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 11 *Knight Transportation, Inc.*

12 **UNITED STATES DISTRICT COURT**
 13 **DISTRICT OF NEVADA, SOUTHERN DIVISION**

14
 15 CHRIS MICHAELS, individually; DEIAN
 BORISLAV KOLEV, individually; and
 16 CHRISTINE LE, individually,
 17
 Plaintiffs
 18
 v.
 19 DMITRY PUSTYLNIKOV, individually;
 KNIGHT TRANSPORTATION, INC. a Foreign
 20 Corporation; DOES I through XX, inclusive;
 and ROE CORPORATIONS I through XX,
 21 inclusive,
 22
 Defendants

CASE NO.: 2:21-cv-00484-JAD-BNW
PROPOSED JOINT PRETRIAL ORDER

24 After pretrial proceedings in this case,
 25 IT IS SO ORDERED:

26 **I.**

27 This is an action for: Defendant Dmitry Pustylnikov, while driving a Knight Transportation
 28 truck, attempted to pass another truck on US Highway 6 in Mineral County Nevada, in snowy

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1 conditions. As he passed the other truck on the two-lane highway, a Subaru Forrester carrying
2 Plaintiff Christine Le was coming the other direction and an impact occurred. The Forrester was
3 struck on the driver side of the vehicle and pushed into the guard rail. As a result of the collision,
4 Plaintiff allegedly sustained injuries and damages as indicated below. Plaintiff Le is the only
5 remaining Plaintiff in this matter. Plaintiffs Michaels and Kolev have settled their claims.

6 **Plaintiff's Contentions:** Plaintiff contends this is a personal injury action arising from a motor
7 vehicle accident that occurred on February 4, 2019. Defendant Dmitry Pustylnikov was negligently
8 employed by Defendant Knight Transportation, Inc., in light of a prior drunk driving incident, prior
9 incident driving in the snow that led to his termination at another trucking company, and prior incident
10 driving recklessly while in Knight Transportation, Inc.'s employ. On the date of the incident, Defendant
11 Pustylnikov entered oncoming traffic with his tractor trailer in inclement weather and driving too fast
12 for conditions, attempting to pass another tractor trailer. Defendant Pustylnikov testified that he was
13 attempting to avoid a collision with the vehicle in front of him. As a result, Defendant Pustylnikov
14 caused a near head-on collision with the vehicle Plaintiff occupied, wherein Plaintiff's vehicle was hit
15 on the driver side and pushed into the guard rail. After the incident, despite his duty to do so,
16 Defendant Pustynikov failed to call Knight Transportation, Inc. to immediately report the incident
17 and present himself for drug and alcohol testing. In light of his prior drunk driving incident and his
18 failure to report for drug and alcohol testing, Plaintiff alleges intoxication was a factor in this motor
19 vehicle collision. Plaintiff filed the instant lawsuit wherein she alleges causes of action for: (1)
20 Negligence against Defendant Dmitry Pustylnikov, (2) Negligence/Respondeat Superior against
21 Defendant Knight Transportation, Inc., and (3) Negligent Hiring, Training, Retention and
22 Supervision against Defendant Knight Transportation, Inc. The issues remaining to be determined
23 at trial include: 1) liability as to Plaintiff negligence/respondeat superior claims, to the extent that
24 Defendant Pustylnikov stands by his testimony that he was attempting to avoid a collision with the
25 vehicle in front of him before turning into oncoming traffic; 2) liability as to Plaintiff's claims for
26 negligent hiring, training, retention and supervision against Knight Transportation, Inc.; 3) the
27 severity of the crash and causal connection between the incident and Plaintiff's injuries; 4) the
28 amount of Plaintiff's damages, which collectively include past medical expenses, future medical

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1 expenses, and past and future pain and suffering.

2 **Defendants' Contentions:** Defendants contend this is a personal injury action arising from
 3 a motor vehicle accident that occurred on February 4, 2019. Defendant Dmitry Pustylnikov was
 4 employed by Defendant Knight Transportation, Inc. and was operating a tractor trailer while
 5 Plaintiff was traveling in the Subaru Forrester coming in the opposite direction. Defendant Dmitry
 6 Pustylnikov attempted to pass another truck on US Highway 6 in Mineral County Nevada, in snowy
 7 conditions. As he passed the other truck on the two-lane highway, Plaintiff's vehicle approached
 8 from the other direction. Both vehicles attempted to stop but Defendant Dmitry Pustylnikov's
 9 vehicle made contact with the driver side of the Plaintiff's vehicle, which was then pushed into the
 10 guard rail. As a result, Plaintiff filed the instant lawsuit wherein she alleges causes of action for: (1)
 11 Negligence against all Defendant Dmitry Pustylnikov, (2) Negligence/Respondeat Superior against
 12 Defendant Knight Transportation, Inc., and (3) Negligent Hiring, Training, Retention and
 13 Supervision against Defendant Knight Transportation, Inc. The issues remaining to be determined
 14 at trial include the causal connection between the subject collision and the nature and extent of
 15 Plaintiff's claimed injuries and damages, both economic and non-economic, being alleged as a result
 16 of the February 4, 2019 incident that gives rise to the instant action.

17 **II.**

18 Statement of Jurisdiction: Plaintiff resided in Las Vegas, Nevada at the time of the collision
 19 and still resides in Las Vegas, Nevada today. Defendant Knight Transportation, Inc. is an Arizona
 20 corporation. Defendant Dmitry Pustylnikov was a resident of Florida at the time of the collision and
 21 still resides in Florida today. This matter involves a claim for damages in excess of \$75,000.
 22 Jurisdiction is therefore based upon diversity of citizenship under 28 U.S.C. § 1332. The parties
 23 admit that jurisdiction is proper and admit that venue is proper pursuant to 28 U.S.C. § 1391.

24 **III.**

25 The following facts are admitted by the parties and require no proof: Plaintiff and Defendant
 26 Dmitry Pustylnikov were involved in a motor vehicle collision on February 4, 2019.

27 **IV.**

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

1 contrary: Defendants do not contest that Defendant Dmitry Pustylnikov was in the course and scope
2 of his employment with Knight Transportation, Inc.

