ridge Parkway
Henderson, NV 89052
702-477-7774
Attorney for Third Party Defendant Ryan Richards

3. On June 23, 2017, I telephoned and left a message for Eric Dobberstein, Esq., ("Dobberstein") one of the attorneys representing Plaintiff in this matter and the attorney whom I understood to be lead counsel for Plaintiff, as a follow-up to my earlier requests to secure a stipulation extending the deadline for the Legacy Defendants to file an Opposition to Plaintiff's Motion for Partial Summary Judgment [ECF No. 108]. I memorialized my ultimately unsuccessful efforts to secure said stipulation in my Declaration [ECF No. 114-1] that was attached to the Legacy Defendants' Emergency

1 Motion to Stay or Extend Briefing Deadlines [ECF No.114] that was granted by the Court on June 28,
2 2017 [ECF .118]

3 4. As stated in the above-referenced Declaration: “Dobberstein returned my call on the
4 afternoon of June 23, 2017, at which time I advised that a scheduling conflict with the July 25 hearing
5 date on set by the Court on the Legacy Defendants’ Motions would necessitate a request to continue the
6 hearing until the latter part of the first week in August.” See paragraph 10 of ECF No. 114-1.

7 5. I further stated in the above-referenced Declaration: “Dobberstein did agree to
8 continuing the hearing date on the pending motions and asked that the Legacy Defendants' counsel's
9 office coordinate the same with his office for the submission of a stipulation and order.” See paragraph
10 15 of ECF No. 114-1.

11 6. I further stated in the above-referenced Declaration: “After speaking with Dobberstein, I
12 telephoned Benjamin J. Carman, Esq., (“Carman”) counsel for Third-Party Defendant Ryan Richards
13 (“Richards”)...[who] advised that he had no objection to...rescheduling the hearing date for the three
14 pending motions until sometime in or about the first week in August 2017.”) See paragraph 16 of ECF
15 No. 114-1.

16 7. The foregoing was memorialized in footnote 1 as included in the Legacy Defendants’
17 Emergency Motion to Stay or Extend Briefing Deadlines, as follows:

18 Counsel for the Legacy Defendants have a conflict with the July 25, 2017
19 hearing date and have discussed the same with counsel for Plaintiff and
20 Third-Party Defendant Richards. All counsel are in agreement regarding the
21 rescheduling of the hearing to the first week in August, if the Court’s the
22 parties’ calendars permit the same. The Legacy Defendants are taking the
23 lead in working-out the details of the rescheduling of the hearing and
24 anticipate the submission of a Stipulation and Order later this week.

25 See ECF No. 114 at p.2:26-28.

26 8. In the Order granting the Legacy Defendants’ Emergency Motion to Stay or Extend
27 Briefing Deadlines, the Court specifically referenced the parties’ agreement to reschedule the July 25,
28 2017 hearing as follows: “...after the magistrate judge has ruled on the motions to strike, which are
scheduled for hearing on July 25, 2017—a hearing that the parties anticipate will be bumped into early
August to accommodate their scheduling conflicts.” See ECF No. 118 at pp.1:21-2:2. (emphasis added).

1 9. I was unable to complete the draft of the proposed stipulation prior to leaving with my
2 family the following week on a long a long overdue trip to see my extended family in Oregon.

3 10. Prior to leaving, my office telephoned Magistrate Leen's department to confirm that the
4 Court's availability and schedule could accommodate a continuance of the July 25, 2017 hearing to
5 August 3 or 4.

6 11. My office was advised that Judge Leen was not available and/or the schedule would not
7 permit the continuation of the hearing to either August 3 or 4, but that the Court's availability and
8 calendar could accommodate an August 8, 2017 hearing date.

9 12. Upon my return, I finalized the proposed stipulation previously agreed to by the parties
10 wherein I stated that the following: "Counsel for the parties have agreed to continue the July 25, 2017
11 hearing to August 8, 2017 at 9:00 a.m. in LV Courtroom 3B before Magistrate Judge Peggy A. Leen or,
12 alternatively, to any subsequent date and/or time the Court deems appropriate." ("emphasis in original")

13 13. On Tuesday, July 11, 2017, I attached the proposed stipulation to an sent an email to
14 both Dobberstein and Carman wherein I stated the following:

15 Please find attached a proposed SAO re continuing the hearing on the (now) 4
16 Motions currently set to be heard on July 25. As you will recall from our prior
17 discussions, a conflict requires the hearing be rescheduled. In that regard, I was
18 hopeful that the hearing could go forward on the 3rd or 4th of August as we all
19 previously talked about, but Judge Leen is not available on those days. She is
20 available on August 8, however, although it is unclear whether she will actually
21 continue the hearing to that specific date. As such I have drafted a SAO that
22 essentially states that we want to move the hearing to 8th, but that the Court
23 choose to set the hearing for a different day, as follows: 'Counsel for the parties
24 have agreed to continue the July 25, 2017 hearing to August 8, 2017 at 9:00
25 a.m. in LV Courtroom 3B before Magistrate Judge Peggy A. Leen or,
26 alternatively, to any subsequent date and/or time the Court deems appropriate.'

27 14. I thereafter telephonically discussed the proposed stipulation with Carman on the
28 afternoon of July 11 at which time he confirmed that he was available on August 8. He memorialized
the same in an subsequent email that stated, "I will stip to this. You can use my e-sig."

 15. Dobberstein later replied on July 11, stating, "Sorry Jason the 8th does not work for me."

1 I replied by asking him, “what does work for you?” In response, Dobberstein sent the following email:
2 **“Jason, Angie will give you some dates in the morning after she checks with Chris McCullough if**
3 **he is ok with Fellows arguing the Motions. So she will give you dates for just me or both**
4 **depending on What Chris says since its his case.”** (emphasis added)

5 16. The remainder of the July 11 email exchange was as follows:

6 Wigg: “Sounds good. My apologies, I thought you had officially taken it over.”

7 Dobberstein: “No big deal I’m ok with Fellows arguing but like I said this is not my
8 client.”

9 Wigg: “I totally understand. If there’s any way the 8th can work, that would be
10 great as I don’t think any of us want to see the Court kick the hearing too
11 far down the road. Regardless, I look forward to hearing from Angie re
12 dates.”

13 Dobberstein: “I’m out of state that day. So it’s up to Chris.”

14 17. On July 12, having not received any dates from Angie, I telephoned Plaintiff’s counsel’s
15 office and, based on what Dobberstein stated in his July 11 email, I asked to speak with Chris
16 McCullough (“McCullough”) regarding the proposed dates. I was advised he was not in the office. I
17 then asked to speak with Dobberstein and was told he too was out of the office.”

