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COMMONWEALTH OF KENTUCKY CALDWELL CIRCUIT COURT CIVIL ACTION NO.: 18-CI-00101

LAINIE BECKNER, RONNIE BECKNER and SHANA JAGGERS, As Co-Administrators of the ESTATE OF GRANT BECKNER

PLAINTIFF

v.

PRINCETON LODGE #1115, BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNITED STATES OF AMERICA. STEVE WALLACE, JARROD JACKSON and JESSICA BOARD

DEFENDANTS

DEFENDANTS' EXPERT WITNESS DISCLOSURE (Electronically Filed)

Come now Defendants, Princeton Lodge #115, Benevolent and Protective Order of Elks of the United States of America [hereinafter "Princeton Lodge #1115"], Jarrod Jackson, and Jessica Board, by counsel, and for their expert witness disclosure, submit the following:

1. Steven T. Baker. Defendants disclose Steven Baker as a witness pursuant to Civil Rule 26. A copy of Mr. Baker's curriculum vitae, which more fully sets forth his qualifications, background and experience, is attached as Appendix B to Mr. Baker's written report.

It is anticipated that Mr. Baker will testify consistent with his written report, which is attached hereto as Exhibit 1. It is further anticipated that Mr. Baker will offer testimony to rebut the opinions and conclusions offered by Plaintiff's expert witnesses, including Russell Kolins.

This disclosure has been prepared by undersigned counsel based upon counsel's discussions with Mr. Baker, and Mr. Baker will be made available for deposition so that counsel may have a more complete opportunity to depose him and discuss his opinions in more detail.

¹ The third individual defendant, Steve Wallace, has recently died and is thus no longer a party to this action. But for his death, Mr. Wallace would have been joined as a party to this disclosure as well.

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2. **Andrew T. Cobb, Ph. D.** Defendants disclose Dr. Andy Cobb as a witness pursuant to Civil Rule 26. A copy of Dr. Cobb's curriculum vitae, which more fully sets forth his qualifications, background and experience, is attached hereto as Exhibit A to Mr. Cobb's written report.

It is anticipated that Dr. Cobb will testify consistent with his written report, which is attached hereto as Exhibit 2. It is further anticipated that Dr. Cobb will offer testimony to rebut the opinions and conclusions offered by Plaintiff's expert witness Donald Coleman regarding the electronic data on Jessica Board's laptop.

Defendants do not anticipate that either Dr. Cobb or Mr. Coleman will testify at trial, particularly since Mr. Coleman has not been disclosed as an expert witness. Rather, it is anticipated that Dr. Cobb will testify at a hearing, if any, concerning the laptop computer evidence addressed in Plaintiffs' Motions Related to Laptop Computer Evidence dated July 27, 2021, Defendants' Response thereto dated August 2, 2021, the parties' hearing of August 3, 2021, and the Court's Order on Plaintiffs' Motions Related to Laptop Computer Evidence entered August 5, 2021.

This disclosure has been prepared by undersigned counsel based upon counsel's discussions with Dr. Cobb, and Dr. Cobb will be made available for deposition so that counsel may have a more complete opportunity to depose him and discuss his opinions in more detail.

- **3.** Expert opinions may also be solicited from any and all persons identified as expert witnesses by any other party to this action, by any law enforcement personnel involved in the investigation of the accident, and from any and all healthcare providers whose names appear in Grant Beckner and Joseph Anderson's medical records.
 - 4. Discovery is ongoing, and not all of Plaintiff's experts have been deposed.

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Defendants reserve the right to disclose additional experts and to supplement the opinions stated herein should additional evidence or materials, including but not limited to additional opinion evidence from Plaintiff's expert witnesses, become available.

Respectfully submitted,

WHITLOW, ROBERTS, HOUSTON & STRAUB, PLLC Attorneys for Defendants

By: /s/ James R. Coltharp, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that this 29th day of April, 2022, I electronically filed the foregoing with the Clerk of the Court by using the Kentucky Court of Justice e-filing website and that I served a copy of the foregoing by electronic service and/or U.S. Mail to the following:

David Bryce Barber, Esq., dbbarber@gmail.com, and Elizabeth Downey Barber, Esq., attyedowneybarber@gmail.com, 635 W. Main Street, Third Floor, Louisville, KY 40202, Co-Counsel for Plaintiff; and

Michael Burman, Esq., mike@burmanlaw.com, diane@burmanlaw.com, brooke@burmanlaw.com, 1610 South Virginia Street, Hopkinsville, KY 42241, Co-Counsel for Plaintiff.

> /s/ James R. Coltharp, Jr. James R. Coltharp, Jr.

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DEFENDANT'S EXHIBIT

April 29, 2022

Jason Coltharp Whitlow, Roberts, Houston & Straub, PLLC 300 Broadway P.O. Box 995 Paducah, KY 42002

Re: Beckner vs Princeton Lodge

Caldwell Circuit Court, State of Kentucky, Case # 18-CI-00101

Preliminary Expert Report

Please accept this letter as my preliminary expert opinion in the above-referenced matter. Based on my knowledge, training, and experience, in conjunction with my review of discovery materials (see Exhibit A: Document List), I am qualified to offer expert opinions about the issues relating to this matter. If called upon to testify to the opinions stated herein, I could and would competently do so.

Scope and Retention

Jason Coltharp retained me on December 20, 2021. After reviewing and clearing the named parties for any known conflicts, I received a basic fact pattern of the circumstances giving rise to this matter. I subsequently agreed to perform forensic security consulting services, including testimony at deposition and trial if requested. My fee for forensic consulting services is \$400.00 per hour. I investigated the circumstances surrounding an incident involving a stabbing homicide. I completed my analysis by reviewing produced documents (Appendix A) and applying my education, training, and experience to this matter's facts (Appendix B).

Experience and Qualifications

I have 35 years of experience in the security and investigative field, including contract and proprietary security, shopping centers and retail operations, hotels, manufacturing, nightclubs and bars, critical infrastructure utility sector, and entertainment industries. I have managed security departments with responsibility for security at multiple locations. I have experience conducting vulnerability and risk assessments, investigations, surveillance, executive protection, and general security duties. I have operated training facilities offering security and civilian training. I have provided case review/testimony as an expert witness in security and use-of-force litigation.

I am a former member of the ASIS International Hospitality, Entertainment, and Tourism Council and past Chapter Chairman of the ASIS Las Vegas Chapter. Current memberships include ASIS International, the International Law Enforcement Educators and Trainers Association, the International Association of Law Enforcement Firearms Instructors, The International Association of Crime Analysts, The International Association for Identification, and the American Society of Criminology.

I have achieved three academic degrees and multiple certifications relevant to the security industry. My education includes a Bachelor of Science Degree in Criminal Justice/Loss Control and a Master of Science Degree in Security Administration. In addition, I earned 50 doctoral level credit hours in research methods, criminology, education, and hospitality, while enrolled in the

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Public Affairs-Workforce Development and Organizational Leadership Doctoral program at the University of Nevada-Las Vegas. I am one of the few individuals who have obtained all three Board Certifications offered by ASIS International: Certified Protection Professional (CPP), Physical Security Professional (PSP), and Professional Certified Investigator (PCI).

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I have earned multiple certifications at the instructor and instructor trainer level in securityrelated disciplines, including defensive tactics, handcuffing, pepper spray, de-escalation, baton, use-of-force, and 23 law enforcement and civilian firearm instructor certifications. I am a former Adjunct Instructor in Criminal Justice at the University of Phoenix and a former lecturer on nightclub security and use-of-force at the UNLV International Gaming Institute (IGI). As an instructor with TAM Nevada's Techniques of Alcohol Management course and during my graduate studies at UNLV, I taught and researched alcohol awareness programs, alcohol server interventions, and factors leading to aggression in licensed alcohol venues.

My Professional licensure includes Private Investigator and Private Patrol Officer Licenses in Nevada, Private Investigator and Security Company Licenses in Texas, and Private Investigator Licenses in California and Tennessee. Additionally, I am an instructor for armed security and executive protection training in Nevada, Tennessee, and Texas. I have experience as a security officer and licensee overseeing security operations for shopping centers, strip malls, homeowners' associations, special events, and retail outlets. I have been accepted as an expert in security by courts in Nevada, Colorado, Washington, and Federal Court in Texas. I believe that my professional experience, education, and training allow me to opine on this matter.

Methodology

I utilize the Forensic Methodology (2014) published by the International Association of Professional Security Consultants (IAPSC) for case analysis. The methodology is scalable and allows for the utilization of sections as applicable to the matter under review. IAPSC developed the methodology as a tool for retrospectively assessing premises security issues in litigation. The IAPSC methodology was held reliable in the Childress vs. Kentucky Oaks Mall, 2007 WL 2772299 (WD KY) and as required by FRE 702, based on the U. S. Supreme Court rubric Daubert, Joiner, and Kumho Tire.

Location

The following report addresses an incident on April 15, 2017, at Princeton Lodge #1115, 1050 South Jefferson Street, Princeton, Kentucky.

Incident Synopsis

Joseph Anderson and Grant Beckner were both at the Elks Lodge on April 15, 2017. During his visit, Anderson became upset with the bartender for not turning up the volume of the jukebox. Vickie Cotton stated that Alysa Butler turned up the volume a little but told Anderson not everyone wanted the music that loud (ABC Interview). Cotton stated that Anderson asked Butler "why he was different than other members that were there?" (ABC Interview). Anderson became vocal and made comments taking about his rights and those people "down there," apparently believing members at the other end of the bar did not want the music louder (Cotton ABC Interview). Cotton also stated that Austin Boaz might have said something to Butler about the volume (ABC Interview). Tammy Brown stated that Bruce Redd asked Butler to turn the jukebox down (Police interview). Testimony indicates that Butler was familiar with the acceptable volume level and type of music played in the Lodge. Anderson's music selection was described as "hard

rock" and "rap" (Wood, police interview). Butler most likely knew that increasing the volume of potentially unpopular music would not be appreciated by patrons.

Anderson used inappropriate language when he referred to the people at the other end of the bar as "pussy bitches" multiple times. Butler spoke to Anderson about his conduct and informed off-duty bar manager Christina Cooley that Anderson was acting oddly and that she was cutting him off from alcohol service and cashing him out. The discussion between Butler and Cooley resulted in Jarrod Jackson, who was also playing pool, going into the bar and speaking with Anderson. After Anderson stated that he was "ok," Jackson returned to the pool room. Butler began to cash out Anderson and prepare him to leave when Anderson made his "pussy bitches" comment again, and Beckner stated, "are you talking to me?" to which Anderson replied, "yes." Beckner then moved towards Anderson, and the two met in the open area of the bar and engaged in a fistfight. Patrons separated the fight. Anderson was escorted outside by Tyler Mahan. After departing, Anderson allegedly asked Mahan to retrieve personal property he left in the bar.

Meanwhile, Beckner was being held back by Jackson and Brian Martin. Jackson stated he could not continue holding Beckner, who broke free and pursued Anderson. Testimony indicates that Beckner was being held by two patrons, who tried to strike them, and threaten them with harm for restraining him. Jackson testified that Beckner was strong and broke away from him. As Mahan begins to reenter the building, he is shoved out of the way by Beckner and Kevin Reed.

As Beckner went out the door, Reed prodded him with comments about "kicking Anderson's ass" and "he deserves it." Reed shoved Mahan away from Beckner and told him, "stay away or stay out of it." Mahan testified that he was planning to break up the fight again, and Cotton told him to "leave it alone." Vickie Cotton, Reed's girlfriend, then blocked Mahan from going into the grassy area, stating, "don't get involved" "It's between two men."

Anderson, who had stated to Mahan that he wanted to go to a different bar, had his phone to his ear, allegedly calling for a ride, when his attention is directed toward the patio door. Upon seeing, and more likely than not hearing, the comments from the mob exiting the Lodge, Anderson ducked down and moved quickly away from Beckner. Beckner then left the sidewalk and went toward Anderson, confronting him after passing the end of the fence.

Witnesses stated that Beckner and Anderson engaged, and Beckner took Anderson to the ground, got on top of Anderson, and began punching him. Reed and Cabott Coleman testified that Beckner punched Anderson 15 to 20 times (Coleman police interview, Reed police interview). Anderson testified that he was punched in the head, body, and throat at trial.

Witnesses stated that Beckner suddenly stopped fighting, and Anderson slid out from underneath Beckner, stood, and departed the area. The fight spectators checked Beckner and found that he had multiple severe stab wounds. Unfortunately, Beckner died from his injuries. Anderson fled the area, was apprehended several hours later, and convicted of Manslaughter in the First Degree.

It is undisputed that Anderson utilized deadly force against Beckner, resulting in Beckner's death.

NOTE 1: Statements and police interviews are contaminated by conjecture, speculation, and information learned after the incident. Individuals interviewed after the incident presented stories about Anderson's conduct that they had no personal knowledge of, and many third or fourth hand after the incident. This information has clouded the chronology of this matter and resulted in confusing testimony.

Note 2: The term "fight" is frequently used to describe arguments, disagreements, posturing, bumping, and physical contact (punching) by people in general and by witnesses in this matter. I have noted, where possible, the actual actions of individuals in each encounter. For clarity, I will refer to the first fight as the "inside" fight and the second fight as the "outside" fight.

Note 3: Video taken from Cameras 5 and 6 showing patrons at and in the Lodge bar area are reflections in the mirror behind the bar and are reversed.

Preliminary Opinions

1. There was no reported history of altercations involving a weapon or injuries requiring medical treatment at the Elks.

The Kentucky Alcohol Beverage Control listed 13 incidents, including the incident at hand, when police were called to the Elks Lodge between 2010 and 2017.

The calls include:

- 4 motorist assists (12-29-2015, 03-04-2016, 01-25-2017, and 04-13-2017)
- 1 stolen vehicle report (03-19-2017)
- 2 medical calls, possible heart attack (08-25-2011 and 02-26-2017)
- 1 fire alarm (08-20-2015)
- 1 fall (01-21-2010)
- 1 altercation (11-01-2014)
- 1 out of control complaint (07-09-2014)
- 1 driving under the influence complaint (04-09-2015)
- 1 stabbing call (04-15-2017)

During my analysis, I removed the following calls as they are either non-criminal, general service issues, or not relevant to determining the foreseeability of future violent incidents.