3 V.

4 The following are the issues of fact to be tried and determined at trial:

5 **A. Plaintiff:**

- 6 1. Whether Defendant Pustylnikov reasonably attempted to avoid a collision with the
- 7 vehicle in front of him before turning into oncoming traffic;
- 8 2. Whether Defendant Knight Transportation, Inc. negligently hired, trained, retained
- 9 and supervised Defendant Pustylnikov following three prior incidents of reckless
- 10 driving.
- 11 3. Whether Defendant Pustylnikov intentionally avoided required drug and alcohol
- 12 testing immediately after the collision.
- 13 4. What injuries Plaintiff suffered, if any, as a result of the subject collision.
- 14 5. What damages Plaintiff suffered, if any, as a result of the subject collision.
- 15 6. Whether Plaintiff will have future symptoms related to the collision.
- 16 7. Whether Plaintiff will incur future treatments related to the collision.
- 17 8. The monetary value of Plaintiff's damages to be awarded, if any, which collectively
- 18 include past medical expenses, future medical expenses, and past and future pain and
- 19 suffering.

20 **B. Defendants:**

- 21 1. Whether the damages, both economic and non-economic, Plaintiff Le alleges to
- 22 have suffered as a result of the February 4, 2019 accident are reasonable and
- 23 accurate. Defendants contends that the damages alleged by Plaintiff in this matter
- 24 are pre-existing, unreasonable and inaccurate.
- 25 2. Whether Defendant Knight Transportation, Inc. was negligent and/or breached any
- 26 duty related to the hiring, training, supervision and retention of Defendant Dmitry
- 27 Pustylnikov.

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VI.

The following are the issues of law to be tried and determined at trial:

B. Plaintiff:

1. The issues of law raised by the parties' anticipated motions *in limine*.
2. Whether Defendants are liable for the collision to the to the extent that Defendant Pustylnikov stands by his testimony that he was attempting to avoid a collision with the vehicle in front of him before turning into oncoming traffic;
3. Whether Defendant Knight Transportation, Inc. is liable for its negligent hiring, training, retention and supervision of Defendant Pustylnikov;
4. Whether the subject collision proximately caused injuries to Plaintiff;
5. Whether the subject collision proximately caused damages to Plaintiff;
6. Whether the medical treatment claimed was/is reasonable, necessary, and related to the collision.

B. Defendants:

1. The issues of law raised by the parties' anticipated motions *in limine*.
2. Whether Plaintiff Le can prove casual connection of claimed damages at trial, including medical causation, medical treatment, injuries and any and all forms of damages being alleged by Plaintiff Le.
3. Whether Plaintiff Le can prove Defendant Knight Transportation, Inc. was negligent or breached any duty related to the hiring, training, supervision and retention of Defendant Dmitry Pustylnikov.

VII.

A. The following exhibits are stipulated into evidence in this case and may be so marked by the clerk:

DOCUMENTS	
1.	State of Nevada Traffic Crash Report (Crash number NHP190200300)
2.	Photographs (KNIGHT000012-000016)
3.	Dash Cam Video — H7GC-2CRH0a

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1	4.	Dash Cam Video — H7GC-2CM1Vc
2	5.	Dash Cam Video — H7GC-2CM1Eb
3	6.	DMITRY PUSTYLNIKOV’s Handwritten Witness Statement
4	7.	Plaintiff DEIAN BORISLAV KOLEV Handwritten Witness Statement
5	8.	Plaintiff CHRISTINE LE’s Handwritten Witness Statement
6	9.	Plaintiff CHRIS MICHAEL’s Handwritten Witness Statement
7	10.	Witness Curtis Renzo’s Handwritten Witness Statement
8	11.	Recorded Statement of Renzo Cubas Audio — DS250710
9	12.	Defendant DMITRY PUSTYLNIKOV CDL License
10	13.	Color Photograph depicting scene of subject collision, produced by Plaintiff DEIAN BORISLAV KOLEV (1)
11	14.	Color Photograph depicting scene of subject collision, produced by Plaintiff DEIAN BORISLAV KOLEV (2)
12	15.	Color Photograph depicting scene of subject collision, produced by Plaintiff DEIAN BORISLAV KOLEV (3)
13	16.	Color Photograph depicting scene of subject collision, produced by Plaintiff DEIAN BORISLAV KOLEV (4)
14	17.	Color Photograph depicting scene of subject collision, produced by Plaintiff DEIAN BORISLAV KOLEV (5)
15	18.	Color Photograph depicting property damage to Defendant KNIGHT TRANSPORTATION’s 2019 Freightliner Tractor/Trailer (VIN: 3AKJHHDR4KSKJ1091), produced by Nevada Highway Patrol (1)
16	19.	Color Photograph depicting property damage to Defendant KNIGHT TRANSPORTATION’s 2019 Freightliner Tractor/Trailer (VIN: 3AKJHHDR4KSKJ1091), produced by Nevada Highway Patrol (2)
17	20.	Color Photograph depicting property damage to Defendant KNIGHT TRANSPORTATION’s 2019 Freightliner Tractor/Trailer (VIN: 3AKJHHDR4KSKJ1091), produced by Nevada Highway Patrol (3)
18	21.	Color Photograph depicting property damage to Defendant KNIGHT TRANSPORTATION’s 2019 Freightliner Tractor/Trailer (VIN: 3AKJHHDR4KSKJ1091), produced by Nevada Highway Patrol (4)
19	22.	Color Photograph depicting property damage to Defendant KNIGHT TRANSPORTATION’s 2019 Freightliner Tractor/Trailer (VIN: 3AKJHHDR4KSKJ1091), produced by Nevada Highway Patrol (5)
20	23.	Color Photograph depicting property damage to Defendant KNIGHT TRANSPORTATION’s 2019 Freightliner Tractor/Trailer (VIN: 3AKJHHDR4KSKJ1091), produced by Nevada Highway Patrol (6)
21	24.	Color Photograph depicting property damage to Defendant KNIGHT TRANSPORTATION’s 2019 Freightliner Tractor/Trailer (VIN: 3AKJHHDR4KSKJ1091), produced by Nevada Highway Patrol (7)
22	25.	Color Photograph depicting property damage to Defendant KNIGHT TRANSPORTATION’s 2019 Freightliner Tractor/Trailer (VIN: 3AKJHHDR4KSKJ1091), produced by Nevada Highway Patrol (8)
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1	26.	Color Photograph depicting scene of subject collision, produced by Plaintiff DEIAN BORISLAV KOLEV
2	27.	Color Photograph depicting Defendant KNIGHT TRANSPORTATION's 2019 Freightliner Tractor/Trailer (VIN: 3AKJHHDR4KSKJ1091), produced by Plaintiff DEIAN BORISLAV KOLEV (1)
3	28.	Color Photograph depicting Defendant KNIGHT TRANSPORTATION's 2019 Freightliner Tractor/Trailer (VIN: 3AKJHHDR4KSKJ1091), produced by Plaintiff DEIAN BORISLAV KOLEV (2)
4	29.	Color Photograph depicting Defendant KNIGHT TRANSPORTATION's 2019 Freightliner Tractor/Trailer (VIN: 3AKJHHDR4KSKJ1091), produced by Plaintiff DEIAN BORISLAV KOLEV (3)
5	30.	Color Photograph depicting Defendant KNIGHT TRANSPORTATION's 2019 Freightliner Tractor/Trailer (VIN: 3AKJHHDR4KSKJ1091), produced by Plaintiff DEIAN BORISLAV KOLEV (4)
6	31.	Color Photograph depicting scene of subject collision, produced by Nevada Highway Patrol (Bates No. MW000070) (1)
7	32.	Color Photograph depicting scene of subject collision, produced by Nevada Highway Patrol (Bates No. MW000070) (2)
8	33.	Color Photograph depicting scene of subject collision, produced by Nevada Highway Patrol (Bates No. MW000070) (3)
9	34.	Color Photograph depicting scene of subject collision, produced by Nevada Highway Patrol (Bates No. MW000070) (4)
10	35.	Color Photograph depicting scene of subject collision, produced by Nevada Highway Patrol (Bates No. MW000070) (5)
11	36.	Color Photograph depicting scene of subject collision, produced by Nevada Highway Patrol (Bates No. MW000070) (6)
12	37.	Color Photograph depicting scene of subject collision, produced by Plaintiff DEIAN BORISLAV KOLEV (1)
13	38.	Color Photograph depicting scene of subject collision, produced by Plaintiff DEIAN BORISLAV KOLEV (2)
14	39.	Color Photograph depicting scene of subject collision, produced by Defendant DMITRY PUSTYLNIKOV (1)
15	40.	Color Photograph depicting scene of subject collision, produced by Defendant DMITRY PUSTYLNIKOV (2)
16	41.	Post-Accident Drug and Alcohol Form for Defendant DMITRY PUSTYLNIKOV dated February 5, 2019
17	42.	Bill of Landing
18	43.	Position History from January 27, 2019 Through February 4/2019
19	44.	Drivers Log December 27, Through February 4, 2019
20	45.	Qualcomm Messages History for January 27, 2019 Through February 4, 2019
21	46.	Maintenance Records- Tractor Repair Order Detail December 26, 2018
22	47.	Maintenance Records- Tractor Repair Order Detail December 26, 2018 December 29, 2018
23	48.	Maintenance Records- Tractor Repair Order Detail January 14, 2019
24	49.	Maintenance Records- Tractor Repair Order Detail January 28, 2019

