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Department, Andrew Bauman, Matthew Kravetz, Supreet Kaur,

David Jeong, and Theron Young

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CONNIE SEMPER¹, an individual; ASHLEY
MEDLOCK, an individual; LONICIA
BOWIE, an individual; MICHAEL GREEN,
an individual; CLINTON REECE, an
individual; COREY JOHNSON, an
individual; DEMARLO RILEY, an
individual; CORY BASS, an individual;
CARLOS BASS, an individual; BREANNA
NELLUMS, an individual; and ANTONIO
WILLIAMS, an individual,

Plaintiffs,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, in its official capacity;
ANDREW BAUMAN, individually and in
his capacity as a Las Vegas Metropolitan
Police Department Officer; DAVID JEONG,
individually and in his capacity as a Las
Vegas Metropolitan Police Department
Officer; SUPREET KAUR, individually and
in his capacity as a Las Vegas Metropolitan
Police Department Officer; MATTHEW
KRAVETZ, individually and in his capacity
as a Las Vegas Metropolitan Police
Department Officer; and THERON YOUNG,
individually and in his capacity as a Las
Vegas Metropolitan Police Department
Officer,

Defendants.

Case Number:

2:20-cv-01875-JCM-EJY

**LVMPD DEFENDANTS' MOTION TO
DISMISS PLAINTIFFS' FIRST
AMENDED COMPLAINT PURSUANT
TO RULES 37(d) AND 41(b) FOR
PLAINTIFF BREANNA NELLUMS**

¹ Pursuant to FRCP 25, Ms. Semper has been substituted for Phillip Semper pursuant to this court's order date January 13, 2022, as she is the executrix of his estate.

Defendants, the Las Vegas Metropolitan Police Department (the “Department” or “LVMPD”), Andrew Bauman (“Bauman”), Matthew Kravetz (“Kravetz”), Supreet Kaur (“Kaur”), David Jeong (“Jeong”), and Theron Young (“Young”), collectively (“LVMPD Defendants”), by and through their attorneys of record, the law firm of Marquis Aurbach, hereby submit their Motion to Dismiss Plaintiffs’ First Amended Complaint Pursuant to Rules 37(d) and 41(b) for Plaintiff Breanna Nellums. This Motion is made and based upon all papers, pleadings, and records on file herein, the attached Memorandum of Points and Authorities, and any oral argument allowed at a hearing on this matter.

MEMORANDUM OF POINTS & AUTHORITIES

I. INTRODUCTION

LVMPD Defendants ask that this Court strike Plaintiff’s First Amended Complaint in relation to Breanna Nellums for failing to prosecute her case, including failing to provide discovery responses and appear for his deposition. Without Plaintiff’s participation in the discovery process, LVMPD Defendants will be significantly prejudiced and unable to prepare a defense to Plaintiff’s case. Plaintiff’s egregious conduct must be sanctioned, and therefore, dismissal of Plaintiff’s claims is appropriate.

II. STATEMENT OF FACTS AND PROCEDURAL HISTORY

Plaintiff Breanna Nellums (“Plaintiff”) initiated the instant action seeking damages under 42 U.S.C. § 1983 alleging that LVMPD and its officers violated Plaintiff’s civil rights. ECF No. 1-1. Subsequently, the Court granted counsel’s request to withdraw from representation as to Plaintiff. ECF Nos. 54 and 58. Notably, the motion to withdraw as counsel describes counsel’s inability to communicate with Plaintiff as a basis for withdrawal. ECF No. 54. Plaintiff has not participated in and has failed to prosecute her case since the withdrawal of his counsel.

First, LVMPD Defendants have filed several motions that have not received any response from Plaintiff. *See* ECF Nos. 70, 80, 100. LVMPD Defendants further served discovery requests upon Plaintiff and never received any response. *See* Discovery Requests collectively attached hereto as **Exhibit A**; *See* Declaration of Jackie V. Nichols, Esq.

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1 attached hereto as **Exhibit B**. Nearly a year later, LVMPD Defendants sent a letter to
 2 Plaintiff requesting that Plaintiff either provide discovery responses or that Plaintiff make
 3 herself available for a meet and confer. *See* Letter attached hereto as **Exhibit C**; **Exhibit B**.
 4 Plaintiff neglected to provide discovery responses and did not participate in a meet and
 5 confer with counsel. **Exhibit B**.

6 Thereafter, LVMPD Defendants' noticed Plaintiff's deposition for March 15, 2023.
 7 *See* Deposition Notice attached hereto as **Exhibit D**. Plaintiff did not appear for his
 8 deposition. *See* Transcript of Non-Appearance of Breanna Nellums attached hereto as
 9 **Exhibit E**. Counsel for LVMPD Defendants has not received any communication from
 10 Plaintiff. **Exhibit B**.

11 **III. LEGAL ARGUMENT**

12 **A. LEGAL STANDARD.**

13 The Court has the power to dismiss an action, in whole or in part, for discovery
 14 misconduct and/or violations of Court orders. *See, e.g., Dreith v. Nu Image, Inc.*, 648 F.3d
 15 779, 786 (9th Cir. 2011). Although Defendant asks this Court to dismiss Plaintiff's
 16 Complaint pursuant to Rules 37(d) and 41(b) specifically, Plaintiff's conduct implicates
 17 numerous provisions of the Rules. For example, Rule 16 is a central pretrial rule that
 18 authorizes the Court to manage cases "so that disposition is expedited, wasteful pretrial
 19 activities are discouraged, the quality of the trial is improved, and settlement is facilitated."
 20 *In re Phenylpropanolamine Prods. Liability Litig.*, 460 F.3d 1217, 1227 (9th Cir. 2006).
 21 "Subsection (f) puts teeth into these objectives by permitting the judge to make such orders
 22 as are just for a party's failure to obey a scheduling or pretrial order, including dismissal."
 23 *Id.*; *see also* Rule 16(f)(1)(C).

24 Rule 37 provides for sanctions against a party for discovery misconduct. Rule
 25 37(d)(1)(A) states, in pertinent part, "[t]he court ... may, on motion, order sanctions if: a
 26 party ... fails, after being served with proper notice, to appear for that person's deposition."
 27 Sanctions provided under these provisions of Rule 37 include "striking pleadings in whole
 28 or in part" and "dismissing the action or proceeding in whole or in part." *See* Rule

1 37(b)(2)(A)(iii) and (vi). Lastly, Rule 41(b) states, in pertinent part, “[i]f the plaintiff fails to
 2 prosecute or to comply with these rules or a court order, a defendant may move to dismiss
 3 the action or any claim against it.”

