

1 **Marquis Aurbach**
 2 Craig R. Anderson, Esq.
 3 Nevada Bar No. 6882
 4 Jackie V. Nichols, Esq.
 5 Nevada Bar No. 14246
 6 10001 Park Run Drive
 7 Las Vegas, Nevada 89145
 8 Telephone: (702) 382-0711
 9 Facsimile: (702) 382-5816
 10 canderson@maclaw.com
 11 jnichols@maclaw.com
 12 Attorneys for Defendants Las Vegas Metropolitan Police
 13 Department, Andrew Bauman, Matthew Kravetz, Supreet Kaur,
 14 David Jeong, and Theron Young

15 **UNITED STATES DISTRICT COURT**
 16 **DISTRICT OF NEVADA**

17 CONNIE SEMPER¹, an individual; ASHLEY
 18 MEDLOCK, an individual; LONICIA
 19 BOWIE, an individual; MICHAEL GREEN,
 20 an individual; CLINTON REECE, an
 21 individual; COREY JOHNSON, an
 22 individual; DEMARLO RILEY, an
 23 individual; CORY BASS, an individual;
 24 CARLOS BASS, an individual; BREANNA
 25 NELLUMS, an individual; and ANTONIO
 WILLIAMS, an individual,

16 Case Number:
 17 2:20-cv-01875-JCM-EJY

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

23 Plaintiffs,

24 vs.

25 LAS VEGAS METROPOLITAN POLICE
 26 DEPARTMENT, in its official capacity;
 27 ANDREW BAUMAN, individually and in
 28 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,

29 Defendants.

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

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

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

9 **MEMORANDUM OF POINTS & AUTHORITIES**

10 **I. INTRODUCTION**

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

17 **II. STATEMENT OF FACTS AND PROCEDURAL HISTORY**

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

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

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,

MARQUIS AURBACH

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

1 manageability, and confidence in the process.” Phenylpropanolamine Products., 460 F.3d at
 2 1227. Discovery in this case began nearly two years ago (ECF No. 44), but due to Plaintiff’s
 3 disregard for her discovery obligations, no discovery has been conducted in related to
 4 Plaintiff. Since counsel withdrew, Plaintiff has done absolutely nothing to further this
 5 litigation. Plaintiff’s discovery failures are well-documented and Plaintiff has provided no
 6 justification for, let alone communicated, her refusal to not meaningfully participate in this
 7 case. Plaintiff’s egregious behavior is contrary to Rule 1’s directive to “secure a just, speedy,
 8 and inexpensive” determination of this case.

9 **2. Court’s Need to Manage its Docket.**

10 The Court’s inherent power to control its docket includes the ability to issue
 11 sanctions of dismissal where appropriate. *Thompson*, 782 F.2d at 831. “It is incumbent upon
 12 us to preserve the district courts’ power to manage their dockets” without being subject to
 13 endless non-compliance with case management orders. *Ferdik v. Bonzelet*, 963 F.2d 1258,
 14 1261 (9th Cir. 1992) (as amended). In addition, the Supreme Court has recognized that
 15 dismissal “must be available to the district court in appropriate cases, not merely to penalize
 16 those whose conduct may be deemed to warrant such a sanction, but to deter those who
 17 might be tempted to such conduct in the absence of such a deterrent.” *Phenylpropanolamine*
 18 *Products*, 460 F.3d at 1227 (citing *Nat'l Hockey League v. Metro. Hockey Club, Inc.*, 427
 19 U.S. 639, 643(1976)).

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

23 **3. Risk of Prejudice to Defendants.**

24 “A defendant suffers prejudice if the plaintiff’s actions impair the defendant’s ability
 25 to go to trial or threaten to interfere with the rightful decision of the case.” *Adriana Int’l*
 26 *Corp. v. Thoeren*, 913 F.2d 1406, 1412 (9th Cir.1990). Failing to provide discovery as
 27 ordered is considered sufficient prejudice, as is the unjustified failure to appear at scheduled
 28 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 MARQUIS AURBACH
 12

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

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

CERTIFICATE OF SERVICE

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

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

9 I further certify that some of the participants in the case are not registered
10 CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid,
11 or have dispatched it to a third party commercial carrier for delivery within 3 calendar days
12 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

EXHIBIT A

Discovery Requests

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.

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

**LVMPD DEFENDANTS' FIRST SET OF
INTERROGATORIES TO PLAINTIFF
BREANNA NELLUMS**

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

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,

7 Defendants.

8

9 **LVMPD DEFENDANTS' FIRST SET OF INTERROGATORIES TO PLAINTIFF**
10 **BREANNA NELLUMS**

11 TO: Breanna Nellums, *Plaintiff Pro Per*

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

19 **PRELIMINARY EXPLANATIONS AND DEFINITIONS**

20 The following definitions are applicable throughout the Interrogatories which follow:

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

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

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

28 4. "Identify" means to:

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

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

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 epitaphs used by any of the LVMPD officers during the time period discussed in the FAC.

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

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

27

28

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
21

22 By: /s/ Jackie V. Nichols

23 Craig R. Anderson, Esq.

24 Nevada Bar No. 6882

25 Jackie V. Nichols, Esq.

26 Nevada Bar No. 14246

27 10001 Park Run Drive

28 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

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

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.