- 4 motorist assists (12-29-2015, 03-04-2016, 01-25-2017, and 04-13-2017)
- 2 medical calls, possible heart attack (08-25-2011 and 02-26-2017)
- 1 fire alarm (08-20-2015)
- 1 fall (01-21-2010)
- 1 stolen vehicle report (03-19-2017)

I also removed the incident at hand, stabbing (04-15-2017), as the foreseeability analysis leads up to but does not include the subject incident.

The remaining three incidents include:

- 1 altercation (11-01-2014)
- 1 out of control complaint (07-09-2014)
- 1 driving under the influence complaint (04-09-2015)

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Thirteen calls in seven years are a very low call for service (CFS) ratio, three calls regarding conduct averages out to 0.43 calls for service per year. Considering that the driving under the influence call does not indicate future violence, I have removed it. The adjusted frequency of calls for service results in 0.29 calls for service per year at the Elks Lodge. None of the calls involved using a weapon or required hospital treatment for injuries.

Discovery in this matter included twenty-four 911 call sheets or ten more calls than listed in the ABC Report.

1/21/2010	Fall			
7/09/2010	Out of Control (this is a duplicate with an improper file name for the Sissy			
	Redd 07/09/2014 incident)			
8/05/2011	Chest Pain			
07/09/2014	Out of Control Sissy Redd 07/09/2014			
11/01/2014	Altercation-Vice President and Chairman of the board reporting altercation			
	Alleged property damage. Dispute over if Law Enforcement is needed			
04/09/2018	Driving Under Influence-radio call only			
08/20/2015	Fire Alarm			
12/29/2015	Motorist Assist-Keys locked in vehicle			
03/04/2016	Motorist Assist- Keys Locked in vehicle			
01/25/2017	Motorist Assist-keys locked in vehicle			
03/19/2017	Stolen Vehicle-reported keys left in vehicle; report taken			
04/13/2017	Motorist Assist-undisclosed issue			
04/15/2017	Stabbing (incident at hand)			
Post Incident Calls				

04/17/2017	Follow Up-Unknown
04/18/2017	Follow Up-Unknown
05/11/2017	Emergency Call-location of possible drug paraphernalia
05/26/2017	Follow Up-Unknown
08/10/2017	Driving Under the influence-traffic stop made
09/09/2017	Suspicious Vehicle-canceled was member vehicle
09/17/2017	Motor Vehicle Accident-Truck in ditch out front
10/20/2017	Theft-Dispute over Pull-Tab machines-no report taken
01/22/2018	Persons Removed-Sissy Redd Removed-left via taxi
02/28/2018	Attempt to Serve-Process Service Completed

The detail call sheets had a duplicate file with an improper file name for the Sissy Redd incident (incorrect is 7/09/2010) and ten calls after the incident at hand. The calls after the incident are not relevant to the incident when assessing foreseeability, and no additional calls were related to violence or weapons.

The call sheet for the altercation involved an allegation that someone damaged Elk's property. The call sheet for the out-of-control incident (Sissy Redd) involved refusal to leave after denial of service and did not indicate weapons or physical violence involvement.

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Documents discussing other non-reported (to police) incidents involving Sissy Redd and Joey Anderson and Jarrod Jackson and Rob Allen indicate that the incidents involved physical contact. Still, neither party filed a complaint with either the police or the Elks in those incidents.

2. Review of prior incidents does not result in the reasonable anticipation that a dispute between non-strangers would escalate into a physical fight involving a weapon and significant physical injury or death.

There is no history at the Elks Lodge to support reasonable anticipation that a disagreement would escalate into a violent crime involving a weapon. Plaintiff's Expert attempts to create foreseeability by claiming the totality of circumstances based on people drinking, prior fights, and assaults in parking lots. There were no "thefts from vehicles, attacks against persons, robberies, rapes or vandalism" (Kolins p 10). Kolins lists four factors various courts (unknown who) cited as encouraging premises liability litigation (p. 5).

- 1. Prior crime. I have discussed prior incidents. Physical altercation history, as discussed above, involved a few pushing/shoving incidents and several fistfights over a decade. There were no incidents involving severe injury or weapons.
- 2. Adequacy of security measures to detect, delay, or deter criminals. There were no reports of burglaries, assaults by unknown parties (strangers), robberies, or violent crimes at the Lodge. It is apparent from the incident history that the measures taken by the Lodge (surveillance system, access control, restricted access to the facility, alcohol awareness training, placing the surveillance monitor in an observable position) were reasonable and adequate.
- 3. The availability and performance of security personnel. Kolins states that the Lodge should have had a dedicated security person and a dedicated person monitoring the surveillance system. The Lodge had fewer than twenty patrons on a Saturday night, and that occupancy level is consistent with weekend activity except for weekends when the Lodge holds special events. The bartender on duty was present and available, recognized Anderson's behavior, took action to stop the behavior, ceased alcohol service to Anderson, and cashed out his tab for him to leave. The presence of a single security person may deter some individuals from inappropriate conduct; however, Beckner and Anderson were not deterred by the consequences of Lodge disciplinary action or personal injury. Multiple individuals attempted to stop the fight inside the bar and successfully separated the combatants. Beckner broke away from two individuals holding him; had Anderson not reluctantly departed the building the fight would have continued. I was a defensive tactics and arrest/Control Instructor Trainer for 20 years, and none of the law enforcement/Security programs have developed a module for breaking up a fight. It is the consensus of similar trainers I have discussed the issue with that it is not safely possible for one individual to separate and contain two or more fighters.
- 4. The actual or constructive notice that ownership has, or should have, of prior crime and defective conditions. The Lodge had an overall accurate knowledge of prior incidents. Steve Wallace stated he was unaware of some incidents during his ABC testimony. However, the omission or embellishment of a single altercation that did not involve injury or a weapon does not change the low level of incidents that occurred at the Lodge. The Lodge 's institutional knowledge, while not documented in specific ledgers as Plaintiff prefers, was accurate. During various periods, individuals operating the Lodge were aware of the few instances where the police were notified or inappropriate, and possibly criminal, conduct occurred.

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Kolins claims that Anderson was most likely intoxicated when he returned to the Lodge after visiting other bars. However, witnesses have testified that neither Anderson nor Beckner appeared intoxicated. Kolins did not discuss the alcohol consumption or BAC of Beckner or the fact that Beckner's actions escalated the situation to physical contact.

Kolins then states, "Christine (sic) Cooley told the Alcohol Control Board that in the year she had been employed at the Lodge before the subject incident, she had seen 3-4 other fights" (p. 8). Bill Crider, Investigator with Kentucky ABC, wrote in his report dated 05/31/17 that Cooley stated "she had worked at the bar for over a year and had seen 3 – 4 fights. Cooley said she has warned other bartenders for overservice after reviewing the receipts the next day." I cannot locate these statements that Crider attributes to Cooley in her ABC statement or her ABC recorded interview. In her ABC interview, Cooley states that there is not generally a problem with overservice, but there is no discussion of fight history. It is unknown where Crider obtained the statements he attributes to Cooley, and there are no follow-up questions to determine the context of the term "fight" or those involved.

The incident history at the Elks Lodge does not lead to reasonable anticipation that a physical fight with a weapon would occur. There were no reported prior altercations involving the use of a weapon or requiring medical treatment. There is no indication that the Elks response, reporting, or recording of incidents was below normal industry response and reporting norms or contributed to this incident. The incident history does not support adding staff members to perform security duties or perform live monitoring of surveillance cameras.

3. Beckner and Anderson had a history of fighting

Testimony indicates that approximately 15 years prior, Anderson and Beckner had been in a fight. During that fight, it is alleged that two individuals held Anderson while Beckner beat him. Cotton testified at the ABC that she was not aware of Anderson having any prior fights in the Lodge. Brian Martin stated in his police interview that Beckner was a known fighter. Austin Boaz stated in his interview that Beckner was not a fighter. It is reasonable to believe that as Beckner, Reed, Coleman, and Boaz were approaching Anderson yelling threats, Anderson feared multiple attackers would assault him.

Russ Kolins, the Plaintiff's Security Expert, did not opine or mention the prior violent attack by Beckner and his associates on Anderson or the reasonable anticipation by Anderson that such an event could be occurring again. Furthermore, Kolins failed to discuss the probability of Anderson being attacked by multiple assailants making violent threats as they pursued him.

4. Beckner's Actions

Beckner, like Anderson, had spent his evening drinking at local bars. Beckner's demeanor at the Elks Lodge was not reported to be disorderly, and witnesses did not believe he was intoxicated. There is no discussion by witnesses indicating that Beckner and Anderson had any interaction on April 15 before Beckner responded to Anderson's comments. Beckner chose to challenge Anderson rather than allow him to cash out and leave. We will never know what triggered Beckner to speak up. From his immediate actions after Anderson's response of "yes, I am" we know that Beckner was willing and ready to engage in a physical altercation. Testimony by Cotton was that

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Beckner moved toward Anderson and went 75 percent of the way, Anderson 25 percent, to where the two met in the middle of the club floor and became physical. There is no dispute that both Beckner and Anderson were aware that fighting is not tolerated. Both were willing to engage in unacceptable and perhaps a criminal act by engaging in a fight (KRS 525.060 Disorderly Conduct). Both Beckner and Anderson were aware there were witnesses to their actions, that those witnesses could identify them, that their actions could place the witnesses in peril, that surveillance cameras monitored the location in which they were fighting, and that there would be punitive actions for their actions. Despite this knowledge, they engaged in a fight in the Lodge.

After club members stopped the fight, the video shows both Beckner and Anderson exhibiting continued aggressive behavior. Beckner is being held back by two to three other individuals, and Mahan blocks Anderson.

After Mahan removes Anderson from the Lodge, individuals inside attempted to keep Beckner from departing until Anderson had left. Jackson and Martin attempted to restrain the combative Beckner, who verbally threatened and attempted to strike Jackson before breaking away. When Jackson had Beckner by the legs, Brian Martin stated that Beckner tried to punch Jackson Martin trial testimony). Jackson said he was unaware Beckner had tried to punch him until he heard it from Brian Martin after the incident (Deposition 11-24-2020 p. 249/L7-23). Jackson recalled Brian Martin's comments in the days after the event when Brian told him, "When he (Beckner) drew back to hit you in the back of the head, that's when I jumped in and grabbed his arm to keep him from doing that (Deposition 11-25-2020 p. 256/L11-17).

Jarrod Jackson stated he released Beckner at the end of the first fight. "I did let him go. I mean, I didn't have any choice but to let him go. I mean, he outweighs me by 130 pounds. I wasn't going to hold him very long" (Deposition 11-24-2020 p. 250/L3-6). Cooley offered to get Beckner a drink and a ride home in what was described as an attempt to delay his departure. Brian Martin testified that Reed told him to let Beckner go and then told Beckner to go kick his (Anderson) ass (trial testimony).

Beckner engaged in mutual combat with Anderson and then attempted to strike other patrons who intervened to stop the affray. After getting away from Jackson and Martin, Beckner departed the club to pursue Anderson. Video shows Beckner exit the club door and push Mahan out of the way. Mahan was also pushed by Reed. The group is making threatening and violent statements of "kick his ass" as they depart the club pursuing Anderson.

Plaintiff's Security Expert, Russ Kolins, did not note or opine on Beckner's history or conduct on the night of the incident. Kolins did not discuss that Beckner had been drinking before arriving at the Elks or the level of Beckner's blood alcohol content. Kolins did not mention that Beckner suddenly became aggressive and came across the Lodge to engage in physical contact with Anderson willingly. Kolins did not mention Beckner's attempt to strike Jackson or Jackson statement that he could not continue restraining Beckner. Kolins did not discuss Beckner's pursuit of Anderson outside of the lounge and into the grassy area. Kolins did not discuss the comments by Beckner and Reed as they pursued Anderson including testimony that Reed told Beckner to

Kick Anderson's ass. Cotton testified that Reed told Beckner to kick Anderson's ass, and Beckner replied, "oh, I will" (ABC Testimony).

5. Multiple witnesses stated that Anderson was not himself and was acting agitated (antsy) on the evening of this incident.

Jarrod Jackson was with Anderson earlier in the afternoon. The two met at the Elks Lodge and sat outside on the patio having a drink after Anderson completed his day bartending shift. Jackson then went to another local bar, Hu-B's. Jackson testified that Anderson "didn't seem himself" (Jackson Deposition 11-24-2020 p.202 /L16-25, Criminal Trial 0913) while at Hu B's. Witnesses at the Lodge consistently stated that Anderson's behavior was unusual. Many speculated that he was on some type of drug that made him hyper. Medical records from tests taken after Anderson was arrested were negative for drugs, except THC, but he had alcohol in his system. It is unknown if Anderson continued to consume additional alcohol after leaving the Lodge.

Anderson began making inappropriate comments after asking for the jukebox to be turned up (volume increased) and was told no by the on-duty bartender. The bartender explained to Anderson that not everyone wanted the music louder. Individuals inside the bar during Anderson's visit described the genre of the music as hard rock or rap.

Anderson directed his comments toward a group of patrons at the other end of the bar. Anderson expressed that he was as entitled to enjoy the facility as the other patrons and questioned why they were allowed to have the music at their chosen level. Anderson's comments indicate that he felt disparaged or received lesser benefits than other members.

Anderson was making inappropriate comments and had been spoken to by the bartender (Butler), Jackson, and Coleman, who attempted to get him to change his behavior. Butler had stopped service and was in the process of cashing out Anderson when the situation escalated, and the fight occurred. Multiple members and staff witnessed Anderson's comments. Butler and all the members, including Beckner, could write up Anderson for his remarks and have him come before the club board for disciplinary action. Bringing Anderson on a disciplinary charge would most likely have resulted in his no longer Bartending and being suspended from the club.

6. Witnesses stated that neither Anderson nor Beckner appeared intoxicated.

While there were many allegations that Anderson was "on something" or intoxicated, none were based on observations but assumed due to Anderson's peculiar behavior that evening. Jackson testified that Anderson was not intoxicated, and when speaking to Anderson at the Elks about his comments and conduct, Anderson did not display signs of intoxication. Alysa Butler stated in her police interview that Anderson became argumentative and belligerent but did not appear intoxicated.

