

CLERK OF THE COURT

ROBERT A. GOLDSTEIN
Nevada Bar No.: 5001
10601 Park Run Drive, #150
Las Vegas, Nevada 89145
Telephone: (702) 582-7890
Email: Robert@rgoldstein-law.com
Judge Pro Tempore

DISTRICT COURT
CLARK COUNTY, NEVADA

JENNIFER O'NEAL,

Plaintiff

CASE NO.: A-13-693304-C

DEPT. NO.: XXIV

v.

SHARNA HUDSON, individually; Gerald
LYLES, individually; DOES I through X,
inclusive, ROE CORPORATIONS 1-10
inclusive,

Defendants

ORDER RE: PLAINTIFF'S MOTION FOR
JUDGMENT NOTWITHSTANDING THE VERDICT ON IN THE ALTERNATIVE,
MOTION FOR A NEW TRIAL

The Plaintiff Jennifer O'Neal filed a Motion for Judgment Notwithstanding the Verdict or in the Alternative, Motion for a New Trial. The Defendants Sharna Hudson and Gerald Lyles filed an opposition, the Plaintiff did not file a Reply.


Having considered the Motion as well as the Opposition and good cause appearing, the Court makes the following Orders:

It is Ordered that the Motion for Judgment Notwithstanding the Verdict or in the Alternative, Motion for a New Trial is denied.

1 So Ordered this 25th day of April, 2016

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5 ROBERT A. GOLDSTEIN
6 SHORT TRIAL JUDGE
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Robert A. Goldstein

0001
KIRK T. KENNEDY, ESQ.
Nevada Bar No: 5032
815 S. Casino Center Blvd.
Las Vegas, NV 89101
(702) 385-5534
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

JENNIFER O'NEAL,

Plaintiff,

vs.

SHARNA HUDSON, individually; GERALD
LYLES, individually; DOES I through X,
inclusive, ROE CORPORATIONS 1-10,
inclusive,

Defendants.

Case No.: A-13-693304-C
Dept No.: XXIV

Short Trial No: 14-1410

**PLAINTIFF'S MOTION FOR JUDGMENT NOTWITHSTANDING THE
VERDICT, OR IN THE ALTERNATIVE, MOTION FOR NEW TRIAL**

COMES NOW, the Plaintiff JENNIFER O'NEAL, by and through her undersigned counsel, KIRK T. KENNEDY, ESQ., files this motion for judgment notwithstanding the verdict, or, in the alternative, a motion for new trial. The Judgment on the jury verdict was filed on March 23, 2016. The short trial jury trial was on February 5, 2016.

In support hereof, Plaintiff relies on the following points and authorities.

Dated this 24th day of March, 2016.

/s/Kirk T. Kennedy
KIRK T. KENNEDY, ESQ.
Nevada Bar No: 5032
815 S. Casino Center Blvd.
Las Vegas, NV 89101
(702) 385-5534
Attorney for Plaintiff

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NOTICE OF HEARING

TO: JAMES HOWARD, ESQ., counsel for Defendants

YOU AND EACH OF YOU WILL PLEASE TAKE NOTE that the undersigned will bring the foregoing matter on for hearing on the ____ day of April, 2016, at the hour of _____ a.m. before the Short Trial Judge, or as soon thereafter as counsel may be heard.

Dated this 24th day of March, 2016.

/s/Kirk T. Kennedy
KIRK T. KENNEDY, ESQ.
Nevada Bar No: 5032
815 S. Casino Center Blvd.
Las Vegas, NV 89101
(702) 385-5534
Attorney for Plaintiff

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POINTS AND AUTHORITIES

A motion for judgment notwithstanding the verdict is a challenge to the jury verdict, which is reviewed for "any substantial evidence to support the jury verdict." Dudley v. Prima, 445 P.2d 31, 32 (Nev. 1968); see also, Valucar v. Coachmen Recreational Vehicle Company, 281 P.3d 1201 (Nev. 2009). A judgment notwithstanding the verdict will be considered improper when there is a conflicting question of fact and the jury could decide either way.

