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8
 9 **UNITED STATES DISTRICT COURT**
 10 **DISTRICT OF NEVADA**

11 BRETT PRIMACK, individually,) **CASE NO.: 2:18-cv-00561-APG-NJK**
)
 12 Plaintiff,) **JOINT PRETRIAL ORDER**
)
 13 vs.)
)
 14 OHIO SECURITY INSURANCE COMPANY,)
 a foreign corporation; LIBERTY MUTUAL)
 15 INSURANCE COMPANY; and DOES I-X,)
 inclusive, and ROE CORPORATIONS I-X,)
 16 inclusive,)
)
 17 Defendants.)

18 Following pretrial proceedings in this case, and pursuant to the party submission of a
 19 proposed joint pre-trial order pursuant to DCR LR 16-4,

20 IT IS SO ORDERED.

21 **I.**

22 **This is an action for:** alleged Breach of Contract whereby Plaintiff alleges entitlement
 23 to receipt from Defendant of uninsured motorist insurance benefits. Defendant disputes
 24 Plaintiff's allegations against it.

25 **II.**

26 **Statement of jurisdiction:** this Court has jurisdiction over this matter pursuant to 28
 27 U.S.C. §1441(a), because jurisdiction is created by diversity of citizenship pursuant to 28
 28 U.S.C. §1332(a)(1). There is complete diversity between the parties; Plaintiff is a citizen of

1 Nevada, and Defendant is a citizen of New Hampshire and Massachusetts. The minimum
2 necessary amount in controversy for diversity jurisdiction is satisfied because Plaintiff alleges
3 damages in excess of \$75,000.

4 **III.**

5 **The following facts are admitted by the parties and require no proof:** Defendant
6 issued to Plaintiff an insurance policy with a policy number of BAS55530738, for the period
7 of May 22, 2014 to May 22, 2015. Defendant paid \$5,000 of medical payments. Plaintiff
8 received \$15,000 of liability insurance benefits from the insurer for the other driver, Natalie
9 Heath.

10 The parties reserve the right to supplement this section as needed.

11 **IV.**

12 **The following facts, though not admitted, will not be contested at trial by evidence**
13 **to the contrary:** none at this time.

14 The parties reserve the right to supplement this section as needed.

15 **V.**

16 **The following are the issues of fact to be tried and determined upon trial. (Each**
17 **issue of fact must be stated separately and in specific time).**

18 Plaintiff:

- 19 A. Whether Defendant breached its contract with Plaintiff in apparently denying his
20 uninsured/underinsured motorist claims;
- 21 B. Whether Defendant had a reasonable basis for its apparent denial of Plaintiff's
22 uninsured/underinsured motorist claims;
- 23 C. Whether Plaintiff's injuries alleged were proximately caused by the underlying
24 collision.
- 25 D. Whether the medical treatment Plaintiff alleges was reasonable and necessary
26 for the injuries he is claiming related to the subject collision.
- 27 E. The applicability of Defendant's affirmative defenses; and
- 28 F. The amount of damages to be awarded.

1 Defendant: liability, duty, fault, injury, proximate causation, damages, entitlement and
2 breach.

3 **VI.**

4 **The following are the issues of law to be tried and determined upon trial.**

5 Plaintiff: whether Defendant breached its contract with Plaintiff.

6 Defendant: liability, duty, fault, injury, proximate causation, damages, entitlement and
7 breach.

8 **VII.**

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

11 Ohio Security Insurance Company policy Bates LMIC000001-85.

12 The parties reserve the right to supplement this section as needed.

13 **(b) As to the following additional exhibits the parties have reached the**
14 **stipulations stated:**

15 (1) Plaintiff and Defendant stipulate that each side may utilize each other's
16 exhibits to the extent previously disclosed, and with preservation of arguments regarding
17 admissibility.

18 (2) That custodian of records testimony will not be required for the true and
19 correct authenticity of records.

20 (3) Upon need to present trial exhibit lists, absent unforeseen obstacles, the
21 parties will present a joint exhibit list that eliminates redundant copies of medical records, and
22 will prepare a joint library of such exhibits which bear the bate stamp numbers given to the
23 documents when they were disclosed in litigation.

24 (4) The parties reserve their rights to stipulate further.

25 **(c) The Parties' proposed respective exhibit lists follow below, along with any**
26 **objections to their admission upon the grounds stated:**

27 ///

28 ///

1 (1) Defendant's potential proposed exhibits and Plaintiff's objections thereto
2 **(stated in bold text):**

3 1. See, Liberty Mutual Insurance Company Documents, Bates Range
4 LMGIC000086-000982.

5 2. See, Liberty Mutual Insurance Company Documents, Bates Range
6 OSIC000983-002245.

7 3. See, medical and billing records received from Advanced Pain Consultants,
8 Bates Range OSIC002246-002384.

9 7/6/2018, Affidavit of Custodian of Records, Advanced Pain Consultants,
10 OSIC2246

11 7/6/2018, Advanced Pain Consultants Invoice for Records, OSIC2247

12 7/2/2018, Subpoena Documents, Advanced Pain Consultants, OSIC2248-
13 OSIC2257

14 9/22/2009-07/06/2018, Advanced Pain Consultants, Invoice, OSIC2258

15 12/7/2014-12/8/2014, Michael Prater, MD, Advanced Pain Consultants
16 Medical Records, OSIC2259- OSIC2275

17 4/9/2015, Michael Prater, MD, Advanced Pain Consultants Medical Records,
18 OSIC2276-OSIC2277

19 10/17/2014-2/27/2015, Michael Prater, MD, Advanced Pain Consultants
20 Patient Notes, OSIC2278-OSIC2280

21 4/4/2013-12/13/2013, Rx Search Request Report, OSIC2281-OSIC2282:

22 **Objection- Unrelated to Plaintiff's UIM claim related to the 10/9/2014**
23 **collision, and do not relate to any medical conditions claimed by Plaintiff.**

24 4/20/2015, Michael Prater, MD, Advanced Pain Consultants Medical
25 Records, OSIC2283

26 12/8/2014, Michael Prater, MD, Advanced Pain Consultants Medical
27 Records, OSIC2288-OSIC2290