Jarrod Jackson testified that Anderson was "antsy" or "amped up" but did not notice any slurring of words or that Anderson was overly intoxicated (Jackson Deposition 11-24-2020 p. 88/L4 to 89/L3, p. 115/L10-18, p. 115/L8-18).

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Beckner was described as quiet and having discussions about preparing a bachelor party for a family member. Witnesses did not indicate they felt that Beckner was showing signs of intoxication. Beckner's post-mortem blood alcohol content was listed as 0.125% (subclavian) and 9.136% (vitreous fluid). Furthermore, Beckner tested negative for drugs (PPD00085).

Anderson had a Blood Alcohol Content of 0.102 that was taken between 5.5 and 8 hours after the second fight. It is unknown if Anderson continued to consume alcohol after leaving the Elks Lodge. Anderson tested positive for Tetrahydrocannabinol (PDD00173), indicating he had smoked marijuana before the incident. Unfortunately, it cannot be determined by testing if Anderson was under the influence of marijuana at the time of the incident. At his trial, Anderson testified he had smoked marijuana in the days before the incident.

Russ Kolins opined that based on statements regarding Anderson's behavior, it is more than likely he was intoxicated at the time he returned to the Lodge on the night of the incident" (p, 7). Kolins attempts to support his opinion by stating, "Further, his BAC was .102. However, this sample was not taken until approximately 5 am, nearly six hours after this incident" (p. 7-8). Princeton police noted Anderson's BAC was taken between 0457 and 0804 on 4/16/2017, approximately 5.5 to 8.5 hours after the incident, and would have been different from the time of the incident (PPD00011). Kolins does not mention the witness statements or observations that Anderson did not appear intoxicated.

Further, Kolins does not know if Anderson continued to consume alcohol after the outside fight. Kolins did not opine or discuss the Beckner's alcohol consumption of or Beckner's postmortem blood alcohol content. Neither the State nor Princeton ABC investigations claimed or cited any of the establishments visited by Beckner or Anderson for overservice of either patron.

7. Witnesses did not communicate Anderson's violent comments to the Elks staff.

Witnesses who stated that Anderson made violent comments did not communicate their knowledge to the Elks staff or to any other person.

Kayla Stephenson stated that Anderson said, "past you I don't care about anybody in this bar, I'll kill every one of them tonight" (PPD Video Interview 0331) or "I'll kill every MF in here, except you, I have a knife in my pocket and a gun in my truck" (Criminal trial 1414). Stephenson further stated that there was no specific threat to anyone, and that the jukebox was already loud. Ms. Stephenson did not discuss the comment with anyone and departed the Lodge before the fight occurred.

Tammy Brown stated that Anderson referred to other patrons as "fucking pussies." Brown further stated that Anderson said, "If you want some, come get you some," then turned around and was cordial to Brown and Wood. Brown stated she got tired of Anderson and left before the first fight without notifying the Elks about Anderson's comments.

Tammy Brown stated that Anderson told Tyler Page, "I'm gonna gut one of them son of a bitches" (criminal trial, police interview). It was not clear if Brown overheard the comment or if she learned PC: 000013 of 000055

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of it elsewhere. There is no record of Brown or Page notifying anyone at the Elks about Anderson's remarks.

Cooley testified that Jackson told her Anderson kept saying he was going to send someone to hell after Jackson returned from the bathroom (criminal trial). Jackson stated he was unaware of where Cooley had heard comments about "sending someone to hell" (Jackson Deposition 11-24-2020 p. 247/L5-12). Mahan stated that Anderson told him, "everybody is going to hell. I'm going to hell" (police interview). Anderson's comment is not a direct threat but a confusing statement that may have been a lifestyle conflict with religious beliefs. If Cooley's recollection is correct, Jackson believed Anderson was not a threat. There is no record of Mahan discussing the comment with anyone at the Lodge.

Reed stated he went into the bathroom and overheard Anderson tell Coleman, "it took three of the mother fuckers to whoop me before; that's not going to happen this time" (police interview). Reed stated that he did not tell Beckner about the conversation (police interview). There is no record of Reed notifying anyone at the Elks of the comments.

Cabott Coleman testified Anderson told Bruce Redd, "fuck you, Bruce Redd, I don't like you either." Jackson testified that neither Coleman nor Bruce Redd told him about the comment prior to the incident. He (Jackson) had not heard about it (Deposition 11-24-2020 p. 240/L17 to p.241/L7). Neither Coleman nor Redd informed anyone at the Lodge about Anderson's comments.

Jackson stated he recalled hearing about Kayla Stephenson saying Anderson had commented about "going to gut somebody, stab somebody or something," but that was after the incident (Jackson deposition 11-24-2020 p. 247/L15-19). Jackson testified that he had heard that Anderson sometimes carried a belt sheath knife but did not learn this until after the incident with Beckner (Deposition 11-24-2020 p. 106/L8-11), and "most of the stuff that I heard about Joey came after the fact" (Deposition 11-24-2020 p. 112/L7-8). Jackson further stated he learned about the issue of the jukebox after the incident (Deposition 11-24-2020 p. 198/L3-23).

Jackson spoke to Anderson about his behavior in the Elks Lodge. More likely than not, if he had been aware of the comments, Jackson would have approached Anderson differently and possibly caused him to be removed from the Lodge. Alysa Butler was not aware of the remarks Anderson made to others and was not informed of the comments by the witnesses.

Rumors of incidents involving Anderson were plentiful after the incident. However, no testimony indicates that the Elks knew of Anderson's violent comments. The rumor that Anderson threatened to cut his son and David Brightwell's testimony that Anderson had threatened to gut him after a dispute at the Crooked Tail bar were not known to the Elks and only came to light after Beckner's death.

8. There were no reports of previous fights in the grassy area or Lodge Parking lots.

Allegations were made during the ABC investigation that it was the practice at the Lodge for individuals to take the fight outside and that the grassy area next to the patio was the designated

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fighting area. In the prior incidents discussed, I noted that none of the altercations occurred in the grassy area.

Jackson had been involved in an altercation that resulted in him being grabbed and pulled to the ground. The confrontation occurred outside the patio entrance door and did not leave that area. The patio entrance door is the primary entrance for members using the facility.

The Anderson/Sissy Reed incident occurred just outside the patio entrance door and did not leave that area. Vicki Cotton stated she had been in a fight inside the bar approximately 8 to 9 years prior. Kevin Reed mentioned Wesley Gray and a Goodwin boy getting into it six years earlier but did not provide details.

9. Beckner and Anderson engaged in mutual combat during the fight inside the Lodge.

Testimony indicates that Anderson was upset over Butler's refusal to increase the jukebox volume. Anderson became angry and directed inappropriate comments toward a group of members at the other end of the bar. After being informed by Butler that he was cut off and needed to cash out, Anderson again directed a comment toward the group at the other end of the bar. Beckner became upset and asked, "are you talking to me," and Anderson replied, "yes." Anderson and Beckner then stood, and Beckner moved quickly toward Anderson. Cotton testified that Beckner came ¾ of the way down the bar and Anderson ¼ of the way to where the two engaged (trial testimony). Video from camera 6 supports Cotton's testimony and indicates that Beckner's response to Anderson's words escalated the incident into a physical altercation. Beckner and Anderson engaged in mutual combat during the fight inside the Lodge. Anderson stopped fighting with Beckner upon intervention by other patrons but was still aggressive and appears to be argumentative in the video as Mahan attempts to get him to leave the bar. Beckner also continues his aggression against those stopping the fight by attempting to strike Jarrod Jackson, threatening to strike Brian Martin, and eventually breaking away from their grip.

Review of camera 6 video shows Beckner standing and moving toward Anderson as Anderson comes into the frame. Beckner appears to reach out with his right hand and touch/grab Anderson's left arm as the two come chest to chest. The two then push away from one another and begin to fight. Beckner appears to have made first contact by touching Anderson's arm. However, it cannot be determined if only one or both individuals pushed away from one another. There is speculation that Beckner mistook Anderson standing to pay his bill as standing up to challenge him, and that was why Beckner stood and approached Anderson. Coleman stated that Beckner got up, walked past him toward Anderson, and said, "Joey, you got something you want to say to me?" Joey jumps up and says, "yeah" (police Interview).

Anderson and Beckner were both members of the Lodge and understood physical fights were not tolerated. Both fighters were aware that the other individuals could identify them in the room. Unlike a bar open to the public, the Lodge is restricted to members and guests of members. In this instance, most individuals had known each other for much of their adult lives. Anderson and Beckner were aware that the Lodge utilized surveillance cameras and that the cameras could record. The monitor for the cameras is located on the wall overlooking the bar. The placement of the monitor allows anyone in the bar to observe the camera views.

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Additionally, being a member club, many of the individuals at the bar were involved in the installation, maintenance, purchase, and operation of equipment and grounds, including the surveillance system. The location and recording of cameras were not secret or restricted information at the Lodge. Despite knowing that there would be a record of their actions that would lead to disciplinary action, they chose to engage in a physical fight in the Lodge.

10. Anderson was removed, and staff and members attempted to keep Beckner in the Lodge until Anderson had left.

Anderson, who was now outside on the patio, asked Mahan to retrieve his property inside the lod Lodge (Camera 2). Beckner, who is still inside the Lodge, is resisting those attempting to keep him from leaving, including Cooley, who offers to buy him a drink in what she has testified was an attempt to stall for time and give Anderson time to leave and Beckner time to calm down. Jackson stated he had no choice but to let Beckner go as he "was trying to buy other people time to get Joey out, because if I'd have let him go and they hadn't gotten Joey out, I know what would have happened, they'd have been locked up again, and we would have been right back at square one" (Jackson deposition 11-24-2020 p. 250/L19-23).

Mahan is walking toward the patio door to reenter the Lodge while Anderson walks toward the end of the patio and begins to make a call on his cell phone. As Anderson brings his phone to his ear, he walks outside the fence, turns, and looks over the fence toward the door. Camera 2 shows that Anderson is looking toward Beckner, Reed, Boaz, and Cotton exiting the Lodge. As they exit the Lodge, Beckner and Reed each push Mahan aside (camera 2 22:34:26). Testimony indicates that as the group departed the patio door, they encouraged Beckner to "kick his ass" and said "he deserves it." Anderson, seeing and hearing the angry mob, ducks and moves along the fence before stepping around the corner. Had Beckner walked to his golf cart, parked at the end of the sidewalk leading to the patio door, he would not have seen or encountered Anderson. It is apparent from testimony that Beckner was not leaving but was pursuing Anderson with the intent of kicking his ass.

The video review indicates that Anderson does not appear to be refusing to leave and is waiting for Mahan to retrieve his belongings from inside the Lodge. When Anderson observes, and most likely hears, the mob (who have pushed Mahan aside) departing the Lodge, his actions indicate that he does not want further involvement. I believe that when he saw Beckner and his cohorts exiting, Anderson realized he had bitten off more than he could handle. Testimony indicates a prior incident where two individuals had held Anderson while Beckner had beaten him in the past. I would find it more likely than not that Anderson, seeing Beckner and multiple angry cohorts coming for him, anticipated being ganged up on again. Anderson took evasive action to avoid Beckner; he tried to hide. Anderson testified in his criminal trial that he was concerned that Mahan was being attacked. It is possible that Anderson's concern was valid. This is supported by his action of running and hiding behind the fence and not confronting Beckner.

Video from inside the Lodge shows staff and members cleaning up the fight area and returning to normal operations, indicating to me that they were unaware that a second fight was occurring. Jackson testified, "I know me, and Christina thought that they had—that it had just dissipated and left. We didn't realize anything was going on outside until Cabott came back in" (Jackson deposition 11-24-2020 p. 228/L3-5, p.248/L1-7).

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11. The outside fight and allegations of Anderson Lying in Wait.

Cameras 2 and 6 show Mahan removing Anderson from the bar and Anderson speaking to Mahan and gesturing back toward the building. Testimony indicates that Anderson asked Mahan to return inside for his hat and glasses (Anderson trial testimony, Mahan police interview). Anderson then walks away from the door, around the fence, where he stops and waits for Mahan. Anderson is standing along the fence when the door from the Lodge opens and Beckner, Reid, Cotton, Coleman, and Boaz exiting the building. Anderson was more likely than not expecting Mahan to be exiting instead, he observed an angry mob yelling threats against him. Anderson immediately ducks down and runs away from the group and around the end of the fence. Anderson appears to have realized that he has bitten off more than he can chew. Considering the history of Beckner beating him while two accomplices held him, it is reasonable to believe that he was fearful of being the victim of a gang attack.

Cooley stated that Reed had commented that Anderson was waiting at the fence (police interview p.7). Reed, who assisted in breaking Beckner free from those attempting to restrain him after the inside fight, encouraged Beckner to find Anderson and kick his ass, then claimed that Anderson was allegedly lying in wait for Beckner. I believe Reed's statement of "Anderson waiting at the fence" would have been stated differently had Anderson not stabbed Beckner.

Plaintiff and Plaintiff's Security Expert have claimed that Anderson was lying in wait for Beckner. I find this narrative absurd, as it would have required that Anderson know both that Beckner would pursue him and when Beckner would exit the Lodge. Anderson's actions in the video along the fence do not indicate he was waiting to attack Beckner but rather was attempting to avoid Beckner. Anderson's actions show that he was not expecting Beckner and the mob to exit the bar and immediately moved away from their direction of travel upon seeing them exit. His action of ducking and running away from the group indicates that he did not intend to engage in further fighting. It is my opinion that Anderson attempted to hide and allow Beckner to pass him. Plaintiff and Plaintiff's Security Expert have made an issue about lighting in the location of the grassy area. The actions of Beckner indicate that there was sufficient lighting for Beckner to see Anderson as he ran away from Beckner.

Sub clip "outside incident pursuit" shows Beckner approaching Anderson and not Anderson approaching or jumping out to ambush Beckner. Beckner's intent was clearly to harm Anderson, and Anderson appears to be taking evasive action to avoid further confrontation.