Pursuant to NRCP 59, a new trial may be granted based on the following grounds, in part:

1. Irregularity in the proceedings of the court or jury, or abuse of discretion by which either party was prevented from having a fair trial;
2. Misconduct of the jury or the prevailing party;
3. Accident or surprise;
4. Newly discovered evidence
5. Manifest disregard by the jury of the instructions of the court

A jury verdict will be overturned if it is clearly wrong from all the evidence

presented. Allstate Insurance Company v. Miller, 212 P.3d 318, 324 (Nev. 2009).

In this case, the short trial jury heard evidence as follows:

1. The Defendant admitted liability for the underlying auto collision on September 24, 2012.
2. The Defendant failed to offer any witnesses in the matter.
3. The Defendant only contested the Plaintiff's damages at trial.
4. The parties admitted the joint exhibit book, which admitted all of the Plaintiff's medical treatment, billing and records before the jury.
5. The Plaintiff presented the uncontroverted testimony of her treating medical provider, Dr. Peter Randall, in support of her damage claims.
6. The Plaintiff prevailed at the arbitration, wherein the arbitrator found liability and damages against the Defendant and awarded the sum of over \$9,200 to the Plaintiff. This arbitration award was part of the joint exhibits submitted at trial.
7. The Plaintiff testified as to the mechanism of the accident; her injuries; her treatment and her outstanding medical bills directly related to the accident. Dr. Randall also tied in Plaintiff's treatment to the September 24, 2012, accident.

Despite all the foregoing, the jury found in favor of the Defendant and awarded no damages to Plaintiff O'Neal.

It appears that while the jury may not have liked Ms. O'Neal, the fact remains that the Plaintiff proved each and every element of her case by a preponderance of the evidence. The Plaintiff proved liability and causation, as this was conceded by the Defendant. The only issue at trial was the extent of Plaintiff's damages.

While the Plaintiff did have a four month gap in treatment between the accident and when she started treating with Dr. Randall, there was no evidence of any intervening accident which could have caused the injuries she sustained and documented with Dr. Randall's records. The admitted evidence and the testimony of Plaintiff and Dr. Randall supported medical damages of \$8,696 (\$4,909 with Dr. Randall, \$1,637 with Family Doctors of Green Valley and \$2,150 with Las Vegas Radiology).

The jury verdict is not supported by any substantial evidence. The jury

1 essentially committed misconduct and manifestly ignored the evidence and its ordered
2 obligations, apparently because it did not like the Plaintiff's attitude on the witness
3 stand. While the jury may not have appreciated the Plaintiff's manner of testifying, the
4 fact remains that the Plaintiff did prove each and every element of her negligence cause
5 of action.

6 The Plaintiff had the burden to prove that she sustained damage, that the
7 defendant was negligent and that such negligence was the proximate cause of the
8 damages she sustained. The jury was instructed on the foregoing burden in the jury
9 instructions. See Attached Instructions from Trial.

10 Given that the Defendant conceded liability, the Plaintiff met her burden to prove
11 that the Defendant's negligence caused the rear end collision on September 24, 2012.
12 Further, the Defendant's only contention at trial were its arguments, through Defense
13 Counsel, over the extent of Plaintiff's damages, not that the Plaintiff sustained no
14 damages at all.

15 The Plaintiff was entitled to a verdict in her favor and to an award of proven
16 damages. In this case, the jury manifestly disregarded its sworn duties and ruled for the
17 Defendant, despite the nature and extent of Plaintiff's proven damages.

18 There was no conflicting evidence to indicate that the accident did not happen
19 and no evidence presented by the Defendant that the Plaintiff failed to sustain any
20 damages. Clearly, the Plaintiff proved every element of her negligence claim and she
21 was entitled to verdict in her favor.