4 Dismissal for failure to obey a court order or provide discovery is a harsh penalty
 5 and should only be imposed in extreme circumstances. *Malone v. U.S. Postal Serv.*, 833
 6 F.2d 128, 130 (9th Cir. 1987); *Thompson v. Housing Authority of the City of Los Angeles*,
 7 782 F.2d 829, 831 (9th Cir.1986).

8 When evaluating whether case-dispositive sanctions are appropriate, the Court
 9 considers five factors: “1) the public’s interest in expeditious resolution of litigation; 2) the
 10 court’s need to manage its docket; 3) the risk of prejudice to the defendants; 4) the public
 11 policy favoring disposition of cases on their merits and 5) the availability of less drastic
 12 sanctions.” *Phenylpropanolamine Products*, 460 F.3d at 1226 (internal citations and
 13 quotations omitted). These factors are “not a series of conditions precedent before the judge
 14 can do anything,” but a “way for a district judge to think about what to do.” *Id.* The Ninth
 15 Circuit affirms dismissal where at least four factors support dismissal or where at least three
 16 factors “strongly” support dismissal. *Hernandez v. City of El Monte*, 138 F.3d 393, 399 (9th
 17 Cir.1998). In determining an appropriate sanction, the court may consider all of the
 18 offending party’s litigation conduct. *See, e.g., Henry v. Gill Industries, Inc.*, 983 F.2d 943,
 19 947 (9th Cir. 1993).

20 **B. THE COURT SHOULD STRIKE PLAINTIFF’S FIRST AMENDED**
 21 **COMPLAINT AND DISMISS THE CASE.**

22 Plaintiff’s refusal to prosecute his case, including responding to discovery requests
 23 and appearing for her deposition, requires this Court to strike Plaintiff’s First Amended
 24 Complaint and dismiss his claims. The factors this Court must consider in determining
 25 whether case-dispositive sanctions favor dismissal.

26 **1. Expeditious Resolution of Litigation.**

27 “Orderly and expeditious resolution of disputes is of great importance to the rule of
 28 law. By the same token, delay in reaching the merits ... is costly in money, memory,

manageability, and confidence in the process.” *Phenylpropanolamine Products*, 460 F.3d at 1227. Discovery in this case began nearly two years ago (ECF No. 44), but due to Plaintiff’s disregard for her discovery obligations, no discovery has been conducted in related to Plaintiff. Since counsel withdrew, Plaintiff has done absolutely nothing to further this litigation. Plaintiff’s discovery failures are well-documented and Plaintiff has provided no justification for, let alone communicated, her refusal to not meaningfully participate in this case. Plaintiff’s egregious behavior is contrary to Rule 1’s directive to “secure a just, speedy, and inexpensive” determination of this case.

2. Court’s Need to Manage its Docket.

The Court’s inherent power to control its docket includes the ability to issue sanctions of dismissal where appropriate. *Thompson*, 782 F.2d at 831. “It is incumbent upon us to preserve the district courts’ power to manage their dockets” without being subject to endless non-compliance with case management orders. *Ferdik v. Bonzelet*, 963 F.2d 1258, 1261 (9th Cir. 1992) (as amended). In addition, the Supreme Court has recognized that dismissal “must be available to the district court in appropriate cases, not merely to penalize those whose conduct may be deemed to warrant such a sanction, but to deter those who might be tempted to such conduct in the absence of such a deterrent.” *Phenylpropanolamine Products*, 460 F.3d at 1227 (citing *Nat’l Hockey League v. Metro. Hockey Club, Inc.*, 427 U.S. 639, 643(1976)).

Plaintiff’s refusal to comply with her discovery obligations and to meaningfully participate in discovery has thwarted the advancement of this case by making it difficult for the Court to effectively manage its docket.

3. Risk of Prejudice to Defendants.

“A defendant suffers prejudice if the plaintiff’s actions impair the defendant’s ability to go to trial or threaten to interfere with the rightful decision of the case.” *Adriana Int’l Corp. v. Thoeren*, 913 F.2d 1406, 1412 (9th Cir.1990). Failing to provide discovery as ordered is considered sufficient prejudice, as is the unjustified failure to appear at scheduled depositions. *Id.* Thus, the risk of prejudice to Defendants is clear. By not meaningfully

1 participating in discovery and has made it impossible for Defendants to properly defend
2 against those claims. Additionally, Plaintiff has provided no justification for failing to
3 appear at her noticed deposition, and has not made any attempt to reschedule the deposition.

4 **4. Public Policy**

5 The public policy favoring disposition of cases on their merits “strongly counsels
6 against dismissal.” *Phenylpropanolamine Products*, 460 F.3d at 1228. “At the same time, a
7 case that is stalled or unreasonably delayed by a party's failure to comply with deadlines and
8 discovery obligations cannot move forward toward resolution on the merits.” *Id.* Therefore,
9 this factor “lends little support” to a party whose responsibility it is to move a case toward
10 disposition on the merits but whose conduct impedes progress in that direction. *Id.*

11 Here, Plaintiff's conduct has significantly impeded the progress of this case toward
12 disposition on the merits. Therefore, this Court should conclude that resolving this case on
13 the merits is impossible due to Plaintiff's conduct. Plaintiff's refusal to participate in
14 discovery and take any action in this case demonstrates Plaintiff is unlikely to pursue her
15 case.

16 **5. Availability of Less Drastic Sanctions.**

17 The Court “abuses its discretion if it imposes a sanction of dismissal without first
18 considering the impact of the sanction and the adequacy of less drastic sanctions.” *In re*
19 *Phenylpropanolamine (PPA) Products Liab. Litig.*, 460 F.3d at 1228 (internal quotes and
20 citations omitted). Two questions facilitate this analysis: (1) whether the court considered
21 lesser sanctions and their adequacy and (2) whether the court warned the recalcitrant party
22 about the possibility of case-dispositive sanctions. *Connecticut General Life Ins. Co. v. New*
23 *Images of Beverly Hills*, 482 F.3d 1091, 1096 (9th Cir. 2007).

24 While LVMPD Defendants did not previously move for a Court order compelling
25 Plaintiff to provide discovery responses or appear at her deposition, less drastic sanctions are
26 not appropriate. It is apparent that Plaintiff has not participated in good faith or otherwise in
27 the discovery process and has no intention of attempting to comply with her pre-trial
28 obligations. As a result, less drastic sanctions would not be effective in this case. Plaintiff

1 failed to provide responses to discovery and neglected to appear for her deposition. Plaintiff
2 has made no attempt to reach out to LVMPD Defendants to address any discovery. Thus,
3 this Court should conclude Plaintiff has abandoned her claims. *See, e.g., Daniels v. Jenson*,
4 2013 WL 1332248, *4 (D. Nev. Mar. 11, 2013), adopted 2013 WL 1332248 (D. Nev. Apr.
5 1, 2013).