18 18. I thereafter sent an email to Dobberstein on July 12 that stated as follows: “I haven’t
19 heard from Angie yet re available dates to include in the proposed SAO. I telephoned your office and
20 left a message for Chris McCullough. I know you guys are busy but I would really appreciate it if we
21 could get this buttoned up sooner rather than later. Anything you can do in this regard would be greatly
22 appreciated.”

23 19. Dobberstein replied on July 12 as follows: “Appreciate such, but was thinking why
24 don’t you just move everything past the settlement conference?”

25 20. I replied as follows: “You did see the emergency motion we filed, yes? It sets out in
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1 detail why we want to have the hearing before the conference. I really don't [sic] want to file another
2 motion so if you guys would please give me the dates you said would be coming to me this morning, I
3 would appreciate it. In meeting right now so call on cell with questions or to discuss....

4 21. Dobberstein thereafter made it clear in his subsequent emails that he would not agree to
5 continue the hearing to any time prior to the currently scheduled settlement conference.

6 I declare under penalty of perjury that the foregoing is true and correct.

7 Executed on July 13th, 2017

/s/ Jason R. Wigg
JASON R. WIGG

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EXHIBIT 3

EXHIBIT 3

From: Jason R. Wigg
To: "edobberstein@mcpalaw.com"; "Benjamin Carman"
Cc: [Andrea Flintz](#); "Angie Gardner"
Subject: Legacy v. Dixon - SAO to Continue Hearing
Date: Tuesday, July 11, 2017 1:30:00 PM
Attachments: [SAO to Continue Hearing on Legacy's Motions to Strike.docx](#)

Gentlemen:

Please find attached a proposed SAO re continuing the hearing on the (now) 4 Motions currently set to be heard on July 25. As you will recall from our prior discussions, a conflict requires the hearing be rescheduled. In that regard, I was hopeful that the hearing could go forward on the 3rd or 4th of August as we all previously talked about, but Judge Leen is not available on those days. She is available on August 8, however, although it is unclear whether she will actually continue the hearing to that specific date. As such I have drafted a SAO that essentially states that we want to move the hearing to 8th, but that the Court choose to set the hearing for a different day, as follows: "Counsel for the parties have agreed to continue the July 25, 2017 hearing to August 8, 2017 at 9:00 a.m. in LV Courtroom 3B before Magistrate Judge Peggy A. Leen or, alternatively, to any subsequent date and/or time the Court deems appropriate."

Please review the attached at your earliest convenience and advise if you believe any changes are required. If not, please confirm that I may e-sign and file.

Finally – Ben sorry to hear/read about your shoulder. 4th of July mishap?

Thank you,
Jason

Jason R. Wigg, Esq.
Of Counsel



7425 Peak Drive
Las Vegas, NV 89128
Phone: (702) 316.4111
Mobile: (702) 884-1405
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jwigg@lawhjc.com

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From: [Benjamin Carman](#)
To: [Jason R. Wigg](#); edobberstein@mcpalaw.com
Cc: [Andrea Flintz](#); "Angie Gardner"
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing
Date: Tuesday, July 11, 2017 4:46:06 PM

I will stip to this. You can use my e-sig,

Benjamin J. Carman, Esq.
Ranalli Zaniel Fowler & Moran, LLC
2400 W. Horizon Ridge Pkwy.
Henderson, Nevada 89052
702.477.7774 - Phone
702.477.7778 - Fax



RANALLI ZANIEL
FOWLER & MORAN, LLC
TRIAL ATTORNEYS

Las Vegas - Reno - Phoenix

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In accordance with Internal Revenue Service Circular 230, we advise you that if this e-mail contains any tax advice, such tax advice was not intended or written to be used, and it cannot be used by any taxpayer for the purpose of avoiding penalties that may be imposed on the taxpayer.

From: Jason R. Wigg [mailto:JWigg@lawhjc.com]
Sent: Tuesday, July 11, 2017 1:30 PM
To: edobberstein@mcpalaw.com; Benjamin Carman
Cc: Andrea Flintz; 'Angie Gardner'
Subject: Legacy v. Dixon - SAO to Continue Hearing

Gentlemen:

Please find attached a proposed SAO re continuing the hearing on the (now) 4 Motions currently set to be heard on July 25. As you will recall from our prior discussions, a conflict requires the hearing be rescheduled. In that regard, I was hopeful that the hearing could go forward on the 3rd or 4th of

From: Jason R. Wigg
To: "Benjamin Carman"; edobberstein@mcpalaw.com
Cc: Andrea Flintz; "Angie Gardner"
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing
Date: Tuesday, July 11, 2017 4:47:00 PM

Thank you, sir. Waiting for Eric to give his blessing.

Jason R. Wigg, Esq.
Of Counsel



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From: Benjamin Carman [mailto:BCarman@ranallilawyers.com]
Sent: Tuesday, July 11, 2017 4:46 PM
To: Jason R. Wigg <JWigg@lawhjc.com>; edobberstein@mcpalaw.com
Cc: Andrea Flintz <Aflintz@lawhjc.com>; 'Angie Gardner' <agardner@mcpalaw.com>
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing

I will stip to this. You can use my e-sig,

Benjamin J. Carman, Esq.
Ranalli Zaniel Fowler & Moran, LLC
2400 W. Horizon Ridge Pkwy.
Henderson, Nevada 89052
702.477.7774 - Phone
702.477.7778 - Fax



RANALLI ZANIEL
FOWLER & MORAN, LLC
TRIAL ATTORNEYS

Las Vegas - Reno - Phoenix

From: edobberstein@mcpalaw.com
To: [Jason R. Wigg](#); "[Benjamin Carman](#)"
Cc: [Andrea Flintz](#); "[Angie Gardner](#)"; chrislaw@mcpalaw.com; cfellows@mcpalaw.com
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing
Date: Tuesday, July 11, 2017 5:40:08 PM

Sorry Jason the 8th does not work for me.

Sincerely,
Eric Dobberstein

McCullough, Dobberstein & Evans, Ltd.
601 S. Rancho Drive, Suite A-10
Las Vegas, NV 89106
Direct Dial 702.382.4002
Office 702.385.7383

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Thank you.
McCullough, Dobberstein & Evans, Ltd.

From: Jason R. Wigg [mailto:JWigg@lawhjc.com]
Sent: Tuesday, July 11, 2017 1:30 PM
To: edobberstein@mcpalaw.com; 'Benjamin Carman' <BCarman@ranallilawyers.com>
Cc: [Andrea Flintz](mailto:AFlintz@lawhjc.com) <AFlintz@lawhjc.com>; 'Angie Gardner' <agardner@mcpalaw.com>
Subject: Legacy v. Dixon - SAO to Continue Hearing

Gentlemen:

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From: Jason R. Wigg
To: "edobberstein@mcpalaw.com"
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing
Date: Tuesday, July 11, 2017 5:42:00 PM

What does work for you?