22 Based on the foregoing, Plaintiff moves the Court to reverse the jury verdict and
23 either (1) enter a judgment for the Plaintiff and award damages based on the evidence
24 presented at trial or (2) order a new trial pursuant to NRCP 59 based on the manifest
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disregard of the jury instructions by the short trial jury.

Dated this 24th day of March, 2016.

/s/Kirk T. Kennedy
KIRK T. KENNEDY, ESQ.
Nevada Bar No: 5032
815 S. Casino Center Blvd.
Las Vegas, NV 89101
(702) 385-5534
Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby affirm that on this 24th day of March, 2016, I mailed via first class U.S. Mail a copy of the foregoing to the Defendant and the Short Trial Judge t the addresses below:

James W. Howard, Esq.
The Howard Law Firm
1835 Village Center Circle
Las Vegas, NV 89134

Robert A. Goldstein, Esq.
410 S. Rampart Blvd., Ste. 350
Las Vegas, NV 89145

/s/Kirk T. Kennedy
Law Office of Kirk T. Kennedy

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AFFIRMATION REGARDING SOCIAL SECURITY NUMBERS

I affirm that the foregoing contains no social security numbers.

Dated this 24th day of March, 2016.

/s/Kirk T. Kennedy
KIRK T. KENNEDY, ESQ.
Nevada Bar No: 5032
815 S. Casino Center Blvd.
Las Vegas, NV 89101
(702) 385-5534
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

JENNIFER O'NEAL,
Plaintiff,

Case No. A-13-693304-C
Dept. No. XIV

vs.

SHARNA HUDSON, individually; GERALD
LYLES, individually;
Defendants.

STP: 14-1410

JURY INSTRUCTIONS

LADIES AND GENTLEMEN OF THE JURY:

It is my duty as Judge to instruct you in the law that applies to this case. It is your duty as jurors to follow these instructions and to apply the rules of law to the facts as you find them from the evidence.

You must not be concerned with the wisdom of any rule of law stated in these instructions. Regardless of any opinion you may have as to what the law ought to be, it would be a violation of your oath to base a verdict upon any other view of the law than that given in the instructions of the court.

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JURY INSTRUCTION NO. ____

The plaintiff seeks to establish a claim of negligence. I will now instruct on the law relating to this claim.

JURY INSTRUCTION NO. ____

In order to establish a claim of negligence, the plaintiff must prove the following elements by a preponderance of the evidence:

1. That the defendant was negligent; and
2. That the defendant's negligence was a proximate cause of damage to the plaintiff.

Negligence is the failure to exercise that degree of care which an ordinarily careful and prudent person would exercise under the same or similar circumstances.

Ordinary care is that care which persons of ordinary prudence exercise in the management of their own affairs in order to avoid injury to themselves or to others.

You will note that the person whose conduct we set up as a standard is not the extraordinarily cautious individual, not the exceptionally skillful one, but a person of reasonable and ordinary prudence. While exceptional skill is to be administered and encouraged, the law does not demand it as a general standard of conduct.

JURY INSTRUCTION NO. ____

A proximate cause of injury, damage, loss or harm is a cause which, in natural and continuous sequence, produces the injury, damage, loss, or harm, and without which the injury, damage, loss, or harm, would not have occurred.

JURY INSTRUCTION NO. ____

In determining the amount of losses, if any, suffered by the plaintiff as a proximate result of the accident in question, you will take into consideration the nature, extent and duration of the injuries you believe from the evidence plaintiff has sustained, and you will decide upon a sum of money sufficient to reasonably and fairly compensate plaintiff for the following items: medical expenses, pain and suffering and property damage.

JURY INSTRUCTION NO. ____

No definite standard or method of calculation is prescribed by law by which to fix reasonable compensation for pain and suffering. Nor is the opinion of any witness required as to the amount of such reasonable compensation. Furthermore, the argument of counsel as to the amount of damages is not evidence of reasonable compensation. In making an award for pain and suffering, you shall exercise your authority with calm and reasonable judgment and the damages you fix shall be just and reasonable in the light of the evidence.