6 **IV. CONCLUSION**

7 Based on the foregoing, LVMPD Defendants respectfully request the Court grants
8 their Motion to Dismiss Plaintiffs' First Amended Complaint Pursuant to Rules 37(d) and
9 41(b) for Plaintiff Breanna Nellums.

10 Dated this 4th day of April, 2023.

11
12 MARQUIS AURBACH

13
14 By: /s/ Jackie V. Nichols

15 Craig R. Anderson, Esq.
16 Nevada Bar No. 6882
17 Jackie V. Nichols, Esq.
18 Nevada Bar No. 14246
19 10001 Park Run Drive
20 Las Vegas, Nevada 89145
21 Attorneys for Defendants Las Vegas
22 Metropolitan Police Department, Andrew
23 Bauman, Matthew Kravetz, Supreet Kaur,
24 David Jeong, and Theron Young
25
26
27
28

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **LVMPD DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT PURSUANT TO RULES 37(d) AND 41(b) FOR PLAINTIFF BREANNA NELLUMS** with the Clerk of the Court for the United States District Court by using the court's CM/ECF system on the 4th day of April, 2023.

☒ I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

☒ I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

Carlos Bass
2621 Sommer Ct.
North Las Vegas, Nevada 89032
Plaintiff Pro Per

Cory Bass
2621 Sommer Ct.
North Las Vegas, Nevada 89032
Plaintiff Pro Per

Breanna Nellums
4012 Warm Hearted Ct.
North Las Vegas, Nevada 89032-6169
Plaintiff Pro Per

Antonio Williams
3912 Red Trumpet Ct.
North Las Vegas, Nevada 89081-4023
Plaintiff Pro Per

/s/ Krista Busch
An employee of Marquis Aurbach

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EXHIBIT A

Discovery Requests

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Attorneys for Defendants Las Vegas Metropolitan
Police Department, Sheriff Joseph Lombardo,
Andrew Bauman, Matthew Kravetz, Supreet Kaur,
David Jeong, and Theron Young

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

PHILLIP SEMPER, an individual; COREY
JOHNSON, an individual; ASHLEY
MEDLOCK, an individual; CORY BASS, an
individual; MICHAEL GREEN, an individual;
DEMARLO RILEY, an individual; BREANNA
NELLUMS, an individual; CLINTON REECE,
an individual; ANTONIO WILLIAMS, an
individual; LONICIA BOWIE, an individual;
CARLOS BASS, an individual; and
DEMETREUS BEARD, an individual,

Plaintiffs,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, in its official capacity;
SHERIFF JOSEPH LOMBARDO, individually
and in his official capacity as Sheriff of the Las
Vegas Metropolitan Police Department;
ANDREW BAUMAN, individually and in his
capacity as a Las Vegas Metropolitan Police
Department Officer; MATTHEW KRAVETZ,
individually and in his capacity as a Las Vegas
Metropolitan Police Department Officer;
SUPREET KAUR, individually and in his
capacity as a Las Vegas Metropolitan Police
Department Officer; DAVID JEONG,
individually and in his capacity as a Las Vegas
Metropolitan Police Department Officer;
THERON YOUNG, individually and in his
capacity as a Las Vegas Metropolitan Police
Department Officer; CAESARS
ENTERTAINMENT CORPORATION D/B/A
RIO ALL-SUITES HOTEL; RIO PROPERTIES.

Case Number:
2:20-cv-01875-JCM-EJY

LVMPD DEFENDANTS' FIRST SET OF
INTERROGATORIES TO PLAINTIFF
BREANNA NELLUMS

1 LLC; JOHN CARLISLE, individually and in his
 2 capacity as an employee of the Rio Hotel &
 3 Casino; DOE LVMPD GANG TASK FORCE
 4 OFFICERS 1-10; DOE LVMPD OFFICERS 1-
 10; DOE LVMPD SUPERVISORS 1-5; DOE
 RIO EMPLOYEES 1-10,

Defendants.

LVMPD DEFENDANTS' FIRST SET OF INTERROGATORIES TO PLAINTIFF
BREANNA NELLUMS

TO: Breanna Nellums, *Plaintiff Pro Per*

In accordance with FRCP 33, Defendants, the Las Vegas Metropolitan Police Department (the "Department" or "LVMPD"), Sheriff Joseph Lombardo ("Lombardo"), Andrew Bauman ("Bauman"), Matthew Kravetz ("Kravetz"), Supreet Kaur ("Kaur"), David Jeong ("Jeong"), and Theron Young ("Young"), collectively ("LVMPD Defendants"), by and through their attorneys, Marquis Aurbach, hereby requests that Plaintiff Breanna Nellums ("Nellums") answer in writing and under oath, and serve upon the undersigned counsel for LVMPD Defendants, within thirty (30) days of the date of service thereof, her answers to the Interrogatories set forth below.

PRELIMINARY EXPLANATIONS AND DEFINITIONS

The following definitions are applicable throughout the Interrogatories which follow:

1. "Document" includes written reports, letters, books, telegrams, memoranda, drawings, notes, tape recordings, photographs, or any other written or graphic material communication however denominated.

2. "FAC" means the First Amended Complaint filed on September 15, 2020 in the above-referenced case.

3. "Facts" means all circumstances, events and evidence pertaining to or touching upon the item in question.

4. "Identify" means to:

- a. State the full name of the person, entity, writing, statement, or document;
- b. State the present or last-known address of the person, entity, writing, statement, or document;

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c. State the present or last-known position and business affiliation of the person or entity; and

d. Describe the relationship to you of the person, entity, writing, statement or document.

5. "Person" includes natural persons, partnerships, consortiums, joint ventures, and every other form of legally recognized entity, including corporations.

6. "Statement" includes each recordation of any interview or conversation with a witness, whether by a signed or unsigned writing, recording, court reported statement or otherwise.

7. "Witness" means the name, address and telephone number of each person having knowledge of or pertaining to the item in question.

8. "Writing" includes, but is not limited to, any record, minutes of meetings, agreement, contract, memorandum, map, diagram, illustration, photograph, telegram, written analysis, report, recording, transcription, and memoranda made of any telephone communication or face-to-face oral meeting or conversation, written communication (which includes, but is not limited to, any letter, interoffice communication and telegram), paper, book or other document. It includes the original, any copy and any drafts thereof.