Jason R. Wigg, Esq.
Of Counsel



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Las Vegas, NV 89128
Phone: (702) 316.4111
Mobile: (702) 884-1405
Fax: (702) 316.4114
jwigg@lawhjc.com

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From: edobberstein@mcpalaw.com [mailto:edobberstein@mcpalaw.com]
Sent: Tuesday, July 11, 2017 5:40 PM
To: Jason R. Wigg <JWigg@lawhjc.com>; 'Benjamin Carman' <BCarman@ranallilawyers.com>
Cc: Andrea Flintz <AFlintz@lawhjc.com>; 'Angie Gardner' <agardner@mcpalaw.com>; chrislaw@mcpalaw.com; cfellows@mcpalaw.com
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing

Sorry Jason the 8th does not work for me.

Sincerely,
Eric Dobberstein

McCullough, Dobberstein & Evans, Ltd.
601 S. Rancho Drive, Suite A-10
Las Vegas, NV 89106
Direct Dial 702.382.4002
Office 702.385.7383

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From: edobberstein@mcpalaw.com
To: [Jason R. Wigg](#)
Cc: "[Angie Gardner](#)"; cfellows@mcpalaw.com
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing
Date: Tuesday, July 11, 2017 5:50:25 PM

Jason, Angie will give you some dates in the morning after she checks with Chris McCullough if he is ok with Fellows arguing the Motions. So she will give you dates for just me or both depending on What Chris says since its his case:

Sincerely,
Eric Dobberstein

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Las Vegas, NV 89106
Direct Dial 702.382.4002
Office 702.385.7383

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Thank you.
McCullough, Dobberstein & Evans, Ltd.

From: Jason R. Wigg [mailto:JWigg@lawhjc.com]
Sent: Tuesday, July 11, 2017 5:42 PM
To: edobberstein@mcpalaw.com
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing

What does work for you?

Jason R. Wigg, Esq.
Of Counsel



7425 Peak Drive
Las Vegas, NV 89128
Phone: (702) 316.4111
Mobile: (702) 884-1405
Fax: (702) 316.4114

From: Jason R. Wigg
To: "edobberstein@mcpalaw.com"
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing
Date: Tuesday, July 11, 2017 5:51:00 PM

Sounds good. My apologies, I thought you had officially taken it over.

Jason R. Wigg, Esq.
Of Counsel



7425 Peak Drive
Las Vegas, NV 89128
Phone: (702) 316.4111
Mobile: (702) 884-1405
Fax: (702) 316.4114
jwigg@lawhjc.com

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From: edobberstein@mcpalaw.com [mailto:edobberstein@mcpalaw.com]
Sent: Tuesday, July 11, 2017 5:50 PM
To: Jason R. Wigg <JWigg@lawhjc.com>
Cc: 'Angie Gardner' <agardner@mcpalaw.com>; cfellows@mcpalaw.com
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing

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EXHIBIT 4

EXHIBIT 4

From: edobberstein@mcpalaw.com
To: Jason R. Wigg
Cc: chrislaw@mcpalaw.com
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing
Date: Wednesday, July 12, 2017 1:11:08 PM

Appreciate such, but was thinking why don't you just move everything past the settlement conference?

Sincerely,
Eric Dobberstein

McCullough, Dobberstein & Evans, Ltd.
601 S. Rancho Drive, Suite A-10
Las Vegas, NV 89106
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Thank you.
McCullough, Dobberstein & Evans, Ltd.

From: Jason R. Wigg [mailto:JWigg@lawhjc.com]
Sent: Wednesday, July 12, 2017 1:08 PM
To: edobberstein@mcpalaw.com
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing

Eric:

I haven't heard from Angie yet re available dates to include in the proposed SAO. I telephoned your office and left a message for Chris McCullough. I know you guys are busy but I would really appreciate it if we could get this buttoned up sooner rather than later. Anything you can do in this regard would be greatly appreciated.

Thanks,
Jason

Jason R. Wigg, Esq.
Of Counsel

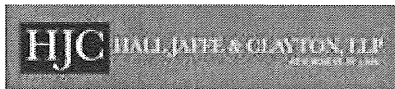
From: Jason R. Wigg
To: "edobberstein@mcpalaw.com"
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing
Date: Wednesday, July 12, 2017 1:07:00 PM

Eric:

I haven't heard from Angie yet re available dates to include in the proposed SAO. I telephoned your office and left a message for Chris McCullough. I know you guys are busy but I would really appreciate it if we could get this buttoned up sooner rather than later. Anything you can do in this regard would be greatly appreciated.

Thanks,
Jason

Jason R. Wigg, Esq.
Of Counsel



7425 Peak Drive
Las Vegas, NV 89128
Phone: (702) 316.4111
Mobile: (702) 884-1405
Fax: (702) 316.4114
jwigg@lawhjc.com

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From: edobberstein@mcpalaw.com [mailto:edobberstein@mcpalaw.com]
Sent: Tuesday, July 11, 2017 5:58 PM
To: Jason R. Wigg <JWigg@lawhjc.com>
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing

I'm out of state that day. So it's up to Chris.

Sincerely,
Eric Dobberstein

McCullough, Dobberstein & Evans, Ltd.
601 S. Rancho Drive, Suite A-10
Las Vegas, NV 89106
Direct Dial 702.382.4002
Office 702.385.7383

From: [Jason R. Wigg](mailto:Jason.R.Wigg)
To: edobberstein@mcpalaw.com
Cc: chrislaw@mcpalaw.com
Subject: Re: Legacy v. Dixon - SAO to Continue Hearing
Date: Wednesday, July 12, 2017 1:56:11 PM

You did see the emergency motion we filed, yes? It sets out in detail why we want to have the hearing before the conference.

I really dont want to file another motion so if you guys would please give me the dates you said would be coming to me this morning, I would appreciate it. In meeting right now so call on cell with questions or to discuss. [REDACTED].

Thanks

Sent from my iPhone, so please excuse any typos.

Jason R. Wigg, Esq.
Of Counsel



[7425 Peak Drive](#)
[Las Vegas, NV 89128](#)
Phone: [\(702\) 316.4111](tel:(702)316.4111)
Fax: [\(702\) 316.4114](tel:(702)316.4114)
jwigg@lawhjc.com

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On Jul 12, 2017, at 1:11 PM, "edobberstein@mcpalaw.com" <edobberstein@mcpalaw.com> wrote:

Appreciate such, but was thinking why don't you just move everything past the settlement conference?

Sincerely,
Eric Dobberstein

McCullough, Dobberstein & Evans, Ltd.

