

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

2                                   \* \* \* \*

3                   JAPONICA GLOVER-ARMONT,

4                                   APPELLANT,

5                   VS.

6                   JOHN CARGILE; CITY OF NORTH  
7                   LAS VEGAS, A MUNICIPAL  
8                   CORPORATION EXISTING UNDER  
9                   THE LAWS OF THE STATE OF  
10                  NEVADA IN THE COUNTY OF  
11                  CLARK;

12                                   RESPONDENTS.

                                  Electronically Filed  
                                  May 23 2017 08:42 a.m.  
CASE NO.: 70988   Elizabeth A. Brown  
                                  Clerk of Supreme Court

13                   APPEAL FROM ORDER GRANTING RECONSIDERATION OF DEFENDANTS'  
14                                   MOTION FOR SUMMARY JUDGMENT

15                                   AND

16                   APPEAL FROM ORDER GRANTING SUMMARY JUDGMENT  
17                   EIGHTH JUDICIAL DISTRICT COURT, CLARK COUNTY, NEVADA  
18                   HONORABLE WILLIAM KEPHART, DISTRICT JUDGE

19                                   **APPELLANT'S APPENDIX**

20                                   ADAM GANZ, ESQ.  
21                                   Nevada Bar No. 6650  
22                                   MARJORIE HAUF, ESQ.  
23                                   Nevada Bar No. 8111  
24                                   DAVID T. GLUTH, ESQ.  
25                                   Nevada BarNo. 10596  
26                                   GANZ & HAUF  
27                                   8950 W. Tropicana Ave., Ste. 1  
28                                   Las Vegas, Nevada 89147  
                                  Tel: (702) 598-4529  
                                  Fax: (702) 598-3626

*Attorneys for Appellant*

**CHRONOLOGICAL INDEX TO APPENDIX**

No.	Document	Date	Vol.	Page Nos.
1.	Complaint	June 10, 2013	1	0001-0006
2.	Affidavit of Service City of North Las Vegas	July 22, 2013	1	0007-00012
3.	Affidavit of Service John Cargile	July 22, 2013	1	0013-0015
4.	Defendants' Answer to Complaint	September 5, 2013	1	0016-0020
5.	Plaintiff's Responses to Interrogatories	July 24, 2014	1	0021-0030
6.	Deposition of Japonica Glover-Armont	August 7, 2014	1	0031-0066
7.	Deposition of John Cargile	October 1, 2014	1	0067-0139
8.	Deposition of Jim Byrne	October 1, 2014	1	0140-0202
9.	Accident Reconstruction Sam Terry Expert Report	February 18, 2015	1	0203-0232
10.	Plaintiff's Designation of Expert Witnesses	February 23, 2015	1	0233-0239
11.	Plaintiff's Rebuttal Expert Disclosure	March 30, 2015	2	0240-0246
12.	Defendants' Designation of Rebuttal Experts	April 1, 2015	2	0247-0401
13.	Stipulation and Order to Extend Discovery (Second Request)	May 8, 2015	2	0402-0405

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14	Plaintiff's Fourth Supplemental Early Case Conference Report	October 22, 2015	2	0406-0426
15	Defendants' Motion for Summary Judgment	December 22, 2015	2	0427-0475
16	Plaintiff's Opposition to Defendants' Motion for Summary Judgment	January 11, 2016	3	0476-0664
17	Defendants' Reply in Support of Motion for Summary Judgment	January 26, 2016	4	0665-0671
18	Transcript of Hearing Motion for Summary Judgment February 2, 2016	February 2, 2016	4	0672-0702
19	Defendants' Supplemental Brief In Support of Motion for Summary Judgment	February 23 2016	4	0703-0707
20	Plaintiff's Supplemental Opposition to Motion for Summary Judgment	February 23 2016	4	0708-0860
21	Transcript of Hearing Motion for Summary Judgment March 1, 2016	March 1, 2016	4	0861-0884
22	Defendants' Motion to Reconsider	April 7, 2016	4	0885-0890
23	Plaintiff's Opposition to Motion to Reconsider	April 27, 2016	4	0891-0897
24	Defendants' Reply in Support of Motion to Reconsider	May 24, 2016	5	0898-0903