9. "You" refers to the party or parties to whom these Interrogatories are directed.

INTERROGATORIES

INTERROGATORY NO. 1:

State all present and prior employments for the past five (5) years, including the dates of employment, the name of the employer and the Plaintiff's immediate supervisor, the rate of pay, the job title, and brief description of the duties involved.

INTERROGATORY NO. 2:

Identify any racial slurs, terms, or epithets used by any of the LVMPD officers during the time period discussed in the FAC.

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1 **INTERROGATORY NO. 3:**

2 Identify the facts that support your contention that there was another party, on the same
3 floor just down the hall and attended predominately by white guests, was not interrupted by
4 LVMPD officers as alleged in the FAC.

5 **INTERROGATORY NO. 4:**

6 Identify the facts that support your contention that the surveillance methods employed by
7 Defendant LVMPD's Gang Crime Section have a discriminatory impact on people of color
8 residing in Clark County, Nevada as alleged in the FAC.

9 **INTERROGATORY NO. 5:**

10 Identify the facts that support your contention that LVMPD implements the "party
11 crashers" protocol against parties attended by African Americans but not against parties attended
12 predominately by white individuals as alleged in the FAC.

13 **INTERROGATORY NO. 6:**

14 Identify and describe each similar situation that supports your contention that LVMPD
15 implements the "party crashers" protocol against parties attended by African Americans but not
16 against parties attended predominately by white individuals as alleged in the FAC.

17 **INTERROGATORY NO. 7:**

18 Identify what you were wearing during the time period discussed in the FAC.

19 **INTERROGATORY NO. 8:**

20 Identify the officer that you contend frisked you as alleged in the FAC.

21 **INTERROGATORY NO. 9:**

22 Identify the officer that you contend detained you as alleged in the FAC.

23 **INTERROGATORY NO. 10:**

24 Identify the officer that you contend handcuffed you as alleged in the FAC.

25 **INTERROGATORY NO. 11:**

26 Identify the facts that support your contention that LVMPD maintains a policy of
27 responding to parties by searching and detaining every person on the premise regardless of the
28

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1 existence of individualized probable cause or reasonable suspicion in violation of your
2 constitutional rights.

3 **INTERROGATORY NO. 12:**

4 Describe in detail what you were doing from the time you arrived to the Rio Hotel to the
5 time you contend you were detained.

6 **INTERROGATORY NO. 13:**

7 Describe in detail your activity between the time you entered the Rio Hotel and the time
8 you were allegedly unconstitutionally restrained and detained.

9 **INTERROGATORY NO. 14:**

10 Identify the total amount of damages you claim as a result of the allegations of your
11 complaint, itemizing each element of damage separately, describing the claim it is related to and
12 the method by which you determined the amount.

13 **INTERROGATORY NO. 15:**

14 Regarding your contention that the detention was conducted without reasonable
15 suspicion, identify all facts and identify any and all documents relied upon by you in support of
16 such contention.

17 **INTERROGATORY NO. 16:**

18 Describe in detail the facts that support your 42 U.S.C. §1983 Civil Conspiracy Claim.

19 **INTERROGATORY NO. 17:**

20 Describe in detail the facts that support your 42 U.S.C. §1985 Civil Conspiracy Claim.

21 **INTERROGATORY NO. 18:**

22 Identify the individuals you contend conspired to violate your civil rights as alleged in the
23 FAC.

24 **INTERROGATORY NO. 19:**

25 Specify in detail the agreement to perform or conduct an unlawful act in support of your
26 conspiracy claims
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1 **INTERROGATORY NO. 20:**

2 Identify the facts that support your contention that LVMPD does not have a procedure to
3 enable each person involved in a search and seizure the right to file a grievance to contest illegal
4 acts and acts motivated by bias.

5 **INTERROGATORY NO. 21:**

6 Identify the facts that support your contention that LVMPD does not have clear and
7 consistent discipline in the event a grievance is sustained.

8 **INTERROGATORY NO. 22:**

9 Identify each and every instance where LVMPD officers responded to party and searched
10 and detained every person on the premise regardless of the existence of individualized probable
11 cause or reasonable suspicion.

12 **INTERROGATORY NO. 23:**

13 Identify the facts that support your contention that LVMPD officers intentionally
14 discriminated against you.

15 **INTERROGATORY NO. 24:**

16 Identify each and every criminal charge filed against Plaintiff in the past ten (10) years,
17 including the town or city wherein the charge was filed and the ultimate disposition of such
18 charge.

19 Dated this 16th day of March, 2022.

20

MARQUIS AURBACH

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By: /s/ Jackie V. Nichols

23

Craig R. Anderson, Esq.

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Nevada Bar No. 6882

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Jackie V. Nichols, Esq.

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Nevada Bar No. 14246

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Las Vegas, Nevada 89145

Attorneys for Defendants Las Vegas

Metropolitan Police Department, Sheriff Joseph

Lombardo, Andrew Bauman, Matthew Kravetz,

Supreet Kaur, David Jeong, and Theron Young

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

PHILLIP SEMPER, an individual; COREY
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CARLOS BASS, an individual; and
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Plaintiffs,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, in its official capacity;
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Department Officer; MATTHEW KRAVETZ,
individually and in his capacity as a Las Vegas
Metropolitan Police Department Officer;
SUPREET KAUR, individually and in his
capacity as a Las Vegas Metropolitan Police
Department Officer; DAVID JEONG,
individually and in his capacity as a Las Vegas
Metropolitan Police Department Officer;
THERON YOUNG, individually and in his
capacity as a Las Vegas Metropolitan Police
Department Officer; CAESARS
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RIO ALL-SUITES HOTEL; RIO PROPERTIES.

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**LVMPD DEFENDANTS' FIRST SET OF
REQUESTS FOR ADMISSIONS TO
PLAINTIFF BREANNA NELLUMS**

1 LLC; JOHN CARLISLE, individually and in his
 2 capacity as an employee of the Rio Hotel &
 3 Casino; DOE LVMPD GANG TASK FORCE
 4 OFFICERS 1-10; DOE LVMPD OFFICERS 1-
 5 10; DOE LVMPD SUPERVISORS 1-5; DOE
 6 RIO EMPLOYEES 1-10,

Defendants.

