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6 Attorneys for WOLFF PRINCIPAL HOLDINGS, LP  
7 dba FREMONT & 9<sup>TH</sup> APARTMENTS

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 SETH SCHORR,

11 Plaintiff,

12 v.

13 WOLFF PRINCIPAL HOLDINGS, LP dba  
14 FREMONT & 9<sup>TH</sup> APARTMENTS;  
15 SCHINDLER ELEVATOR  
16 CORPORATION; DOES I through X; and  
17 ROE BUSINESS ENTITIES I through X,  
inclusive,

18 Defendants.

**CASE NO.: 2:22-CV-01806-MMD-MDC**

**STIPULATION AND ORDER RE  
WOLFF PRINCIPAL HOLDINGS, LP  
dba FREMONT & 9TH APARTMENTS  
DE-DESIGNATION OF EXPERT  
WITNESS AND AUGMENTATION OF  
EXPERT DISCLOSURE**

18 **STIPULATION AND ORDER RE WOLFF PRINCIPAL HOLDINGS, LP dba  
19 FREMONT & 9TH APARTMENTS DE-DESIGNATION OF EXPERT WITNESS AND  
AUGMENTATION OF EXPERT DISCLOSURE**

20 IT IS STIPULATED AND AGREED, by and between Plaintiff Seth Schorr, by and  
21 through his attorney of record, Nia Killebrew, Esq. of Richard Harris Law Firm; Defendant  
22 Wolff Principal Holdings, LP d/b/a Fremont & 9th Apartments (hereinafter “Wolff”), by and  
23 through its attorney of record, David S. Lee, Esq. of Lee, Landrum & Ingle, and Defendant  
24 Schindler Elevator Corporation, by and through its attorney of record, Jay J. Schuttert of Evans  
25 Fears Schuttert, that Wolff be permitted to De-Designate its expert Michael Fagan QEC, CFLC  
26 of ATIS Elevator Consultants, due to Mr. Fagan’s retirement in late 2024, and that Wolff be  
27 permitted to Augment its Expert Witness disclosure, served September 3, 2024, to replace Mr.  
28 Fagan, and designate Timothy Marshall, QEI, of ATIS Elevator Consultants, in his place.

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1 Wolff's Expert Disclosure will be revised as follows:

2       4. ~~Michael Fagan QEC, CFLC~~  
3            ~~Jill Sweeney~~  
4            ~~Frank Fletcher~~  
5            ~~Northwestern Region~~  
6            ~~ATIS Elevator Consultants~~  
7            ~~Elk Grove, CA 95624~~  
8            ~~(314) 668-7287~~

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9       Mr. Fagan is a Senior Consultant & Northwestern Region Team leader for Commercial  
10      Consulting and Engineering services for elevator and escalator construction and modernization  
11      projects, and public money projects. He has expertise in interfacing with Federal, State and Local  
12      Governmental Agencies and Universities, Owners and Contractors, Architects, Managing Agents,  
13      HOAs, Carriers and Elevator Code Authorities for product availability, reliability, research, and  
14      Forensic Investigations. He also has expertise in equipment and Due Diligence Audits for  
15      Maintenance, Repairs, Owners Acceptance, and Construction defects. He will offer opinions in  
16      response to those of Plaintiff's experts and testify in a manner consistent with his report in this  
17      matter, a copy of which is attached as Exhibit D. Mr. Fagan's current curriculum vitae, fee  
18      schedule, and list of trial and deposition testimony for the previous four years are appended to his  
19      report.

20       All of the above named experts reserve the right to supplement and/or amend their  
21      opinions as discovery continues and as additional information becomes available.

22       4. Timothy Marshall, QEI, QEC  
23            Senior Consultant  
24            ATIS Elevator Consultants  
25            510 Wilson Road,  
26            Annapolis, MD 21401  
27            (410) 440-1830

28       Mr. Marshall holds a degree from the University of Baltimore, is a Certified Elevator  
29      Inspector and Certified Elevator Consultant. Mr. Marshall is a Senior Consultant and leader for  
30      Commercial Consulting and Engineering services for elevator and escalator construction and  
31      modernization projects, and public money projects. He has expertise in interfacing with Federal,  
32      State and Local Governmental Agencies and Universities, Owners and Contractors, Architects,

1 Managing Agents, HOAs, Carriers and Elevator Code Authorities for product availability,  
2 reliability, research, and Forensic Investigations. He also has expertise in equipment and Due  
3 Diligence Audits for Maintenance, Repairs, Owners Acceptance, and Construction defects. He  
4 will offer opinions in response to those of Plaintiff's experts and testify in a manner consistent  
5 with Mr. Fagan's original report and his own supplemental report, a copy of said supplement  
6 report is attached as Exhibit D. Mr. Marshall's current curriculum vitae, fee schedule, and list of  
7 trial and deposition testimony for the previous four years are appended to his report.

8

9 **SUBMITTED BY THE FOLLOWING COUNSEL OF RECORD:**

10 DATED this 3<sup>rd</sup> day of March 2025.

11 **LEE, LANDRUM & INGLE**

12 /s/ David S. Lee  
13 David S. Lee, Esq. (SBN 6033)  
14 Robert T. Robbins, Esq. (SBN 6109)  
15 7575 Vegas Drive, Suite 150  
16 Las Vegas, NV 89128  
17 *Attorneys for Defendant Wolff Principal Holdings, LP dba Fremont & 9th Apartments*

**RICHARD HARRIS LAW FIRM**

12 /s/ Nia C. Killebrew  
13 Nia C. Killebrew, Esq. (SBN 4553)  
14 801 South Fourth Street  
15 Las Vegas, NV 89101  
16 *Attorneys for Plaintiff Seth Schorr*

17 **EVANS FEARS SCHUTTERT MCNULTY  
MICKUS**

18 /s/Jay J. Schuttert  
19 Jay J. Schuttert, Esq. (SBN 8656)  
20 Skylar Arakawa-Pamphilon, Esq. (SBN 15864)  
21 6720 Via Austi Parkway, Suite 300  
22 Las Vegas, NV 89119  
23 *Attorneys for Defendant/Cross-Defendant Schindler Elevator Corporation*

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**[PROPOSED] ORDER**

2           **IT IS SO ORDERED.** Based upon the foregoing stipulation, Wolff Principal Holdings,  
3 LP d/b/a Fremont & 9th Apartments De-Designation of retired expert witness Michael Fagan, and  
4 Augmentation of its Initial Expert Disclosure to replace Michael Fagan with Tim Marshall is  
5 granted. 

Hon. Maximiliano D. Couvillier III  
United States Magistrate Judge  
DATED: 3/4/2025  
**Case No. 2:22-cv-01806-MMD-MDC**

11 | Respectfully submitted by:

12 | LEE, LANDRUM & INGLE

13 /s/ David S. Lee

14 David S. Lee, Esq. (SBN 6033)  
15 Robert T. Robbins, Esq. (SBN 6109)  
16 7575 Vegas Drive, Suite 150  
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*Attorneys for Defendant Wolff Principals  
dba Fremont & 9th Apartments*

17 |

11. *Leptodora* (Leptodora) *hirsutum* (L.) Schlecht. (Fig. 11)

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