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 6 *Attorneys for Plaintiff*

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

10 EDWARD KELLER, JR., individually,	)	CASE NO.: 2:20-cv-284
	)	
11 Plaintiff,	)	
12 vs.	)	
	)	
13 ROYCE PLOWMAN, individually,	)	<b>JOINT PRE-TRIAL ORDER</b>
14 MADISON SMITH, individually; DOES I	)	
through X, inclusive; ROE	)	
15 CORPORATIONS XI through XX,	)	
inclusive,	)	
	)	
16 Defendants.	)	

17 Plaintiff EDWARD KELLER, JR., (“Plaintiff”), by and through his counsel, ALISON BRASIER,  
 18 ESQ., of HICKS & BRASIER, PLLC, and Defendants ROYCE PLOWMAN and MADISON SMITH,  
 19 (“Defendants”), by and through their counsel, CHRISTOPHER LUND, ESQ., of TYSON & MENDES,  
 20 LLP, and hereby submit their proposed Joint Pretrial Order as follows:  
 21

22 After pretrial proceedings in this case,

23 **IT IS SO ORDERED:**

24 **I.**

25 **NATURE OF THE ACTION**

26 This is an action for negligence and negligent entrustment brought by plaintiff EDWARD  
 27 KELLER, JR., against Defendants ROYCE PLOWMAN and MADISON SMITH, stemming from a  
 28 motor vehicle accident that occurred on February 1, 2019, in Clark County, Nevada.

1 Plaintiff contends that while traveling south on the I-15 freeway near the I-215 exit, he came to a  
2 complete stop and was rear-ended by a vehicle being operated by Defendant Royce Plowman.

3 Plaintiff seeks special and general damages arising from these causes of action. Defendants deny  
4 these allegations.  
5

6 **II.**

7 **STATEMENT OF JURISDICTION**

8 The District Courts of the United States have original jurisdiction of this action by virtue of 28  
9 U.S.C. section 1332 because there is complete diversity of citizenship between the parties.

10 Defendants are now, and were at the time of the subject accident, a resident of the state of Utah.  
11 Defendants have never been citizens of the State of Nevada.

12 Plaintiff is now, and was at the time of the subject accident, a resident of Clark County, Nevada.

13 Further, the amount in controversy exceeds \$75,000, exclusive of interest and costs.  
14

15 **III.**

16 **FACTS ADMITTED BY THE PARTIES AND REQUIRE NO PROOF**

17 On February 1, 2019, Mr. Keller was the driver of a vehicle that was involved in a collision with a  
18 vehicle being operated by Defendant Royce Plowman.

19 Defendant Royce Plowman admits to rear-ending the vehicle driven by Plaintiff.  
20

21 **IV.**

22 **FACTS, THOUGH NOT ADMITTED, WILL NOT BE**  
23 **CONTESTED AT TRIAL BY EVIDENCE TO THE CONTRARY**

24 None.

25 **V.**

26 **ISSUES OF FACT TO BE TRIED AND DETERMINED UPON TRIAL**

- 27 1. Whether the subject accident caused the injuries allegedly sustained by Mr. Keller.  
28 2. Whether Mr. Keller sustained any injuries.

1  
2 **VI.**

3 **ISSUES OF LAW TO BE TRIED AND DETERMINED UPON TRIAL**

4 None at this time.

5  
6 **VII.**

7 **EXHIBITS**

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

10 (1) Plaintiff's exhibits: The parties have yet to formally stipulate as to the admissibility  
11 of any exhibits at this time, but reserve the right to do so at a later date in  
12 conjunction with Motions in Limine.

13 (2) Defendants' exhibits: The parties have yet to formally stipulate as to the  
14 admissibility of any exhibits at this time, but reserve the right to do so at a later  
15 date in conjunction with Motions in Limine.

16 (b) As to the following additional exhibits the parties have reached the stipulations stated:

17 (1) Plaintiff's exhibits: None

18 (2) Defendants' exhibits: None

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

21 (1) Set forth the plaintiff's exhibits and objections to them. The parties have yet to  
22 formally stipulate as to the admissibility of any exhibits at this time, but reserve the  
23 right to do so at a later date in conjunction with Motions in Limine.

24 (2) Set forth the Defendants' exhibits and objections to them. The parties have yet to  
25 formally stipulate as to the admissibility of any exhibits at this time, but reserve the  
26 right to do so at a later date in conjunction with Motions in Limine.