**LVMPD DEFENDANTS' FIRST SET OF REQUESTS FOR ADMISSIONS TO
 PLAINTIFF BREANNA NELLUMS**

TO: Breanna Nellums, *Plaintiff Pro Per*

In accordance with FRCP 36, Defendants, the Las Vegas Metropolitan Police Department (the "Department" or "LVMPD"), Sheriff Joseph Lombardo ("Lombardo"), Andrew Bauman ("Bauman"), Matthew Kravetz ("Kravetz"), Supreet Kaur ("Kaur"), David Jeong ("Jeong"), and Theron Young ("Young"), collectively ("LVMPD Defendants"), by and through its attorneys, Marquis Aurbach, hereby requests that Plaintiff Breanna Nellums ("Nellums") respond in writing and under oath, and serve upon the undersigned counsel for LVMPD Defendants, within thirty (30) days of the date of service thereof, her responses to the Requests for Admissions set forth below.

REQUESTS

REQUEST NO. 1:

Admit that possession of marijuana is a federal offense.

REQUEST NO. 2:

Admit that consuming marijuana is a federal offense.

REQUEST NO. 3:

Admit that you were in possession of marijuana during the time period discussed in the First Amended Complaint ("FAC") while you were in Room 2037 at the Rio.

REQUEST NO. 4:

Admit that you were consuming marijuana during the time period discussed in the FAC while you were in Room 2037 at the Rio.

MARQUIS AURBACH
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

1 **REQUEST NO. 5:**

2 Admit that you refused to leave Room 2037 upon request by the Rio Hotel and Casino
3 security on August 18, 2019.

4 **REQUEST NO. 6:**

5 Admit you were arrested during the time period discussed in the FAC.

6 **REQUEST NO. 7:**

7 Admit that the LVMPD Defendants did not conspire together to violate your civil rights.

8 **REQUEST NO. 8:**

9 Admit that LVMPD does have a procedure to enable each person involved in a search
10 and seizure the right to file a grievance to contest illegal acts and acts motivated by bias.

11 **REQUEST NO. 9:**

12 Admit that LVMPD does have clear and consistent discipline parameters in the event a
13 grievance is sustained.

14 **REQUEST NO. 10:**

15 Admit that photographs of you at the Rio Hotel and Casino were posted to social media
16 on August 18, 2019.

17 **REQUEST NO. 11:**

18 Admit that videos of you at the Rio Hotel and Casino were posted to social media on
19 August 18, 2019.

20 Dated this 16th day of March, 2022.

21 MARQUIS AURBACH

22

23

24

25

26

27

28

By: /s/ Jackie V. Nichols
Craig R. Anderson, Esq.
Nevada Bar No. 6882
Jackie V. Nichols, Esq.
Nevada Bar No. 14246
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Defendants Las Vegas
Metropolitan Police Department, Sheriff Joseph
Lombardo, Andrew Bauman, Matthew Kravetz,
Supreet Kaur, David Jeong, and Theron Young

EXHIBIT B

Declaration of Jackie V. Nichols, Esq.

**DECLARATION OF JACKIE V. NICHOLS, ESQ. IN SUPPORT OF LVMPD
DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED
COMPLAINT PURSUANT TO RULES 37(d) AND 41(b) FOR BREANNA NELLUMS**

JACKIE V. NICHOLS, ESQ., declares as follows:

1. I am over the age of 18 years and have personal knowledge of the facts stated herein, except for those stated upon information and belief, and as to those, I believe them to be true. I am competent to testify as to the facts stated herein in a court of law and will so testify if called upon.

2. I am duly licensed to practice law in the State of Nevada and have personal knowledge of and I am competent to testify concerning the facts herein.

3. I make this declaration in support of LVMPD Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint Pursuant to Rules 37(d) and 41(b) for Breanna Nellums ("Motion") in the matter *Connie Semper, et al. v. Las Vegas Metropolitan Police Department, et al.*, in the United States District Court, District of Nevada, Case No.: 2:20-cv-01875-JCM-EJY.

4. I am the attorney for Defendants, the Las Vegas Metropolitan Police Department (the "Department" or "LVMPD"), Andrew Bauman ("Bauman"), Matthew Kravetz ("Kravetz"), Supreet Kaur ("Kaur"), David Jeong ("Jeong"), and Theron Young ("Young"), collectively ("LVMPD Defendants") in the above-referenced matter.

5. On March 16, 2022, my office served First Set of Interrogatories and Request for Admissions on Plaintiff through her prior counsel. *See Exhibit A* to Motion.

6. I served counsel because that was the last provided address in Plaintiffs' disclosures made pursuant to Fed. R. Civ. P. 26.

7. Plaintiff's prior counsel indicated to me that he subsequently provided the discovery requests to Plaintiff.

8. My office never received responses to the discovery requests.

9. On February 3, 2023, I followed up on the outstanding discovery requests. *See Exhibit C* to Motion.

10. I did not receive any discovery responses or a response to my letter.

11. Thereafter, I noticed Plaintiff's deposition. *See Exhibit D* to Motion.

12. Plaintiff did not appear for the noticed deposition. *See Exhibit E* to Motion.

13. At no point since counsel's withdrawal of representation has Plaintiff communicated with me.

Pursuant to NRS § 53.045, I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this 4th day of April, 2023.

/s/ Jackie V. Nichols
JACKIE V. NICHOLS, ESQ.

MARQUIS AURBACH
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

EXHIBIT C

Letter



DIRECT LINE: (702) 207-6091
DIRECT FAX: (702) 382-5816
EMAIL: JNICHOLS@MACLAW.COM

ALBERT G. MARQUIS
PHILLIP S. AURBACH
AVECE M. HIGBEE
SCOTT A. MARQUIS
CRAIG R. ANDERSON
TERRY A. MOORE
GERALDINE TOMICH
NICHOLAS D. CROSBY
TYE S. HANSEEN
DAVID G. ALLEMAN
CODY S. MOUNTEER
CHAD F. CLEMENT
CHRISTIAN T. BALDUCCI
BRIAN R. HARDY
JORDAN B. PEEL
JARED M. MOSER
JACKIE V. NICHOLS

COLLIN M. JAYNE
ALEXANDER K. CALAWAY
HAYDEN R. D. SMITH
DOMINIQUE BOSA-
EDWARDS
NICHOLAS J. KLEIN
HARRY L. ARNOLD
JORDAN W. MONTET
TRISHA R. DELOS SANTOS
NICHOLAS M. ADAMS
REAGAN A. WEBER
W. REESE LEVINS

JOHN M. SACCO [RET.]
LANCE C. EARL
WILLIAM P. WRIGHT
JENNIFER L. MICHELI
OF COUNSEL

February 3, 2023

Via U.S. Mail

Breanna Nellums
4012 Warm Hearted Ct.
North Las Vegas, Nevada 89032

Re: Phillip Semper, et al. v. LVMPD, et al
Federal Court No. 2:20-cv-01875-JCM-EJY
Our File No. 14687-296

Dear Ms. Nellums:

Please be advised this office represents Defendants Las Vegas Metropolitan Police Department, Sheriff Joseph Lombardo, Andrew Bauman, Matthew Kravetz, Supreet Kaur, David Jeong, and Theron Young (collectively, "Defendants") in federal case number 2:20-cv-01875-JCM-EJY. Please direct any communications regarding this matter to the undersigned counsel.