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1 4/20/2015, Michael Prater, MD, Advanced Pain Consultants Medical
2 Records, OSIC2291
3 12/14/2015, Letter Correspondence from Plaintiff's Counsel with Medical
4 Release Authorization, OSIC2338-OSIC2340: **Objection- OSIC2338-
5 OSIC2340- Lacks foundation as to any evidentiary value regarding
6 Plaintiff's breach of contract claim.**
7 9/14/2015, Anthem Chiropractic Fax Cover Sheets, OSIC2341-OSIC2345
8 7/23/2015, Michael Prater, MD, Advanced Pain Consultants Fax
9 Correspondence, OSIC2346-OSIC2347
10 5/4/2015, Michael Prater, MD, Advanced Pain Consultants Fax
11 Correspondence, OSIC2348-OSIC2349
12 4/25/2015, Michael Prater, MD, Advanced Pain Consultants Fax
13 Correspondence, OSIC2350
14 4/9/2015, Michael Prater, MD, Advanced Pain Consultants Medical Records,
15 OSIC2353-OSIC2354
16 12/8/2014, Michael Prater, MD, Advanced Pain Consultants Medical
17 Records, OSIC2356-OSIC2357
18 1/23/2015, Michael Prater, MD, Advanced Pain Consultants Medical
19 Records, OSIC2358-OSIC2359
20 1/7/2014, Michael Prater, MD, Advanced Pain Consultants Medical Records,
21 OSIC2360
22 12/15/2014, Patient Referral, OSIC2363-OSIC2364
23 11/21/2014, Advanced Pain Consultants, OSIC2365-OSIC2366
24 10/14/2014- 10/15/2014, Advanced Pain Consultants, OSIC2367-OSIC2371
25 4/15/2015, Advanced Pain Consultants, OSIC2372-OSIC2374
26 3/17/2015, Advanced Pain Consultants, OSIC2375-OSIC2376
27 2/27/2015, Advanced Pain Consultants, OSIC2377-OSIC2378
28 2/18/2015, Advanced Pain Consultants, OSIC2379-OSIC2380

- 1 11/21/2014, Advanced Pain Consultants, OSIC2381-OSIC2382
2 10/15/2014, Advanced Pain Consultants, OSIC2383-OSIC2384
3 4. See, medical and billing records received from Anthem Chiropractic, Bates
4 Range OSIC002385-002602.
5 7/12/2018, Affidavit of Custodian of Records, Anthem Chiropractic,
6 OSIC2385-OSIC2386
7 10/10/2014-12/8/2015, Anthem Chiropractic Charges, OSIC2387-OSIC2390
8 10/9/2014-10/10/2014, Derek Day, DC, Anthem Chiropractic Medical
9 Records, OSIC2391-OSIC2412
10 10/14/2014-1/6/2015, Derek Day, DC, Anthem Chiropractic, OSIC2413-
11 OSIC2446
12 1/28/2015, Derek T. Day, DC, Anthem Chiropractic Medical Records,
13 OSIC2447-OSIC2454
14 3/3/2015-7/24/2015, Derek T. Day, DC, Anthem Chiropractic Medical
15 Records, OSIC2455-OSIC2460
16 9/16/2015-12/8/2015, Derek T. Day, DC, Anthem Chiropractic Medical
17 Records, OSIC2461-OSIC2463
18 Photographs, OSIC2464-OSIC2468
19 7/2/2018, Subpoena Documents and Invoice for Medical Records, OSIC2591-
20 OSIC2602
21 5. See, medical and billing records received from Coronado Surgery Center,
22 Bates Range OSIC002603-002659.
23 07/10/2018, Certificate of Custodian of Records, Coronado Surgery Center,
24 OSIC2603
25 7/2/2018, Coronado Surgery Center Subpoena, OSIC2604-OSIC2613
26 07/12/2018, Coronado Surgery Center Account Statement, OSIC2614
27 5/10/2016, Coronado Surgery Center Medical Records, OSIC2615-OSIC2659
28

- 1 10/6/2016, Surgical Arts Center Medical Records, Jorg Rosler, MD,
2 OSIC2833-OSIC2854: **Objection- OSIC 3112-3113- Lacks foundation as**
3 **to any evidentiary value regarding Plaintiff’s breach of contract claim.**
- 4 9. *See*, medical and billing records received from Comprehensive Injury
5 Institute, Bates Range OSIC002855-003323.
6 7/9/2018, Comprehensive Injury Institute, Affidavit of Custodian of Records,
7 OSIC2855-OSIC2856
8 8/19/2015-01/18/2017, Comprehensive Injury Institute Medical Records,
9 Jeffrey Gross, MD, OSIC2858-OSIC2970
10 12/8/2014-4/20/2015, Advanced Pain Consultants, OSIC2971-OSIC2976
11 8/19/2015-1/18/2016, Comprehensive Injury Institute, Jeffrey Gross, MD,
12 OSIC3146-OSIC3188
13 2/1/2016, Letter correspondence from Plaintiff’s counsel, OSIC3304-
14 OSIC3306: **Objection- OSIC3304-OSIC3306- Lacks foundation as to any**
15 **evidentiary value regarding Plaintiff’s breach of contract claim.**
16 12/27/2016, Letter correspondence from Plaintiff’s counsel, OSIC3307:
17 **Objection- OSIC3307- Lacks foundation as to any evidentiary value**
18 **regarding Plaintiff’s breach of contract claim.**
19 8/19/2015, Comprehensive Injury Institute, OSIC3308-OSIC3312
- 20 10. *See*, medical and billing records received from Desert Institute of Spine Care,
21 Bates Range OSIC003324-003422.
22 7/25/2018, Desert Institute of Spine Care, Affidavit of Custodian of Records,
23 OSIC3324
24 7/25/2018, Desert Institute of Spine Care Pre-Payment Invoice, OSIC3325
25 12/11/2014-2/19/2016, Desert Institute of Spine Care Invoice, OSIC3326
26 12/11/2014-7/23/2015, Desert Institute of Spine Care Medical Records,
27 Andrew Cash, MD, OSIC3327-OSIC3334
28