No.	Document	Date	Vol.	Page Nos.
25	Transcript Hearing- Defendants' Motion to Reconsider, Plaintiff's Motion in Limine Nos. 1 through 8, Defendants' Omnibus Motion in Limine	May 31, 2016	5	0904-0926
26	Order granting Defendants' Motion to Reconsider and Motion for Summary Judgment	July 5, 2016	5	0927-0929
27	Memorandum of Costs and Disbursements	July 6, 2016	5	0930-0955
28	Notice of Entry of Order Motion for Reconsideration and Summary Judgment	July 6, 2016	5	0956-0959
29	Plaintiff's Motion to Retax Costs	July 11, 2016	5	0961-0968
30	Defendants' Opposition to Plaintiff's Motion to Retax Costs	July 20, 2016	5	0969-0972
31	Plaintiff's Notice of Appeal	August 3, 2016	5	0973-1005
32	Order and Judgment- Motion to Retax Costs	October 6, 2016	5	1006-1007
33	Stipulation and Order to Stay Execution of the Judgment Pending the Appeal	October 27, 2016	5	1008-1009

Case No. \_\_\_\_\_  
(Assigned by Clerk's Office)**I. Party Information**Plaintiff(s) (name/address/phone):  
Japonica Glover-ArmontAttorney (name/address/phone): Adam Ganz, Esq.  
8950 W. Tropicana Ave, Ste 1  
Las Vegas, NV 89147 (702) 598-4529

Defendant(s) (name/address/phone): John Cargile

City of North Las Vegas

Attorney (name/address/phone):

**II. Nature of Controversy** (Please check applicable bold category and applicable subcategory, if appropriate)**Arbitration Requested**

## Civil Cases

<b>Real Property</b>	<b>Torts</b>	
<b>Landlord/Tenant</b>	<b>Negligence</b>	<b>Product Liability</b>
Unlawful Detainer	<b>Negligence – Auto</b>	Product Liability/Motor Vehicle
<b>Title to Property</b>	<b>Negligence – Medical/Dental</b>	Other Torts/Product Liability
Foreclosure	<b>Negligence – Premises Liability</b>	<b>Intentional Misconduct</b>
Liens	(Slip/Fall)	Torts/Defamation (Libel/Slander)
Quiet Title	<b>Negligence – Other</b>	Interfere with Contract Rights
Specific Performance		<b>Employment Torts</b> (Wrongful termination)
<b>Condemnation/Eminent Domain</b>		<b>Other Torts</b>
<b>Other Real Property</b>		Anti-trust
Partition		Fraud/Misrepresentation
Planning/Zoning		Insurance
		Legal Tort
		Unfair Competition
<b>Probate</b>	<b>Other Civil Filing Types</b>	
<b>Estimated Estate Value:</b>	<b>Construction Defect</b>	<b>Appeal from Lower Court</b> (also check applicable civil case box)
<b>Summary Administration</b>	Chapter 40	Transfer from Justice Court
<b>General Administration</b>	General	Justice Court Civil Appeal
<b>Special Administration</b>	<b>Breach of Contract</b>	<b>Civil Writ</b>
<b>Set Aside Estates</b>	Building & Construction	Other Special Proceeding
<b>Trust/Conservatorships</b>	Insurance Carrier	<b>Other Civil Filing</b>
<b>Individual Trustee</b>	Commercial Instrument	Compromise of Minor's Claim
<b>Corporate Trustee</b>	Other Contracts/Acct/Judgment	Conversion of Property
<b>Other Probate</b>	Collection of Actions	Damage to Property
	Employment Contract	Employment Security
	Guarantee	Enforcement of Judgment
	Sale Contract	Foreign Judgment – Civil
	Uniform Commercial Code	Other Personal Property
	<b>Civil Petition for Judicial Review</b>	Recovery of Property
	Foreclosure Mediation	Stockholder Suit
	Other Administrative Law	Other Civil Matters
	Department of Motor Vehicles	
	Worker's Compensation Appeal	