12. The Elks Lodge's response to a fight was consistent with common practices in the hospitality and bar industry.

Testimony from Elks staff, leadership, and members indicates that individuals were asked to leave if involved in behavior deemed inappropriate (Jackson deposition 11-24-2020 p. 133/L2-9, p. 133 /L24 to 134/L4). If asked to leave, the individual would also be potentially subject to discipline, including suspension of Lodge privileges for their actions. The occurrence of a disagreement or physical fight does not always result in a call to the police. This is common in the bar, hospitality, casino, retail, and other industries. Without a complaint from one of the participants, there is no crime to report. The police would likely never produce a report but would list the incident as gone on arrival (GOA), refused to sign a complaint, or unfounded in their call for service (CFS) disposition.

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When Anderson made his initial complaints about the music volume and began to make inappropriate comments, he was spoken to by the bartender on duty (PDD00035). When Anderson resumed his remarks, the bartender escalated her concerns by notifying the off-duty bar manager and Jackson (Jackson Deposition 11-24-2020 p. 82/L17-21, trial, and ABC testimony). Jackson spoke to Anderson to make sure that Anderson was ok, and after speaking to Anderson, believed he was calmed down and "ok." However, when Anderson resumed his comments, he was told to cash out and began to pay his bill and checkout.

When Anderson was cashing out, Elks was not aware of any threatening comments and acted on their observations of Anderson's demeanor and inappropriate language. When Beckner stood up and shouted, "are you talking to me?" it is apparent that his comment was a question. Unfortunately, Anderson replied "yes," and Beckner responded by coming at Anderson. Anderson's words, while inappropriate, are not a challenge to fight. Fighting in response to namecalling is best addressed in the children's adage, "Sticks and stones may break my bones, but words will never hurt me." Had Beckner not addressed Anderson, the incident involving the fights or his death would never have occurred. Likewise, if Anderson had responded "no" or said "sorry, having a bad night," then the incident and death of Beckner would more than likely not have occurred.

When the fight occurred, both participants engaged in mutual combat and neither participant was being attacked or responding in self-defense. Cooley testified that when the fight started, she yelled, "not in here, get out." Plaintiff has interpreted this comment as a direction for people to step outside and fight. Cooley stated that the practice of the Elks was that all people involved in an altercation, physical or not, were required to leave, and the actions could possibly result in disciplinary action by the Lodge (ABC interview).

Jackson testified that Brian Martin told him that Beckner was about to hit him, so Martin grabbed ahold of Beckner (Deposition P249/7-10). Brian Martin stated that he had ahold of Beckner, and Beckner stated he would punch him. Martin also stated another guy was hollering at him to let Beckner go (ABC interview). Page stated that Beckner was saying, "let me go, I'm gonna whoop you" (police interview). Kevin Reed testified that he told Beckner to whoop his ass, because he needed it (trial testimony), Reed stated that he knew Grant well enough to know Grant was going to whoop his butt and that he wasn't going to hurt him to the extent it wouldn't heal (police interview). Brian Martin testified that as Beckner was swinging his fist at Jackson, he (Martin) grabbed Beckner in a full-nelson to keep him from striking Jackson (trial testimony).

Kolins opined that the Elks "failed to provide adequate, effective security for its patrons." The individuals injured in this incident disregarded the rules of the Lodge when they willingly engaged in a physical fight. Neither the Elks Lodge nor its staff escalated, encouraged, or failed to recognize conduct issues. The staff took action to correct and then eliminate the inappropriate conduct from the Lodge. Had Beckner not chosen to engage Anderson, it is clear from the testimony that Anderson was leaving and would have left more likely than not. Beckner's actions interrupted Elks' process of removing Anderson and created the initial altercation. There is no evidence that the Elks Lodge was an unsafe location. The property was used for multiple activities, including an

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Easter egg hunt earlier in the day of this incident. There is no defect or omission in safety devices involving the premises.

Kolins opines that the Elks "failed to provide adequate security deployment, personnel and crowd management services for the event." I am uncertain what event Mr. Kolins is referring to in his opinion. The Elks' Lodge is a small facility, and the bar area, on a Saturday night, had less than twenty patrons. The on-duty staff member was the bartender who, as discussed previously, took appropriate actions to address Anderson's behavior and began his removal from the facility. Kolins further indicates that the Lodge should have had a dedicated security person. Most bars do not have dedicated security personnel, particularly a micro-facility such as the Elks. Kolins opinion that the Elks were inadequate in security deployment, personnel, and crowd management is not consistent with the standard practices of the bar and hospitality industry.

Kolins opines that the Elks failed to provide adequate personnel training. The staff has testified that they had attended alcohol awareness training, and the bartender on duty acted appropriately in recognizing and responding to Anderson's behavior. There have been no concerns with the quality of service provided. Kolins' opinion that the Elks should have de-escalated Anderson and, in failing to do so, they fell below the standard of care is inaccurate. Alysa Butler had addressed Anderson, and she and Anderson had come to the decision that it was time for Anderson to go home. Anderson was in the process of cashing out to leave when Beckner responded to his comment. Butler had succeeded in calming Anderson to the point where he was leaving and was not disputing Butler's request to leave.

Furthermore, Kolins opined that the Elks failed to implement adequate security policies, procedures, protocols, and measures necessary to protect Beckner and other patrons. I have previously addressed these issues and find Kolins' opinion without merit. Beckner's actions placed him in peril. The Elks were in the process of removing Anderson when Beckner escalated verbal comments to physical violence. Beckner then broke free from well-intended patrons, pursued Anderson, and engaged in a second physical altercation.

Kolins states that the Elks failed to maintain proper surveillance measures. It is apparent that Mr. Kolins did not review any of the 180 hours of video provided by the Elks Lodge for the date of the incident. The number of cameras and the length of the recordings is more robust than commonly available for incident review. Furthermore, the Elks cameras captured Anderson's actions at the bar, Beckner and Anderson's fight inside, Anderson departing, Beckner pursuing, and an overview of the area where the outside fight occurred.

Kolins opined that the Elks should have had a dedicated employee watching the cameras and stated that "one viewing the cameras would have seen Anderson's actions." The allegation in this matter involves comments made by Anderson. There were no reports of Anderson making threatening gestures or displaying a weapon. Anderson had no actions for a surveillance operator to observe that would have indicated a fight was about to occur. Likewise, my review of Beckner on the video does not show any gestures indicating he intends to fight Anderson until he stands up and approaches Anderson.

It is not within the standard operating procedures for bars and most nightclubs to have dedicated individuals conducting real-time monitoring surveillance cameras. The gaming industry has surveillance regulations. However, the requirement for real-time monitoring is limited to the

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largest unrestricted licensed casinos. Smaller casinos and bars with slot machines are not required to monitor in real-time, and monitoring is directed toward the gaming activity and not patrons. I am aware of several nightclubs that do utilize real-time video monitoring. These facilities are in the 80,000 square foot range and have around 4,000 patrons. Kolins' opinion that there was an issue with surveillance at the Elks is unfounded.

Kolins opined that Elks failed to have a policy that personnel patrol the parking lot to detect criminal activity. This incident did not occur in a parking lot. There is no history of criminal activity in the parking lot except for a stolen vehicle report.

13. Friends of Beckner encouraged him to pursue and assault Anderson while forcefully preventing Mahan from stopping the fight.

Friends of Beckner encouraged Beckner to pursue Anderson after the inside fight had ended and Anderson had departed the building.

Kevin Reed stated in his ABC interview that "I told Grant to kick his ass as we were going out the door." Reed, who believed it was going to just be a fistfight, recalled pushing Mahan out of the way but did not recall saying anything to him. Reed further stated, "I just knew I didn't want anyone else to get involved it that might affect Grant. I wanted it to be a fair fight for Beckner" (Jackson Deposition 11-24-2020 p. 95/L8-12, Page police Interview, Reed trial testimony, Cotton ABC testimony). Mahan, Cotton, Brian Martin, and Reed have testified that Cotton and Reed used verbal and physical force to stop Mahan from interceding or preventing the second fight. Jackson testified that Reed said to Brian Martin, "Joey needs his ass whooped" (Jackson Deposition 11-24-2020 p. 95/L8-12). Jackson did not recall if Reed had prefaced his comment with a demand that Brian Martin "let him go" (referring to Beckner).

Cotton stated at trial that Mahan wanted to get involved, but she stopped him. Cotton is observed in video 2 with her hands on Mahan and physically blocking him from intervening before the outside fight. During the outside fight (camera 9), Cotton continues to block Mahan, using both her hands and body to keep him away. More likely than not, Mahan had the physical ability to move Cotton out of the way. However, I believe that had he done so, he would have drawn the ire of Reed, Coleman, and Boaz and potentially become involved in a fight. Cotton's comments indicated she wanted Beckner to fight Anderson and was concerned that Mahan would assist Anderson in fighting Beckner or stopping the fight. Mahan was described as a friend of Beckner (Cotton police interview). There was no indication by witnesses or his interaction with Anderson on the night of the incident to believe Mahan had ill will toward Anderson. Cotton testified she was trying to keep Mahan from stopping the fight (ABC testimony).

Kevin Reed and Vickie Cotton share responsibility for the death of Beckner due to their complicity while removing Beckner from the Lodge, encouraging him to fight, and preventing others from stopping the fight.

Plaintiff's Security Expert, Russ Kolins, did not mention the group of Beckner's associates that exited the building with Beckner. Kolins did not mention that Reed was encouraging Beckner to find Anderson and "kick his ass" or that Anderson "deserved it." Kolins made no mention that PC: 000020 of 000055

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Reed and Cotton interfered with the only individual who was attempting to stop the fight. Kolin's omissions indicate that he feels it is acceptable for an angry mob to pursue a person who made inappropriate comments while they are making violent statements and inciting violence. Kolins appears to be advocating the actions of Beckner only because Beckner died during the assault.

14. Plaintiff claims that had Elks called the police for the inside fight the police would have arrived before the outside fight are unsupported by Princeton Police Call Records.

Plaintiff claims that the Elks should have called the police for the inside altercation, and had they done so, the police would have prevented the outside fight. Plaintiff bases this belief on the two minute and 51 second (02:51) response time by the police when called for Beckner's stabbing.

It is not a standard practice in the hospitality industry to call the police for all incidents involving fights, posturing, or arguments. Often, one or both parties leave before the police arrive, and frequently both parties decline to press charges. An establishment will rarely choose to press charges under a statute like Kentucky's Disorderly Conduct Statute (525.060). Based on their knowledge and relationship, I do not find it reasonably anticipatable that either Anderson or Beckner would have pressed charges after the inside incident.

The fight inside began at 22:33:17 and Anderson is observed rolling out from under Beckner at 22:36:01, or two minutes and 44 seconds (02:44) from the beginning of the inside fight until Anderson has stabbed Beckner and Beckner has collapsed. It cannot be determined when Anderson began stabbing Beckner or when the fatal blow/s were delivered. It can be reasonably anticipated that Beckner had been stabbed before he stopped fighting and Anderson crawled out from under him. If it took one second to deliver each of the 17 stab wounds, then Beckner would have received the fatal injuries approximately two minutes and 27 seconds (02:27) after the start of the first fight. If witness speculation that Anderson intended to stab Beckner is accurate, Beckner could have been stabbed within one minute and 43 seconds of the first fight (estimated using time on the ground from video 9).

The 02:44 time from the start of the inside fight until Anderson stabbed Beckner and stood up is seven seconds faster than the police priority response. The time from the beginning of the first fight until the time Anderson delivers fatal wounds is estimated at 02:27, or 24 seconds quicker than the police response. Had Elks called 911 the moment the inside fight began, Beckner would still have been stabbed.

An additional factor is the "on scene" time in the police call record is 23:40:53. Video of camera 9 indicates that the police officer has arrived and is stepping out of his car at 22:41:30. The additional 47 seconds can be either the difference between the officer calling he is at the address versus being at the incident location or a time discrepancy between the 911 dispatch computeraided dispatch time and the time setting on the Elks Lodge DVR. For the police to have stopped the fight, they would have had to first arrive at the location of the incident. Assuming a single officer would be able to stop an altercation, the additional 37 seconds would have the police arriving approximately one minute after the stabbing. This analysis assumes the use of a priority one code response by the police. The priority one response is the fastest priority response,

commonly referred to as "running code," indicating the use of lights, sirens, and emergency vehicle driving tactics to arrive at a location as quickly as possible.

Had Elks called 911 at the beginning of the inside fight, the call most likely would not have been a priority one call, but a person removed call. Analysis of response times to the Elks by emergency services indicates that the average response to calls like disturbances and medical emergencies averages six minutes and 21 seconds (6:21). Analysis of the Princeton Police call records produced found the following response times and indicates that outside of the Beckner priority response, the quickest response was four minutes and fourty one seconds (04:41) for an altercation. As discussed previously, the call time is most likely the time of arrival at the address and not the time the officer is out of the vehicle and interacting. The time to arrive at the incident location added 37 seconds to the priority call. It is reasonable to assume that the response time from the address to the incident location would be greater for a non-priority call.

Date	Call	Response Time
08/05/2011	Chest pain	05:25
11/01/2014	Altercation	04:41
02/26/2017	Heart Attack	08:20
03/19/2017	Stolen Vehicle	06:34
04/15/2017	Stabbing (Beckner)	02:51
07/08/2014	Out of Control	07:29
01/22/2018	Person Removed	05:37

It is also noted that Beckner's friends, who had been encouraging his assault on Anderson and blocked the only person who tried to end the fight, waited one minute and 22 seconds (01:22) after seeing Beckner collapse before calling for medical assistance.

15. Plaintiff's expert Russ Kolins makes several speculative opinions and statements.

Kolins stated that based on Anderson's drinking history, it was likely he had been drinking at work. There is no testimony indicating Anderson was or had consumed alcohol while tending bar at the Elks Lodge.

Kolins testified that he does not form any opinions on witnesses' credibility even though he gets contradictory things (Depo p. 60/23-25). He then uses an example of Jackson claiming he made one statement that and the video proved was untrue.

The statement that Mr. Jackson made that when he came outside, he went over to Mr. Beckner to offer assistance to him, but the video shows him standing at the door with his hands in his pockets, not once going over to Mr. Beckner. So the video actually disproves the statement that Mr. Jackson made (Depo p. 61/1-23).

Review of the video shows Jackson standing by the patio door at 22:37:49



Camera 2 and Camera 1 show Jackson and Cooley running out the patio entrance toward the incident location, at 22:39:17.