DISTRICT COURT
CLARK COUNTY, NEVADA

Case No: A-13-693304-C
Dept. No: XIV

Jury Trial Demanded

COMES NOW, the Plaintiff, JENNIFER O'NEAL, by and through her undersigned counsel, KIRK T. KENNEDY, ESQ., who files this Complaint against the Defendants and would allege as follows:

1. Plaintiff, JENNIFER O'NEAL, is a resident of Clark County, Nevada and did so reside herein during all events complained of in this action.
2. Defendants, SHARNA HUDSON and GERALD LYLES are residents of Clark County, Nevada and did so reside herein during all events complained of in this action.
3. Defendants designated as Doe and Roe are unknown to Plaintiff at this time, however, Plaintiff believes and would contend that Doe and Roe are contractually, negligently and/or are otherwise responsible for the actions complained of herein and Plaintiff does hereby sue said Defendants Doe and Roe as set forth in this action. Plaintiff will seek leave of court to amend this action when the identities of Defendants Doe and

Roe become known.

1 4. Both jurisdiction and venue are appropriate because the Defendants reside within
2 Clark County, Nevada and the acts complained of herein occurred in Clark County,
3 Nevada and the amount in controversy exceeds the jurisdictional minimum of this Court.

4 5. On or about September 24, 2012, Plaintiff was lawfully operating her motor vehicle
5 on a roadway in Las Vegas, Nevada.

6 6. Defendant Sharna Hudson allowed and/or entrusted and/or authorized Defendant
7 Gerald Lyles to drive Hudson's vehicle on September 24, 2012.

8 7. Defendant Lyles negligently collided and struck the rear end of Plaintiff's vehicle on
9 or near Cliff Shadows Road in Las Vegas, Nevada on September 24, 2012, causing
10 property damage to the Plaintiff's vehicle and physical injuries to the Plaintiff.

11 8. Plaintiff suffered personal injuries, harm and damages as a result of Defendant's
12 actions in excess of \$10,000.

13 FIRST CLAIM FOR RELIEF

14 NEGLIGENCE

15 9. Plaintiff realleges, readopts and reincorporates the allegations contained in
16 paragraphs 1 through 8 as though fully set forth herein.

17 10. Defendants owed a duty of care to other drivers and passengers on the roadways to
18 drive in a safe, reasonable and responsible manner and to obey the traffic and/or safety
19 laws of the State of Nevada, further Defendant Hudson owed a duty of care related to her
20 entrustment and authorization of her vehicle to Defendant Lyles to operate the vehicle in
21 a safe and responsible manner.

22 11. Defendant breached this duty of care by driving in a reckless, intentional, negligent
23 and careless manner when his vehicle struck and/or collided with the Plaintiff's vehicle
24 on or about September 24, 2012.

25 12. As a direct and proximate result of Defendants' negligence, Plaintiff suffered
26 personal injuries, harm and damages in excess of \$10,000.

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PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays for judgment against the Defendants as follows:

1. An award of general damages in excess of \$10,000.
2. An award of special damages in excess of \$10,000.
3. An award of attorney's fees, interest and costs of suit.
4. Any such other and further relief deemed appropriate by this Court.

Dated this 18th day of December, 2013.

/s/Kirk T. Kennedy
KIRK T. KENNEDY, ESQ.
Nevada Bar No: 5032
815 S. Casino Center Blvd.
Las Vegas, NV 89101
(702) 385-5534
Attorney for Plaintiff

AFFIRMATION REGARDING SOCIAL SECURITY NUMBERS

I hereby affirm that the foregoing document contains no social security numbers.

Dated this 18th day of December, 2013.