1	50.	Maintenance Records- Tractor Repair Order Detail February 5, 2019
2	51.	Maintenance Records- Tractor Repair Order Detail on February 13, 2019
3	52.	Defendant DMITRY PUSTYLNIKOV Nation Medical Review (NMR) Driver Qualification Records Dated February 6, 2019
4	53.	Serious Loss Folder Checklist
5	54.	Online Training - 2017 #12 #14 Zonar training B
6	55.	Online Training - 2017 Accident Reporting
7	56.	Online Training - 2017 AUG LED Training
8	57.	Online Training - 2017 Automatic On Boarding Recording Device
9	58.	Online Training - 2017 Avoiding Distractions
10	59.	Online Training - 2017 Chaining Video
11	60.	Online Training - 2017 Citations
12	61.	Online Training - 2017 Drug and Alcohol Updated March 10, 2020
13	62.	Online Training - 2017 Drug and Alcohol July 13, 2017 to March 10, 2020
14	63.	Online Training - 2017 Equipment Maintenance July 6, 2020 to March 10, 2020
15	64.	Online Training - 2017 Equipment Operations
16	65.	Online Training - 2017 Fatigued Driving-Entry Level B
17	66.	Online Training - 2017 Hours of Service
18	67.	Online Training - 2017 Lane Changes
19	68.	Online Training - 2017 New Winter Weather Training
20	69.	Online Training - 2017 Operations
21	70.	Online Training - 2017 Permits
22	71.	Online Training - 2017 Pre-Trip Inspection
23	72.	Online Training - 2017 Preventing Rollovers
24	73.	Online Training - 2017 Professional Conduct
25	74.	Online Training - 2017 Safety and Compliance July 6, 2017 to March 10, 2020
26	75.	Online Training - 2017 Safety and Compliance Updated March, 10, 2020
27	76.	Online Training - 2017 Safety and Injury Prevention
28	77.	Online Training - 2017 Scanning and Handling Paperwork
	78.	Online Training - 2017 Smartdrive-Smith
	79.	Online Training - 2017 ZFinal
	80.	Online Training — 2019 to present Equipment Damage Reporting ZEDR19 start date December 15, 2019
	81.	Online Training — 2019 to present High Risk High Value ZHRHV start date December 12, 2019
	82.	Online Training — 2019 to present U Turn Policy and Training with quiz ZUTN19 start date July 17, 2019