- 1 11. *See*, medical and billing records received from Family Doctors of Green
2 Valley, Bates Range OSIC003423-003560.
3 7/5/2018, Family Doctors of Green Valley Affidavit of Custodian of Records,
4 OSIC3423
5 7/2/2018, Subpoena Documents, OSIC3424-OSIC3432
6 10/25/2014-4/15/2015, Family Doctors of Green Valley Invoice, OSIC3433
7 10/25/2014-4/15/2015, Family Doctors of Green Valley Medical Records,
8 Jennifer Relph, PA-C, OSIC3434-OSIC3453
9 10/25/2014, Family Doctors of Green Valley, OSIC3461-OSIC3467
10 10/25/2014, Family Doctors of Green Valley, Ravi Ramanathan, MD,
11 OSIC3540-OSIC3541
12 11/11/2014-3/10/2015, Family Doctors of Green Valley Invoice, OSIC3555-
13 OSIC3560
14 12. *See*, medical and billing records received from Las Vegas Radiology, Bates
15 Range OSIC003561-003808 (includes radiology disc, bated OSIC003808, as
16 referenced on OSIC003586-003587).
17 7/6/2018, Las Vegas Radiology Affidavit of Custodian of Records, OSIC3561
18 7/10/2018, Las Vegas Radiology Billing Dept., OSIC3562-OSIC3563
19 11/19/2014, Las Vegas Radiology, James Balodimas, MD, OSIC3564
20 11/5/2014, Las Vegas Radiology, Nadeer Pirani, MD, OSIC3565-OSIC3569
21 10/10/2014, Las Vegas Radiology, James Balodimas, MD, OSIC3570-
22 OSIC3577
23 7/2/2018, Subpoena Documents, OSIC3578-OSIC3585
24 10/10/2014-11/19/2014, Las Vegas Radiology, x ray and MRI photographs on
25 CD, OSIC3586-OSIC3807: **Objection- OSIC3892-3909. Not reasonably**
26 **related to the October 9, 2014 collision, no basis alleging any pre-existing**
27 **injuries related to the October 9, 2014 collision, Defendant's claims**
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decisions not based upon these records, and Defendant's retained medical expert found no pre-existing treatment impacting his opinion.

- 13. *See*, medical and billing records received from Matt Smith Physical Therapy, Bates Range OSIC003809-003909.
7/25/2018, Matt Smith Physical Therapy Affidavit of Custodian of Records, OSIC3809
7/2/2018, Subpoena Documents, OSIC3810-OSIC3821
7/27/2018, ATI Physical Therapy Invoice for Medical Records, OSIC3822-OSIC3823
9/9/2015-1/7/2016, ATI Physical Therapy Patient Ledger Report, OSIC3824-OSIC3828
9/9/2015-1/7/2016, Matt Smith Physical Therapy (ATI) Medical Records, Wyatt Banks, PT, OSIC3829-OSIC3861
11/5/2014, Las Vegas Radiology, Nadeer Pirani, MD, OSIC3866-OSIC3870
9/2/2015, Matt Smith Physical Therapy, OSIC3871-OSIC3885
8/21/2015, Comprehensive Injury Institute, Jeffrey Gross, MD, OSIC3886-OSIC3887
9/2/2015, ATI Physical Therapy Referral Intake Form, OSIC3888-OSIC3889
9/18/2015-1/7/2016, ATI Physical Therapy Communication Log, OSIC3890-OSIC3891
7/21/2015-9/6/2015, ATI Physical Therapy Invoice, OSIC3892-OSIC3893:
Objection- unrelated to 10/9/2014 UIM claim as body parts involved are not part of this claim and there is no allegation by Plaintiff that they are part of this claim.
6/23/2015, Desert Valley Therapy, OSIC3894-OSIC3902: **Objection-unrelated to 10/9/2014 UIM claim as body parts involved are not part of this claim and there is no allegation by Plaintiff that they are part of this claim.**

- 1 14. *See*, medical and billing records received from Tenaya Surgical Center, Bates
2 Range OSIC003910-003936.
3 7/25/2018, Tenaya Surgery Center Affidavit of Custodian of Records and
4 Request for Records, OSIC3910-OSIC3912
5 7/26/2018, Tenaya Surgical Center Invoice, OSIC3913-OSIC3914
6 4/9/2015, Tenaya Surgical Center Medical Records, Michael Prater, MD,
7 OSIC3915-OSIC3936
- 8 15. *See*, medical and billing records received from Valley Anesthesiology
9 Consultants, Bates Range OSIC003937-003949.
10 7/26/2018, DCP Holdings Affidavit of Custodian of Records, OSIC3937-
11 OSIC3938
12 5/10/2016, DCP Holdings, LLC Invoices, OSIC3939-OSIC3944
13 5/10/2016, Valley Anesthesiology Consultants/DCP Holdings Medical
14 Records, OSIC3945-OSIC3949
- 15 16. *See*, additional medical records received from Family Doctors of Green
16 Valley, Bates Range OSIC003961-003966: **Objection- Not reasonably**
17 **related to the October 9, 2014 collision, no basis alleging any pre-existing**
18 **injuries related to the October 9, 2014 collision, Defendant's claims**
19 **decisions not based upon these records, and Defendant's retained medical**
20 **expert found no pre-existing treatment impacting his opinion.**
- 21 17. *See*, medical and billing records received from Anthem Capital, LLC, Bates
22 Range OSIC003967-003993.
- 23 18. *See*, medical and billing records received from Valley View Surgical, Bates
24 Range OSIC003994-004013.
- 25 19. *See*, billing records received from Capital (Canyon) Medical Billing, Bates
26 Range OSIC004014-004030.
27 8/27/2018, Subpoena Documents, OSIC4014-OSIC4030
28