27 (d) Electronic evidence: (State whether the parties intend to present electronic evidence  
28 for purposes of jury deliberations.)

1 (1) Plaintiff: Yes.

2 (2) Defendant: Yes

3 (e) Depositions:

4 (1) Plaintiff will offer the following depositions for any purpose and/or impeachment at the  
5 time of trial:

- 6 a. Edward Keller  
7 b. William Muir, M.D.  
8 c. Royce Plowman  
9 d. Madison Plowman  
10  
11

12 (2) Defendant will offer the following depositions for any purpose at the time of trial:

- 13 a. Edward Keller  
14 b. William Muir, M.D.  
15 c. Royce Plowman  
16 d. Madison Plowman  
17

18 (f) Objections to Depositions:

19 The parties preserve their objections made on the record during each deposition, and to the use of  
20 any deposition transcript in lieu of live testimony absent a witness who meets the definition of being  
21 “unavailable” for purposes of trial.  
22

23 **VIII.**

24 **WITNESSES**

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

26 (a) Plaintiff's Witnesses:

- 27 1. EDWARD KELLER  
28 c/o Alison M. Brasier, Esq.  
HICKS & BRASIER, PLLC  
2630 S. Jones Blvd., Las Vegas, Nevada 89146

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2. ROYCE PLOWMAN, Defendant  
c/o Thomas E. McGrath, Esq.  
Rachel J. Holzer, Esq.  
Tyson & Mendes LLP  
3960 Howard Hughes Pkwy., Suite 600  
Las Vegas, NV 89169
  
3. MADISON SMITH, Defendant  
c/o Thomas E. McGrath, Esq.  
Rachel J. Holzer, Esq.  
Tyson & Mendes LLP  
3960 Howard Hughes Pkwy., Suite 600  
Las Vegas, NV 89169
  
4. Barry Lenhart  
952 Upper Meadows Pl  
Henderson, NV 89052  
215-768-0244
  
5. Samuel Perry  
50 Aura De Blanco Street, Unit 14101  
Henderson, NV 89074  
484-792-1501
  
6. Gina Ferretti  
10701 S Eastern Ave., Apt 921  
Henderson, NV 89052  
702-680-3075
  
7. Angelika Velazquez  
304 E Silverado Ranch Blvd., Unit 1231  
Las Vegas, NV 89183  
702-724-6387
  
8. Stephen Gephardt, M.D. and/or  
Eric D. Travis, MS, PA-C  
Person(s) Most Knowledgeable and/or Custodian of Records at  
Nevada Pain Care  
7220 S. Cimarron Rd., Ste. 270  
Las Vegas, NV 89113
  
9. Eric Travis, PA and/or  
Person(s) Most Knowledgeable and/or Custodian of Records at  
PBS Anesthesia

1 3157 N. Rainbow Blvd. #518  
2 Las Vegas, NV 89108

3 10. Person(s) Most Knowledgeable and/or Custodian of Records at  
4 Kroger Pharmacy  
5 9997 Carver Rd.  
6 Blue Ash, OH 45242

7 11. Yeonsoo James Kim, M.D. and/or  
8 Person(s) Most Knowledgeable and/or Custodian of Records at  
9 Steinberg Diagnostic Medical Imaging Centers  
10 2767 N. Tenaya Way  
11 Las Vegas, NV 89128

12 12. Chad M. Hanson, M.D., and/or  
13 Person(s) Most Knowledgeable and/or Custodian of Records at  
14 Desert Orthopaedic Center  
15 2800 E. Desert Inn Road, Suite 100  
16 Las Vegas, NV 89121

17 13. Alexander S. Janda, D.C., and/or  
18 Person(s) Most Knowledgeable and/or Custodian of Records at  
19 Advanced Spine & Rehabilitation  
20 715 Mall Ring Circle, Suite 205  
21 Henderson, NV 89014

22 14. Keith M. Lewis, M.D. and/or  
23 Person(s) Most Knowledgeable and/or Custodian of Records at  
24 Pueblo Medical Imaging  
25 5495 S. Rainbow Blvd., Suite 101  
26 Las Vegas, NV 89118

27 15. Person(s) Most Knowledgeable and/or Custodian of Records at  
28 American Toxicology c/o Premier Screening LLC  
712 Fair Oaks Ave., Suite 203  
South Pasadena, CA 91030