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1	83.	Bill of Landing
2	84.	DVIR – Electronic Vehicle Inspection Report, 02/04/19 and 02/01/19
3	85.	Defendant DMITRY PUSTYLNIKOV’s Responses to Plaintiff DEIAN KOLEV’s First set of Interrogatories
4	86.	Defendant DMITRY PUSTYLNIKOV’s Responses to Plaintiff DEIAN KOLEV’s First set of Request for Production
5	87.	Defendant DMITRY PUSTYLNIKOV’s Responses to Plaintiff DEIAN KOLEV’s First set of Request for Admissions
6	88.	Defendant DMITRY PUSTYLNIKOV’s Responses to Plaintiff DEIAN KOLEV’s Second set of Request for Admissions
7	89.	Defendant KNIGHT TRANSPORTATION’s Supplemental Responses to Plaintiff DEIAN KOLEV’s First set of Interrogatories
8	90.	Defendant KNIGHT TRANSPORTATION’s Supplemental Responses to Plaintiff DEIAN KOLEV’s First set of Request for Production
9	91.	Defendant KNIGHT TRANSPORTATION’s Responses to Plaintiff DEIAN KOLEV’s First set of Request for Admissions
10	92.	Defendant KNIGHT TRANSPORTATION’s Responses to Plaintiff DEIAN KOLEV’s Second set of Request for Admissions
11	93.	Defendant Dmitry Pustylnikov's Answers to Interrogatories
12	94.	Defendant Dmitry Pustylnikov's Supplemental Answers to Interrogatories
13	95.	Defendant Dmitry Pustylnikov's Responses to Requests for Production
14	96.	Defendant Dmitry Pustylnikov's Supplemental Responses to Requests for Production
15	97.	Defendant Dmitry Pustylnikov's Responses to Requests for Admission
16	98.	Defendant Knight Transportation, Inc.'s Answers to Interrogatories
17	99.	Defendant Knight Transportation, Inc.'s Supplemental Answers to Interrogatories
18	100.	Defendant Knight Transportation, Inc.'s Responses to Requests for Production
19	101.	Defendant Knight Transportation, Inc.'s Supplemental Responses to Requests for Production
20	102.	Defendant Knight Transportation, Inc.'s Responses to Requests for Admission
21	103.	Dr. Rosen's Curriculum Vitae, List of Prior Testimony and Fee Schedule
22	104.	Mr. Jones' Curriculum Vitae, List of Prior Testimony and Fee Schedule
23	105.	Cole M. Vigil, BSME's Curriculum Vitae

23 **B.** As to the following exhibits, the party against whom the same will be offered objects
 24 to their admission on the grounds stated: The parties reserve the right to object to exhibits. The
 25 parties have agreed to reserve any such objections until the time of trial:

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(1) Plaintiff's Proposed Exhibits:

	DOCUMENTS	DEFENDANTS' OBJECTIONS
106.	Complaint, filed January 26, 2021	Hearsay; Prejudicial; Lacks Foundation
107.	Defendant KNIGHT TRANSPORTATION, INC.'s Answer to Plaintiff's Complaint, filed March 24, 2021	Hearsay; Prejudicial; Lacks Foundation
108.	Defendant DMITRY PUSTYLNIKOV's Answer to Plaintiff's Complaint, filed May 3, 2021	Hearsay; Prejudicial; Lacks Foundation
109.	Color Photograph depicting property damage to the 2018 Subaru Forester (VIN: JF2SJAGCOJH590958) (1)	Hearsay; Prejudicial; Lacks Foundation
110.	Color Photograph depicting property damage to the 2018 Subaru Forester (VIN: JF2SJAGCOJH590958) (2)	Hearsay; Prejudicial; Lacks Foundation
111.	Color Photograph depicting property damage to the 2018 Subaru Forester (VIN: JF2SJAGCOJH590958) (3)	Hearsay; Prejudicial; Lacks Foundation
112.	Color Photograph depicting property damage to the 2018 Subaru Forester (VIN: JF2SJAGCOJH590958) (4)	Hearsay; Prejudicial; Lacks Foundation
113.	Color Photograph depicting property damage to the 2018 Subaru Forester (VIN: JF2SJAGCOJH590958) (5)	Hearsay; Prejudicial; Lacks Foundation
114.	Color Photograph depicting property damage to the 2018 Subaru Forester (VIN: JF2SJAGCOJH590958) (6)	Hearsay; Prejudicial; Lacks Foundation
115.	Color Photograph depicting property damage to the 2018 Subaru Forester (VIN: JF2SJAGCOJH590958) (7)	Hearsay; Prejudicial; Lacks Foundation
116.	Color Photograph depicting property damage to the 2018 Subaru Forester (VIN: JF2SJAGCOJH590958) (8)	Hearsay; Prejudicial; Lacks Foundation
117.	Color Photograph depicting property damage to the 2018 Subaru Forester (VIN: JF2SJAGCOJH590958) (9)	Hearsay; Prejudicial; Lacks Foundation
118.	Color Photograph depicting property damage to the Subaru Forester (VIN: JF2SJAGCOJH590958), produced by Nevada Highway Patrol	Hearsay; Prejudicial; Lacks foundation
119.	Sierra Auto Body Works Image Report Regarding the 2018 Subaru Forester (VIN: JF2SJAGCOJH590958)	Hearsay; Prejudicial; Lacks foundation
120.	Claim: 1190205074901 Email, May 9, 2019 Regarding Plaintiff CHRISTINE LE's Property Damage	Hearsay; Prejudicial; Lacks foundation
121.	AT&T, Inc. Subpoena duces Tecum documents dated April 15, 2022	Hearsay; Prejudicial; Lacks foundation
122.	Swift Transportation Subpoena Duces Tecum documents, dated June 30, 2022	Hearsay; Prejudicial; Lacks foundation
123.	Defendant DMITRY PUSTYLNIKOV's Deposition Transcript	Hearsay; Will provide objections 60 days before trial
124.	DEIAN KOLEV's Deposition Transcript	Hearsay; Will provide objections 60 days before trial