- 1 4/4/2007, St. Rose Dominican Hospital-Siena Campus, Scott Chang, MD,
2 OSIC4128-OSIC4133
- 3 21. *See*, Reynold Rimoldi, M.D. supplemental report, Bates Range
4 OSIC0004134-004135.
- 5 22. *See*, medical and billing records received from Southwest Medical Associates,
6 Bates Range OSIC004308-004584: **Objection- Not reasonably related to**
7 **the October 9, 2014 collision, no basis alleging any pre-existing injuries**
8 **related to the October 9, 2014 collision, Defendant's claims decisions not**
9 **based upon these records, and Defendant's retained medical expert found**
10 **no pre-existing treatment impacting his opinion. Objection in that the**
11 **records are not reasonably connected to the current claims and are**
12 **clearly more prejudicial than probative.**
- 13 23. *See*, correspondence from Summit Medical Group, LLC, Bates Range
14 OSIC004596.
- 15 24. *See*, medical and billing records received from Desert Valley Therapy, LLC,
16 Bates Range OSIC004597-004696: **Objection- OSIC4679-4696- Unrelated**
17 **to the 10/9/2014 UIM claim as body parts involved are not part of this**
18 **claim and there is no allegation by Plaintiff that they are part of this**
19 **claim.**
- 20 07/21/2015-08/13/2015, Desert Valley Therapy, LLC records, Jeri Wise, PT,
21 OSIC004690-004691, OSIC004694-004695
- 22 09/09/2015-01/07/2016, Desert Valley Therapy, LLC records - ATI Physical
23 Therapy Patient Ledger Report, OSIC004611-004615
- 24 09/09/2015-12/17/2015, Desert Valley Therapy, LLC records, John Lyons, PT,
25 OSIC004619- OSIC004638, OSIC004641- OSIC004646
- 26 09/29/2015, Desert Valley Therapy, LLC records, Patrick Duffy, PTA and John
27 Lyons, PT, OSIC004639, OSIC004640
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- 01/07/2016, Desert Valley Therapy, LLC records, Wyatt Banks, PT,
OSIC004616-004618, OSIC004647-004648
25. *See*, medical and billing records received from St. Rose Dominican Hospital-
Siena Campus, Bates Range OSIC004697-004851: **Objection- Not**
reasonably related to the October 9, 2014 collision, no basis alleging any
pre-existing injuries related to the October 9, 2014 collision, Defendant’s
claims decisions not based upon these records, and Defendant’s retained
medical expert found no pre-existing treatment impacting his opinion.
10/25/2003-10/26/2003, St. Rose Dominican Hospital- Siena Campus, Mark
Ferdowsian, DO, OSIC4711-OSIC4734, OSIC4736-OSIC4737
10/26/2003-10/27/2003, St. Rose Dominican Hospital-Siena Campus, Hiran
Shawn Wijesinghe, MD, OSIC4735, OSIC4738-OSIC4755
9/28/2006-9/29/2006, St. Rose Dominican Hospital-Siena Campus, Timothy
Robertson, DO, OSIC4756-OSIC4794
4/04/2007-4/04/2007, St. Rose Dominican Hospital-Siena Campus, Craig Clark,
MD, OSIC4795-OSIC4851
26. *See*, City of Henderson Traffic Accident Report, Bates Range OSIC004852-
004861: **Objection- Unrelated to the 10/9/2014 UIM claim as body parts**
involved are not part of this claim and there is no allegation by Plaintiff
that they are part of this claim. Also, the police report is not an
admissible document.
27. *See*, correspondence from AAA Life Insurance Company, Bates Range
OSIC004862-004874: **Objection- Unrelated to the 10/9/2014 UIM claim as**
body parts involved are not part of this claim and there is no allegation
by Plaintiff that they are part of this claim. Objection in that the records
are not reasonably connected to the current claims and are clearly more
prejudicial than probative.

| Ex. # | Description | Bates Numbers | Defendant Objections |
|-------|---|-------------------|--|
| 1. | Liberty Mutual claim documents | LMIC000086-000982 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 2. | Ohio Claims file documents- Claim #23069451 | OSIC00982-002245 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 3. | Ohio Commercial Insurance Claims/Auto & General Liability Quality and Control Standards | OSIC04136-04307 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |
| 4. | Letter Requesting UIM Benefits to Liberty Mutual dated 5/5/2017 | PLTF 00001-00465 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 5. | Correspondence between the parties from 10/10/14 – 4/27/18 | PLTF 000466-00546 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 6. | Allstate Letter dated 10/27/2014 re policy limits | PLTF 000548-00609 | Incorrect identification, lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |
| 7. | Letter dated 6/21/18 to Kortney Peschl at Liberty Mutual | PLTF-01194 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |
| 8. | Letter dated 7/6/18 from Koeller, Nebeker, Carlson & Haluck, LLP | PLTF-01195 | Lack of foundation, hearsay, relevance, cumulative, unfair prejudice. |
| 9. | Letter dated 7/18/18 to Koeller, Nebeker, Carlson & Haluck, LLP | PLTF-01196 | Lack of foundation, hearsay, relevance, cumulative, unfair prejudice. |
| 10. | Defendant Liberty Mutual Insurance Company's responses to Plaintiff's First Request for Production dated 7/2/18 | PLTF-01197-01224 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 11. | Defendant Liberty Mutual Insurance | PLTF-01225-01242 | Lack of foundation, |

| Ex. # | Description | Bates Numbers | Defendant Objections |
|------------|---|-------------------|--|
| | Company's responses to Plaintiff's First Set of Interrogatories dated 7/2/18 | | hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 12. | Defendant Ohio Security's Responses to Plaintiff's First Set of Interrogatories dated 9/14/18 | | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 13. | Defendant Ohio Security's Responses to Plaintiff's First Set of Requests for Production dated 9/14/18 | | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 14. | Defendant Ohio Security's First Supplemental Responses to Plaintiff's First Set of Requests for Production dated 10/1/18 | | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 15. | Defendant Ohio Security's Second Supplemental Responses to Plaintiff's First Set of Requests for Production dated 2/13/19 | | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 16. | Vehicle Property Damage Estimates and Photographs | PLTF-01275-001306 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 17. | Subpoena Production from the State of Nevada, Division of Insurance Regarding Ohio Security | PLTF-01307-001587 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 18. | Subpoena Production from the State of Nevada, Division of Insurance Regarding Liberty Mutual | PLTF-01588-002116 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 19. | Defendants Supplemental responses to Plaintiff's Request for Production | PLTF-02222-02247 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 20. | Correspondence between the Parties March 2018 to November 2018 | PLTF-02117-02209 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 21. | Defendants Supplemental responses to Plaintiff's Request for Production | PLTF-02222-02247 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair |

| Ex. # | Description | Bates Numbers | Defendant Objections |
|-------|--|-------------------|--|
| | | | prejudice. |
| 22. | Curriculum Vitae and Fee schedule of Andrew Hall, M.D. | PLTF-01271-001274 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 23. | Scott A. Glogovac, Esq. Report dated 8/2/18 | | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 24. | Scott A. Glogovac, Esq. Supplemental Report dated 1/8/19 | PLTF-02314-02327 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |

Medical

| Exhibit | Business Name | Physician | Dates of Service | Bates Numbers | Defendant Objections |
|---------|---|------------------|-------------------|-------------------|---|
| 25. | Records from Anthem Chiropractic | Derek Day | 10/10/14-07/24/15 | PLTF-000610-00722 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 26. | Records and bill from Advanced Pain Consultants | Michael Prater | 12/8/14-4/20/15 | PLTF000723-00739 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 27. | Rec and bills from Center for Wellness and Pain Care of Las Vegas | Neville Campbell | 4/25/16-05/11/16 | PLTF-00740-00768 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 28. | Records from Comprehensive Injury Institute/Dr. Jeffrey Gross; | Jeffrey Gross | 08/19/15-10/26/16 | PLTF-00769-00858 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 29. | Records/billing from Coronado Surgery Center | Neville Campbell | 05/10/16 | PLTF-00859-00861 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudicen. |
| 30. | Records/billing from Desert Institute of Spine Care | Andrew Cash | 12/11/14-07/23/15 | PLTF-00862-00952 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |

| Exhibit | Business Name | Physician | Dates of Service | Bates Numbers | Defendant Objections |
|---------|---|------------------------------|--|--------------------------|---|
| 31. | Records/Billing from Family Doctors of Green Valley | Ravi Ramanathan | 10/25/14-04/15/15 | PLTF-00953-00977 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 32. | Records/Billing from Interventional Pain and Spine | Jorg Rosler | 07/20/16-04/19/17 | PLTF-00978-00997 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 33. | Records/Billing from Las Vegas Radiology | Nadeer Pirani | 10/09/14-11/05/14 | PLTF-00998-01019 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 34. | Records/Billing from Matt Smith Physical Therapy | John Lyons, PT | 09/09/15-01/07/16 | PLTF-01020-01073 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 35. | Record/ billing from Surgical Arts Center | Jorg Rosler | 10/06/16 | PLTF-01074-01076 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 36. | Record/ billing from Tenaya Surgical Center | Michael Prater Raimundo Leon | 04/09/15 | PLTF-01077-01080 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 37. | Billing from Valley Anesthesia Consultants | Neville Campbell | 05/10/16 | PLTF-01082; -01086-01088 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 38. | Jeffrey Gross, MD | | Life Care Plan/Neurological Supplemental Report Report dated 1/18/17 | PLTF-01089-01102 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 39. | Interventional Pain and Spine | Jorg Rosler | Cost Estimate for Procedures dtd 5/31/18 | PLTF-01103 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of proper production. |
| 40. | Updated Records and Billing from | Jorg Rosler | 07/20/16-06/26/18 | PLTF-01104-01118 | Lack of foundation, hearsay, relevance, improper opinions, |

| Exhibit | Business Name | Physician | Dates of Service | Bates Numbers | Defendant Objections |
|---------|---|---------------|---|--------------------|--|
| | Interventional Pain & Spine | | | | cumulative, unfair prejudice. |
| 41. | Records from Surgical Arts Center | Andrew Hall | 06/18/18 | PLTF-01119-01193 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 42. | Updated Record and billing from Interventional Pain and Spine | Andrew Hall | Records: 07/31/18; 09/06/18 Bills: 7/20/16-7/31/18 | PLTF-01267-001270 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice. |
| 43. | Neurosurgical Report and bill from Dr. Jeffrey Gross, M.D. | Jeffrey Gross | Neurosurgical follow-up Second Opinion Consult 11/26/18 | PLTF-02210-02221 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |
| 44. | Supplemental Neurosurgical Report by Jeffrey D. Gross MD | Jeffrey Gross | Neurosurgical Supplemental Report 12/01/18 | PLTF-02248-02280 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |
| 45. | Supplemental Neurosurgical Report by Jeffrey D. Gross, M.D. | Jeffrey Gross | Neurosurgical Supplemental Report 12/02/18 | PLTF-02281-02309 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |
| 46. | Interventional Spine and Pain Institute | Faisal Zaman | Record: 12/12/18 Bills: 7/20/16-12/12/18 | PLTF-002310-002313 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |
| 47. | Supplemental Neurosurgical Report by Jeffrey D. Gross, M.D. | Jeffrey Gross | Neurosurgical Supplemental Report 12/27/18 | PLTF-002328-002331 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |
| 48. | Supplemental Neurosurgical Report by Jeffrey D. Gross, M.D. | Jeffrey Gross | Neurosurgical Supplemental Report | PLTF-002332-002337 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of |

| Exhibit | Business Name | Physician | Dates of Service | Bates Numbers | Defendant Objections |
|---------|---|--|--|---------------------|--|
| | | | 01/07/19 | | timely and proper production. |
| 49. | Interventional Pain & Spine Institute updated Records and Bills | Andrew Hall | Record: 1/14/19 Bills: 07/20/16-01/14/19 | PLTF-002338-002340 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |
| 50. | Surgical Arts Center Bill | Andrew Hall | 01/14/19 | PLTF-002341 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |
| 51. | Interventional Pain & Spine Institute updated Records and Bills | Andrew Hall Stuart Baird Faisal Zaman Jorg Rosler | Records: 02/05/19-08/26/19 Bills: 07/20/16-08/26/19 | PLTF-002342-002356 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |
| 52. | Surgical Arts Center Updated Records and bills | Jorge Rosler | 008/12/19 | PLTF-002357-002380 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |
| 53. | Surgical Arts Center Updated Records and Bills | Jorg Rosler | 05/04/20 | PLTF -002381-002388 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |
| 54. | Interventional Pain & Spine Institute updated Records and Bills | Jorge Rosler | 07/20/16-05/18/20 | PLTF-002389-002458 | Lack of foundation, hearsay, relevance, improper opinions, cumulative, unfair prejudice, lack of timely and proper production. |

The parties reserve the right to supplement this section as needed.

(d) Depositions: Neither side anticipates using depositions in lieu of live testimony; however, they reserve the right to offer deposition testimony should witnesses become unavailable at the time of trial.

1 (1) Plaintiff may offer the following depositions if witnesses are unavailable:
2 Andrew Cash, Michael Prater, Ravi Ramanathan, Derek Day, Jeffrey Gross, Gregory Starr,
3 James Carraway, and Kortney Peschl.

4 *See*, Exhibit “1”.

5 Defendant objects to Plaintiff’s partial disclosure of their intent to present deposition
6 testimony as it is given the afternoon and evening of the date of the deadline for this order and
7 Defendant also objects pursuant to relevance and hearsay concerns.

8 (2) Defendant may offer the following depositions if witnesses are unavailable:
9 Defendant presently does not anticipate presenting deposition testimony and reserves the right
10 to seek to present deposition testimony in response to objection to Plaintiff’s proposed
11 deposition testimony and related objections at the time of the due date of filing this order.

12 (e) Objections to Depositions:

13 (1) Defendant objects to Plaintiff’s depositions as follows: relevance and
14 hearsay.

15 (2) Plaintiff objects to Defendant’s depositions as follows: relevance and
16 hearsay.

17 **VIII.**

18 **The following witnesses may be called by the parties upon trial:**

19 (a) Names and addresses of Plaintiff’s witnesses.