/s/Kirk T. Kennedy
KIRK T. KENNEDY, ESQ.
Nevada Bar No: 5032
815 S. Casino Center Blvd.
Las Vegas, NV 89101
(702) 385-5534
Attorney for Plaintiff

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JURY DEMAND

Pursuant to NRCP Rule 38, Plaintiff does hereby demand a trial by jury of all issues in this complaint.

Dated this 18th day of December, 2013.

/s/Kirk T. Kennedy
KIRK T. KENNEDY, ESQ.
Nevada Bar No: 5032
815 S. Casino Center Blvd.
Las Vegas, NV 89101
(702) 385-5534
Attorney for Plaintiff


CLERK OF THE COURT

1 NOEL
2 JAMES W. HOWARD, ESQ.
3 Nevada Bar No. 4636
4 THE HOWARD LAW FIRM
5 1835 Village Center Circle
6 Las Vegas, Nevada 89134
7 Tel: 702-385-5533
8 Fax: 702-382-8891
9 Attorneys for Defendant
10 jhoward@howardlawlv.com
11

12 DISTRICT COURT
13 CLARK COUNTY, NEVADA
14

15 JENNIFER O'NEAL,
16
17 Plaintiff,
18

Case No. A-13-693304-C
Dept. No. XIV

19 vs.

NOTICE OF ENTRY OF JUDGMENT

20 SHARNA HUDSON, individually; GERALD
21 LYLES, individually; DOES I through X,
22 inclusive, ROE CORPORATIONS 1-10,
23 inclusive,
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STP: 14-1410

25 Defendants.
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PLEASE TAKE NOTICE that an Order was entered by the Court in the above-captioned matter
on the 23rd day of March, 2016, a copy of which is attached hereto.

DATED this 24th day of March, 2016.

THE HOWARD LAW FIRM

/s/ James W. Howard

By
JAMES W. HOWARD, ESQ.
Nevada Bar No. 4636
1835 Village Center Circle
Las Vegas, Nevada 89134
Attorneys for Defendants

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that service of a true and correct copy of **NOTICE OF ENTRY OF**
3 **JUDGMENT** was made on the 24th day of March, 2016, as indicated below:

- 4
5 ☐ By first class mail, postage prepaid from Las Vegas, Nevada pursuant to N.R.C.P. 5(b)
6 ☐ addressed as follows below
7 ☐ By facsimile, pursuant to EDCR 7.26 (as amended)
8 ☐ By receipt of copy as indicated below
9 ☒ Via Court authorized electronic mail

10 Kirk T. Kennedy, Esq.
11 815 S. Casino Center Blvd.
12 Las Vegas, NV 89101
13 *facsimile: 385-1869*
14 Attorney for Plaintiff

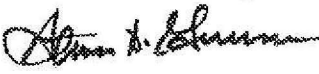
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/s/ Karen Thomas

An Employee of THE HOWARD LAW FIRM

ORIGINAL

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JGJV
JAMES W. HOWARD, ESQ.
Nevada Bar No. 4636
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Attorneys for Defendant
jhoward@howardlawlv.com


CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

JENNIFER O'NEAL,
Plaintiff,

Case No. A-13-693304-C
Dept. No. XXIV

vs.

JUDGMENT ON JURY VERDICT -
SHORT TRIAL PROGRAM

SHARNA HUDSON, individually; GERALD
LYLES, individually; DOES I through X,
inclusive, ROE CORPORATIONS I-10,
inclusive,

PLEASE NOTE
DEPARTMENT CHANGE

Defendants.

STP: 14-1410

WHEREAS, the above entitled matter having come on for trial on the 5th day of February, 2016, before the Court and a jury, Honorable Robert A. Goldstein, Pro Tempore Judge, presiding, and having been concluded and submitted to the Jury thereafter; Kirk T. Kennedy, Esq., appearing as counsel for the Plaintiff, and James W. Howard, Esq., appearing as counsel for the Defendants, and the Jury having heard and considered the testimony, evidence, proof and arguments offered by the respective parties and the cause then having been submitted to the Jury for decision, the Jury being fully advised in the premises; and having duly rendered its verdict, in favor of the Defendants above-named, and against the Plaintiff above-named, did hereby award nothing on Plaintiff's claim.