1	125.	CHRIS MICHAELS' Deposition Transcript	Hearsay; Will provide objections 60 days before trial
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3	126.	Plaintiff CHRISTINE LE's Deposition Transcript	Hearsay; Will provide objections 60 days before trial
4			
5	127.	Defendant KNIGHT TRANSPORTATION's FRCP 30(b)(6) Witness, Bradley Hart's, Deposition Transcript	Hearsay; Will provide objections 60 days before trial
6	128.	Expert report authored by Jim Byrne, dated December 13, 2021	Hearsay
7	129.	Jim Byrne's Curriculum Vitae, fee schedule, and testimony list	Lacks foundation
8	130.	Expert report authored by John E. Baker, dated January 31, 2022	Hearsay
9	131.	John E. Baker, Ph.D., P.E.'s Curriculum Vitae, fee schedule, and testimony list	Lacks foundation
10	132.	Medical Specials Chart	Hearsay; Lacks foundation
11	133.	Medical Records and Billing for Plaintiff CHRISTINE LE with Custodian of Record Affidavit from Saint Rose Dominican Hospital Siena for February 6, 2019	Hearsay; Lacks foundation
12	134.	Medical Records and Billing for Plaintiff CHRISTINE LE from Vituity NV Koury Partners for February 6, 2019	Hearsay; Lacks foundation
13	135.	Medical Records and Billing for Plaintiff CHRISTINE LE from Spinal Rehabilitation Center for February 12, 2019 through April 19, 2019	Hearsay; Lacks foundation
14	136.	Medical Records and Billing for Plaintiff CHRISTINE LE from Shield Radiology Consultants for February 14, 2019	Hearsay; Lacks foundation
15	137.	Medical Records and Billing for Plaintiff CHRISTINE LE Nevada Medical Consultants for February 13, 2019 through March 14, 2019	Hearsay; Lacks foundation
16	138.	Medical Records and Billing for Plaintiff CHRISTINE LE with Custodian of Record Affidavit from PayLater Pharmacy for February 13, 2019	Hearsay; Lacks foundation
17	139.	Medical Records and Billing for Plaintiff CHRISTINE LE with Custodian of Record Affidavit from Pueblo Medical Imaging for February 19, 2019 through February 22, 2021	Hearsay; Lacks foundation
18	140.	Plaintiff CHRISTINE LE's imaging from Pueblo Medical Imaging	Hearsay; Lacks foundation
19	141.	Medical Records and Billing for Plaintiff CHRISTINE LE with Custodian of Record Affidavit from Select Physical Therapy for April 26, 2019 through December 5, 2019	Hearsay; Lacks foundation
20	142.	Medical Records and Billing for Plaintiff CHRISTINE LE with Custodian of Record Affidavit from Orthopedic & Sports Medicine Institute for March 12, 2019 through May 23, 2022	Hearsay; Lacks foundation
21	143.	Plaintiff CHRISTINE LE's Medical Records and Billing from Anesthesia Consultants for date of service July 28, 2022	Hearsay; Lacks foundation
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1	144.	Plaintiff CHRISTINE LE's Medical Records and Billing from Orthopedics & Sports Medicine Institute of Las Vegas for dates of service September 1, 2021 through November 7, 2022	Hearsay; Lacks foundation
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3	145.	Plaintiff CHRITSINE LE's Billing Record from Heart Center of Nevada for date of service July 28, 2022	Hearsay; Lacks foundation
4	146.	Plaintiff CHRITSINE LE's Billing Record from Pacific Pulmonary Services for date of service July 28, 2022	Hearsay; Lacks foundation
5	147.	Plaintiff CHRITSINE LE's Billing Record from Valley Hospital Medical Center for date of service July 28, 2022	Hearsay; Lacks foundation
6	148.	Plaintiff CHRITSINE LE's Billing Record from Valley Hospital Medical Center for date of service September 22, 2022	Hearsay; Lacks foundation
7			
8	149.	Plaintiff CHRITSINE LE's Billing Record from Dignity Health Physical Therapy for date of service October 11, 2022 to November 18, 2022	Hearsay; Lacks foundation
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10 Plaintiff reserves the right to use any documents disclosed by Defendants, including those
 11 which experts have reviewed and formed opinions, such as reports; pleadings; correspondence;
 12 notes and medical records and billing.

13 Plaintiff may use any and all writings, published works, journals, treatises, medical texts,
 14 affidavits, films, drawings, graphs, charts, photographs, reports, computer tapes, computer discs,
 15 and other data compilations, and other medical reference materials which Plaintiff and/or Plaintiff's
 16 expert(s) use in support of Plaintiff's allegations. By disclosing documents, Plaintiff does not waive
 17 the right to challenge and exclude documents, or portions thereof, on any basis.

18 Plaintiff may offer documents needed for rebuttal or impeachment purposes, including, but
 19 not limited to, discovery obtained during the course of litigation as permitted; pleadings; and other
 20 documentation in accordance with admissible evidence. There may be additional exhibits which
 21 Plaintiffs may wish to offer at the time of trial, not listed above. When and if that determination is
 22 made, notice will be given immediately and supplied to the Court and to Defendants.

23 Plaintiff may offer the following exhibits at trial, some of which are demonstrative in nature,
 24 as needed:

- 25 1. Clips from deposition videos of various witnesses in this case;
- 26 2. Demonstrative photographs and videos of pain management procedures and other
 27 diagnostic tests Plaintiff has undergone and will undergo in the future;
- 28 3. Actual diagnostic studies and computer digitized diagnostic studies;

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- 1 4. Samples of the needles and surgical tools used in Plaintiff's various diagnostic and
- 2 therapeutic pain management procedures and future medical procedures;
- 3 5. Diagrams, drawings, pictures, photos, films, videos, DVD and/or CD ROM of various
- 4 parts of the human body, diagnostic tests and pain management procedures related to
- 5 Plaintiff's injuries, medical treatment and future medical treatment;
- 6 6. Computer simulation, finite element analysis and similar forms of computer
- 7 visualization;
- 8 7. Power point images/drawings/diagrams/animations/story boards depicting the facts and
- 9 circumstances of the subject accident, the parties involved, the location of the subject
- 10 accident and what occurred in the subject accident;
- 11 8. Pictures of Plaintiff prior to and subsequent to the subject collision;
- 12 9. Medical treatment and pain management timeline;
- 13 10. Future medical timeline;
- 14 11. Story boards and computer digitized power point images;
- 15 12. Blow-ups/transparencies/digitized images of medical records, medical bills, photographs
- 16 and other exhibits;
- 17 13. Diagrams/story boards/computer re-enactment of the subject accident;
- 18 14. Models of the human body related to Plaintiff's injuries.

19 **(2) Defendants' Proposed Exhibits:**

20	DOCUMENT DESCRIPTION	BATES NUMBER	PLAINTIFFS' OBJECTIONS
21	Email, 03/29/19	KNIGHT000538-000539	Relevance
22	Chris Michaels – Venmo screenshots	KNIGHT004339-004348	Relevance
23	Christine Le – Surveillance Video - Jason Holmly - Le, Christine 12.20.2019.wmv.m4v	KNIGHT004474	Relevance; Lack of Foundation
24	Christine Le – Surveillance Video - Jason Holmly - Le, Christine 12.26.2019.wmv	KNIGHT004475	Relevance; Lack of Foundation
25	Christine Le – Surveillance Video - Jason Holmly - Le, Christine 12.28.2019.wmv	KNIGHT004476	Relevance; Lack of Foundation
26	Christine Le – Surveillance Video - Lisa - Le Christine 12-2-2020 2020-12-03 11-47-46	KNIGHT004477	Relevance; Lack of Foundation
27			
28			