- 20 1- Brett Primack
21 c/o Law Offices of Eric R. Blank, P.C.
22 7860 W. Sahara Avenue, Suite 110
Las Vegas, NV 89117
- 23 2- Jonathan Senile
24 Claims Spec I – PIP/Med
25 c/o Koeller Nebeker Carlson and Haluck LLP
400 South 4th Street, Suite 600
26 Las Vegas, NV 89101
- 27 3- Sue Ann Pacht
28 c/o Koeller Nebeker Carlson and Haluck LLP
400 South 4th Street, Suite 600

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- Las Vegas, NV 89101
- 4- Austin Fentiman
c/o Koeller Nebeker Carlson and Haluck LLP
400 South 4th Street, Suite 600
Las Vegas, NV 89101
- 5- Kortney Peschl
Senior Tech Claims Specialist II AIC SCLA
Commercial Insurance Claims
c/o Koeller Nebeker Carlson and Haluck LLP
400 South 4th Street, Suite 600
- 6- James Carraway, Esq.
c/o Koeller Nebeker Carlson and Haluck LLP
400 South 4th Street, Suite 600
Las Vegas, NV 89101
- 7- Gregory L. Starr
c/o Koeller Nebeker Carlson and Haluck LLP
400 South 4th Street, Suite 600
Las Vegas, NV 89101
- 8- Gregg Starr as FRCP 30(b)(6) for Ohio Security Insurance Company
For the topics listed below
c/o Koeller Nebeker Carlson and Haluck LLP
400 South 4th Street, Suite 600
Las Vegas, NV 89101
- 1- FRCP 30(b)(6) for Ohio Security regarding OHIO SECURITY'S
INVESTIGATION AND EVALUATION OF PLAINTIFF BRETT
PRIMACK'S UNDERINSURED MOTORIST CLAIM
- 2- FRCP 30(b)(6) for Ohio Security regarding OHIO SECURITY'S
WRITTEN POLICIES AND PROCEDURES AND THE ACTUAL
CUSTOMS AND PRACTICES REGARDING INTAKE, PROCESSING,
HANDLING, INVESTIGATING, EVALUATING AND PROCESSING
UNDERINSURED MOTORIST CLAIMS IN NEVADA SINCE 2013
- 3- FRCP 30(b)(6) for Ohio Security regarding OHIO SECURITY'S
TRAINING AND/OR RE-TRAINING OF CLAIMS
REPRESENTATIVES REGARDING INTAKE, PROCESSING,
HANDLING, INVESTIGATING, EVALUATING AND PROCESSING
UNDERINSURED MOTORIST CLAIMS IN NEVADA FROM
OCTOBER 2009 UNTIL THE PRESENT
- 9- Peggy Yuile
Unit Manager

- 1 c/o Koeller Nebeker Carlson and Haluck LLP
- 2 400 South 4th Street, Suite 600
- 3 Las Vegas, NV 89101

- 4 10- Scott A. Glogovac, Esq.
- 5 3975 San Donato Loop
- 6 Reno, Nevada 89519

- 7 11- Dr. Michael A. Prater, M.D
- 8 c/o Advanced Pain Consultants
- 9 2650 Crimson Canyon Drive
- 10 Las Vegas, Nevada 89128

- 11 12- Dr. Neville Campbell, M.D./MBA
- 12 Center for Wellness and Pain Care of Las Vegas
- 13 311 North Buffalo Drive, Ste. A
- 14 Las Vegas, Nevada 89145

- 15 13- Dr. Jeffrey D. Gross, M.D.
- 16 c/o Comprehensive Injury Institute
- 17 2779 W. Horizon Ridge Pkwy, #200
- 18 Henderson, NV 89052

- 19 14- Dr. Andrew M. Cash, M.D.
- 20 c/o Desert Institute of Spine Care
- 21 9339 W. Sunset Road, #100
- 22 Las Vegas, Nevada 89148

- 23 15- Wyatt Banks, PT 0652
- 24 John Lyons, PT 1827
- 25 c/o Matt Smith Physical Therapy
- 26 500 S. Rancho, Suite 2
- 27 Las Vegas, Nevada 89106

- 28 16- Dr. Derek T. Day, D.C.
- c/o Anthem Chiropractic
- 10170 S. Eastern Avenue, Suite 110
- Henderson, NV 89052-3639

- 17- Person Most Knowledgeable(PMK)/Custodian of Records (COR) for
- Coronado Surgery Center
- 2779 W Horizon Ridge Parkway, Suite 140
- Henderson, NV 89052

- 18- Ravi Ramanathan, M.D.
- c/o Family Doctors of Green Valley
- 1909 Green Valley Pkwy, 440-355
- Henderson, Nevada 89074

- 1 19- Jorg Rosler, M.D.
2 David Webb, M.D.
3 Andrew Hall, M.D.
4 Faisal Zaman, M.D.
5 c/o Interventional Pain and Spine Institute
6 851 South Rampart, Suite 100
7 Las Vegas, NV 89145
- 8 20- Person Most Knowledgeable (PMK) and or Custodian of Records (COR) for
9 Tenaya Surgery Center
10 2800 N. Tenaya Way, Suite 101
11 Las Vegas NV 89128
- 12 21- Person Most Knowledgeable (PMK) and or Custodian of Records (COR)
13 Surgical Arts Center
14 9499 W. Charleston Blvd. Ste. 250
15 Las Vegas, NV 89117
- 16 22- Nadeer Pirani, MD
17 Person Most Knowledgeable (PMK) and or Custodian of Records (COR)
18 Las Vegas Radiology
19 PO Box 401180
20 Las Vegas, NV 89140
- 21 23- Person Most Knowledgeable (PMK) and or Custodian of Records (COR)
22 Valley Anesthesia Consultants
23 PO Box 400310
24 Las Vegas, NV 89140
- 25 24- CUSTODIAN OF RECORDS. Testimony is anticipated from any and all
26 custodian of records which are necessary to authenticate documents which
27 cannot be stipulated to regarding admissibility by the parties herein.
- 28 25- BILLING CLERKS. Testimony is anticipated from any and all billing clerk
and/or persons most knowledgeable from the offices of the health care
providers listed above may testify regarding the amounts of the medical bills
for medical treatment which Plaintiffs have received as a result of the subject
incident and regarding the reasonable and customary amounts for the medical
bills.
- 26- Any and all witnesses designated by any other Party to this litigation.
- 27- Any and all witnesses necessary for impeachment and rebuttal purposes.

(b) Names and addresses of Defendant's potential witnesses.