NOW, THEREFORE, the Court being fully advised in the premises;

<input type="checkbox"/> Non-Jury Disposed After Trial Start	<input type="checkbox"/> Jury Disposed After Trial Start
<input type="checkbox"/> Non-Jury Judgment Reached	<input checked="" type="checkbox"/> Jury Verdict Reached
<input type="checkbox"/> Transferred Before Trial	<input type="checkbox"/> Other - _____

STP FORM 13 (1 of 2)

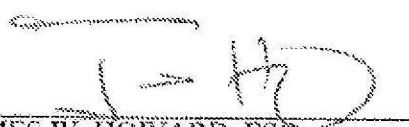
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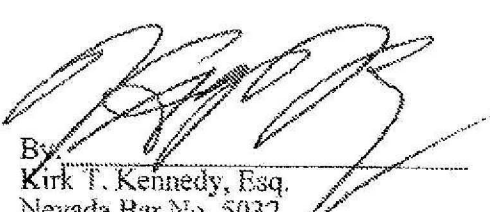
IT IS HEREBY ORDERED AND ADJUDGED, that the Plaintiff take nothing, that the action be dismissed on its merits, and that the Defendant recover of the Plaintiff his or her costs of action in the amount of \$958.94.


DATED this 22 day of March, 2016.


DISTRICT JUDGE

Submitted and approved by:

By: 
JAMES W. HOWARD, ESQ.
Nevada Bar No. 4636
1835 Village Center Circle
Las Vegas, Nevada 89134
Attorney for Defendants

By: 
Kirk T. Kennedy, Esq.
Nevada Bar No. 5032
815 S. Casino Center Blvd.
Las Vegas, NV 89101
Attorney for Plaintiff

By: 
Robert A. Goldstein
Nevada Bar No. 5001
410 S. Rampart Blvd., #350
Las Vegas, NV 89145
PRESIDING SHORT TRIAL JUDGE

1 KIRK T. KENNEDY, ESQ.
2 Nevada Bar No: 5032
3 815 S. Casino Center Blvd.
4 Las Vegas, NV 89101
(702) 385-5534
Attorney for Appellant

Electronically Filed
Jun 13 2016 10:39 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

5 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

6 JENNIFER O'NEAL,

No.: 70446

7 Appellant,

8 vs.

9 SHARNA HUDSON; GERALD LYLES,

10 Respondents.
11

12 **DOCKETING STATEMENT**

13 1. Judicial District: Eighth Department: 24 County: Clark

14 Judge: James Crockett; Short Trial Judge: Robert A. Goldstein

15 District Court Docket No: A-13-693304-C

16 2. Attorney filing this docket statement:

17 Kirk T. Kennedy, Esq.

18 815 S. Casino Center Blvd.

19 Las Vegas, NV 89101

20 (702) 385-5534

21 Attorney for Appellant O'Neal

22 3. Attorney representing respondent:

23 James W. Howard, Esq., 1835 Village Center Circle, Las Vegas, NV 89134;

24 (702) 385-5533; attorney for Respondents Lyles and Hudson.
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4. Nature of disposition below:

<input type="checkbox"/> Judgment after bench trial	<input type="checkbox"/> Grant/Denial of NRCP 60(b) relief
X Judgment after jury verdict	<input type="checkbox"/> Grant/Denial of injunction
<input type="checkbox"/> Summary Judgment	<input type="checkbox"/> Grant/Denial of declaratory relief
<input type="checkbox"/> Default Judgment	<input type="checkbox"/> Review of agency determination
<input type="checkbox"/> Dismissal	<input type="checkbox"/> Divorce decree
	<input type="checkbox"/> - other disposition:

5. This appeal does not raise any issues regarding child custody, venue, adoption, termination of parental rights, the grant/denial of an injunction or TRO, or juvenile matters.