You have been given two (2) separate requests of written discovery to which you are legally obligated to provide good-faith answers. See Fed. R. Civ. P. 33, 34, and 36. Both of these requests are attached as **Exhibit 1**. Those requests for written discovery include requests for admissions and interrogatories. As of February 2, 2023, you have failed to complete either of the referenced requests for written discovery that were sent out nearly a year ago on or about March 16, 2022.

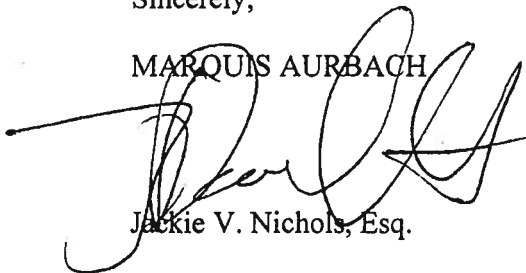
Because of your refusal to cooperate with written discovery, we must schedule a meet and confer to remedy these missing, yet essential, components of litigation. This conference will be tentatively scheduled for **February 16, 2023 at 3:30 p.m.** Please call my direct line 702-207-6091. In the event that you do not participate in the meet and confer process, we will seek a motion to compel your discovery responses, as well as our attorney's fees and costs associated with the motion.

February 3, 2023
Page 2

Last, please provide us with your availability for your deposition, where we will be asking you questions regarding the matter, and you will be answering under oath.

Sincerely,

MARQUIS AURBACH

A handwritten signature in black ink, appearing to read "Jackie V. Nichols", is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Jackie V. Nichols, Esq.

JVN:rw

MAC:14687-296 4978747_1

EXHIBIT D

Deposition Notice

MARQUIS AURBACH
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

Marquis Aurbach
Craig R. Anderson, Esq.
Nevada Bar No. 6882
Jackie V. Nichols, Esq.
Nevada Bar No. 14246
10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
canderson@maclaw.com
jnichols@maclaw.com

Attorneys for Defendants Las Vegas Metropolitan Police Department, Andrew Bauman,
Matthew Kravetz, Supreet Kaur, David Jeong, and Theron Young

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CONNIE SEMPER¹, an individual; ASHLEY
MEDLOCK, an individual; LONICIA BOWIE,
an individual; MICHAEL GREEN, an
individual; CLINTON REECE, an individual;
COREY JOHNSON, an individual; DEMARLO
RILEY, an individual; CORY BASS, an
individual; CARLOS BASS, an individual;
BREANNA NELLUMS, an individual; and
ANTONIO WILLIAMS, an individual,

Plaintiffs,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, in its official capacity;
ANDREW BAUMAN, individually and in his
capacity as a Las Vegas Metropolitan Police
Department Officer; DAVID JEONG,
individually and in his capacity as a Las Vegas
Metropolitan Police Department Officer;
SUPREET KAUR, individually and in his
capacity as a Las Vegas Metropolitan Police
Department Officer; MATTHEW KRAVETZ,
individually and in his capacity as a Las Vegas
Metropolitan Police Department Officer; and
THERON YOUNG, individually and in his
capacity as a Las Vegas Metropolitan Police
Department Officer,

Defendants.

Case Number:
2:20-cv-01875-JCM-EJY

**LVMPD DEFENDANTS' NOTICE OF
TAKING DEPOSITION OF PLAINTIFF
BREANNA NELLUMS**

¹ Pursuant to FRCP 25, Ms. Semper has been substituted for Phillip Semper pursuant to this court's order
date January 13, 2022, as she is the executrix of his estate.

LVMPD DEFENDANTS' NOTICE OF TAKING DEPOSITION OF PLAINTIFF
BREANNA NELLUMS

PLEASE TAKE NOTICE that pursuant to Rule 30 of the Federal Rules of Civil Procedure, Defendants, the Las Vegas Metropolitan Police Department (the "Department" or "LVMPD"), Andrew Bauman ("Bauman"), Matthew Kravetz ("Kravetz"), Supreet Kaur ("Kaur"), David Jeong ("Jeong"), and Theron Young ("Young"), collectively ("LVMPD Defendants"), by and through their attorneys, Marquis Aurbach, will take the deposition of Plaintiff Breanna Nellums upon oral examination **on the 15th day of March, 2023 at the hour of 9:00 a.m.**, before a Notary Public, or before some other officer authorized by law to administer oaths. The deposition will take place at Marquis Aurbach located at 10001 Park Run Drive, Las Vegas, Nevada 89145.

The deposition will be recorded by stenographic means, and oral examination will continue from day to day until completed. You are invited to attend and cross-examine.

Dated this 27th day of February, 2023.

MARQUIS AURBACH

By: /s/ Jackie V. Nichols
 Craig R. Anderson, Esq.
 Nevada Bar No. 6882
 Jackie V. Nichols, Esq.
 Nevada Bar No. 14246
 10001 Park Run Drive
 Las Vegas, Nevada 89145
 Attorneys for Defendants Las Vegas
 Metropolitan Police Department, Andrew
 Bauman, Matthew Kravetz, Supreet Kaur,
 David Jeong, and Theron Young

MARQUIS AURBACH
 10001 Park Run Drive
 Las Vegas, Nevada 89145
 (702) 382-0711 FAX: (702) 382-5816

CERTIFICATE OF MAILING

I hereby certify that on the 27th day of February, 2023, I served a copy of the foregoing
LVMPD DEFENDANTS' NOTICE OF TAKING DEPOSITION OF PLAINTIFF
BREANNA NELLUMS upon each of the parties by depositing a copy of the same in a sealed
 envelope in the United States Mail, Las Vegas, Nevada, First-Class Postage fully prepaid, and
 addressed to:

Christopher M. Peterson, Esq.
 Sophia Romero, Esq.
 Sadmira Ramic, Esq.
 American Civil Liberties Union of Nevada
 601 South Rancho Drive, Suite B-11
 Las Vegas, Nevada 89106
 Attorneys for Plaintiffs Connie Denise Semper,
 as Special Administrator for the Estate of Phillip
 Semper, Corey Johnson, Ashley Medlock,
 Michael Green, Demarlo Riley, Clinton Reece,
 and Lonicia Bowie