1. Plaintiff, Brett Primack

- 1 c/o Eric R. Blank, Esq.
LAW OFFICES OF ERIC R. BLANK, P.C.
7860 W. Sahara Avenue, Suite 110
2 Las Vegas, NV 89117
(702) 222-2115
- 3
- 4 2. Person(s) Most Knowledgeable for Defendants,
OHIO SECURITY INSURANCE COMPANY
c/o Andrew C. Green, Esq.
5 KOELLER, NEBEKER, CARLSON & HALUCK
400 S. 4th Street, Suite 600
6 Las Vegas, Nevada 89101
- 7 3. Greg Starr and/or the Person(s) Most Knowledgeable for Defendants,
LIBERTY MUTUAL INSURANCE COMPANY
8 c/o Andrew C. Green, Esq.
Koeller, Nebeker, Carlson & Haluck, LLP
9 400 S. 4th St., Suite 600
Las Vegas, NV 89101
- 10
- 11 4. Derek T. Day, D.C. and/or the Person Most Knowledgeable for
ANTHEM CHIROPRACTIC
10170 S. Eastern Avenue, Suite 110
12 Henderson, Nevada 89052
(702) 614-6777
- 13
- 14 5. Ravi Ramanathan, M.D. and/or the Person(s) Most Knowledgeable for
FAMILY DOCTORS OF GREEN VALLEY
291 N. Pecos Road
15 Henderson, Nevada 89074
(702) 616-9471
- 16
- 17 6. Nadeer Pirani, M.D. and/or the Person Most Knowledgeable for
LAS VEGAS RADIOLOGY
P.O. Box 401180
18 Las Vegas, NV 89140
(702) 254-5004
- 19
- 20 7. Michael Prater, M.D. and/or the Person Most Knowledgeable for
ADVANCED PAIN CONSULTANTS
2650 Crimson Canyon Drive
21 Las Vegas, Nevada 89128
(702) 731-2642
- 22
- 23 8. Andrew Cash, M.D. and/or the Person(s) Most Knowledgeable for
DESERT INSTITUTE OF SPINE CARE
9339 W. Sunset Road, #100
24 Las Vegas, NV 89148
(702) 630-3472
- 25
- 26 9. The Person Most Knowledgeable for
TENAYA SURGICAL CENTER
2800 N. Tenaya Way, Ste. 101
27 Las Vegas, Nevada 89128
(702) 838-7755
- 28

- 1 10. Jeffrey Gross, M.D. and/or the Person(s) Most Knowledgeable for
 COMPREHENSIVE INJURY CENTER
 2779 W. Horizon Ridge Pkwy., #200
 Henderson, NV 89052
 (888) 848-2022
- 2
- 3
- 4 11. Wyatt Banks, P.T., John Lyons, P.T. and/or the Person(s) Most Knowledgeable
 for MATT SMITH PHYSICAL THERAPY
 500 S. Rancho, Suite 2
 Las Vegas, NV 89106
 (702) 794-0300
- 5
- 6
- 7 12. David Webb, M.D., Jorg Rosler, M.D. and/or the Person(s) Most
 Knowledgeable for INTERVENTIONAL PAIN AND SPINE INSTITUTE
 851 S. Rampart Blvd., Suite 100
 Las Vegas, NV 89145
 (702) 357-8004
- 8
- 9
- 10 13. Neville Campbell, M.D. and/or the Person(s) Most Knowledgeable for
 CENTER FOR WELLNESS & PAIN CARE OF LAS VEGAS
 311 N. Buffalo Drive, Ste. A
 Las Vegas, Nevada 89415
 (702) 476-9700
- 11
- 12
- 13 14. The Person Most Knowledgeable for
 SURGICAL ARTS CENTER
 9499 W. Charleston Blvd., Ste. 250
 Las Vegas, Nevada 89117
 (702) 833-3600
- 14
- 15
- 16 15. The Person(s) Most Knowledgeable for
 VALLEY ANESTHESIOLOGY CONSULTANTS
 10120 S. Eastern Ave., Suite 130
 Henderson, Nevada 89052
 (702) 487-5823
- 17
- 18
- 19 16. The Person Most Knowledgeable for
 CORONADO SURGERY CENTER
 2779 W. Horizon Ridge Pkwy., Suite 140
 Henderson, NV 89012
 (702) 589-9250
- 20
- 21
- 22 17. The Person Most Knowledgeable for
 ANTHEM CAPITAL FUNDING
 7000 Smoke Ranch Road, Suite B
 Las Vegas, Nevada 89128
 (702) 982-0053
- 23
- 24
- 25 18. The Person Most Knowledgeable for
 CANYON MEDICAL BILLING
 6325 S. Jones Blvd.
 Las Vegas, Nevada 89118
 (702) 489-4526
- 26
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- 28 19. The Person Most Knowledgeable for

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VALLEY VIEW SURGICAL
1522 W. Warm Springs Road
Henderson, Nevada 89014
(702) 471-6777

20. The Person Most Knowledgeable for
ORTHOPAEDIC INSTITUTE OF HENDERSON
10560 Jeffreys St., Suite 230
Henderson, NV 89052
(702) 565-6565

21. Reynold Rimoldi, M.D.
c/o Andrew C. Green, Esq.
Koeller, Nebeker, Carlson & Haluck, LLP
400 S. 4th St., Suite 600
Las Vegas, NV 89101
(702) 853-5500

22. Julie Devlin and/or the Person Most Knowledgeable for
DESERT VALLEY THERAPY
1701 N. Green Valley Pkwy., Bldg. 8
Henderson, NV 89074
(702) 998-3333

23. Patrick Maffio

24. Jeremy D. Kambel

25. Shayna Lee

26. The Person Most Knowledgeable for TRAVELERS
One Tower Square
Hartford, CT 06183
(860) 277-2623

27. Officer Robert Hunt
Badge No. 1361
c/o Henderson Police Department

28. Officer Costolo
Badge No. 911
c/o Henderson Police Department

29. Natalie Heath
800 Capri Drive
Boulder City, NV 89005

and any witnesses previously identified by either party.

IX.

Counsel have met and herewith submit a list of three (3) agreed-upon trial dates:

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XI.

ACTION BY THE COURT

This case is set for bench trial on the stacked calendar on May 17, 2021 at 9:00 a.m. Calendar call will be held on May 11, 2021 at 8:45 a.m. in LV Courtroom 6C.

This pretrial order has been approved by the parties to this action as evidenced by their signatures or the signatures of their attorneys hereon, and the order is hereby entered and will govern the trial of this case. This order may not be amended except by court order and based upon the parties' agreement or to prevent manifest injustice.

DATED: January 22, 2021



UNITED STATES DISTRICT JUDGE

Respectfully Submitted By:

KOELLER, NEBEKER, CARLSON
& HALUCK, LLP

By: /s/Andrew C. Green, Esq.

ANDREW C. GREEN, ESQ.
Nevada Bar No. 9399
400 S. 4th Street, Suite 600
Las Vegas, NV 89101
Attorneys for Defendant,
OHIO SECURITY INSURANCE COMPANY

NOTICE: Due to the unusually large number of complex criminal cases set for lengthy trials before this Court, civil trials may possibly be held in a trailing status for months or be assigned to another District Court Judge for trial. Therefore, the Court strongly urges the parties to consider their option to proceed before a Magistrate Judge pursuant to Local Rule IB 2-2, in accordance with 28 USC Section 636 and FRCP 73.

