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6 Attorneys for WOLFF PRINCIPAL HOLDINGS, LP
 7 dba FREMONT & 9TH APARTMENTS

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 SETH SCHORR,

11 Plaintiff,

12 v.

13 WOLFF PRINCIPAL HOLDINGS, LP dba
 FREMONT & 9th APARTMENTS;
 14 SCHINDLER ELEVATOR
 CORPORATION; DOES I through X; and
 15 ROE BUSINESS ENTITIES I through X,
 inclusive,

16 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**
 20 **AUGMENTATION OF EXPERT DISCLOSURE**

21 IT IS STIPULATED AND AGREED, by and between Plaintiff Seth Schorr, by and
 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~~

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 Inspector and Certified Elevator Consultant. Mr. Marshall is a Senior Consultant and leader for Commercial Consulting and Engineering services for elevator and escalator construction and modernization projects, and public money projects. He has expertise in interfacing with Federal, 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 3rd 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*
18 *Holdings, LP dba Fremont & 9th Apartments*

RICHARD HARRIS LAW FIRM

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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
Attorneys for Defendant/Cross-Defendant
Schindler Elevator Corporation

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~~PROPOSED~~ ORDER

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



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

Respectfully submitted by:

LEE, LANDRUM & INGLE

/s/ David S. Lee

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dba Fremont & 9th Apartments*