**III. Business Court Requested** (Please check applicable category; for Clark or Washoe Counties only.)

NRS Chapters 78-88

Investments (NRS 104 Art. 8)

Enhanced Case Mgmt/Business

Commodities (NRS 90)

Deceptive Trade Practices (NRS 598)

Other Business Court Matters

Securities (NRS 90)

Trademarks (NRS 600A)

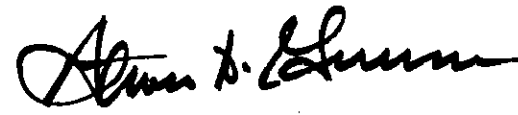
6/10/13

Marjorie Hauf /s/

Date

Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

**COMP**  
MARJORIE HAUF, ESQ.  
Nevada Bar No. 8111  
IDA M. YBARRA, ESQ.  
Nevada Bar No. 11327  
GANZ & HAUF  
8950 W. Tropicana Ave., Ste. 1  
Las Vegas, Nevada 89147  
Tel: (702) 598-4529  
Fax: (702) 598-3626

Attorneys for Plaintiff

-000-

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

JAPONICA GLOVER-ARMONT,

Plaintiff,

vs.

JOHN CARGILE; CITY OF NORTH LAS  
VEGAS, a Municipal Corporation existing  
under the laws of the State of Nevada in the  
County of Clark; DOES I through X, inclusive;  
and/or ROE CORPORATIONS I through X,  
inclusive,

Defendants.

CASE NO.: A - 13 - 683211 - C  
DEPT NO.: XIX

**COMPLAINT**

Plaintiff, JAPONICA GLOVER-ARMONT, by and through her attorney of record,  
MARJORIE HAUF, ESQ. of the law firm of GANZ & HAUF, hereby complains and alleges as  
follows:

**JURISDICTION**

1. That at all times, herein mentioned, Plaintiff JAPONICA GLOVER-ARMONT was  
and is a resident of the County of Clark, State of Nevada.

1           2.       That Defendant JOHN CARGILE is a resident of the County of Clark, State of  
2 Nevada.

3           3.       At all times mentioned herein, Defendant, CITY OF NORTH LAS VEGAS, was  
4 and is, a Municipal Corporation existing under the laws of the State of Nevada in the County of  
5 Clark.

6           4.       The true names of DOES I through X and ROE Corporations I through X, though  
7 their citizenship and capacities, whether individual, corporate, associate, partnership or otherwise,  
8 are unknown to Plaintiff who therefore sues these Defendants by such fictitious names. Plaintiff is  
9 informed and believes, and therefore alleges, that each of the Defendants designated as DOES I  
10 through X and ROE CORPORATIONS I through X, are or may be, legally responsible for the  
11 events referred to in this action, and caused damages to the Plaintiff, as herein alleged, and  
12 Plaintiff will ask leave of this Court to amend the Complaint to insert the true names and capacities  
13 of such Defendants, when the same have been ascertained, and to join them in this action, together  
14 with proper charges and allegations.

15           5.       DOES I through V and ROE CORPORATIONS I through X may be employers of  
16 Defendant who may be liable for Defendants' negligence pursuant to NRS 41.130, which states:

17                   Except as otherwise provided in NRS 41.745, whenever any person  
18 shall suffer personal injury by wrongful act, neglect or default of  
19 another, the person causing the injury is liable to the person injured for  
20 damages; and where the person causing the injury is employed by  
21 another person or corporation responsible for his conduct, that person  
22 or corporation so responsible is liable to the person injured for  
23 damages.