EXHIBIT 5

EXHIBIT 5

From: Steve Jaffe
To: edobberstein@mcpalaw.com; Jason R. Wigg
Cc: bcarman@ranallilawyers.com
Subject: FW: Legacy v. Dixon - SAO to Continue Hearing
Date: Wednesday, July 12, 2017 2:17:36 PM
Attachments: [image002.jpg](#)
[image001.jpg](#)

Eric,

We are not willing to move the hearings on the four motions presently set to be heard on 7/25 to a date past the settlement conference presently set for 10/11. As Jason pointed out, we raised significant concerns about the viability of any settlement conference based on the fact that prior to any settlement conference proceeding, we need rulings on several motions, including these four motions set for 7/25. In addition, we are now about to file two additional partially dispositive motions, one seeking summary judgment as to the punitive damages claims and the other seeking summary judgment as to the future damages claims.

I candidly tell you that if we do not receive rulings on these motions prior to the settlement conference, we intend to renew our motion to continue that settlement conference, on the basis that it will likely be futile and that we doubt that it will be a meaningful event. We do not want to waste everyone's time, resources, and efforts, including those of the court. I am quite sure that your client would not appreciate flying out to Las Vegas in hopes of a meaningful settlement conference when there truly would be little likelihood of it being meaningful. My clients and their insurers certainly feel that way. Therefore, moving the hearings past a settlement conference date is not a legitimate option.

I will be away on vacation from 7/20 through 8/2. I have requested that the hearing dates be moved, and Jason has been trying to get this done for some time. Please provide dates that work in August so we can coordinate a new hearing date with the court. If we do not receive dates today, will file a motion and again seek sanctions for having to do so unnecessarily, since we have been asking for dates for quite a while. Judge Dorsey was particularly critical of your forcing us to file a motion last time, and I would prefer not filing another

EXHIBIT 6

EXHIBIT 6

From: edobberstein@mcpalaw.com
To: Steve Jaffe; Jason R. Wigg
Cc: bcarman@ranallilawyers.com; chrislaw@mcpalaw.com; "Angie Gardner"
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing
Date: Wednesday, July 12, 2017 7:56:58 PM
Attachments: 07-06-17 Court Minute Order re Settlement Conf.pdf

Sorry Steve, I had already replied to Jason, so please see the Minute Order and e-mail I just sent him. With respect to your request, based upon the Court's July 7 Minute Order denying your emergency motion to stay the settlement conference, I would suspect that she will not take kindly to you refiling and asking for the settlement conference to be stayed again. I think the Court would like both parties to sit down and discuss in good faith settlement instead of filing unnecessary motions. So perhaps you can discuss this matter with your carrier and make your first offer to Ms. Dixon who you and I know has been severely injured due to your clients actions and you should have made an offer years ago. So unless I'm missing something I think the best course of action would be to have all hearings held after the settlement conference. Finally, I again would like you to stop with all the threats of sanctions as you seem to keep making with each motion. Its unprofessional and I do not believe that either Judge Dorsey or Judge Leen appreciate such. My memory seems to be different than yours as to who Judge Dorsey was critical of.

Sincerely,
Eric Dobberstein

McCullough, Dobberstein & Evans, Ltd.
601 S. Rancho Drive, Suite A-10
Las Vegas, NV 89106
Direct Dial 702.382.4002
Office 702.385.7383

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Thank you.
McCullough, Dobberstein & Evans, Ltd.

From: Steve Jaffe [<mailto:SJaffe@lawhjc.com>]
Sent: Wednesday, July 12, 2017 2:18 PM
To: edobberstein@mcpalaw.com; Jason R. Wigg <JWigg@lawhjc.com>
Cc: bcarman@ranallilawyers.com
Subject: FW: Legacy v. Dixon - SAO to Continue Hearing

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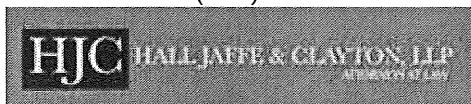
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STEVEN T. JAFFE, ESQ.

HALL JAFFE & CLAYTON, LLP

7425 PEAK DRIVE
LAS VEGAS, NEVADA 89128
702-316-4111 (Phone)
702-316-4114 (Fax)



From: Jason R. Wigg
Sent: Wednesday, July 12, 2017 1:59 PM
To: Steve Jaffe <SJaffe@lawhjc.com>
Subject: Fwd: Legacy v. Dixon - SAO to Continue Hearing

Sent from my iPhone, so please excuse any typos.

Jason R. Wigg, Esq.
Of Counsel



[7425 Peak Drive](#)
[Las Vegas, NV 89128](#)
Phone: [\(702\) 316.4111](tel:(702)316.4111)
Fax: [\(702\) 316.4114](tel:(702)316.4114)
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Begin forwarded message:

From: "Jason R. Wigg" <JWigg@lawhjc.com>
Date: July 12, 2017 at 1:56:10 PM PDT
To: "edobberstein@mcpalaw.com" <edobberstein@mcpalaw.com>

Cc: "chrislaw@mcpalaw.com" <chrislaw@mcpalaw.com>

Subject: Re: Legacy v. Dixon - SAO to Continue Hearing

You did see the emergency motion we filed, yes? It sets out in detail why we want to have the hearing before the conference.

I really dont want to file another motion so if you guys would please give me the dates you said would be coming to me this morning, I would appreciate it. In meeting right now so call on cell with questions or to discuss. 702-884-1405.

Thanks

Sent from my iPhone, so please excuse any typos.

Jason R. Wigg, Esq.
Of Counsel



7425 Peak Drive

Las Vegas, NV 89128

Phone: (702) 316.4111

Fax: (702) 316.4114

jwigg@lawhjc.com

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<edobberstein@mcpalaw.com> wrote:

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Sincerely,
Eric Dobberstein

McCullough, Dobberstein & Evans, Ltd.

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Thank you.
McCullough, Dobberstein & Evans, Ltd.

From: Jason R. Wigg [<mailto:JWigg@lawhjc.com>]
Sent: Wednesday, July 12, 2017 1:08 PM
To: edobberstein@mcpalaw.com
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing

Eric:

I haven't heard from Angie yet re available dates to include in the proposed SAO. I telephoned your office and left a message for Chris McCullough. I know you guys are busy but I would really appreciate it if we could get this buttoned up sooner rather than later. Anything you can do in this regard would be greatly appreciated.

Thanks,
Jason

Jason R. Wigg, Esq.
Of Counsel
<image001.jpg>
7425 Peak Drive
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Phone: (702) 316.4111
Mobile: (702) 884-1405
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From: edobberstein@mcpalaw.com
[mailto:edobberstein@mcpalaw.com]
Sent: Tuesday, July 11, 2017 5:58 PM
To: Jason R. Wigg <JWigg@lawhjc.com>
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing

I'm out of state that day. So it's up to Chris.

Sincerely,
Eric Dobberstein

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Thank you.
McCullough, Dobberstein & Evans, Ltd.