1	Christine Le – Surveillance Video - Lisa - Le Christine 11-27-2020 2020-12-03 11-28-32	KNIGHT004478	Relevance; Lack of Foundation
2	Christine Le – Surveillance Video - Lisa - Le Christine 11-28-2020 2020-12-03 11-34-02	KNIGHT004479	Relevance; Lack of Foundation
3	Christine Le – Surveillance Video - Lisa Schultz - Le Christine 1-6,7,8-2020 17-44-29 0002 (1)	KNIGHT004480	Relevance; Lack of Foundation
4	Christine Le – Surveillance Video - Lisa Schultz - Le Christine 1-6,7,8-2020 17-44-29 0002	KNIGHT004481	Relevance; Lack of Foundation
5	Christine Le – Surveillance Video - Lisa Schultz - Le Christine 6-2,3,4-2020 12-29-19	KNIGHT004482	Relevance; Lack of Foundation
6	Christine Le – Surveillance Video - Lisa Schultz - Le Christine 9-10-19 13-38-04 0002	KNIGHT004483	Relevance; Lack of Foundation
7	Christine Le – Surveillance Video - Lisa Schultz - Le Christine 9-11-19 10-06-37 0002	KNIGHT004484	Relevance; Lack of Foundation
8	Christine Le – Surveillance Video -Lisa Schultz - Le Christine 9-16-19 # 1 09-05-49 0002	KNIGHT004485	Relevance; Lack of Foundation
9	Christine Le – Surveillance Video - Lisa Schultz - Le Christine 9-16-19 # 2 09-27-47 0002	KNIGHT004486	Relevance; Lack of Foundation
10	Christine Le – Venmo screenshots	KNIGHT004505- 004514	Relevance; Lack of Foundation
11	Christine Le - Social Media	KNIGHT004515- 004548	Relevance; Lack of Foundation
12	Chris Michaels - Social Media	KNIGHT004549- 004635	Relevance; Lack of Foundation
13	<i>Guernier, et al. adv. Ansara</i> (A-10-622287-C) Reporter's Transcript of Jury Trial 09/12/12 (for impeachment purposes)	KNIGHT004859- 004959	Relevance
14	Photos from <i>Guernier, et al. adv. Ansara</i> matter A-10- 622287-C (for impeachment purposes)	KNIGHT004960- 004968	Relevance; more prejudicial than probative
15	Dr. Rosen's Additional Medical Records Review Report dated October 10, 2021	EXP-ROSEN000020- 000021	Hearsay
16	Dr. Rosen's Medical Records Review Report regarding Plaintiff Christine Le dated August 4, 2019	EXP- ROSEN0000014- 000019	Hearsay
17	Dr. Rosen's supplemental/rebuttal report, dated January 13, 2022	EXP-ROSEN000020- 000021	Hearsay
18	Mr. Jones' Records Report dated December 2, 2021	EXP- JONES0000062- 000131	Hearsay
19	Mr. Jones' supplemental report dated March 11, 2022	EXP-JONES000135- 000141	Hearsay
20	Plaintiff Deian Kolev's Answers to Interrogatories	N/A	Relevance; hearsay
21	Plaintiff Deian Kolev's Amended Answers to Interrogatories	N/A	Relevance; hearsay
22	Plaintiff Deian Kolev's Responses to Requests for Production	N/A	Relevance; hearsay

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1	Plaintiff Deian Kolev's Responses to Requests for Admission	N/A	Relevance; hearsay
2			
3	Plaintiff Chris Michael's Answers to Interrogatories	N/A	Relevance; hearsay
4	Plaintiff Chris Michael's Responses to Requests for Production	N/A	Relevance; hearsay
5	Plaintiff Chris Michael's Responses to Requests for Admission	N/A	Relevance; hearsay
6	Plaintiff Christine Le's Answers to Interrogatories	N/A	Relevance
7	Plaintiff Christine Le's Responses to Requests for Production	N/A	Relevance
8	Plaintiff Christine Le's Responses to Requests for Admission	N/A	Relevance
9			
10	Deposition Transcript of Plaintiff Chris Michaels	N/A	Will provide objections 60 days before trial
11			
12	Deposition Transcript of Plaintiff Deian Kolev	N/A	Will provide objections 60 days before trial
13			
14	Deposition Transcript of Plaintiff Christine Le	N/A	Will provide objections 60 days before trial
15	Deposition Transcript of Defendant Dmitry Pustynnikov	N/A	Will provide objections 60 days before trial
16	Deposition Transcript of Knight Transportation, Inc.'s 30b6	N/A	Will provide objections 60 days before trial
17			

18 Defendants may offer, at trial, certain Exhibits for demonstrative purposes including, but not
19 limited to the following:

- 20 1. Demonstrative and charts relating to Plaintiff's damage claims;
- 21 2. Story board and computer digitized power point images;
- 22 3. Blow-ups/transparencies/digitized images of various records

23 Defendants reserve the right to offer into evidence any exhibit timely and properly disclosed
24 during discovery for the purpose of demonstration at trial. Additionally, Defendants reserve the right
25 to offer into evidence any exhibit offered by any other parties to this action.

26 Defendants reserve the right to offer into evidence any exhibit timely and properly disclosed
27 during discovery for the purpose of impeachment.

28 Defendants reserve the right to utilize and/or seek to publish and/or admit into evidence all

1 deposition testimony, all affidavits filed or attached to any motion or pleading in this case, and all
2 responses to discovery from any party in this case for purposes of impeachment.

3 Defendants reserve the right to offer into evidence any exhibit timely and properly disclosed
4 during discovery for the purposes of rebuttal.

5 Defendants reserve the right to offer into evidence any exhibit offered by any other parties
6 to this action.

7 **C. Electronic Evidence:** The parties will submit electronic evidence to the jury for
8 purposes of deliberation.

9 **D. Depositions:** Pursuant to the Court's Minute Order in Chambers on September 28,
10 2022, the parties agree to provide page and line designations of witnesses' depositions that will be
11 played or read in at trial no later than sixty (60) days prior to the trial date.

12 (1) Plaintiff will offer the following depositions: Deian Kolev, Chris Michaels, Christine Le,
13 Knight Transportation Inc.'s FRCP 30(b)(6) Witness Bradley Hart.