24           6.       DOES VI through X may be immediate family members of Defendant who may be  
25 liable for Defendants' negligence pursuant to 41.440, which states:

26                   Any liability imposed upon a wife, husband, son, daughter, father,  
27 mother, brother sister or other immediate member of a family arising  
28 out of his or her driving and operating a motor vehicle upon a highway  
with the permission, express or implied, of such owner is hereby  
imposed upon the owner of the motor vehicle, and such owner shall be

1 jointly and severally liable with his or her wife, husband, son,  
2 daughter, father, mother, brother, sister, or other immediate member of  
3 the family for any damages proximately resulting from such  
4 negligence or willful misconduct, and such negligent or willful  
5 misconduct shall be imputed to the owner of the motor vehicle for all  
6 purposes of civil damages.

7 7. DOE/ROE Defendants may also be any other person or entity responsible for the  
8 damages caused to Plaintiff, through actions or contract. DOE/ROE Defendants are intended to  
9 include not only persons or entities whose actions are responsible for the Plaintiff's injuries, but  
10 also persons or entities who may be financially liable to compensate Plaintiff for damages,  
11 including, but not limited to, uninsured/underinsured motorist insurance carriers.

12 8. ROE Corporations VI through X are entities associated with Defendant, CITY OF  
13 NORTH LAS VEGAS, and/or the true and proper entity owning and/or managing the vehicle  
14 operated by Defendant, JOHN CARGILE, at the time of the motor vehicle accident that is subject  
15 of this Complaint.

16 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

17 9. That on or around, November 5, 2012, Plaintiff, JAPONICA GLOVER-ARMONT,  
18 was driving, eastbound on Cheyenne approaching the intersection of 5<sup>th</sup> Street in North Las Vegas,  
19 Nevada. Defendant, JOHN CARGILE, while driving a vehicle owned by his employer,  
20 Defendant, CITY OF NORTH LAS VEGAS, was driving northbound on 5<sup>th</sup> Street in North Las  
21 Vegas, Nevada when Defendant JOHN CARGILE attempted to cross the intersection on a red light  
22 without his siren causing an impact with Plaintiff's vehicle.

23 10. At the time of the subject motor vehicle accident, Defendant, JOHN CARGILE was  
24 operating vehicle owned by, Defendant, CITY OF NORTH LAS VEGAS, and/or Does I through  
25 V and Roe Corporations I through X.

26 11. Defendant, JOHN CARGILE was a permissive driver, driving a vehicle owned by  
27 CITY OF NORTH LAS VEGAS, and/or Does I through V and Roe Corporations I through X.  
28



1           12.     At the time of the subject motor vehicle accident, Defendant, JOHN CARGILE,  
2 was in the course and scope of his employment for CITY OF NORTH LAS VEGAS and/or Does I  
3 through V and Roe Corporations I through X.

4                               **FIRST CLAIM FOR RELIEF**

5                                       **(Negligence)**

6  
7           13.     Plaintiff repeats and realleges each and every statement set forth in Paragraphs 1  
8 through 12 of the Complaint on file herein, as though each were set forth herein verbatim.

9           14.     That Defendant, JOHN CARGILE, and/or DOE/ROE Defendants owed a duty of  
10 care to Plaintiff to operate his vehicle owned by Defendants in a careful, responsible and  
11 reasonably prudent manner.

12           15.     That Defendant, JOHN CARGILE, and/or DOE/ROE Defendants breached his duty  
13 when he failed to use due care, failing to use his sirens and by negligently striking Plaintiff,  
14 JAPONICA GLOVER-ARMONT while she was driving a vehicle.