From: Jason R. Wigg [mailto:JWigg@lawhjc.com]
Sent: Tuesday, July 11, 2017 5:57 PM
To: edobberstein@mcpalaw.com
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing

I totally understand. If there's any way the 8th can work, that would be great as I don't think any of us want to see the Court kick the hearing too far down the road. Regardless, I look forward to hearing from Angie re dates.

Thanks for getting back to me and have a good evening.

Jason R. Wigg, Esq.
Of Counsel
<image001.jpg>
7425 Peak Drive
Las Vegas, NV 89128
Phone: (702) 316.4111
Mobile: (702) 884-1405
Fax: (702) 316.4114
jwigg@lawhjc.com

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From: edobberstein@mcpalaw.com

[<mailto:edobberstein@mcpalaw.com>]

Sent: Tuesday, July 11, 2017 5:52 PM

To: Jason R. Wigg <JWigg@lawhjc.com>

Subject: RE: Legacy v. Dixon - SAO to Continue Hearing

No big deal I'm ok with Fellows arguing but like I said this is not my client.

Sincerely,
Eric Dobberstein

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Thank you.
McCullough, Dobberstein & Evans, Ltd.

From: Jason R. Wigg [<mailto:JWigg@lawhjc.com>]
Sent: Tuesday, July 11, 2017 5:51 PM
To: edobberstein@mcpalaw.com
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing

Sounds good. My apologies, I thought you had officially taken it over.

Jason R. Wigg, Esq.
Of Counsel
<[image001.jpg](#)>
7425 Peak Drive
Las Vegas, NV 89128
Phone: (702) 316.4111
Mobile: (702) 884-1405
Fax: (702) 316.4114
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[<mailto:edobberstein@mcpalaw.com>]
Sent: Tuesday, July 11, 2017 5:50 PM
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Cc: 'Angie Gardner' <agardner@mcpalaw.com>; cfellows@mcpalaw.com
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing

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Thank you.
McCullough, Dobberstein & Evans, Ltd.

From: Jason R. Wigg [<mailto:JWigg@lawhjc.com>]
Sent: Tuesday, July 11, 2017 5:42 PM
To: edobberstein@mcpalaw.com
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing

What does work for you?

Jason R. Wigg, Esq.
Of Counsel
<image001.jpg>
7425 Peak Drive
Las Vegas, NV 89128
Phone: (702) 316.4111
Mobile: (702) 884-1405
Fax: (702) 316.4114
jwigg@lawhjc.com

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From: edobberstein@mcpalaw.com
[\[mailto:edobberstein@mcpalaw.com\]](mailto:edobberstein@mcpalaw.com)
Sent: Tuesday, July 11, 2017 5:40 PM

To: Jason R. Wigg <JWigg@lawhjc.com>; 'Benjamin Carman'
<BCarman@ranallilawyers.com>
Cc: Andrea Flintz <AFlintz@lawhjc.com>; 'Angie Gardner'
<agardner@mcpalaw.com>; chrislaw@mcpalaw.com;
cfellows@mcpalaw.com
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing

Sorry Jason the 8th does not work for me.

Sincerely,
Eric Dobberstein

McCullough, Dobberstein & Evans, Ltd.
601 S. Rancho Drive, Suite A-10
Las Vegas, NV 89106
Direct Dial 702.382.4002
Office 702.385.7383

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Thank you.
McCullough, Dobberstein & Evans, Ltd.

From: Jason R. Wigg [<mailto:JWigg@lawhjc.com>]
Sent: Tuesday, July 11, 2017 1:30 PM
To: edobberstein@mcpalaw.com; 'Benjamin Carman'
<BCarman@ranallilawyers.com>
Cc: Andrea Flintz <AFlintz@lawhjc.com>; 'Angie Gardner'
<agardner@mcpalaw.com>
Subject: Legacy v. Dixon - SAO to Continue Hearing

Gentlemen:

Please find attached a proposed SAO re continuing the hearing on the (now) 4 Motions currently set to be heard on July 25. As you will recall from our prior discussions, a conflict requires the hearing be rescheduled. In that regard, I was hopeful that the hearing could go forward on the 3rd
th

or 4 of August as we all previously talked about, but Judge Leen is not available on those days. She is available on August 8, however, although it is unclear whether she will actually continue the hearing to that specific date. As such I have drafted a SAO that essentially states that we want to move the hearing to 8th, but that the Court choose to set the hearing for a different day, as follows: "Counsel for the parties have agreed to continue the July 25, 2017 hearing to August 8, 2017 at 9:00 a.m. in LV Courtroom 3B before Magistrate Judge Peggy A. Leen or, alternatively, to any subsequent date and/or time the Court deems appropriate."

Please review the attached at your earliest convenience and advise if you believe any changes are required. If not, please confirm that I may e-sign and file.

Finally – Ben sorry to hear/read about your shoulder. 4th of July mishap?

Thank you,
Jason

Jason R. Wigg, Esq.
Of Counsel
<image001.jpg>
7425 Peak Drive
Las Vegas, NV 89128
Phone: (702) 316.4111
Mobile: (702) 884-1405
Fax: (702) 316.4114
jwigg@lawhjc.com

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<image002.jpg> Virus-free. www.avg.com

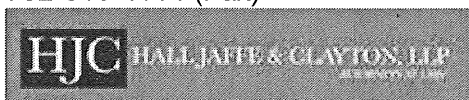
EXHIBIT 7

EXHIBIT 7

From: Steve Jaffe
To: edobberstein@mcpalaw.com; Jason R. Wigg
Cc: bcarman@ranallilawyers.com; chrislaw@mcpalaw.com; "Angie Gardner"
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing
Date: Wednesday, July 12, 2017 9:59:26 PM

So I take this to mean that you will not provide alternative dates for the hearing in August, despite previously agreeing to do so. I'm not getting into an email war. I'll file my motion and seek the sanctions. As for Judge Dorsey's admonitions, I'll simply submit the transcript for the court to consider.

STEVEN T. JAFFE, ESQ.
HALL JAFFE & CLAYTON, LLP
7425 PEAK DRIVE
LAS VEGAS, NEVADA 89128
702-316-4111 (Phone)
702-316-4114 (Fax)



From: edobberstein@mcpalaw.com [mailto:edobberstein@mcpalaw.com]
Sent: Wednesday, July 12, 2017 7:56 PM
To: Steve Jaffe <SJaffe@lawhjc.com>; Jason R. Wigg <JWigg@lawhjc.com>
Cc: bcarman@ranallilawyers.com; chrislaw@mcpalaw.com; 'Angie Gardner' <agardner@mcpalaw.com>
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing

Sorry Steve, I had already replied to Jason, so please see the Minute Order and e-mail I just sent him. With respect to your request, based upon the Court's July 7 Minute Order denying your emergency motion to stay the settlement conference, I would suspect that she will not take kindly to you refiling and asking for the settlement conference to be stayed again. I think the Court would like both parties to sit down and discuss in good faith settlement instead of filing unnecessary motions. So perhaps you can discuss this matter with your carrier and make your first offer to Ms. Dixon who you and I know has been severely injured due to your clients actions and you should have made an offer years ago. So unless I'm missing something I think the best course of action would be to have all hearings held after the settlement conference. Finally, I again would like you to stop with all the threats of sanctions as you seem to keep making with each motion. Its unprofessional and I do not believe that either Judge Dorsey or Judge Leen appreciate such. My memory seems to be different than yours as to who Judge Dorsey was critical of.