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

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

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

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,

7 Defendants.

8

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

11 TO: Breanna Nellums, *Plaintiff Pro Per*

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

20

21 **REQUESTS**

22

23 **REQUEST NO. 1:**

24 Admit that possession of marijuana is a federal offense.

25

26 **REQUEST NO. 2:**

27 Admit that consuming marijuana is a federal offense.

28

29 **REQUEST NO. 3:**

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

32

33 **REQUEST NO. 4:**

34 Admit that you were consuming marijuana during the time period discussed in the FAC
35 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 By: /s/ Jackie V. Nichols

23 Craig R. Anderson, Esq.

24 Nevada Bar No. 6882

25 Jackie V. Nichols, Esq.

26 Nevada Bar No. 14246

27 10001 Park Run Drive

28 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

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

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. MOUNTER
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.

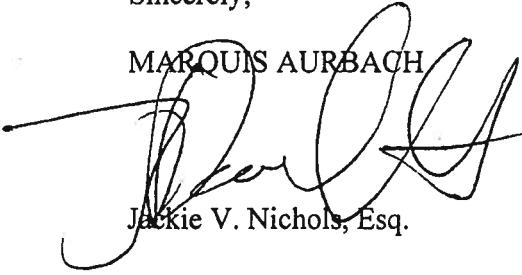
Because of your refusal to cooperate with written discovery, we must schedule a meet and confer to remedy these missing, yet essential, components of litigation. This conference will be tentatively scheduled for **February 16, 2023 at 3:30 p.m.** Please call my direct line 702-207-6091. In the event 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


Jackie V. Nichols, Esq.

JVN:rw

MAC:14687-296 4978747_1

EXHIBIT D

Deposition Notice

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**

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

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

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

15 Plaintiffs.

25 Defendants.

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

CERTIFICATE OF MAILING

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

Carlos 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

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 Lonica Bowie

Cory Bass
2621 Sommer 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.

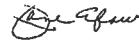
1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3
4 CONNIE SEMPER, an individual;)
5 ASHLEY MEDLOCK, an individual;)
6 LONICIA BOWIE, an individual;)
7 MICHAEL GREEN, an individual;) Case No. 2:20-cv-
8 CLINTON REECE, an individual;) 01875-JCM-EJY
9 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.)
) ...
10)
11)
12)
13)
14)
15)
16 SCHEDULED DEPOSITION OF BREANNA NELLUMS
17 STATEMENT OF NON-APPEARANCE
18
19 Taken at the Offices of Marquis Aubach
20 10001 Park Run Drive
Las Vegas, Nevada
21 On Wednesday, March 15, 2023
At 9:17 a.m.
22
23
24 Reported by: Jane V. Efaw, CCR #601, RPR
25

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

2.5

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

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

1 Marquis Aurbach
2 Craig R. Anderson, Esq.
3 Nevada Bar No. 6882
4 Jackie V. Nichols, Esq.
5 Nevada Bar No. 14246
6 10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
canderson@maclaw.com
inichols@maclaw.com

7 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

10 CONNIE SEMPER¹, an individual; ASHLEY
11 MEDLOCK, an individual; LONICIA BOWIE,
12 an individual; MICHAEL GREEN, an
13 individual; CLINTON REECE, an individual;
14 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,

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

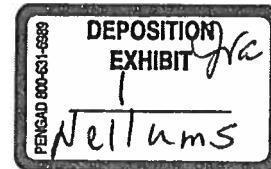
**LVMPD DEFENDANTS' NOTICE OF
TAKING DEPOSITION OF PLAINTIFF
BREANNA NELLUMS**

Plaintiffs,

vs.

17 LAS VEGAS METROPOLITAN POLICE
18 DEPARTMENT, in its official capacity;
19 ANDREW BAUMAN, individually and in his
20 capacity as a Las Vegas Metropolitan Police
21 Department Officer; DAVID JEONG,
22 individually and in his capacity as a Las Vegas
23 Metropolitan Police Department Officer;
24 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.



²⁷ Pursuant to FRCP 25, Ms. Semper has been substituted for Phillip Semper pursuant to this court's order
²⁸ date January 13, 2022, as she is the executrix of his estate.

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

3 PLEASE TAKE NOTICE that pursuant to Rule 30 of the Federal Rules of Civil
4 Procedure, Defendants, the Las Vegas Metropolitan Police Department (the "Department" or
5 "LVMPD"), Andrew Bauman ("Bauman"), Matthew Kravetz ("Kravetz"), Supreet Kaur
6 ("Kaur"), David Jeong ("Jeong"), and Theron Young ("Young"), collectively ("LVMPD
7 Defendants"), by and through their attorneys, Marquis Aurbach, will take the deposition of
8 Plaintiff Breanna Nellums upon oral examination on the 15th day of March, 2023 at the hour
9 of 9:00 a.m., before a Notary Public, or before some other officer authorized by law to
10 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

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 Semp
Special Administrator for the Estate of Phil
Semper, Corey Johnson, Ashley Medlock,
Michael Green, Demarlo Riley, Clinton Reed
and Lonica Bowie

Carlos 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

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, Demar
Riley, Clinton Reece, and Lonica Bowi

Cory Bass
2621 Sommer Ct.
th 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