15  
16           16.     That as a direct and proximate cause of the negligence, carelessness, and/or  
17 recklessness of Defendant, JOHN CARGILE, and/or Does I through V and Roe Corporations I  
18 through X, Plaintiff sustained severe bodily trauma, all of which may be permanent and disabling  
19 in nature to all her general and compensatory damage in an amount in excess of TEN  
20 THOUSAND DOLLARS, \$10,000. In addition, Plaintiff was required to incur expenses for  
21 medical care and treatment, including physicians, nurses, physical therapists, hospitalization, x-  
22 rays, medicine and general medical care in an amount not yet ascertained; and in this regard  
23 Plaintiff prays leave of the Court to insert all said damages herein when the same have been fully  
24 ascertained or proven at the time of trial herein.

25  
26           17.     That as a direct and proximate result of the negligence, carelessness, and/or  
27 recklessness of Defendant JOHN CARGILE, and/or Does I through V and Roe Corporations I  
28 through X, Plaintiff has endured pain and suffering, worry, anxiety, emotional distress, loss of

1 enjoyment of life, and will continue to endure said losses for an indefinite period of time in the  
2 future, in an amount in excess of TEN THOUSAND DOLLARS, \$10,000.00, and in this regard  
3 Plaintiff prays leave of the Court to assert all said damages herein when the same have been fully  
4 ascertained or proven at the time of trial herein.

5  
6 18. It has been necessary for Plaintiff to retain the services of counsel to represent her  
7 in the above-entitled matter, and she should be awarded reasonable attorneys' fees and costs of suit  
8 incurred herein.

9 **SECOND CLAIM FOR RELIEF**

10 **(Vicarious Liability)**

11 19. Plaintiff repeats and realleges each and every statement set forth in Paragraphs 1  
12 through 18 of the Complaint on file herein, as though each were set forth above.

13  
14 20. On or about November 5, 2012, Defendant, JOHN CARGILE, was driving a  
15 vehicle owned by Defendant, CITY OF NORTH LAS VEGAS, while working for Defendant,  
16 CITY OF NORTH LAS VEGAS, and/or Does I through V and/or Roe Corporations I through X,  
17 while in the course and scope of his employment; so that Defendants, and/or Does I through V  
18 and/or Roe Corporations I through X, are vicariously liability for damages to Plaintiff under the  
19 theory of Respondeat Superior, codified in NRS 41.745.

20 **THIRD CLAIM FOR RELIEF**

21 **(Negligent Entrustment)**

22  
23 21. Plaintiff repeats and realleges each and every allegation set forth in paragraphs 1  
24 through 20 of the Complaint as though the same were fully set forth herein.

25 22. Defendant, CITY OF NORTH LAS VEGAS, knowingly entrusted a vehicle to an  
26 inexperienced or incompetent person.

27 23. Defendant, CITY OF NORTH LAS VEGAS, had the right to control the vehicle  
28 Defendant, JOHN CARGILE, was driving at the time of the subject accident.

1           24. Defendant, CITY OF NORTH LAS VEGAS, permitted Defendant, JOHN  
2 CARGILE, to use its vehicle.

3           25. Defendant, CITY OF NORTH LAS VEGAS, knew or should have known that use  
4 of the vehicle by Defendant, JOHN CARGILE, may create an unreasonable risk of harm to others.

5           26. As a direct and proximate cause of the negligence, carelessness, and/or recklessness  
6 of Defendants, and each of them, Plaintiff sustained severe bodily trauma, all or some of which  
7 may be permanent and disabling in nature all to her general and compensatory damage in an  
8 amount in excess of \$10,000.00. In addition, Plaintiff was required to incur expenses for medical  
9 care, treatment and expenses incidental thereto, all to her detriment, in an amount unknown at this  
10 time, and maybe required in the future to incur expenses for medical care and treatment, including  
11 surgery, physicians, nurses, physical therapists, hospitalization, x-rays, medicine and general  
12 medical care in an amount not yet ascertained, and in this regard Plaintiff prays leave of the Court  
13 to insert all said damages herein when the same have been fully ascertained or proven at the time  
14 of trial herein.