14 (2) Defendants will offer the following depositions: Deian Kolev, Chris Michaels, Christine
15 Le, Knight Transportation Inc.'s FRCP 30(b)(6) Witness Bradley Hart.

16 **E. Objections to Depositions:** (1) Defendants object to Plaintiff's depositions as
17 follows: Pursuant to the Court's Minute Order in Chambers on September 28, 2022, the parties agree
18 to provide page and line designations of witnesses' depositions that will be played or read in at trial
19 no later than sixty (60) days prior to the trial date. The parties agree objections and counter-
20 designations will be due seven (7) days following the initial designations.

21 (2) Plaintiff objects to Defendants' depositions as follows: Pursuant to the Court's Minute
22 Order in Chambers on September 28, 2022, the parties agree to provide page and line designations
23 of witnesses' depositions that will be played or read in at trial no later than sixty (60) days prior to
24 the trial date. The parties agree objections and counter-designations will be due seven (7) days
25 following the initial designations.

26 **VIII.**

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

28 **(a) Plaintiff's Witnesses:** Plaintiff intends to call the following witnesses:

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- 1 1. Plaintiff CHRISTINE LE
2 c/o Bradley S. Mainor, Esq.
3 Joseph J. Wirth, Esq.
4 Ash Marie Blackburn, Esq.
5 Joseph W. Guindy, Esq.
6 MAINOR WIRTH, LLP
7 6018 South Fort Apache Road, Suite 150
8 Las Vegas, Nevada 89148
9 (702) 464-5000
- 10 2. Witness CHRIS MICHAELS
11 c/o Bradley S. Mainor, Esq.
12 Joseph J. Wirth, Esq.
13 Ash Marie Blackburn, Esq.
14 Joseph W. Guindy, Esq.
15 MAINOR WIRTH, LLP
16 6018 South Fort Apache Road, Suite 150
17 Las Vegas, Nevada 89148
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- 19 3. Witness DEIAN BORISLAV KOLEV
20 c/o Bradley S. Mainor, Esq.
21 Joseph J. Wirth, Esq.
22 Ash Marie Blackburn, Esq.
23 Joseph W. Guindy, Esq.
24 MAINOR WIRTH, LLP
25 6018 South Fort Apache Road, Suite 150
26 Las Vegas, Nevada 89148
27 (702) 464-5000
- 28 4. Defendant DMITRY PUSTYLNIKOV
 c/o Joel D. Odou, Esq.
 Analise N.M. Tilton, Esq.
 WOOD, SMITH, HENNING & BERMAN, LLP
 2881 Business Park Court, Suite 200
 Las Vegas, Nevada 89128-9020
 (702) 251-4100
- 5. Witness, BRADLEY HART
 FRCP 30(b)(6) Corporate Representative(s)
 Person(s) Most Knowledgeable
 Custodian of Records
 Defendant KNIGHT TRANSPORTATION, INC.
 c/o Joel D. Odou, Esq.
 Analise N.M. Tilton, Esq.
 WOOD, SMITH, HENNING & BERMAN, LLP
 2881 Business Park Court, Suite 200
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 (702) 251-4100
- 6. Jim Byrne
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- 7. John E. Baker, Ph.D., P.E.,
7380 South Eastern Avenue Suite 124-142
Las Vegas, NV 89123
(702) 334-9033
- 8. Randa Bascharon, DO
Custodian of Records
ORTHOPEDICS & SPORTS MEDICINE
INSTITUTE OF LAS VEGAS
7281 West Sahara Avenue, Suite 110
Las Vegas, Nevada 89117
- 9. Nick Liu, D.O
ADVANCED ORTHOPEDICS & SPORTS MEDICINE
8420 Warm Springs Road, Suite 100
Las Vegas, Nevada 89113
(702) 740-5327
- 10. Michael Heath, D.C.
SPINAL REHABILITATION CENTER
100 North Green Valley Parkway, Suite 140
Henderson, Nevada 89074
(702) 776-8100
- 11. Keith M. Lewis, M.D.
Nader Beheshi, M.D.
Rolanda Garcia
Custodian of Records
PUEBLO MEDICAL IMAGING
P.O. Box 30077, Department 306
Salt Lake City, Utah 84130-0102
(702) 228-0031
- 12. Thomas Shang, M.D.
NV MEDICAL CONSULTANTS
10040 West Cheyenne Avenue, Suite 170-18
Las Vegas, Nevada 89129
(702) 371-0885

The following witnesses may be called if the need arises:

- 13. Witness RENZO CUBAS
6031 Dover Palace Street
Las Vegas, Nevada 89113
(919) 264-0880
- 14. Witness SAM MOLINA
6454 Lake Scene Street
Las Vegas, Nevada 89148
- 15. Witness LOREN RICHARDSON
2724 Crescent Avenue
Clovis, California 93612

///

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- 1 16. Witness ERIC BRAND
2 (520) 965-5471
- 3 17. Trooper WESLEY HUBRED (ID No. H4166)
- 4 Custodian of Records
- 5 c/o NEVADA HIGHWAY PATROL
- 6 4615 West Sunset Road
- 7 Las Vegas, Nevada 89118
- 8 (702) 486-4100
- 9 18. Custodian of Records
- 10 SPINAL REHABILITATION CENTER
- 11 100 North Green Valley Parkway, Suite 140
- 12 Henderson, Nevada 89074
- 13 (702) 776-8100
- 14 19. Ammon Strehlow, DC, DACBR
- 15 SHIELD RADIOLOGY CONSULTANTS
- 16 5135 Camino Al Norte Road, Suite 100
- 17 North Las Vegas, Nevada 89031
- 18 (8000) 330-0772
- 19 20. Custodian of Records
- 20 SHIELD RADIOLOGY CONSULTANTS
- 21 5135 Camino Al Norte Road, Suite 100
- 22 North Las Vegas, Nevada 89031
- 23 (8000) 330-0772
- 24 21. Manoj Nath, M.D.
- 25 Custodian of Records
- 26 NV MEDICAL CONSULTANTS
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- 22. Custodian of Records
- PAYLATER PHARMACY
- 552 East Charleston Boulevard
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- 23. Shanie Reed
- Thomman Kuruvilla, DPM
- Thomas O'Brien, PA
- Megan Bichsel, PA-C
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2 Logan P. Bretney, PT
3 Jesus E. Garcia-Camacho, PT
4 Jeffrey W. Haines, PTA
5 Julia C. Hanson, PT
6 Kira Markus, PT
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- 14 25. Rosa Cancel
15 Custodian of Records
16 SELECT PHYSICAL THERAPY
17 400 North Stephanie Street, Suite 310
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- 20 26. Jason Kim, DO
21 Maria Dubose, PAC
22 Dallas Carlos
23 Shiela Tabios, RN
24 Thomas Zyniewicz, DO
25 Marvin Go, RN
26 Jessica Sanchez, RN
27 Michael Hixson, MD
28 Christopher Robertson, PA-C
 Aileen Atienza, RN
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- 28. Mark J. Rosen, M.D.
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2 Cole M. Vigil, MSBE
3 AMERICAN BIO ENGINEERS
4 6905 W. Charleston Blvd., Suite 110
5 Las Vegas, NV 89117
6 (702) 395-6768