Camera 9 shows Jackson at the scene of the incident where Kolins claims he never was.





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Camera 9 shows Jackson at the incident location at 22:41:03 and being the first person to approach the police upon their arrival at 22:41:30. Kolins opined on lighting and the fact that the police used a spotlight to illuminate the area but failed to notice that Jackson was standing in front of the spotlight speaking with the officer. Video evidence from multiple cameras indicates that Kolins was incorrect. Included with this report is a file titled Jackson sub-clips at the location. The file contains the following video segments.

- 1. Cam 1 Jackson running
- 2. Cam 2 Jackson running to scene
- 3. Cam 9 Jackson outside at scene

Kolins does not discuss or opine on Beckner's drinking, drinking history, blood alcohol content, fight history, or actions on the night of the incident. Kolins does not discuss or opine on the actions of Reed, Cotton, Mahan, or Coleman. Kolins comments on the alleged statement by Cooley regarding seeing 3-4 fights in a year, despite that comment not occurring in her testimony or statement.

Kolins opines that Anderson was the aggressor, despite testimony and video evidence indicating that Beckner was the individual who stood and charged across the bar to engage Anderson. Kolins is critical of Elks staff for not preventing the altercation, despite following industry standards of recognizing a behavioral issue, reprimanding the individual whose behavior was inappropriate, discontinuing alcohol service, and convincing the individual to cash out and call it a night.

Kolins is critical of the lack of written policy and record-keeping at the Lodge. I do not dispute that written policies are better practices than unwritten ones. In this instance, the Lodge staff followed policy by recognizing, intervening, stopping service, and ending the patron's stay. Kolins is critical of variance in policy articulation by employees. I have never worked in an organization or observed in an expert case where every employee could recite policy verbatim. There is always some variance in the explanation by staff. This is not to say that the policy explanations are inconsistent or misstate the policy. The records of prior alleged events were difficult for the Lodge to find. From my review of discovery, the issues related to the various record-keeping practices of multiple volunteers. In this incident, no harm resulted from the Lodge's record-keeping practices.

Kolins takes issue with parking lot lighting. The Lodge is a private club and not open to the public. The members are familiar with the grounds, location, and lighting. During my site inspection (4/14/22), I observed the overall grounds, incident location, and areas near the Lodge. Lighting evaluation of the incident location was not possible due to the removal of the large tree/shrub, fence, and addition of lighting since the incident.

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The overall lighting was consistent with nearby locations and the neighborhood in general. However, lighting was not a factor in this incident. Beckner charged out of the Lodge with full intent and support by his cohorts to find Anderson and kick his ass. Beckner was not deterred by the presence of lighting, witnesses, and surveillance inside the Lodge. More likely than not, Beckner would not have been deterred by better outside lighting. In this instance, Anderson stepped behind the fence, not to attack Beckner, but to hide from him. Increased lighting would have assisted Beckner in finding Anderson. Despite claims by Kolins of the darkness, we know that Beckner was easily able to locate Anderson.

Kolins was critical of the surveillance system at the Lodge. The system had an adequate number of cameras placed in reasonable locations meeting both the needs of the Lodge operations and access control. The cameras captured the activities both inside and outside on the evening of the event. Video for the day of the incident consisted of approximately 180 hours of video. Video from prior incidents was produced indicating that the Lodge had robust storage capacity. The monitor for the cameras is located along the wall at the end of the bar. The monitor displayed the cameras in full view of staff and members. It is common to locate monitors in this manner to monitor access and provide a subtle psychological notice to patrons that their actions are being recorded. Cooley stated she believed the monitor was not turned on that evening. Cooley was not working that evening and was physically located in the adjacent pool room during most of her visit. I do not find a record of Butler, the on-duty bartender, or any patron being asked if they recalled viewing the monitor that evening.

Kolins takes issue with the employment practices of the Lodge. I do not recall Mr. Kolins having expertise in labor law or human resources.

Summary

Based on the discovery reviewed to date, it is my opinion that the incident where Plaintiff was injured was not reasonably anticipated based on prior incidents. The Elks Lodge acted reasonably when identifying inappropriate behavior and taking corrective actions, including termination of alcohol service and convincing Anderson it was time to cash out and depart the facility. The staff and leadership of the Elks Lodge did not encourage either participant to engage in fighting or condone their actions when doing so. Actions by Elks leadership, including past disciplinary practices and maintenance of meeting records, did not contribute to or encourage Beckner and

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Anderson's fight. The lighting at the Lodge did not contribute to Beckner and Anderson's decision to engage in combat or the selection of either fight location. Lighting or fight location did not deter onlookers from running to the location (like 8th graders) and encouraging Beckner to kick Anderson's ass. Elks' security posture was reasonable and consistent with a non-public low occupancy venue.

My analysis and opinions are to a reasonable degree of professional certainty based on my experience, training, education, and review of documents in discovery. Additional discovery, alteration, or modification of existing discovery produced after this report's date may modify my opinions. I understand that discovery is continuing in this matter. Should I receive more materials, I anticipate producing an addendum report before the trial. Please contact me for clarification of any of the points raised above.

Respectfully submitted,

Steven T. Baker, CPP, PSP, PCI

St. Boher

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Appendix A: Reviewed Document List

- 1. Complaint
- 2. Defendants Answer to Plaintiff's Complaint
- 3. Defendant's Third-Party Complaint
- Princeton Police Report KY 17-179 PPD00001-248
 - a. Statement of Jarrod Jackson PPD00031-32
 - b. Statement of James Mahan PPD00032
 - c. Statement of Vickie Cotton PPD00033
 - d. Statement of Alysa Butler PDD00035
 - e. Statement of Jerald Lynn PDD00037
 - f. Statement of Christopher Pool PDD00038
 - g. Statement of Melissa VanCleve PPD00039
 - h. Statement of Sarah Spurlock PPD00040
 - i. Caldwell Medical Center Records PPD00041-00051
 - j. AXIS Forensic Toxicology Report PPD00052
 - k. Coroner Preliminary Diagnoses Grant Beckner PPD00053
 - Postmortem Examination of the Body Grant Beckner PPD00054-00062
 - m. AXIS Forensic Toxicology Report Grant Beckner PPD00063-00067
 - n. Caldwell Medical Center Admission Summary Grant Beckner PDD00068-00095
 - a. Pages PDD00090 to 00095 unreadable
 - o. Affidavit for Search Warrant PDD00096-00098
 - p. Search Warrant PPD00099-00100
 - q. Affidavit for Search Warrant Trailer PPD00101-00103
 - r. Search Warrant Trailer PPD00104-00105
 - s. Property Impound Forms PPD00106-000116
 - t. Evidence Release Sheet PPD00117
 - u. Property Impound form PPD00118-00122
 - v. Inmate Property List PPD00123
 - w. Property Description Form PPD124
 - x. Affidavit for Search Warrant Medical Records PPD00125-00127
 - y. Search Warrant Medical Records PPD00128-00129
 - z. Affidavit for Search Warrant Medical Records PPD00130-00132
 - aa. Search Warrant Medical Records PPD00133-00134
 - bb. Caldwell Medical Center Beckner Emergency Department Record PPD00135-000146
 - cc. Affidavit for Search Warrant Medical Records Anderson PPD00147-00149
 - dd. Search Warrant Medical Records Anderson PPD00150-00151
 - ee. Transmission Log PPD00152-00154
 - ff. Caldwell Medical Emergency Department Records Anderson PDD00155-00180
 - gg. Search Warrant with records Verizon Wireless PDD00181-00189
 - hh. Case Mission Log Fax to Verizon PDD00190-00194
 - ii. Search Warrant AT&T Wireless with records PDD00195-00198
 - Search Warrant Anderson PDD00199-00203 jj.
 - kk. Search Warrant Anderson DNA PDD00204-00205

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II.	Search	Warrant	Anderson	DNA	PDD00206-00208

- Kentucky State Police Request for Evidence Examination PDD00209-00210 mm.
- nn. Kentucky State Police Forensic Lab Report PDD00211
- Princeton Police Forensic Processing Report Video PDD00212-00217 00.
- Kentucky State Police Forensic Lab Examination PPD00218-00219 pp.
- Affidavit for Search Warrant Anderson's Phone PPD00220-00224 qq.
- Kentucky State Police Electronic Crime Branch Phone Extraction Report rr. PPD00225-00227
- Search Warrant Anderson Phone PPD00228 SS.
- tt. Agreed Order Pertaining to Bond Conditions PPD00229-00230
- uu. Kentucky State Police Request for Evidence Examination Anderson's Phone PPD00231-00233
- Evidence Photographs PPD00234-00235 VV.
- Verizon Emergency Situation Disclosure PPD00236-00240 ww.
- PEAC Detail Call Sheet PPD00241-00245 XX.
- Vehicle Records PPD00246-00248 yy.
- 5. Index of Princeton Police Department File
- 6. Dashcam Video #607 Bradley French
- 7. Dashcam Video #609 Jordan Choate
- 8. Commonwealth v Anderson
 - a. 2018-08-20 Stevenson, Kayla (1403 to 1419), Brown, Tammy (1420 to 1431)
 - b. 2018-08-20 Brown, Tammy Continued (1431 to 1435)
 - c. 2018-08-21 Jackson, Jarrod (0906 to 0918)
 - d. 2018-08-21 Jackson, Jarrod continued (0919 to 0923), Martin, Ryan (0924 to 0935), Cotton, Vickie (0936 to 1021)
 - e. 2018-08-21 Coleman, Cabott (1041 to 1110, Reed, Kevin (1111 to 1133), Mahan, Tyler (1134 to 1149)
 - f. 2018-08-21 Boaz, Austin (1300 to 1319)
 - g. 2018-08-22 Cotton, Vickie part 2 (1019 to 1021), Martin Brian (1021 to 1024)
 - h. 2018-08-22 Martin Brian pt. 2 (1025 to 1027), Cooley Christina (1028 to 1033)
 - i. 2018-08-22 Anderson, Joey (1033 to 1148)
- 9. City of Princeton Alcoholic Beverage Control
 - a. Princeton Ordinance
 - b. Princeton Open Records Request
 - 1. Open Records Request Letter
 - 2. Advertisement for Elks Lodge Kitchen
 - 3. Elks Lodge Princeton Alcohol License
 - 4. PABC License Type NO 3 Retail Drink License (Private Club)
 - 5. Annual Licenses and Payment Records
- 10. Kentucky Alcohol Beverage Control-Licensing Applications and Renewals
 - a. ABC Blank Lodge Field Report 1 15 13
 - b. ABC Bond Lodge report 1 17 13
 - c. ABC Bond Lodge Floorplan & Photos 4 29 14
 - d. ABC Field Card for Lodge 1 15 13

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- e. AOC Jarrod Jackson Records Search 11 1 12
- f. AOC Matthew Schalk records Search 11 7 12
- g. AOC Patrick Sheridan Records Search 11 26 12
- h. AOC Tim Vance Records Search 11 26 12
- i. Appeal of ABC License Denial 12 18 12
- j. Lodge ABC License 2015
- k. Lodge ABC License 2018
- I. Lodge ABC License 11 26 12
- m. Lodge ABC License Renewal Application 2013
- n. Lodge ABC License Renewal Application 2015
- o. Lodge ABC License Renewal Application 2016
- p. Lodge ABC License Renewal Application 2017
- q. Lodge ABC Renewal Receipt 2 19 14
- r. Lodge ABC Supp License Application 12 12 13
- s. Lodge Articles of Incorporation 7 17 96
- t. Lodge Deed 3 6 97
- u. Lodge Site & Floorplan 3 6 97
- v. Patrick Sheridan Contact Info
- w. Princeton Fire Department Letter Approving Licenses 1 10 13
- x. Princeton Fire Department Letter Denying Licenses 12 18 12
- y. Times Leader Affidavit of Publication 12 3 12
- 11. Kentucky Alcohol Beverage Control Kentucky ABC

Beckner Investigation

- a. Andersons Hu-B's Receipt 4-15-17
- b. Andersons Lodge Receipt 4-15-17
- c. Crider Case Report 5 31 17
- d. Crider ABC Diagrams and Photos
- e. Kentucky Department of Revenue Records 4 21 17
- f. Kentucky Secretary of State Records Search 4 21 17
- g. Lodge Camera Floorplan
- 12. Kentucky Alcohol Beverage Control 17-ABC-109
 - a. ABC Notice of Violation 7 29 2017
 - b. ABC Findings of Fact, Conclusions of Law, & Final Order
 - c. ABC Amended Findings of Fact, Conclusions of Law, And Final Order
 - d. Plaintiff's Transcript of Steve Wallace ABC Testimony
 - e. 2018 09-11 Hearing Video 1
 - f. 2018 09 11 Hearing Video 2
- 13. Kentucky Alcohol Beverage Control 18-CI-217
 - a. Petitioners Brief 2019 5 17
 - b. Respondents Department of Alcohol Beverage Control and Alcohol Beverage Control Board's Joint Response to Petitioner's Brief in support of Petition of Judicial Review
 - c. Petitioners Reply Brief In Support of Petition For Judicial Review
 - d. Agreed Order of Dismissal of All Claims

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14. Kentucky Alcohol Beverage Control Witness Interviews and Statements

a. Alysa Butler Statement

18-CI-00101

- b. Brian Martin Interview Transcript
- c. Christina Cooley Statement
- d. Christina Cooley Interview Transcript
- e. Kevin Reed Interview Transcript
- f. Ryan Martin Interview Transcript
- g. Tyler Mahan Interview Transcript
- h. Vickie Cotton Interview Transcript

15. Grant Beckner Medical Records

- a. Caldwell County Coroner Photos
- b. Caldwell County Coroner Records
- c. Caldwell County EMS
- d. Medical Center Consolidated Records