15           27. As a direct and proximate result of the negligence, carelessness, and/or recklessness  
16 of Defendants, and each of them, Plaintiff has endured pain and suffering, worry, anxiety,  
17 emotional distress, loss of enjoyment of life, and will continue to endure said losses for an  
18 indefinite period of time in the future, in an amount in excess of \$10,000.00, and in this regard  
19 Plaintiff prays leave of the Court to insert all said damages herein when the same have been fully  
20 ascertained or proven at the time of trial herein.

21           28. It has been necessary for the Plaintiff to retain the services of counsel to represent  
22 her in the above-entitled matter, and that she should be awarded reasonable attorney's fees and  
23 costs.

24  
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27 ///

28 ///

1 **FOURTH CLAIM FOR RELIEF**

2 **(Negligent Hiring, Training and Supervision)**

3 29. Plaintiff repeats and realleges and incorporates herein by reference each and every  
4 allegation contained in paragraphs 1 through 28 of the Plaintiff's Complaint as set forth above.

5 30. Defendant CITY OF NORTH LAS VEGAS and/or DOE/ROE Defendants had a  
6 duty to properly hire, train and supervise each of their staff and/or other agents.  
7

8 31. As described in detail in the above paragraphs incorporated herein, these  
9 Defendants failed to meet this obligation and breached this duty to adequately hire, train and  
10 supervise each of their staff and other agents.

11 32. As a direct and proximate result of the negligence of the Defendants, and each of  
12 them, Plaintiff suffered damage in an amount in excess of the minimum jurisdiction amount  
13 established for filing this action.  
14

15 33. Defendants' failure was the proximate cause of substantial injury to Plaintiff.

16 34. It has been necessary for Plaintiff to retain the services of counsel to represent her  
17 in the above-entitled matter, and he should be awarded reasonable attorneys' fees and cost of suit  
18 incurred herein.

19 **PRAYER FOR RELIEF**

20 Wherefore, Plaintiff prays for relief and judgment as against Defendants, and each of them,  
21 as follows:  
22

- 23 1. Compensatory damages in excess of \$10,000, according to proof at trial;  
24 2. Interest from the time of service of this complaint as allowed by NRS 17.130;  
25 3. Costs of suit and attorney fees; and

26 ///

27 ///

28 ///

1 4. For such other and further relief as the court may deem appropriate.

2 Dated this 7<sup>th</sup> day of June, 2013.

3 GANZ & HAUF

4  
5  
6 Ida M. Ybarra  
MARJORIE HAUF, ESQ.  
Nevada Bar No. 8111  
7 IDA M. YBARRA, ESQ.  
Nevada Bar No. 11327  
8 8950 W. Tropicana Ave., Suite 1  
9 Las Vegas, Nevada 89147  
10 Attorney for Plaintiff  
11  
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28

1 STATE OF NEVADA )

2 )  
3 COUNTY OF CLARK )

ss.

AFFIDAVIT OF SERVICE

4 Genice Rojas, being duly sworn says: That at all times herein affiant was and is a citizen of the  
United States, over 18 years of age, not a party to or interested in the proceeding in which this affidavit is made.  
5 That affiant received 1 copy(ies) of the Summons and Complaint on the 22 day of July,  
2013 and served the same on the 22 day of July, 2013 by:

6 (Affiant must complete the appropriate paragraph)

7 1. delivering and leaving a copy with the defendant \_\_\_\_\_ at  
8 \_\_\_\_\_

9 2. serve the defendant \_\_\_\_\_ by personally delivering and leaving a copy with  
10 \_\_\_\_\_, a person of suitable age and discretion residing at the defendant's usual place of  
abode located at \_\_\_\_\_

11 (Use paragraph 3 for serve upon agent, completing A or B)

12 3. serving the defendant CITY OF NORTH LAS VEGAS, a municipal Corporation existing under  
the Law of the State of Nevada in the County of Clark by personally delivering and leaving a copy  
at 2250 N. LAS VEGAS BLVD #800 N. LAS VEGAS, NV 89030 @ 2:15 pm

13 a. With ADEL TAPIA-ROJAS as CITY CLERKS OFFICE, an agent  
14 lawfully designated by statute to accept service of process;

15 b. With \_\_\_\_\_, pursuant to NRS 14.020 as a person of suitable age  
16 and discretion at the above address, which address is the address of the resident agent as shown on  
the current certificate of designation filed with the Secretary of State.