Sincerely,
Eric Dobberstein

McCullough, Dobberstein & Evans, Ltd.
601 S. Rancho Drive, Suite A-10
Las Vegas, NV 89106
Direct Dial 702.382.4002
Office 702.385.7383

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Thank you.
McCullough, Dobberstein & Evans, Ltd.

From: Steve Jaffe [<mailto:SJaffe@lawhjc.com>]
Sent: Wednesday, July 12, 2017 2:18 PM
To: edobberstein@mcpalaw.com; Jason R. Wigg <JWigg@lawhjc.com>
Cc: bcarman@ranallilawyers.com
Subject: FW: Legacy v. Dixon - SAO to Continue Hearing

Eric,

We are not willing to move the hearings on the four motions presently set to be heard on 7/25 to a date past the settlement conference presently set for 10/11. As Jason pointed out, we raised significant concerns about the viability of any settlement conference based on the fact that prior to any settlement conference proceeding, we need rulings on several motions, including these four motions set for 7/25. In addition, we are now about to file two additional partially dispositive motions, one seeking summary judgment as to the punitive damages claims and the other seeking summary judgment as to the future damages claims.

I candidly tell you that if we do not receive rulings on these motions prior to the settlement conference, we intend to renew our motion to continue that settlement conference, on the basis that it will likely be futile and that we doubt that it will be a meaningful event. We do not want to waste everyone's

time, resources, and efforts, including those of the court. I am quite sure that your client would not appreciate flying out to Las Vegas in hopes of a meaningful settlement conference when there truly would be little likelihood of it being meaningful. My clients and their insurers certainly feel that way. Therefore, moving the hearings past a settlement conference date is not a legitimate option.

I will be away on vacation from 7/20 through 8/2. I have requested that the hearing dates be moved, and Jason has been trying to get this done for some time. Please provide dates that work in August so we can coordinate a new hearing date with the court. If we do not receive dates today, will file a motion and again seek sanctions for having to do so unnecessarily, since we have been asking for dates for quite a while. Judge Dorsey was particularly critical of your forcing us to file a motion last time, and I would prefer not filing another motion for what is essentially the same thing. Nevertheless, it is your choice. I look forward to your response.

STEVEN T. JAFFE, ESQ.
HALL JAFFE & CLAYTON, LLP
7425 PEAK DRIVE
LAS VEGAS, NEVADA 89128
702-316-4111 (Phone)
702-316-4114 (Fax)



From: Jason R. Wigg
Sent: Wednesday, July 12, 2017 1:59 PM
To: Steve Jaffe <SJaffe@lawhjc.com>
Subject: Fwd: Legacy v. Dixon - SAO to Continue Hearing

Sent from my iPhone, so please excuse any typos.

Jason R. Wigg, Esq.
Of Counsel



7425 Peak Drive

Las Vegas, NV 89128

Phone: (702) 316.4111

Fax: (702) 316.4114

jwigg@lawhjc.com

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Begin forwarded message:

From: "Jason R. Wigg" <JWigg@lawhjc.com>

Date: July 12, 2017 at 1:56:10 PM PDT

To: "edobberstein@mcpalaw.com" <edobberstein@mcpalaw.com>

Cc: "chrislaw@mcpalaw.com" <chrislaw@mcpalaw.com>

Subject: **Re: Legacy v. Dixon - SAO to Continue Hearing**

You did see the emergency motion we filed, yes? It sets out in detail why we want to have the hearing before the conference.

I really dont want to file another motion so if you guys would please give me the dates you said would be coming to me this morning, I would appreciate it. In meeting right now so call on cell with questions or to discuss. 702-884-1405.

Thanks

Sent from my iPhone, so please excuse any typos.

Jason R. Wigg, Esq.

Of Counsel



7425 Peak Drive

Las Vegas, NV 89128

Phone: (702) 316.4111

Fax: [\(702\) 316.4114](tel:7023164114)
jwigg@lawhjc.com

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On Jul 12, 2017, at 1:11 PM, "edobberstein@mcpalaw.com" <edobberstein@mcpalaw.com> wrote:

Appreciate such, but was thinking why don't you just move everything past the settlement conference?

Sincerely,
Eric Dobberstein

McCullough, Dobberstein & Evans, Ltd.
601 S. Rancho Drive, Suite A-10
Las Vegas, NV 89106
Direct Dial 702.382.4002
Office 702.385.7383

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Thank you.
McCullough, Dobberstein & Evans, Ltd.

From: Jason R. Wigg [<mailto:JWigg@lawhjc.com>]

Sent: Wednesday, July 12, 2017 1:08 PM

To: edobberstein@mcpalaw.com

Subject: RE: Legacy v. Dixon - SAO to Continue Hearing

Eric:

I haven't heard from Angie yet re available dates to include in the proposed SAO. I telephoned your office and left a message for Chris McCullough. I know you guys are busy but I would really appreciate it if we could get this buttoned up sooner rather than later. Anything you can do in this regard would be greatly appreciated.

Thanks,
Jason

Jason R. Wigg, Esq.
Of Counsel
<image001.jpg>
7425 Peak Drive
Las Vegas, NV 89128
Phone: (702) 316.4111
Mobile: (702) 884-1405
Fax: (702) 316.4114
jwigg@lawhjc.com

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From: edobberstein@mcpalaw.com

[<mailto:edobberstein@mcpalaw.com>]

Sent: Tuesday, July 11, 2017 5:58 PM

To: Jason R. Wigg <JWigg@lawhjc.com>

Subject: RE: Legacy v. Dixon - SAO to Continue Hearing

I'm out of state that day. So it's up to Chris.

Sincerely,
Eric Dobberstein

McCullough, Dobberstein & Evans, Ltd.
601 S. Rancho Drive, Suite A-10
Las Vegas, NV 89106
Direct Dial 702.382.4002

Office 702.385.7383

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Thank you.
McCullough, Dobberstein & Evans, Ltd.

From: Jason R. Wigg [<mailto:JWigg@lawhjc.com>]
Sent: Tuesday, July 11, 2017 5:57 PM
To: edobberstein@mcpalaw.com
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing

I totally understand. If there's any way the 8th can work, that would be great as I don't think any of us want to see the Court kick the hearing too far down the road. Regardless, I look forward to hearing from Angie re dates.