Robert L. Langford, Esq.
 Matthew J. Rashbrook, Esq.
 Robert L. Langford & Associates
 1925 Village Center Circle, Suite 150
 Las Vegas, Nevada 89134
 Attorneys for Plaintiffs Connie Denise
 Semper, as Special Administrator for the
 Estate of Phillip Semper, Corey Johnson,
 Ashley Medlock, Michael Green, Demarlo
 Riley, Clinton Reece, and Lonicia Bowie

Carlos Bass
 2621 Sommer Ct.
 North Las Vegas, Nevada 89032
Plaintiff Pro Per

Cory Bass
 2621 Sommer Ct.
 North Las Vegas, Nevada 89032
Plaintiff Pro Per

Breanna Nellums
 4012 Warm Hearted Ct.
 North Las Vegas, Nevada 89032
Plaintiff Pro Per

Antonio Williams
 3912 Red Trumpet Ct.
 North Las Vegas, Nevada 89081-4023
Plaintiff Pro Per

and that there is a regular communication by mail between the place of mailing and the place(s)
 so addressed.

/s/ Krista Busch
 An employee of Marquis Aurbach Coffing

EXHIBIT E

**Transcript of Non-Appearance of Breanna
Nellums**

Breanna Nellums
Semper, et al. vs LVMPD, et al.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CONNIE SEMPER, an individual;)
ASHLEY MEDLOCK, an individual;)
LONICIA BOWIE, an individual;)
MICHAEL GREEN, an individual;) Case No. 2:20-cv-
CLINTON REECE, an individual;) 01875-JCM-EJY
COREY JOHNSON, an individual;)
DEMARLO RILEY, an individual;)
CORY BASS, an individual; CARLOS)
BASS, an individual; BREANNA)
NELLUMS, an individual; and)
ANTONIO WILLIAMS, an individual,)
Plaintiffs,)
vs.)
...)

SCHEDULED DEPOSITION OF BREANNA NELLUMS

STATEMENT OF NON-APPEARANCE

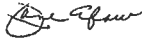
Taken at the Offices of Marquis Aurbach
10001 Park Run Drive
Las Vegas, Nevada

On Wednesday, March 15, 2023
At 9:17 a.m.

Reported by: Jane V. Efaw, CCR #601, RPR

Breanna Nellums
Semper, et al. vs LVMPD, et al.

2..5

<p>1 LAS VEGAS METROPOLITAN POLICE)... 2 DEPARTMENT, in its official) 3 capacity; ANDREW BAUMAN,) 4 individually and in his capacity) 5 as a Las Vegas Metropolitan) 6 Police Department Officer; DAVID) 7 JEONG, individually and in his) 8 capacity as a Las Vegas) 9 Metropolitan Police Department) 10 Officer; SUPREET KAUR,) 11 individually and in his capacity) 12 as a Las Vegas Metropolitan) 13 Police Department Officer;) 14 MATTHEW KRAVETZ, individually) 15 and in his capacity as a Las) 16 Vegas Metropolitan Police) 17 Department Officer; and THERON) 18 YOUNG, individually and in his) 19 capacity as a Las Vegas) 20 Metropolitan Police Department) 21 Officer,) 22 Defendants.) 23 24 25</p> <p>Appearances: For the Plaintiffs: CHRISTOPHER M. PETERSON, ESQ. (By Zoom) American Civil Liberties Union of Nevada 601 South Rancho Drive Suite B-11 Las Vegas, Nevada 89106 (702) 366-1902 peterston@aclunv.org For the Defendants: JACKIE V. NICHOLS, ESQ. Marquis Aurbach 10001 Park Run Drive Las Vegas, Nevada 89145 (702) 382-0711 jnichols@maclaw.com * * * * *</p>	<p>page 2</p> <p>1 MS. NICHOLS: All right. We can go on the 2 record. 3 Jackie Nichols here for the defendants. 4 MR. PETERSON: Chris Peterson with ACLU of 5 Nevada for the following plaintiffs: Connie Semper, 6 who is the executors of Phillip Semper's estate; 7 Lonicia Bowie; Ashley Medlock; Corey Johnson; Demarlo 8 Riley; Clinton Reece; and Michael Green. 9 MS. NICHOLS: Okay. This is the date and 10 time for the deposition of Breanna Nellums. The 11 notice of deposition was mailed out to Breanna 12 Nellums on February 27th, 2023, scheduling her 13 deposition for March 15th, 2023, at the hour of 9:00 14 a.m. 15 It is now almost 9:20 a.m., and we have not 16 heard from Breanna Nellums neither by telephone, 17 e-mail or otherwise. So at this time, we will be 18 taking the nonappearance of Breanna Nellums. 19 And attached to this deposition will be the 20 notice. 21 (Whereupon Defendants' Exhibit 1 22 was marked for identification.) 23 (Thereupon the proceedings were 24 concluded at 9:19 a.m.) 25 * * * * *</p> <p>page 4</p>
<p>page 3</p> <p>1 I N D E X 2 3 SCHEDULED WITNESS PAGE 4 BREANNA NELLUMS 5 Statement by Ms. Nichols 4 6 7 8 E X H I B I T S 9 10 NUMBER DESCRIPTION PAGE 11 Exhibit 1 LVMPD Defendants' Notice of Taking 4 12 Taking Deposition of Plaintiff 13 Breanna Nellums 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>page 5</p> <p>1 CERTIFICATE OF REPORTER 2 STATE OF NEVADA) 3 SS: 4 COUNTY OF CLARK.) 5 I, Jane V. Efaw, certified shorthand 6 reporter, do hereby certify that I took down in 7 shorthand (Stenotype) all of the proceedings had in 8 the before-entitled matter at the time and place 9 indicated; and that thereafter said shorthand notes 10 were transcribed into typewriting at and under my 11 direction and supervision and the foregoing 12 transcript constitutes a full, true and accurate 13 record of the proceedings had. 14 IN WITNESS WHEREOF, I have hereunto affixed 15 my hand this 21 day of March, 2023. 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;"> Jane V. Efaw, CCR #601</p>

Breanna Nellums
Semper, et al. vs LVMPD, et al.