17 4. personally depositing a copy in a mail box of the United States Post Office, enclosed in a sealed envelope postage  
18 prepaid (check appropriate method):

19 \_\_\_\_\_ ordinary mail  
20 \_\_\_\_\_ certified mail, return receipt requested  
21 \_\_\_\_\_ registered mail, return receipt requested

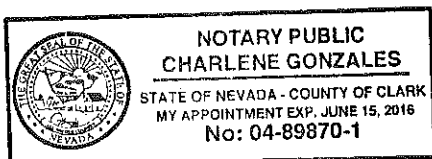
22 addressed to the defendant \_\_\_\_\_ at the defendant's last known address which is  
23 \_\_\_\_\_

24 SUBSCRIBED AND SWORN to before me this  
25th day of July 2013.

25 Charlene Gonzales  
26 NOTARY PUBLIC

Genice O. Rojas - Registration # R-052713

Robert D. Lawson Investigations, LLC  
1148 S. Maryland Pkwy  
Las Vegas, NV 89104  
License # 1027



ORIGINAL

**SUMM**

MARJORIE HAUF, ESQ.

Nevada Bar No. 8111

IDA M. YBARRA, ESQ.

Nevada Bar No. 11327

GANZ & HAUF

8950 W. Tropicana Ave., Ste. 1

Las Vegas, Nevada 89147

Tel: (702) 598-4529

Fax: (702) 598-3626

Attorneys for Plaintiff

-000-

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

JAPONICA GLOVER-ARMONT,

Plaintiff,

vs.

JOHN CARGILE; CITY OF NORTH LAS  
VEGAS, a Municipal Corporation existing  
under the laws of the State of Nevada in the  
County of Clark; DOES I through X, inclusive;  
and/or ROE CORPORATIONS I through X,  
inclusive,

Defendants.

CASE NO.: A-13-683211-C

DEPT NO.: XIX

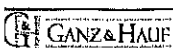
**SUMMONS**

**CITY OF NORTH LAS VEGAS**

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU  
WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ  
THE INFORMATION BELOW.**

**TO THE DEFENDANT(S):** A civil Complaint has been filed by the Plaintiff(s) against you for  
the relief set forth in the Complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you,  
exclusive of the day of service, you must do the following:



8950 W. Tropicana Ave., #1  
Las Vegas, NV 89147  
Phone: (702) 598-4529  
Fax: (702) 598-3626

1 (a) File with the Clerk of this Court, whose address is shown below, a formal written  
2 response to the Complaint in accordance with the rules of the Court, with the  
3 appropriate filing fee.

4 (b) Serve a copy of your response upon the attorney whose name and address is shown  
5 below.

6  
7 2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and  
8 failure to so respond will result in a judgment of default against you for the relief  
9 demanded in the Complaint, which could result in the taking of money or property or other  
10 relief requested in the Complaint.

11 3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so  
12 that your response may be filed on time.

13  
14 4. The State of Nevada, its political subdivisions, agencies, officers, employees, board  
15 members, commission members and legislators each have 45 days after service of this  
16 Summons within which to file an Answer or other responsive pleading to the Complaint.

17 Submitted by:

CLERK OF COURT

18  
19 Marjorie Hauf  
20 MARJORIE HAUF ESQ  
21 Nevada Bar No. 8111  
22 IDA YBARRA, ESQ.  
Nevada Bar No. 11327

By: Kathrine Cardenas JUL 17 2013  
Deputy Clerk Date  
Regional Justice Center KATHRINE CARDENAS  
200 Lewis Avenue  
Las Vegas, NV 89155

23 **NOTE: When service is by publication, add a brief statement of the object of the action. See**  
24 **Nevada Rules of Civil Procedure 4(b).**



8950 W. Tropicana Ave., #1  
Las Vegas, NV 89147  
Phone: (702) 898-4528  
Fax: (702) 898-3626



1 STATE OF NEVADA )  
2 )  
3 COUNTY OF CLARK )

ss.