The Clerk shall provide the parties with a link to AO 85 Notice of Availability, Consent and Order of Reference - Exercise of Jurisdiction by a U.S. Magistrate Judge form on the Courts website.

EXHIBIT “1”

Deposition Transcript Excerpt List



400 S. 4th Street, Suite 600
Las Vegas, NV 89101

GREGORY STARR

p. 15: 22-25- 16: 1-3- Position with Liberty Mutual

p. 17:6 – 27:19, 33:4-10- FRCP 30(b)(6)

27:20 - 33:3- NV UIM, HIU Unit, Complex Claims, Claims value

33:12- 36:23- Claim value

38:1- 39:8- Claim value

39:9- 41:2- Duty

41:18- 43:6- Duty/Valuation

43:14- 47:9- Rimoldi/Valuation

47:15- 49:6- Valuation

66:4- 68:20- Rimoldi

71:22- 74:15- Claims

77:13- 83:14- Value of Claim

90:8- 94:7- Adjusting claim

95:17- 99:11- Breach of contract

101:13- 111:10- Value of Claim

121:19- 125:16- Payments on claims

131:6- 133:12- Rimoldi

136:16- 137:9- Rimoldi

137:22- 158:20 - Claim Evaluation

159:23- 176:15- Claim Handling

177:7- 180:19- Limits

183:8- 187:2- Claim Handling

187:14- 200:15- Claim Handling

224:13- 225:18- Claim Evaluation

226:18- 228:7- Prior injury

229:8-12- Investigation- Settling Claim

230:3- 231:15- Investigating

232:16- 243:18- G4S Consulting

244:4- 246:17- Ongoing investigation

255:19- 257:4- Claims handling

257:10- 258:15- Claims evaluation

JAMES CARRAWAY-

12:4- 13:24- Background with Liberty Mutual

17:15-20- Last worked for Liberty Mutual

21:11- 24:13- Role with Liberty Mutual/Ohio Security

24:14-19, 28:14- 30:7- Valuation of claim

30:10- 31:15- Status of Primack claim while Carraway involved

42:8-23- Offers and mediation in prior UIM cases

43:1- 46:17- Payment of funds in UIM claims

46:19- 49:18- UIM Claims and Investigation

49:19- 59:20- Carraway Medical Investigation- Primack Claim

60:5- 66:22- Communications while at Liberty Mutual/Looking up claims/E-mails lost

70:2- 77:6- Accessing claims and files in computer system

77:7- 80:12- Review of Primack letter requesting benefits

82:5- 90:17- Communication on claim

90:18- 101:2- Ongoing communication and file management in Primack claim

101:5- 107:10- Adjuster files and Carraway computer and paper files on Primack claim- E-mails in and not in computer system

107:11- 111:10- Attorney handling of claims file

111:11-24, 115:17- 117:2- Attorney direction from adjuster handling Primack- Communication with Kortney Peschl

118:13- 120:11- Handling of case pre-litigation

120:13- 123:4- Communication on Primack claim and tasks performed

123:19- 135:10- Communications with adjuster and counsel, form letters

135:11- 139:8- Investigation, disclosure of claim

139:9 -144:2- Working on Primack case, Dr. Porter

144:4- 159:21- Information needed for claim, Rimoldi, Medical Evaluation and Doctors to perform evaluation

159:22- 160:6- Rimoldi's office losing file

161:18- 163:4- Notebooks to retained doctors

163:5- 164:10- Films for IME, Films lost

164:16- 173:16- Hammer letter for IME regarding Rimoldi and potential issues with Rimoldi

173:17- 195:4 - Rimoldi and Rotation of Experts and Retaining Experts, Pre-payment of Expert Fees

195:13- 202:16- Rimoldi IME concerns and Liberty Mutual use of Rimoldi

203:6- 211:10- Rimoldi IME Report

211:11- 220:3- Liberty Mutual Liability and Offers, Rimoldi

220:4- 227:22- Rimoldi Report, Case Valuation

228:4-246:18 - Communication with adjuster and Plaintiff

246:20- 247:25- Mediation and work on claim

247:13- 258:17- Litigation budget and expense on file

258:25- 270:6- Training

270:7- 273:2- Training and interacting with adjusters

273:3- 276:14- Case responsibilities with Kortney Peschl

279:22- 285:2- Personnel Evaluations and work with adjusters

285:25- 292:18- Tasks on case and communication with Plaintiff

292:20- 298:10- Offers on UIM case, Rimoldi, Pre-existing

298:12- 307:17-Recorded Statement, Opinion on Plaintiff, Experts on Claim, Reports to Adjuster on Claim

307:18- 312:19, 313:15- 314:3- Ohio Security Position on Primack Claim

315:25- 326:16- Primack Treatment and Claim Handling and Tasks on Case

KORTNEY PESCHL

21:9 – 28:11- Position and responsibilities

30:6- 31:22- Claim reference

32:14- 41:12- Claim Valuation

41:13- 48:4 – Duties

50:18- 56:12- Access to Claim

56:19- 66:5- Claims management

68:16- 70:23- Complex cases like Primack

73:23- 74:16- Features for Primack Claim

86:7- 91:22- Claims handling

96:24-25- Peschl initial case involvement

101:7- 109:3- Claims handling

110:1- 118:25- Claims handling

120:1- 129:22- Treatment and valuation

130:23- 137:25- Treatment, Valuation, Dr. Gross

138:1- 139:3 -Treatment

140:20- 147:9- Communication regarding claim

148:3- 169:23- Communications and Medical Evaluation

170:10- 172:23- Rimoldi

173:4- 182:6- Rimoldi and Rimoldi Report

183:15- 186:25- Rimoldi and adjusting

187:1- 198:18- Valuation of claim

198:19- 205:8- Valuation of claim based upon proof of \$1,707,823.41 in damages

205:9- 209:1- Communication re: Claim

213:22- 219:17- Ongoing adjusting and valuing of claim

220:18- 229:15- Claim reserves

229:19- 240:3- Claim Investigation

240:5- 243:24- Expenses related to Claim investigation

243:25- 250:23- Rimoldi handling within file

251:20- 257:13- Expenses and reserves in file

261:4- 262:9- First-party claims

269:8- 274:2 - Communications re: claims

274:3- 280:8- Communication re: Delayed Rimoldi report

281:19- 303:18- Taking over a claim and ongoing claims handling

317:20- 328:8- Obtaining Claims decision

330:5- 330:18- Changes to handling of Primack UIM claim

333:7- 334:16- Any pending documents