1

Exhibits	4:10,11,16,18	G	Nevada 4:5	4:18
Nellums Ex 1 3:9 4:21	C	Green 4:8	Nichols 4:1,3,9	telephone 4:16
1	Chris 4:4	H	nonappearance 4:18	thereupon 4:23
1 4:21	Clinton 4:8	heard 4:16	notice 4:11,20	time 4:10,17
15th 4:13	concluded 4:24	hour 4:13	O	W
2	Connie 4:5	I	otherwise 4:17	whereupon 4:21
2023 4:12,13	Corey 4:7	identification 4:22	P	
27th 4:12	D	J	Peterson 4:4	
9	date 4:9	Jackie 4:3	Phillip 4:6	
9:00 4:13	defendants 4:3	Johnson 4:7	plaintiffs 4:5	
9:19 4:24	Defendants' 4:21	L	proceedings 4:23	
9:20 4:15	Demario 4:7	Lonicia 4:7	R	
A	deposition 4:10,11,13,19	M	record 4:2	
a.m. 4:14,15,24	E	mailed 4:11	Reece 4:8	
ACLU 4:4	e-mail 4:17	March 4:13	Riley 4:8	
almost 4:15	estate 4:6	marked 4:22	S	
Ashley 4:7	executors 4:6	Medlock 4:7	scheduling 4:12	
attached 4:19	Exhibit 4:21	Michael 4:8	Semper 4:5	
B	F	N	Semper's 4:6	
Bowie 4:7	February 4:12	Nellums 4:10,12,16,18	T	
Breanna	following 4:5		taking	

MARQUIS AURBACH
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

Marquis Aurbach
Craig R. Anderson, Esq.
Nevada Bar No. 6882
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canderson@maclaw.com
jnichols@maclaw.com

Attorneys for Defendants Las Vegas Metropolitan Police Department, Andrew Bauman,
Matthew Kravetz, Supreet Kaur, David Jeong, and Theron Young

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CONNIE SEMPER¹, an individual; ASHLEY
MEDLOCK, an individual; LONICIA BOWIE,
an individual; MICHAEL GREEN, an
individual; CLINTON REECE, an individual;
COREY JOHNSON, an individual; DEMARLO
RILEY, an individual; CORY BASS, an
individual; CARLOS BASS, an individual;
BREANNA NELLUMS, an individual; and
ANTONIO WILLIAMS, an individual,

Plaintiffs,

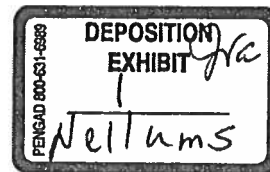
vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT, in its official capacity;
ANDREW BAUMAN, individually and in his
capacity as a Las Vegas Metropolitan Police
Department Officer; DAVID JEONG,
individually and in his capacity as a Las Vegas
Metropolitan Police Department Officer;
SUPREET KAUR, individually and in his
capacity as a Las Vegas Metropolitan Police
Department Officer; MATTHEW KRAVETZ,
individually and in his capacity as a Las Vegas
Metropolitan Police Department Officer; and
THERON YOUNG, individually and in his
capacity as a Las Vegas Metropolitan Police
Department Officer,

Defendants.

Case Number:
2:20-cv-01875-JCM-EJY

**LVMPD DEFENDANTS' NOTICE OF
TAKING DEPOSITION OF PLAINTIFF
BREANNA NELLUMS**



¹ Pursuant to FRCP 25, Ms. Semper has been substituted for Phillip Semper pursuant to this court's order date January 13, 2022, as she is the executrix of his estate.

LVMPD DEFENDANTS' NOTICE OF TAKING DEPOSITION OF PLAINTIFF
BREANNA NELLUMS

PLEASE TAKE NOTICE that pursuant to Rule 30 of the Federal Rules of Civil Procedure, Defendants, the Las Vegas Metropolitan Police Department (the "Department" or "LVMPD"), Andrew Bauman ("Bauman"), Matthew Kravetz ("Kravetz"), Supreet Kaur ("Kaur"), David Jeong ("Jeong"), and Theron Young ("Young"), collectively ("LVMPD Defendants"), by and through their attorneys, Marquis Aurbach, will take the deposition of Plaintiff Breanna Nellums upon oral examination on the 15th day of March, 2023 at the hour of 9:00 a.m., before a Notary Public, or before some other officer authorized by law to administer oaths. The deposition will take place at Marquis Aurbach located at 10001 Park Run Drive, Las Vegas, Nevada 89145.

The deposition will be recorded by stenographic means, and oral examination will continue from day to day until completed. You are invited to attend and cross-examine.

Dated this 27th day of February, 2023.

MARQUIS AURBACH

By: /s/ Jackie V. Nichols
 Craig R. Anderson, Esq.
 Nevada Bar No. 6882
 Jackie V. Nichols, Esq.
 Nevada Bar No. 14246
 10001 Park Run Drive
 Las Vegas, Nevada 89145
 Attorneys for Defendants Las Vegas
 Metropolitan Police Department, Andrew
 Bauman, Matthew Kravetz, Supreet Kaur,
 David Jeong, and Theron Young

MARQUIS AURBACH
 10001 Park Run Drive
 Las Vegas, Nevada 89145
 (702) 382-0711 FAX: (702) 382-5816

CERTIFICATE OF MAILING

I hereby certify that on the 27th day of February, 2023, I served a copy of the foregoing
LVMPD DEFENDANTS' NOTICE OF TAKING DEPOSITION OF PLAINTIFF
BREANNA NELLUMS upon each of the parties by depositing a copy of the same in a sealed
envelope in the United States Mail, Las Vegas, Nevada, First-Class Postage fully prepaid, and
addressed to:

Christopher M. Peterson, Esq.
Sophia Romero, Esq.
Sadmira Ramic, Esq.
American Civil Liberties Union of Nevada
601 South Rancho Drive, Suite B-11
Las Vegas, Nevada 89106
Attorneys for Plaintiffs Connie Denise Semper,
as Special Administrator for the Estate of Phillip
Semper, Corey Johnson, Ashley Medlock,
Michael Green, Demarlo Riley, Clinton Reece,
and Lonicia Bowie

Robert L. Langford, Esq.
Matthew J. Rashbrook, Esq.
Robert L. Langford & Associates
1925 Village Center Circle, Suite 150
Las Vegas, Nevada 89134
Attorneys for Plaintiffs Connie Denise
Semper, as Special Administrator for the
Estate of Phillip Semper, Corey Johnson,
Ashley Medlock, Michael Green, Demarlo
Riley, Clinton Reece, and Lonicia Bowie

Carlos Bass
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Breanna Nellums
4012 Warm Hearted Ct.
North Las Vegas, Nevada 89032
Plaintiff Pro Per

Antonio Williams
3912 Red Trumpet Ct.
North Las Vegas, Nevada 89081-4023
Plaintiff Pro Per

and that there is a regular communication by mail between the place of mailing and the place(s)
so addressed.

/s/ Krista Busch
An employee of Marquis Aurbach Coffing

MARQUIS AURBACH
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816