16. Princeton Police Department Witness Interviews

- a. Jackie Turner Audio Interview-Inaudible
- b. Elijah Anderson Video Interview 04-20-2017
- c. Elijah Anderson Video Interview 05-5-2017
- d. David Brightwell Video Interview 04-21-2017
- e. Charles Griffith Video Interview 04-25-2017
- f. Chris Oakley Video Interview 04-25-2017
- g. Robin Jones Interview PARTIAL 5-05-2017
- h. Terry Wood Interview 04-28-2017
- i. Jeff & Robin Jones Audio Interview 04-21-2017
- i. Mike Phelps Video Interview 04-28-2017
- k. Bruce Redd Audio Interview 05-04-2017
- Cabott Coleman Audio Interview 05-04-2017 ١.
- m. Kayla Stephenson Video Interview 04-25-2017
- n. Jarrod Jackson Video Interview 04-25-2017
- o. Tammy Brown Video Interview 04-23-2917
- p. Joseph Anderson Video 04-16-2017
- q. Vickie Cotton Audio Interview 4-20-2017
- r. Vickie Cotton Video Interview 4-20-2017
- s. Kevin Reed Video Interview 04-19-2017
- t. Austin Boaz Video Interview 04-24-2017
- u. Alysa Butler Video Interview 04-24-2017
- v. Brian martin Interview 4-24-2017
- w. Austin Boaz Video Interview 4-20-2017
- x. Kevin Reed Police Interview 4-19-2017
- y. Alysa Butler Police Video Interview 4-25-2017
- z. Cabott Coleman Police Video Interview
- aa. Ryan Martin Police Video Interview
- bb. Ryan Martin Police Video Interview 4-21-2017
- cc. Christina Cooley Police Video Interview

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- dd. Tyler Mahan Police Video Interview
- ee. Bruce Redd Police Video Interview
- ff. Tyler Page Police Video Interview
- 17. Plaintiff's Second Expert Witness Disclosure
 - a. Christopher Kiefer, MD
 - b. Russell Kolins, Security Expert Report 11 7 2021
- 18. Deposition of Kayla Stevenson as Lodge Secretary
- 19. Deposition of Jessica Board Secretary 2017
- 20. Deposition of Vickie Cotton Corp Rep 1 29 2020
- 21. Deposition of Vickie Cotton 10 27 2020
- 22. Deposition of Tim Lane 1 29 2020
- 23. Deposition of Jerelyn Beckner
- 24. Deposition of Ronnie Beckner
- 25. Deposition of Jarrod Jackson 1-20-2020
- 26. Deposition of Jarrod Jackson 11-24-2020
- 27. Deposition of Deana McDowell
- 28. Deposition of Denise Nelson
- 29. Deposition of Steve Wallace 1-29-2020
- 30. Deposition of Steve Wallace 10-27-2020
- 31. Deposition of Lanie Beckner
- 32. Deposition of Russell Kolins
- 33. Video 4-15-2017 from Elks Cameras 1 through 10
- 34. Video 3-3-2017 from Elks Cameras 1,2, 6 and 7
- 35. Video 3 15 17 from Elk's cameras 1, 2, and 6
- 36. Plaintiffs Video Exhibits
 - a. Anderson Sissy Redd Altercation
 - b. Jackson Allen Altercation
 - c. Departure from Elks to Hu-B's
 - d. Anderson Beckner altercation and Anderson Departure
 - e. Video with 911 audio

37. Defendant Production

- a. Coltharp Letter to Barber re Elks 000600-911
- b. Coltharp Letter to Barber re Elks 000912-937
- c. Coltharp Letter to Barber re Elks 000938-1000
- d. Coltharp Letter to Barber re Elks 1001-1036
- e. BOARD0001-Board0020 Board Minutes
- f. Elks 000001 to ELKS1260
- 38. First Response from Plaintiff to Defendants
- 39. Plaintiffs Second Expert Witness Disclosure
- 40. Defendant Jessica Board's Answers and Responses to Plaintiff's First Discovery Request
- 41. Defendant Jarrod Jackson's Answers and Responses to Plaintiff's First Discovery Request
- 42. Defendant Steve Wallace's Answers and Responses to Plaintiff's First Discovery Request
- 43. Princeton Elks Lodge Response and Objections to Plaintiff's CR 30.02 (6) Notice
- 44. Princeton Elks Lodge Supplemental Response and Objections to Plaintiff's CR 30.02 (6) Notice
- 45. Princeton Elks Lodge Second Supplemental Response Objections to Plaintiff's CR 30.02 (6) Notice

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- 46. Defendant Jessica Board's Responses to Plaintiffs' Second Set of Requests for Admission
- 47. Defendant Princeton Lodge Responses to Plaintiff' First Requests for Admission
- 48. Defendant Jarrod Jackson's Responses to Plaintiffs' Second Set of Requests for Admission
- 49. Defendant Steve Wallace's Responses to Plaintiffs' Second Set of Requests for Admissions
- 50. Defendant Steve Wallace's Responses to Plaintiffs' Second Set of Requests of Interrogatories
- 51. Defendant Steve Wallace's Responses to Plaintiffs' Second Set of Requests For Production
- 52. Princeton Elks Lodge Third Supplemental Response and Objections to Plaintiff's CR 30.02 (6) **Document Requests**
- 53. Defendant Jessica Board's Responses to Plaintiffs' Second Set of Interrogatories
- 54. Defendant Jessica Board's Responses to Plaintiffs' Second Set of Requests for Production
- 55. Princeton Elks Lodge First Amended Responses to Plaintiff's First Requests for Admissions
- 56. Princeton Elks Lodge Fourth Supplemental Response and Objections to Plaintiff's CR 30.02 (5) **Document Requests**
- 57. Princeton Elks Lodge Answers to Plaintiff's First Set of Interrogatories
- 58. Defendant Princeton Lodge Responses to Plaintiff' First Set of Requests for Production
- 59. AT & T Cell Phone Records Anderson
- 60. 911 Call Detail Logs (24)
- 61. Site Inspection April 14, 2022

Appendix B: Curriculum Vitae

CURRICULUM VITAE

STEVEN T. BAKER, CPP, PSP, PCI

P.O. Box 1828 Crossville, TN 38558 (800) 887-3324 Steve@BakerSecurityExpert.com

Steven T. Baker, CPP, PSP, PCI, is President of VTI Associates and has over 30 years of experience providing security, training, and investigative services. His experience includes conducting vulnerability and risk assessments, security operations, investigations, executive protection, litigation support, and providing training in firearms, defensive tactics, and security-related disciplines.

After earning a Master of Science Degree in Security Administration from the University of Detroit, a Bachelor of Science Degree in Criminal Justice from Lake Superior State University, and an Associate of Science Degree in Business from Lansing Community College, Steve continued his education while enrolled in the Public Affairs-Workforce Development and Organizational Leadership Doctoral program at the University of Nevada-Las Vegas. At UNLV, Steve accumulated 50 doctoral credits in research methods, criminology, education, and hospitality. During my graduate studies, I researched alcohol awareness programs, alcohol server interventions, and factors leading to aggression in licensed alcohol service venues

Steve has earned three board certifications, first in Security Management as a Certified Protection Professional (CPP), second in Physical Security as a Physical Security Professional (PSP), and a third in Investigations as a Professional Certified Investigator (PCI), all granted by ASIS International. Additionally, he has earned certification as a Certified Protection Officer (CPO) and a Certified Protection Officer Instructor (CPOI) by the International Foundation for Protection Officers (IFPO).

Having earned multiple instructor and instructor-trainer certifications in security-related disciplines, Steve frequently instructs on firearms, defensive tactics, handcuffing, pepper spray, baton, active shooter, deescalation, and use-of-force. He is a state-certified instructor for concealed firearms courses by the states of Nevada and Utah and a currently a certified instructor for security officer firearms training in Nevada, Tennessee, and Texas (formerly in Arizona and California). Steve teaches civilian firearm safety and concealed carry courses and volunteers as Training Counselor with the Boulder Rifle & Pistol Club in Boulder City, NV.

Steve is former Chapter Chairman and Education Committee Chairman for the Las Vegas Chapter of the American Society for Industrial Security (ASIS), served on the ASIS Hospitality, Entertainment, and Tourism Council (HEAT), and was a founding member of the TASER Professional Security Advisory Board. Currently, Steve is a member of ASIS, the International Law Enforcement Educators and Trainers Association (ILEETA), the International Association of Law Enforcement Firearms Instructors (IALEFI), The International Association of Crime Analysts (IACA), The International Association of Certified Surveillance Professionals (IACSP), the Law Enforcement and Emergency Services Video Association International (LEVA) as well as numerous other related organizations.

Steve has served as an Instructor with the University of Nevada Las Vegas International Gaming Institute (IGI), lecturing on security for Bars, Nightclubs, and Use-of-Force for Security. He is a former Adjunct Instructor in Criminal Justice at the University of Phoenix, a former Adjunct Instructor at Southwestern College, and a former instructor with TAM Nevada's Techniques of Alcohol Management course.

Steve holds professional licenses in five states. He is licensed as a Private Investigator and Private Patrolman in Nevada, A Private Investigator, Security Company, and Security Training School in Texas, and as a Private Investigator in California, Arizona, and Colorado.

Appendix B: Curriculum Vitae

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Continuing Education

EDUCATION

University of Nevada-Las Vegas, Las Vegas, NV 2009-2015

Workforce Development and Organizational Leadership Doctoral program

M.S. University of Detroit, Detroit, Michigan, December 1996

Security Administration

B.S. Lake Superior State University, Sault Ste. Marie, Michigan, August 1990

Criminal Justice/Loss Control

Lansing Community College: Lansing, Michigan, August 1988 A.S.

Business

Additional Postsecondary Coursework

Webster University, Deerfield, IL Graduate Courses Lake Forest Graduate School, Lake Forest, IL MBA Courses Fullerton College, Fullerton, CA Continuing Education Continuing Education University of California-Riverside, Riverside, CA College of Southern Nevada, Las Vegas, NV Continuing Education

PROFESSIONAL EXPERIENCE

1998 - Present Security Consultant, Investigator, and Director of Training

VTI Associates Las Vegas, Nevada

2019-Present **Training Counselor**

Boulder Rifle Pistol Club

Florida International University, Miami, FL

Boulder City, NV

Qualified Agent/Licensee 2016 - 2017

Linxx Global Solutions

Las Vegas, NV

2013 - 2016 Qualified Agent/Licensee

Universal Protection Services

Las Vegas, NV

2015 - 2016 Instructor Alcohol Awareness

Techniques of Alcohol Management (TAM) Nevada

Las Vegas, NV

Adjunct Faculty, Security and Criminal Justice 2013 - 2015

University of Phoenix Las

Vegas, NV

2007-2010 **Desert Lakes Shooting Club**

Chief Range Safety Officer

Las Vegas, Nevada

2005 - 2006 Nevada Qualified Agent

Computer Sciences Corporation-Applied Technologies

Fort Worth, Texas

2002-2005 **Progressive Force Concepts**

Instructor for Firearms, CCW, and executive protection training,

Range Safety Officer, website design

Las Vegas, NV

Appendix B: Curriculum Vitae

2001 - 2002	Loss Prevention Manager Power Logistics N. Las Vegas, Nevada
1997 - 2000	Special Agent Metropolitan Water District Los Angeles, California
1995 - 1997	Security Operations Manager Motorola Libertyville, Illinois
1995 - 1997	Security Officer Playboy Enterprises Chicago, Illinois
1994 - 1995	Assistant Director of Security Four Seasons Hotel Chicago, Illinois
1994 - 1995	Security Officer Swedish Covenant Hospital Chicago Illinois
1992	Security Officer Arlington International Racecourse Arlington Heights, Illinois
1992 – 1994	Security Supervisor O'Hare Hilton Chicago, Illinois
1992 - 1994	Security Officer Woodfield Shopping Center Schaumburg, Illinois
1990 – 1992	Security Officer Stouffer Hotel Battle Creek, Michigan
1991 - 1992	Security Guard Great Northern Sentry Jackson, Michigan
1990	Security Guard Intercept Security Lansing, Michigan
1989-1990	Campus Security Cadet Lake Superior State University Sault Ste. Marie, Michigan
1989	Loss Prevention Agent Big Wheel Stores Sault Ste. Marie, Michigan
1987-1988	Security Guard Pinkerton Security and Investigation Lansing, Michigan

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PROFESSIONAL LICENSES

Nevada Private Investigator and Private Patrolman (Security Consultant) #1174a/b

Nevada PILB Security Firearm Instructor #110

California Private Investigator #20808

California Firearm and Baton Training Facility (former)

Texas Private Investigator and Security Company #C03054301

Texas Licensed Security Training School

Texas Licensed Security and Investigative Continuing Education School (former)

Arizona Licensed Private Investigator #1691958 (former)

Arizona Licensed Security Firearm Instructor (former)

Colorado Licensed Private Investigator #PI2.0000518 (former)

Tennessee Licensed Private Investigator #2346

Tennessee Licensed Security Trainer #932079

PROFESSIONAL CERTIFICATIONS

Certified Protection Professional (CPP) ASIS International

Physical Security Professional (PSP) ASIS International

Professional Certified Investigator (PCI) ASIS International

Certified in Force Science, Force Science Institute

Certified X1 Social Media Examiner (X1SE)

Certified Protection Officer (CPO) Former

Force Science Analyst Certification

INSTRUCTOR TRAINER CERTIFICATIONS

Pepper Spray Defense Instructor Trainer (former)

Defense Baton Instructor Trainer (former)

Handcuffing Instructor Trainer (former)

Defensive Tactics Instructor Trainer (former)

Security Incident Report Instructor Trainer (SIRS) 2012-2015

Civilian Response to Active Shooter Events Train the Trainer (CRASE) 2020-Present

NRA Training Counselor-Pistol, Rifle, Handgun, Shotgun, Personal Protection

Homeland Security Frontline Responder Train-the-Trainer (2005, perpetual)

Practical and Tactical Handcuffing (PATH) Instructor Trainer (2003-2013)

Pepper Spray (OCAT) Instructor Trainer (2003-2013)

INSTRUCTOR AND USER CERTIFICATIONS

Security/LE Firearms/Weapons and Control Devices

Tennessee Security Trainer (armed and unarmed)

Nevada Private Investigators Licensing Board Firearm Instructor

Texas Level 3 Classroom Instructor (2019 to Present)

Texas Level 3 Range Instructor (2020 to Present)

Texas Level 4 Instructor (2020 to Present)

Texas Security and Investigative Continuing Education Instructor (2020)

NRA Law Enforcement Handgun and Shotgun Instructor (2001 to Present)