16. Stephen Gephardt, M.D. and/or  
Person(s) Most Knowledgeable and/or Custodian of Records at  
Red Rock Pain Surgery Center  
5915 S. Rainbow Blvd., 108  
Las Vegas, NV 89118

17. Eric J. Brimhall, M.D. and/or  
Person(s) Most Knowledgeable and/or Custodian of Records at  
Innovative Pain Care Center  
9065 S. Pecos Rd., Suite 203

1 Henderson, NV 89074

2 (b) Defendant's Witnesses:

- 3 1. Defendant ROYCE PLOWMAN  
4 c/o Tyson & Mendes  
5 3960 Howard Hughes Parkway, Suite 600  
6 Las Vegas, Nevada 89169
- 7 2. Defendant MADISON SMITH  
8 c/o Tyson Mendes  
9 3960 Howard Hughes Parkway, Suite 600  
10 Las Vegas, Nevada 89169
- 11 3. Plaintiff EDWARD KELLER  
12 c/o Alison M. Brasier, Esq.  
13 HICKS & BRASIER, PLLC  
14 2630 S. Jones Blvd.,  
15 Las Vegas, Nevada 89146
- 16 4. Samuel Perry  
17 50 Aura De Blanco Street, Unit 14101  
18 Henderson, NV 89074  
19 484-792-1501
- 20 5. Jessica Rivers  
21 Address unknown  
22 Tel: 801-363-7114
- 23 6. Abby Roberts  
24 Address unknown  
25 Tel: 801-400-5659
- 26 7. Mitchell Scott  
27 Address unknown  
28 Telephone unknown
8. Officer Matthew Leon, Badge No. H6413  
Nevada Highway Patrol  
4615 W. Sunset Road  
Las Vegas, NV 89118  
Tel: 702-486-4100
9. Plaintiff's medical providers
10. Records custodian(s) to produce and authenticate any records relevant hereto

IX.

**EXPERT WITNESSES**

Plaintiff’s expert witnesses:

- 1. William Muir, M.D.
- 2. Plaintiff’s treating physicians previously listed

Defendants’ expert witnesses:

- 1. Hugh L. Bassewitz, M.D.
- 2. John E. Herr, M.D.

X.

**AGREED-UPON TRIAL DATES**

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

01/10/2022

01/17/2022

01/24/2022

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

X.

**NUMBER OF ESTIMATED DAYS FOR TRIAL**

It is estimated that the trial will take a total of 3-5 days.

APPROVED AS TO FORM AND CONTENT:

**HICKS & BRASIER, PLLC**

/s/ Alison Brasier  
 ALISON BRASIER, ESQ.  
 Nevada Bar No. 10522  
 2630 S. Jones Blvd.  
 Las Vegas, Nevada 89146  
*Attorneys for Plaintiff*

**TYSON & MENDES, LLP**

/s/ Christopher Lund  
 CHRISTOPHER LUND, ESQ.  
 Nevada Bar No. 12435  
 170 South Green Valley Parkway, Suite 300  
 Henderson, NV 89012  
*Attorneys for Defendants Royce Plowman and  
 Madison Smith*



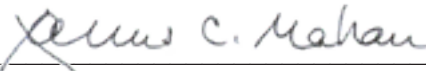
XI.

**ACTIONS BY THE COURT**

This case is set for ~~court~~/jury trial on the ~~fixed~~/stacked calendar on March 14, 2022 . Calendar call at 9:00 AM.  
will be held on March 9, 2022 at 1:30 PM .

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: August 6, 2021

  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF E-SERVICE**

Pursuant to Rule 5(b) of the Federal Rules of Civil Procedure, I hereby certify under penalty of perjury that I am an employee of HICKS & BRASIER, PLLC, and that on the 30th day of July, 2021, the foregoing **JOINT STATUS REPORT** was served upon the parties via the Court's e-filing and service program, addressed as follows:

Thomas E. McGrath, Esq.  
Christopher Lund, Esq.  
Tyson & Mendes LLP  
3960 Howard Hughes Pkwy., Suite 600  
Las Vegas, NV 89169  
*Attorneys for Defendants*  
*Fax: (702) 938-1048*

*/s/ James Longbrake*  
An employee of the HICKS & BRASIER, PLLC