6. Pending and prior proceedings in this court. None.

7. Pending and prior proceedings in other courts: None.

8. Nature of this action: Appellant O'Neal filed a personal injury action alleging one count of negligence related to an auto accident from September, 2012. The case was tried in the short trial program. The short trial jury returned a verdict for the Respondents.

9. Issues on appeal:

a. Whether substantial evidence supported the jury verdict.

b. Whether the short trial judge erred in denying O'Neal's motion for new trial and motion for judgment notwithstanding the verdict.

10. Pending proceedings in this court raising the same or similar issues: None.

11. Constitutional issues: Not Applicable.

12. Other issues: None.

13. Assignment to the Court of Appeals or retention in the Supreme Court: This case should be assigned to the Court of Appeals under NRAP 17(b)(2), as the matter involves an amount in controversy not exceeding \$250,000.

14. Trial: 1 day short trial program.

15. Judicial disqualification: Not applicable.

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TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from: March 23, 2016. A copy is attached.

17. Date written notice of entry of judgment or order served: March 24, 2016. A copy is attached with proof of service by mail.

18. If the time for filing the notice of appeal was tolled by a post-judgment motion? Yes.
-Appellant filed a motion for new trial under NRCP 59 with the short trial judge on March 24, 2016.

The motion was denied by order filed April 25, 2016.

19. Date notice of appeal was filed: May 19, 2016.

20. Specify statute or rule governing the time limit for filing the notice of appeal: NRAP Rule 4(a)(1).

SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from: NRAP 3A(b)(1).

Explain how the authority provides a basis for appeal from the judgment or order:

This is an appeal from a final judgment of the district court following a jury verdict.

Direct appellate review is permissible.

22. List of all parties involved in the action in the district court:

Plaintiff: Jennifer O'Neal

Defendants: Sharna Hudson and Gerald Lyles

(a) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal: N/A

23. Give a brief description of each party's claims: O'Neal had a sole claim for

negligence in her complaint. Following a short trial, the jury returned a verdict for the Respondents. Thereafter, O'Neal filed a motion for judgment notwithstanding the verdict and motion for new trial. The Short Trial Judge denied the post-trial motion. This appeal now follows.

24. Did the judgment or order appealed from adjudicate all the claims alleged below and the rights and liabilities of all the parties to the action below: Yes.

25. If you answered No to the immediately previous question, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b):

Yes: ____ No: ____

(d) Did the district court make an express determination, pursuant to NRCP 54(b) that there is no just reason for delay and an express direction for the entry of judgment:

Yes: ____ No: ____

26. If you answered No to any part of question 25, explain the basis for seeking appellate review:

27. Attach file stamped copies of the following documents:

-latest filed complaint, counterclaims, cross-claims or third party claims

-any tolling motions and orders

-orders of NRCP 41(a) dismissals formally resolving each claim asserted in action below even if not an issue on appeal

-any other order challenged on appeal

-notices fo entry of each attached order

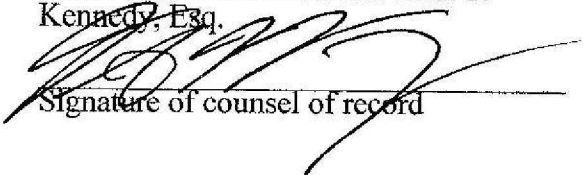
VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Name of Appellant: Jennifer O'Neal

Name of counsel of record: Kirk T. Kennedy, Esq.

Date: 6/13/16



Signature of counsel of record

State and County: Clark County, Nevada

CERTIFICATE OF SERVICE

I hereby affirm that on this 13th day of June, 2016, I mailed a copy via first class U.S. Mail of the foregoing docketing statement to the Appellee at the address below:

James W. Howard, Esq.
1835 Village Center Circle
Las Vegas, NV 89134


Law Office of Kirk T. Kennedy, Esq.