Defense Tactics Institute (DTI) Affiliate Firearm Instructor

TASER Instructor, TASER International (2008-2020)

Arizona Security Guard Firearms Instructor (2008-2010)

Monadnock Defensive Tactics System (MDTS) Instructor (former)

Monadnock Basic and Advanced (MEB) Baton Instructor (former

Progressive Force Concepts Firearms Instructor

Glock Armorer

Concealed Carry-Firearms

Nevada Concealed Firearm (CCW) Instructor (2002 to Present)

Utah Concealed Firearm (CCW) Instructor

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Texas License to Carry (LTC) Instructor (2019 to 2021)

Tennessee Enhanced Firearm Permit (CCW) Instructor (2021 to present)

Civilian Firearm Training

Appendix B: Curriculum Vitae

California Department of Justice Handgun Safety Certificate Instructor (former)

NRA Refuse to Be A Victim Instructor

Concealed Carry Permit Nevada

Concealed Carry Permit Utah

Concealed Carry Permit Florida (former)

Concealed Carry Permit Arizona (former)

Concealed Carry Permit Texas (2019 to present)

Concealed Carry Permit Tennessee (2021 to present)

Use-of-Force

Filed

Force Science Basic Certification in Force Analysis

Use of Deadly Force Instructor (LFI)

Law of Self Defense Instructor (2019 to Present)

Law of Self Defense Level 1 with state supplements (2019 to Present)

De-Escalation

Management of Aggressive Behavior (MOAB) Instructor (former)

Verbal Defense and Influence Instructor (VDI)

AVADE De-Escalation Instructor

Force Science De-Escalation Instructor 2020-Present

Security Disciplines

Prevention of In-Custody Death Instructor

Workplace Violence/Active Shooter

AVADE Workplace Violence Prevention Program Instructor

Active Attack Event Response Leadership Instructor (ALERT) AVADE Active Shooter prevention Instructor

TOTAL TOUTE CHOOLET PREVENTION

Alcohol Awareness/Dram Shop

Techniques of Alcohol Management Instructor (TAM)

Video Analysis

Input-Ace Operator Certification

PERMITS

Nevada Armed Security Officer Permit (former)

California Armed Security Officer Permit (former)

CONSULTATIONS

I have completed over 200 security assessments in the water and electric utility sector, casinos, apartment communities, residential homeowner associations, corporate headquarters, manufacturing facilities, places of worship, senior and assisted living facilities, and data centers/fiber-optic networks.

I have provided Qualified Agent (Licensee) services to multiple contract security companies with up to 400 security officers. I have contracted to provide Chief Range Safety Officer services and operational consulting at several firearm ranges.

Appendix B: Curriculum Vitae

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PROFESSIONAL ORGANIZATIONS

American Society for Industrial Security (ASIS International)

American Society of Criminology (ASC)

National Rifle Association (NRA)

International Association of Law Enforcement Firearms Instructors (IALEFI)

International Law Enforcement Educators and Trainers Association (ILEETA)

International Association of Crime Analysts (IACA)

International Association Identification (IAI)

International Defensive Pistol Association (IDPA)

Glock Shooting Sports Foundation

Law Enforcement & Emergency Services Video Association (LEVA)

NFAA Archery

Former Professional Organizations

Association of Force Investigators (AFI) (2021-2022)

International Association of Certified Surveillance Professionals (IACSP)

Texas Association of Licensed Investigators (2019-2020)

California Association of Licensed Investigators (CALI) (1998-2002)

Evidence Photographers International Association (EPIC) 1998-2000

National Center for Spectator Sports Safety and Security NCS4

Academy of Criminal Justice Sciences (ACJS) National Fire Protection Administration (NFPA)

International Association of Professional Security Consultants (IAPSC)

International CPTED Association (ICA) former

Association of Certified Fraud Investigators (ACFE)

National Association of Legal Investigators (NALI)

ASIS Southwest Michigan Chapter

ASIS Chicago Chapter

ASIS San Fernando Valley Chapter

ASIS Orange County Chapter

ASIS Los Angeles Chapter

ASIS Las Vegas Chapter

ASIS Austin Chapter

COLLEGE AND UNIVERSITY COURSE INSTRUCTION

2014 - 2015 University of Phoenix, Adjunct Instructor-Criminal Justice

2009 - 2014 University of Nevada-Las Vegas International Gaming Institute (IGI)

Temporary Lecturer-Security

- Arrest and Detention in Nightclubs and Ultra Lounges
- Use-of-Force for Security Personnel
- Arrest and Detention and Incident De-escalation
- Security for Bars and Nightclubs

Adjunct Instructor, Southwestern College-Wichita, Kansas: 2004 Spring

Online Security Course "Legal Aspects of Security

PROFESSIONAL COMMITTEES

2018 California Bureau of Security and Investigative Services

Subject Matter Expert-Private Investigator Licensing Exam

2013 Nevada Private Investigators Licensing Board

Committee to Develop Security Firearm Program Curriculum

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Appendix B: Curriculum Vitae NOT ORIGINAL DO 09/28/2022 10:59:36							
2	2009 - 2011		ate Investigators L bcommittee to Rev	icensing Board rise Security Guard F	MEDIA5022 Firearm Training		
2	2009		Nevada Private Investigators Licensing Board Member, Subcommittee to Revise Security Guard Training				
2	2009 - 2010	TASER International, Professional Security Advisory Board					
2	2009	ASIS Interna	ASIS International, Las Vegas Chapter, Education Committee Chairman				
2	2007 & 2008	ASIS Interna	ASIS International, Las Vegas Chapter, Chapter Chairman (2 Terms)				
2	2007	ASIS International Foundation, Event Director for Handgun Competition held in conjunction with 2007 International Convention					
2	2007	State of Nevada, Private Investigators Licensing Board, Subcommittee to Revise Private Investigator and Private Patrolman Licensing Examinations					
2	2006 - 2007	ASIS International, 2007 International Convention Host Committee					
2	2006 - 2007	ASIS Las Ve	ASIS Las Vegas Chapter, Education Committee Chairman				
2	2005 - 2013	ASIS International, Hospitality, Entertainment and Tourism Security Council, Member and Certification Liaison			ourism Security Council,		
2	2005 - 2007	ASIS Las Vegas Chapter, Firearms Competition Committee, Chairman		ommittee, Chairman			
2			College of Southern Nevada, Curriculum Development Committee- Degree in Security				
1	1989	Lake Superio	Lake Superior State University, Faculty Selection Committee				
PROFESS June 2019		ONAL PRESENTATIONS Information Security-CPP Pre-Examination Review Course ASIS Las Vegas					
N	May 2019	Investigat ASIS Las '		amination Review Co	ourse		
N	May 2018			Standard of Care Strofessional Security	San Diego, Ca Consultants Conference		
(October 2017		s Attract Risks: N ming Expo (G2E) l		xposures to Casinos		
S	September 20°		med Debate: Armi ming Expo (G2E) l	ng Security Person _as Vegas, NV	inel in a Casino		
J	luly 2013		nd Security Legis Vegas Chapter. La	lative Update 2013 s Vegas, NV	Nevada		
June 2013			Effective Security Officer Training-Vetting Trainers and Training Programs ASIS Las Vegas Chapter-Symposium. Las Vegas, NV				

November 2009 Less Than Lethal Weapons in Gaming

Filed 18-CI-00101 04/29/2022 Danny Hooks, Caldwell Circuit Clerk

Appendix B: Curriculum Vitae

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Global Gaming Exposition. Las Vegas, NV

September 2009 Less Than Lethal Weapons in Security

ASIS International Seminar and Exhibits. Anaheim, CA

March 2009 Executive Protection-Transition Careers

TREXPO Law Enforce Symposium. Long Beach, CA

November 2008 Securing Guest Rooms and Corridors

Sponsor: Global Gaming Exposition (G2E). Las Vegas, NV

November 2006 Use of Weapons

Global Gaming Exposition (G2E). Las Vegas, NV

October 2005 Executive Protection

ASIS Las Vegas Non-Profit Security Seminar. Las Vegas, NV

2004 – 2006 Security Education, Certification and Learning

Security Academy

College of Southern Nevada. Las Vegas, NV

June 2003 Gambling with Security-Vulnerability Assessment

Homeland Education Resource Organization (HERO). Las Vegas, NV

MEDIA INTERVIEWS

Oct 2017 Security Screening for Hotels and Casinos

Reuters. Las Vegas, NV

Aug 2016 To Arm or Not To Arm

Security Management Magazine. Alexandria, VA

July 2009 Cleaning up the Strip's Nightclubs

KLAS TV 8 I-Team Investigative Report. Las Vegas, NV

July 2009 Resorts suddenly find that benign neglect affects their bottom line

Jane Ann Morrison Las Vegas Review Journal 07/18/08. Las Vegas, NV

July 2009 Nightclub Security

KVBC TV 3 News. Las Vegas, NV

July 2009 Security Lesson for Club Staffers

Las Vegas Review Journal. Las Vegas, NV

October 2008 Bodyguard University

KLAS TV 8 I-Team Investigative Report. Las Vegas, NV

April 2006 Pepper Spray – Use and Effects

Live Safe Radio KLAV. Las Vegas, NV

PC: 000041 of 000055

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Appendix C: Testimony at Deposition or Trial during the last four years

Joseph vs. Walmart United States District Court Southern District of Texas-

Trial-Plaintiff Galveston #3:20-CV-0062 Defense Verdict

Uhlenhaker v HEB & Seal Security Nueces County, Texas Case No. #2019CCV-61072-4

Deposition-Plaintiff Expert Settled

Savic v Bar Investors Circuit Court Cook County, Illinois Case No. 18 L 001129

Deposition-Defense Expert Settled

Anderson v Hard Rock Clark County, Nevada. Case No. A-20-809481-C

Deposition-Defense Expert **Defense Summary Judgement**

Tisdale v APRO Superior Court State of Washington, Pierce County

Defense-Trial Case #18-2-12279-7 Plaintiff Verdict

Joseph vs. Walmart United States District Court Southern District of Texas-

Plaintiff-Deposition Galveston #3:20-CV-0062

District Court Denver, Colorado. Case No. 2019CV30036 Nieves v Megastar

Evidentiary Hearing-Defense Expert Dismissed

DiPompo vs Twin River Superior Court State of Rhode Island, Providence,

Deposition-Plaintiff Expert Case No. PC-2018-1836 Settled

Mellott V Santa Fe Casino Clark County, Nevada. Case No. A-19-787678-C

Deposition-Defense Expert Settled

Bailey v MGM Grand Clark County, Nevada. Case No. A-15-720278-C

Deposition-Plaintiff Expert Settled

Jederejcak vs. Bakalla and Horseshoe Casino Cook County, Illinois Case: 2017 L 001403

Deposition-Plaintiff Expert Closed/re-opened

Soriano v Wells Fargo, Allied Universal Alameda County, California No. RG17886073

Deposition – Plaintiff Expert Settled

Cochran v Marquee, Cosmopolitan Clark County, Nevada, Case No. A-13-687601-C

Deposition – Defense Expert Settled

Welch v Westcliff Clark County, Nevada, Case No. A-17-762238-C

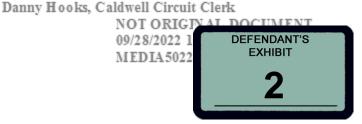
Deposition – Defense Expert Settled

Troute v ISLETA Resort and Casino State of New Mexico

Settled Deposition – Defense Expert

Rogozin v Paladin Protective Services Sacramento Superior Court No. 34-2013-00147619

Deposition – Defense Expert Settled





OSD42301 - Grant Beckner Matter

Digital Forensic Examination Report

Client: Jason Coltharp Examiner: Andy Cobb, PhD Apr 11, 2022

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Executive Summary

One Source Discovery was retained by Jason Coltharp to review (1) a forensic report of a laptop by Don Coleman of SRI, and (2) the forensic image of the same laptop, in order to provide opinions on the artifacts recovered from and reported on the laptop. At issue are the activities on the laptop after Mr. Beckner's passing.

In summary, our findings indicate that while there was activity on the laptop, including opening of certain files, there is no evidence that the activity resulted in any substantive changes to the documents accessed.

Objectives

Analyze activity on the laptop to look for evidence that a set of documents were modified, specifically the following documents outlined in the Coleman forensic report:

- Board of Directors Meeting.docx
- Minutes to Kevin.docx
- Princeton Elks Lodge.docx
- Princeton Elks 1115 ORG0002463.docx
- Sissy Suspension 2017.pub
- Elks.pub
- Beacon Grant 2017.pub

Two methods can provide clues as to whether a document was modified. The first is to examine the metadata to detect when the file was last saved or modified. This timestamp is called the modified date. This method only gives the time that a file may have been modified, not the changes themselves.

A better method is to attempt to recover previous versions of the documents and compare them. This is the method chosen by us and apparently chosen by Mr. Coleman. This method uses a technique called file carving, which recovers previous versions of files that are no longer active, meaning they are no longer recognized by the device's file system.

Evidence Analyzed

Forensic report written by Don Coleman of SRI

Forensic image of laptop title "HP2000.e01"

Tools Used During Examination

Magnet Axiom

After analysis of the documents of interest identified in the Coleman report as well as our own analysis of the forensic image of the laptop, we found the following:

- 1. The document named "Board of Directors Meeting.docx" has the same content as the documents named "0000001_Carved.pdf" and "Board of Directors Meeting.pdf".
- 2. The document named "Elks.pub" has the same content as the documents named "0000007_Carved.pdf" and "ELKS Statement.pdf".
- 3. The following documents have the same content, with the exception that the document "Minutes to Kevin.docx" contains page breaks:
 - o 0000002_Carved.apk
 - o 0000003_Carved.pdf
 - o 0000010_Carved.apk
 - Minutes to Kevin.docx
 - Minutes to Kevin.pdf
- 4. The following documents have the same content:
 - 0000004_Carved.pdf
 - o 0000006 Carved.pdf
 - 0000013_Carved.apk.docx
 - Princeton Elks 1115 ORG0002463.docx
- 5. The following documents have the same content
 - 0000008_Carved.apk.docx
 - 0000012_Carved.apk.docx
 - Princeton Elks Lodge.docx
- 6. The document "Sissy Suspension 2017.pub" has the same content as the document "Sissy Suspension 2017.pdf"

Conclusions

Based on our analysis, while, like Mr. Coleman, we also found versions of documents that previously existed from the laptop, none of the recovered versions of the documents contained substantive differences as compared the active versions of the documents.