Thanks for getting back to me and have a good evening.

Jason R. Wigg, Esq.
Of Counsel
<image001.jpg>
7425 Peak Drive
Las Vegas, NV 89128
Phone: (702) 316.4111
Mobile: (702) 884-1405
Fax: (702) 316.4114
jwigg@lawhjc.com

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From: edobberstein@mcpalaw.com

[mailto:edobberstein@mcpalaw.com]

Sent: Tuesday, July 11, 2017 5:52 PM

To: Jason R. Wigg <JWigg@lawhjc.com>

Subject: RE: Legacy v. Dixon - SAO to Continue Hearing

No big deal I'm ok with Fellows arguing but like I said this is not my client.

Sincerely,

Eric Dobberstein

McCullough, Dobberstein & Evans, Ltd.

601 S. Rancho Drive, Suite A-10

Las Vegas, NV 89106

Direct Dial 702.382.4002

Office 702.385.7383

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Thank you.

McCullough, Dobberstein & Evans, Ltd.

From: Jason R. Wigg [mailto:JWigg@lawhjc.com]

Sent: Tuesday, July 11, 2017 5:51 PM

To: edobberstein@mcpalaw.com

Subject: RE: Legacy v. Dixon - SAO to Continue Hearing

Sounds good. My apologies, I thought you had officially taken it over.

Jason R. Wigg, Esq.

Of Counsel

<image001.jpg>

7425 Peak Drive

Las Vegas, NV 89128

Phone: (702) 316.4111

Mobile: (702) 884-1405

Fax: (702) 316.4114

jwigg@lawhjc.com

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From: edobberstein@mcpalaw.com
[<mailto:edobberstein@mcpalaw.com>]
Sent: Tuesday, July 11, 2017 5:50 PM
To: Jason R. Wigg <JWigg@lawhjc.com>
Cc: 'Angie Gardner' <agardner@mcpalaw.com>; cfellows@mcpalaw.com
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing

Jason, Angie will give you some dates in the morning after she checks with Chris McCullough if he is ok with Fellows arguing the Motions. So she will give you dates for just me or both depending on What Chris says since its his case.

Sincerely,
Eric Dobberstein

McCullough, Dobberstein & Evans, Ltd.
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Las Vegas, NV 89106
Direct Dial 702.382.4002
Office 702.385.7383

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Thank you.
McCullough, Dobberstein & Evans, Ltd.

From: Jason R. Wigg [<mailto:JWigg@lawhjc.com>]
Sent: Tuesday, July 11, 2017 5:42 PM
To: edobberstein@mcpalaw.com

Subject: RE: Legacy v. Dixon - SAO to Continue Hearing

What does work for you?

Jason R. Wigg, Esq.
Of Counsel
<image001.jpg>
7425 Peak Drive
Las Vegas, NV 89128
Phone: (702) 316.4111
Mobile: (702) 884-1405
Fax: (702) 316.4114
jwigg@lawhjc.com

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[<mailto:edobberstein@mcpalaw.com>]
Sent: Tuesday, July 11, 2017 5:40 PM
To: Jason R. Wigg <JWigg@lawhjc.com>; 'Benjamin Carman' <BCarman@ranallilawyers.com>
Cc: Andrea Flintz <AFlintz@lawhjc.com>; 'Angie Gardner' <agardner@mcpalaw.com>; chrislaw@mcpalaw.com; cfellows@mcpalaw.com
Subject: RE: Legacy v. Dixon - SAO to Continue Hearing

Sorry Jason the 8th does not work for me.

Sincerely,
Eric Dobberstein

McCullough, Dobberstein & Evans, Ltd.
601 S. Rancho Drive, Suite A-10
Las Vegas, NV 89106
Direct Dial 702.382.4002
Office 702.385.7383

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Thank you.
McCullough, Dobberstein & Evans, Ltd.

From: Jason R. Wigg [mailto:JWigg@lawhjc.com]
Sent: Tuesday, July 11, 2017 1:30 PM
To: edobberstein@mcpalaw.com; 'Benjamin Carman' <BCarman@ranallilawyers.com>
Cc: Andrea Flintz <AFlintz@lawhjc.com>; 'Angie Gardner' <agardner@mcpalaw.com>
Subject: Legacy v. Dixon - SAO to Continue Hearing

Gentlemen:

Please find attached a proposed SAO re continuing the hearing on the (now) 4 Motions currently set to be heard on July 25. As you will recall from our prior discussions, a conflict requires the hearing be rescheduled. In that regard, I was hopeful that the hearing could go forward on the 3rd or 4th of August as we all previously talked about, but Judge Leen is not available on those days. She is available on August 8, however, although it is unclear whether she will actually continue the hearing to that specific date. As such I have drafted a SAO that essentially states that we want to move the hearing to 8th, but that the Court choose to set the hearing for a different day, as follows: "Counsel for the parties have agreed to continue the July 25, 2017 hearing to August 8, 2017 at 9:00 a.m. in LV Courtroom 3B before Magistrate Judge Peggy A. Leen or, alternatively, to any subsequent date and/or time the Court deems appropriate."

Please review the attached at your earliest convenience and advise if you believe any changes are required. If not, please confirm that I may e-sign and file.

Finally – Ben sorry to hear/read about your shoulder. 4th of July mishap?

Thank you,
Jason

Jason R. Wigg, Esq.
Of Counsel
<image001.jpg>
7425 Peak Drive
Las Vegas, NV 89128
Phone: (702) 316.4111

Mobile: (702) 884-1405
Fax: (702) 316.4114
jwigg@lawhjc.com

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EXHIBIT 8

EXHIBIT 8

2:15-cv-1359-JAD-PAL - June 2, 2017

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

SARAH DIXON,)	Case No. 2:15-cv-1359-JAD-PAL
)	
Plaintiff,	)	Las Vegas, Nevada
	)	Friday, June 2, 2017
vs.	)	10:28 a.m.
	)	Courtroom 6D
LEGACY TRANSPORTATION)	
SYSTEMS, INC., et al.,	)	MOTION HEARING
)	
Defendants.)	
)	
<hr/>		
AND RELATED CROSS CLAIMS.	)	ORIGINAL
)	
<hr/>		

REPORTER'S TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE JENNIFER A. DORSEY,
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Plaintiff:

ERIC DOBBERSTEIN, ESQ.
McCullough Perez & Dobberstein, Ltd.
601 South Rancho Drive, Suite A-10
Las Vegas, Nevada 89106
(702) 385-7383

(continued on next page.)

Court Reporter: Felicia Rene Zabin, FCRR, RPR, CCR 478
United States District Court
333 Las Vegas Boulevard South, Room 1334
Las Vegas, Nevada 89101
FZ@nvd.uscourts.gov

Proceedings reported by machine shorthand. Transcript produced
by computer-aided transcription.