7 Plaintiff reserves the right to call any witnesses identified by the parties during the course of
8 discovery;

9 Plaintiff reserves the right to call rebuttal and/or impeachment witnesses at trial;

10 Plaintiff reserves the right to call any of Defendants' experts as witnesses.

11 **(b) Defendants' Witnesses:** Defendants intend to call the following witnesses:

12 1. Chris Michaels
13 c/o Bradley S. Mainor, Esq.
14 Joseph J. Wirth, Esq.
15 Ash Marie Blackburn, Esq.
16 Joseph W. Guindy, Esq.
17 MAINOR WIRTH, LLP
18 6018 S. Ft. Apache Road, Suite 150
19 Las Vegas, NV 89148
20 (702) 464-5000

21 2. Deian Borislav Kolev
22 c/o Bradley S. Mainor, Esq.
23 Joseph J. Wirth, Esq.
24 Ash Marie Blackburn, Esq.
25 Joseph W. Guindy, Esq.
26 MAINOR WIRTH, LLP
27 6018 S. Ft. Apache Road, Suite 150
28 Las Vegas, NV 89148

1 Christine Le
2 c/o Bradley S. Mainor, Esq.
3 Joseph J. Wirth, Esq.
4 Ash Marie Blackburn, Esq.
5 Joseph W. Guindy, Esq.
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- 1 4. Dmitry Pustyl'nikov
2 c/o Joel D. Odou, Esq.
3 Analise N. M. Tilton, Esq.
4 Susana Santana, Esq.
5 Laura R. Bown, Esq.
6 Wood, Smith, Henning & Berman LLP
7 2881 Business Park Court, Suite 200
8 Las Vegas, Nevada 89128-9020
9 (702) 251-4100

- 10 5. 30(b)(6) Designee for Knight Transportation, Inc.
11 c/o Joel D. Odou, Esq.
12 Analise N. M. Tilton, Esq.
13 Susana Santana, Esq.
14 Laura R. Bown, Esq.
15 Wood, Smith, Henning & Berman LLP
16 2881 Business Park Court, Suite 200
17 Las Vegas, Nevada 89128-9020
18 (702) 251-4100

- 19 6. 30(b)(6) Designee for Nevada Highway Patrol
20 4615 W. Sunset Rd.
21 Las Vegas, NV 89118
22 (702) 486-4100

- 23 7. Officer Wesley Hubred, ID No. H4166
24 Nevada Highway Patrol
25 4615 W. Sunset Rd.
26 Las Vegas, NV 89118
27 (702) 486-4100

- 28 8. Renzo A. Cubas
 6031 Dover Palace Street
 Las Vegas, NV 89113
 (919) 264-0880

- 9. Rudy Rios, West Coast Regional Manager and/or
 Lisa Schultz and/or Jason Holmly and/or Custodian of Records for
 Marshall Investigative Group, Inc.
 401 Devon Ave.
 Park Ridge, IL 60068
 Ph. (855) 350-6474

- 10. Mark J. Rosen, M.D.
 Bone and Joint Specialists
 2680 Crimson Canyon Drive
 Las Vegas, NV 89128
 (702) 474-7200

- 11. Brian K. Jones, MSBE, P.E., CXLT, ACTAR
 Cole M. Vigil, MSBE
 American Bio Engineers
 6905 W. Charleston Blvd., Suite 110
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 (702) 395-6768

1 Defendants have not as of yet issued or served subpoenas on any witnesses. When and if that
2 determination is made, notice will be given immediately and supplied to the Court and to Plaintiff.
3 Defendants have listed the witnesses whom they expect to call at trial. When and if the determination
4 is made that additional witnesses may need to be called to testify, notice will be given immediately
5 and supplied to the Court and to Plaintiff.

6 The parties reserve the right to object or otherwise contest the admissibility of witnesses
7 and/or exhibits.

8 **IX.**

9 The attorneys or parties have met and jointly offer these three (3) trial dates:

10 May 8, 2023 May 15, 2023 June 5, 2023

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

14 **X.**

15 It is estimated that the trial herein will take a total of 5-7 days.

16 DATED this 15th day of December, 2022.

DATED this 15th day of December, 2022.

17 **WOOD, SMITH, HENNING &
18 BREMAN, LLP**

MAINOR WIRTH, LLP

19 */s/ Analise N. M. Tilton*

/s/ Ash Marie Blackburn

20

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Nevada Bar No. 7468
21 ANALISE N. M. TILTON, ESQ,
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24 2881 Business Park Court, Ste. 200
25 Las Vegas, NV 89128
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26 Transportation, Inc. and Dmitry
27 Pustynnikov*

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XI.

This case is set for **JURY TRIAL** on the stacked calendar on Monday, May 8, 2023 at 9:00 a.m. and Calendar Call will be held on Thursday, April 27, 2023 at 9:30 a.m. in courtroom 6B.

DATED this 16th day of December, 2022.



UNITED STATES DISTRICT JUDGE

WOOD, SMITH, HENNING & BERMAN LLP
Attorneys at Law
2881 BUSINESS PARK COURT, SUITE 200
LAS VEGAS, NEVADA 89128-9020
TELEPHONE 702.251.4100 ♦ FAX 702.251.5405

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of December, 2022, a true and correct copy of **PROPOSED JOINT PRETRIAL ORDER** was served via the United States District Court CM/ECF system on all parties or persons requiring notice.

By /s/ Johana Whitbeck
Johana Whitbeck, an Employee of
WOOD, SMITH, HENNING & BERMAN LLP

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