Hooks, Caldwell Circuit Clerk

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Andy Cobb

Andy Cobb, PhD

Examiner

Filed

One Source Discovery

4322 Robards Lane

Louisville, Kentucky 40218

Phone: 502-473-6417

Exhibits

Exhibit A: Curriculum Vitae

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CURRICULUM VITAE

Andrew T. Cobb, Ph. D. E-mail: andy at onesourcediscovery dot com

EDUCATION

Doctor of Philosophy (April 2006) Computer Science and Engineering Speed Scientific School University of Louisville

Master of Engineering (May 1995) Electrical Engineering Speed Scientific School University of Louisville

Technology Consultant (May 1996 – Present) Participated in a variety of consulting projects including:

creative, systems and information architecture services, and implemented company-wide

Purdue University (August 1995 - July 1997) Assistant Professor of Electrical Engineering Technology

Activities:

Taught various EET courses involving analog and digital electronics, electrical power and machinery, computer programming and electrical controls including:

EET202 - Electrical Circuits III

EET109 - Digital Fundamentals

EET212 - Electrical Power and Controls

CPT175 - Introduction to C Programming

MATH109 - Calculus

- Served on the High School Advisory Board
- Involved in medical imaging research
- Computer systems consulting for Louisville area businesses including:

Programming - Visual Basic, C, Delphi

Networking - Windows 3.x, 95, NT Server

Internet - TCP/IP, Web Page Design(HTML, Perl, JavaScript, VBScript)

Database design - MS SQLServer, MS Access

Instruction - Software, Networking, Internet, Programming

Embedded controller consulting (Assembler)

SPECIAL SKILLS

- Extensive experience developing overall strategy for integrating new technologies
- Extensive experience with and knowledge of system architectures, software development methodologies, project management practices, effort estimation and quality assurance practices.
- Extensive experience developing client/server and 3-tier internet-based applications on Windows NT/2000 and Unix platforms
- Extensive relational database design experience on MS SQLServer(6.5 -2005) and Oracle
- Extensive knowledge of communication protocols and TCP/IP-based applications
- Expert knowledge applying statistical and other data mining techniques for data analysis
- Extensive computer programming experience using Delphi, C/C++/C# and Visual Basic 3.0-7.0, ASP, ASP.NET, XML, COM, MTS, Perl, JSP, Java
- Experience with various testing, maintenance, integration and content management tools

PUBLICATIONS

Woods, J. A., Cobb A. T., Edlich, R. F., & Drake, D. B. "Steam Press Hand Burns: A Serious Injury," The Journal Of Emergency Medicine, 14(3), 1996, pp. 357-360

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- Cobb, A. T. and T. P. O' Connor, "A Model for Successful Recruitment for Satellite EngineeringTechnology Programs." Proceedings of the Annual Frontiers in Education Conference, 1996.
- Cobb, A. T. "The Internet and Its Application." Proceedings of the ASEE Indiana/Illinois Section Annual Conference. 1997, pp. 152-157.
- Cobb, A. and R. Ragade, "Using Object-oriented Measures to Improve Software Development", 3rd International Conference for Software Process Improvement. Orlando, FL, April 2006.
- Cobb, A., Levitan, A., Guan, J., "An Ontological Model for Accounting Information Systems". Proceedings of AMCIS-12, Acalpulco, Mexico, August 2006.
- Cobb, A., Levitan, A., Guan, J., "Control Considerations in Object-oriented Systems". Information Systems Control Journal, May 2007.
- Lang. L, Herr, J., and A. Cobb, "Considerations for Effective Discovery of ESI". Bar Briefs. Louisville Bar Association. June 2007
- Barker, R., A. Cobb, J. Karcher, "The Legal Implications of Electronic Document Retention: Changing the Rules", Business Horizons. December 2008.
- Levitan, A., A. Cobb, J. Guan, "Modeling an Object-Oriented Accounting System with Computer-Aided Software Engineering", Journal of Information Systems. December 2008.
- Karcher J., Barker R., Cobb A., "Document Retention in an E-World", Internal Auditor, Volume LXVII:II. April 2010.
- Cobb, A., "Proper Handling of Electronically Stored Information", Attorney At Law Magazine - Louisville Edition, December 2011.
- Hale, J., and A. Cobb, "Data Exfiltration and Forensic Analysis in a Microsoft Windows Environment", November 2013, Volume 11, Issue 11
- Cobb, A., J. Hale and R. Ferreira, "eDiscovery Concepts for Labor and Employment Law Practitioners." Louisville Bar Association Bar Briefs. May 2014 Issue.
- Cobb, A., "What do Ethics and Electronic Discovery Have To Do With Each Other?" Louisville Bar Association Bar Briefs. October 2014 Issue.
- Cobb, A. and M. Witten, "Why Thieves Heart Technology." Louisville Bar Association Bar Briefs. December 2014 Issue.

- Cobb, A., "Law Firms, Ethics and Electronic Information", Lee County Bar Association's Rest Gestae. May 2015
- Cobb, A., "Proposed Amendments to the Federal Rules of Civil Procedure: Electronic Discovery." Louisville Bar Association Bar Briefs. June 2015 Issue.
- Cobb, A., "A Different Approach to eDiscovery: Supporting Cooperation Between Parties." Louisville Bar Association Bar Briefs. June 2016 Issue.
- Cobb, A., "Client Confidentiality Hangs in the Balance when Data Breaches Affect Law Firms." Louisville Bar Association Bar Briefs. September 2016 Issue.

PRESENTATIONS

"Discovery In The Electronic Age", Louisville Bar Association, Continuing Learning and Education Course. November 30, 2006

"Technology: Learn How It Can Help You Be a Better Trial Lawyer", Kentucky Academy of Trial Attorneys. March 16, 2007.

"Electronic Discovery for Paralegals", Paralegal Association of Louisville, Louisville Bar Association. May 8, 2007.

"Electronic Discovery in the 21st Century", 2007 National Society of Insurance Investigator Seminar. November 13, 2007

"Computer Forensics: A Practical Discussion", Northern Kentucky Bar Association, Tax and Business Section. April 3, 2008

"Computer Forensics: An Insider's Look", Louisville Bar Association, Continuing Learning and Education Course. May 14, 2008

"Computer Forensics for the 21st Century", National Society of Professional Insurance Investigators – Illinois Chapter. November 20, 2008

"E-Discovery: The Good, The Bad and The Ugly", ARMA (Indianapolis Chapter) Conference on E-Discovery, March 24, 2010

"Electronic Discovery and Computer Forensics", Louisville Bar Association, Continuing Learning and Education Course. June 4, 2010

"Computer Forensics and Electronic Discovery", Kentucky Chapter of the Information Systems Security Association (ISSA), April 1, 2011

"Electronic Discovery: Complaint to Courtroom", Louisville Bar Association, April 19, 2011

"Computer Forensics and Electronic Discovery For Information Security Professionals", 2011 Louisville InfoSec. September 29, 2011.

"Electronic Discovery: Complaint to Courtroom", CLE for Kentucky and Indiana Bar Associations. Given at Schiller Osbourn Barnes & Maloney, PLLC. November 7, 2011.

"Handling Electronically Stored Information", Louisville Association of Paralegals, December 5, 2011.

"Electronic Discovery: Complaint to Courtroom", CLE for Kentucky Bar Association. Given at Stoll, Keenon, Ogden, PLLC. February 29, 2012.

"Electronic Discovery: Complaint to Courtroom", CLE for Kentucky Bar Association. Given at Morgan & Pottinger, PSC. April 4, 2012.

"Recent Developments In Electronic Discovery", CLE for Louisville Bar Association. May 23, 2012.

"Electronic Discovery: Complaint to Courtroom", CLE for Kentucky Bar Association. Given at Boehl, Stopher & Graves, LLP. June 5, 2012.

"Recent Developments In Electronic Discovery", CLE for Louisville Bar Association. June 14, 2012.

"The Federal Rule Changes and How They Could Affect Your Practice", CLE for Louisville Bar Association. March 14, 2014.

"eDiscovery: Complaint to Courtroom", CLE For Gwin Steinmetz and Baird. August 5, 2014

"Digital Forensics For Labor and Employment Attorneys", CLE for Bingham, Greenbaum, Doll. August 22, 2014

"eDiscovery: Complaint to Courtroom", CLE for Louisville Association of Paralegals. September 22, 2014

"eDiscovery: Complaint to Courtroom", CLE for Knott, Ebelini, Hart. September 30, 2014

"Digital Forensics For Criminal Defense Counsel", CLE for Kentucky Association of Criminal Defense Lawyers. October 24, 2014.

"Digital Forensics For Labor and Employment Attorneys", CLE for Defense Trial Counsel of Indiana (DTCI). November 20, 2014.

"Introduction to eDiscovery", CLE for Dinsmore Shohl. December 12, 2014

"eDiscovery: Complaint to Courtroom", CLE for Bond Schoenek & King. January 26, 2015

"eDiscovery: Complaint to Courtroom", CLE for Coleman, Hazzard & Taylor. January 29, 2015

"eDiscovery: Complaint to Courtroom", CLE for Grant, Fridkin & Pearson. January 30, 2015

"Reducing Risk and Cost in eDiscovery", Coleman Hazzard. May 20, 2015

"Ethics & eDiscovery: Florida", CLE for Lee County Bar Association. May 21, 2015

"Ethics & eDiscovery: Kentucky", CLE for Steptoe & Johnson law Firm. May 26, 2015

"Ethics & eDiscovery: Kentucky", CLE for Middleton Ruetlinger. October 27, 2015

"Ethics & ESI", CLE for Blackburn Domene law firm. February 24, 2016

"eDiscovery 101", Seminar for Cincinnati and Northern Kentucky University law students. Given with Peter Pepiton. April 19, 2016.

AWARDS/PATENTS

Recipient of 1996 Purdue Research Foundation Summer Faculty Award. Amount: \$5,000.

Recipient of the 2011 Thurston Award for best article in Internal Auditor Magazine

Recipient of 2013 Best Article Award, Information Systems Security Association

Patent No. 9,292,698. "METHOD AND SYSTEM FOR REMOTE FORENSIC DATA COLLECTION." Issued March 2016

MEMBERSHIPS/CERTIFICATIONS

Certified Computer Examiner (CCE) International Society of Computer Forensic Examiners (ISCFE), Member Institute of Electrical and Electronic Engineers (IEEE), Member

Cases In Which Testimony Was Provided Andrew Cobb, PhD

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Organization	Case Name	Case Description
Daniel Maddox	In re: Daniel Wilson Maddox, Jr., (S.D. Ind. Bankr.) Case No. 06-90549-BHL-13	Expert testimony as to the similarity of software written by two different firms.
Ric Kirk	Kirk Divorce	Expert testimony (deposition) as to findings on MacBook of alleged activity, contents of hard drive and several CDs, DVDs and floppy disks.
Airhart and Associates	U.S. v. Timothy Lamb (W.D. Ky.) Case No. 3:05-cr- 00126-1	Expert testimony as to finding on L computer
McBrayer, McGinnis, Leslie, Kirkland	Badgett v. Badgett (Hopkins Cir. Ct.) Case No. 06-CI- 164	Expert testimony as to the authenticity and completeness of electronic records.
Butrum Law Office	U.S. v. Hart (W.D. Ky.) Case No. 3:08-cr-00109-01	Expert testimony as to the mechanisms of Yahoo messenger
Golden & Walters	Bell v. City of Georgetown (Scott Cir. Ct. Div. I, Civil Action No. 07-CI-975)	Deposition in dispute over source of pornographic images
Daniels and Jeffries	Williams v. Williams (Champaign Circuit Court, Ohio Case #08 DR 261	Expert testimony as to internet activity on home computer
Fisher & Phillips	Osyka v. Industrial Control Solutions, Inc.	Expert testimony in arbitration hearing for report of computer examination
Frost Brown Todd, LLC	Huenefeld v. Shelter Concepts(W.D. OH) 1:08-cv-844	Deposition for report on digital recording device
Kinser Law	Newton v. Fortune, Inc. (Arbitration)	Deposition for report on software analysis
Frost Brown Todd, LLC	Boyle v. OVACO (W.D. KY)	Deposition on report for computer examination
Heavrin Law Office	US v. Boehman (W.D. KY)	Expert testimony as to material found on computer hard drive

Frost Brown Todd,	Boyle v. OVACO	Expert testimony as to findings in report on
LLC	(W.D. KY)	computer examination
Getty & Childers	5 th Element v. Kirsch (E.D. KY)	Expert testimony in Injunction Hearing
Frost Brown Todd, LLC	Huenefeld v. Shelter Concepts(W.D. OH) 1:08-cv-844	Expert testimony in trial as to findings on file system of digital voice recording device
Graydon, Head and Ritchey, LLP	Yung v. Grant Thornton (Kenton Circuit Ct, Fourth Div. 07-Cl-02647)	Deposition as to services rendered to Plaintiff
Tachau Meek, PLC	Hardin County KY Court, Div. III, 11- CI-00627	Expert testimony as to findings on hard drive.
Reed Wicker, PLLC	Hardin County KY Court Div. II, 10- CI-00631	Expert testimony as to evidence found on a hard drive and operation of mobile devices
Camden & Meridew, PC	Marion Superior Court, IN, 49D11- 1004-CT-015676	Deposition as to report regarding verification of IP addresses
Camden & Meridew, PC	Marion Superior Court, IN, 49D11- 1004-CT-015676	Expert testimony regarding verification of IP addresses
Eddins Domine Law Group	Jefferson County Circuit Court, Div. 6, 10-CI-006391	Deposition as to emails found
Bingham, Greenbaum, Doll, LLP	Hilliard Lyons v. Otto	Arbitration testimony as to contents of a thumbdrive
Wyatt, Tarrant & Combs	Malin v. Chase	Deposition testimony on examination of an allegedly forged document.
Knott Ebelini Hart	Moser v. Elias Brothers	Expert testimony on examination of flash drives
Middleton Ruetlinger	Babcock v. Kapsalis	Deposition testimony as to document productions