2:15-cv-1359-JAD-PAL - June 2, 2017

1 APPEARANCES CONTINUED:

2 For the Defendant and Third-Party Plaintiffs:

3 STEVEN T. JAFFE, ESQ.
4 Hall Jaffe & Clayton, LLP
7425 Peak Drive
Las Vegas, Nevada 89128
5 (702) 316-4111

6 For the Third-Party Defendant:

7 BENJAMIN J. CARMAN, ESQ.
8 Ranalli Zaniel Fowler & Moran, LLC
2400 West Horizon Ridge Parkway
Henderson, Nevada 89011
9 (702) 447-7774

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2:15-cv-1359-JAD-PAL - June 2, 2017

1 LAS VEGAS, NEVADA; FRIDAY, JUNE 2, 2017; 10:28 A.M.

2 --oOo--

3 P R O C E E D I N G S

4 COURTROOM ADMINISTRATOR: All rise.

5 THE COURT: Good morning. Please have a seat.

6 COURTROOM ADMINISTRATOR: Now is the time set for a
7 motion hearing in Case No. 2:15-cv-1359-JAD-PAL, Sarah Dixon
8 versus Legacy Transportation Systems, LLC, et al.

9 Counsel, please state your appearances.

10 MR. DOBBERSTEIN: Eric Dobberstein on behalf of
11 Ms. Dixon.

12 MR. JAFFE: Good morning, Your Honor. Steven Jaffe,
13 Hall Jaffe & Clayton, for the defendants and third-party
14 plaintiffs.

15 MR. CARMAN: Good morning, Your Honor. Benjamin Carman
16 for third-party defendant, Ryan Richards.

17 THE COURT: All right. Good morning, everybody.

18 We are here on a Renewed Motion for Good Faith
19 Settlement for Mr. Richards's \$15,000 settlement. That's at
20 Document No. 83. I previously denied that motion without
21 prejudice because I didn't find that the *Velsico, MGM, Doctors*
22 *Co.* factors were satisfied. The plaintiff now joins in this
23 motion. That's at No. 89.

24 We also have a request for sanctions -- that's found at
25 number 90 in the record -- for refusal to grant an extension of

2:15-cv-1359-JAD-PAL - June 2, 2017

1 balance of these factors and it might change things. So the
2 denial of the motion is without prejudice to the ability to
3 bring it again if something in the record changes. But, based
4 on the record that I have right now, I can't grant a good-faith
5 settlement to Mr. Richards at this point. All right. So I'm
6 denying the motion.

7 I want to talk now about the sanctions. I don't -- I
8 think I have heard enough about them. I don't think I need to
9 hear from anybody else anymore about what happened. I think it
10 has been briefed ad nauseam at this point.

11 I'm going to deny the request for sanctions. I think
12 this was a situation where emotions ran high and there was a lot
13 of baggage that was packed into those communications back and
14 forth. But I think that the proper solution -- and I realize
15 that there must have been a lot of emotions and drama and in the
16 moment it all looked like this level of briefing was required
17 for this issue. But really the proper solution would have been
18 to file a one-page motion to extend the opposition deadline.
19 All I needed was good cause and it was there.

20 But, Mr. Dobberstein, I am going to tell you this.
21 Your -- the -- a request for an extension of time on something
22 like this is a matter of just courtesy and professionalism. And
23 I think you should empower your associates to be able to make
24 that call and to be able to say, absolutely you can have two
25 days. It's not a client's decision; it is an attorney's

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1 decision. And you should make sure that your associates, who
2 are in the office when you might not be, know that they have the
3 ability to say that without getting into trouble. They should
4 not have to say I can't get in touch with a partner and
5 therefore I can't do this.

6 So I think that there was sort of a confluence of
7 events that happened here. But I think it's critical too that
8 your associates should be empowered to make these reasonable,
9 professional courtesy calls. So I would hope that that happens
10 in the future. But, after having reviewed everything that
11 happened here, I really do not think that this is a situation
12 that merits an award of sanctions. So I am going to deny the
13 request for sanctions.

14 Mr. Dobberstein.

15 MR. DOBBERSTEIN: Thank you very much, Your Honor. And
16 I appreciate the advice. And I can assure the Court that, when
17 I did return May 1, I did have a conversation with Mr. Fellows
18 and we've also talked collectively, the five of us that are in the
19 firm. And he is -- and I don't know if you can remember back in
20 the time when you were --

21 THE COURT: I totally remember this. I mean, as I was
22 reading all of this, I could see exactly how this could happen.

23 MR. DOBBERSTEIN: Yeah. My --

24 THE COURT: I could see it.

25 MR. DOBBERSTEIN: Yeah. So when I landed -- when I got

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1 to Reno eventually that night, there was lots of frantic
2 emails -- I mean, text messages on my phone and voicemails from
3 Mr. Fellows and I felt bad for him. And I understand and I
4 recognize that, Your Honor. And hopefully he'll feel more
5 comfortable. And I appreciate that, Your Honor.

6 THE COURT: All right.

7 Anything else?

8 MR. JAFFE: Nothing, Your Honor. Thank you.

9 THE COURT: All right, everybody.

10 I realize I still have some more motions that are
11 pending for you all. Unfortunately, they are on a stack of
12 about -- they are in the middle somewhere of a stack of about
13 250 dispositive motions. So, at some point, I will get to them
14 probably in the next couple months. But I'm not -- it hasn't
15 sifted to the top of the stack yet.

16 MR. JAFFE: Thank you, Your Honor.

17 MR. DOBBERSTEIN: Thank you, Your Honor.

18 THE COURT: Have a good day, everybody.

19 MR. JAFFE: You too.

20 (Proceedings concluded at 11:09 a.m.)

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

SARAH DIXON,)	Case No.
	)	2:15-cv-1359-JAD-PAL
Plaintiff,	)	Las Vegas, Nevada
	)	Friday, June 2, 2017
vs.	)	10:28 a.m.
	)	Courtroom 6D
LEGACY TRANSPORTATION)	
SYSTEMS, INC., et al.,)	
	)	MOTION HEARING
Defendants.)	
)	

AND RELATED CROSS CLAIMS.	)	ORIGINAL
)	

C E R T I F I C A T E

I, FELICIA RENE ZABIN, Official Court Reporter, United States District Court, District of Nevada, Las Vegas, Nevada, do hereby certify that pursuant to 28 U.S.C. § 753 the foregoing is a true, complete, and correct transcript of the proceedings had in connection with the above-entitled matter.

/s/ Felicia Rene Zabin
FELICIA RENE ZABIN, CCR No. 478
OFFICIAL FEDERAL REPORTER

Dated: June 26, 2017