AFFIDAVIT OF SERVICE

4 GENICE ROJAS, being duly sworn says: That at all times herein affiant was and is a citizen of the  
5 United States, over 18 years of age, not a party to or interested in the proceeding in which this affidavit is made.  
6 That affiant received 1 copy(ies) of the Summons and Complaint on the 22 day of July,  
7 2013 and served the same on the 22 day of July, 2013 by:

(Affiant must complete the appropriate paragraph)

8 1. delivering and leaving a copy with the defendant \_\_\_\_\_ at \_\_\_\_\_

9 2. serve the defendant \_\_\_\_\_ by personally delivering and leaving a copy with  
10 \_\_\_\_\_, a person of suitable age and discretion residing at the defendant's usual place of  
11 abode located at \_\_\_\_\_

(Use paragraph 3 for serve upon agent, completing A or B)

12 3. serving the defendant JOHN CARBILE by personally delivering and leaving a copy  
13 at 1301 E. LAKE HEAD Blvd, North Las Vegas NV 89030 @ 1:50 PM

14 a. With Margie Sutko as Pro Standards Coordinator, an agent  
15 lawfully designated by statute to accept service of process;

16 b. With \_\_\_\_\_, pursuant to NRS 14.020 as a person of suitable age  
17 and discretion at the above address, which address is the address of the resident agent as shown on  
18 the current certificate of designation filed with the Secretary of State.

19 4. personally depositing a copy in a mail box of the United States Post Office, enclosed in a sealed envelope postage  
20 prepaid (check appropriate method):

21 \_\_\_\_\_ ordinary mail  
22 \_\_\_\_\_ certified mail, return receipt requested  
23 \_\_\_\_\_ registered mail, return receipt requested

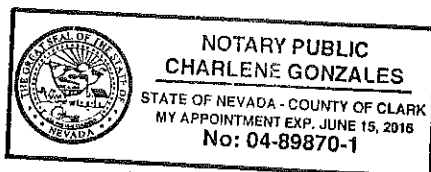
24 addressed to the defendant \_\_\_\_\_ at the defendant's last known address which is  
25 \_\_\_\_\_

26 SUBSCRIBED AND SWORN to before me this  
27 25th day of July 2013.

28 Charlene Gonzales  
NOTARY PUBLIC

Genice O. Rojas - Registration # R-052713

Robert D. Lawson Investigations, LLC  
1148 S. Maryland Pkwy  
Las Vegas, NV 89104  
License # 1027



ORIGINAL

**SUMM**

MARJORIE HAUF, ESQ.

Nevada Bar No. 8111

IDA M. YBARRA, ESQ.

Nevada Bar No. 11327

GANZ & HAUF

8950 W. Tropicana Ave., Ste. 1

Las Vegas, Nevada 89147

Tel: (702) 598-4529

Fax: (702) 598-3626

Attorneys for Plaintiff

-o0o-

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

JAPONICA GLOVER-ARMONT,

Plaintiff,

vs.

JOHN CARGILE; CITY OF NORTH LAS  
VEGAS, a Municipal Corporation existing  
under the laws of the State of Nevada in the  
County of Clark; DOES I through X, inclusive;  
and/or ROE CORPORATIONS I through X,  
inclusive,

Defendants.

CASE NO.: A-13-683211-C

DEPT NO.: XIX

**SUMMONS**

**JOHN CARGILE**

**NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU  
WITHOUT YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ  
THE INFORMATION BELOW.**

**TO THE DEFENDANT(S):** A civil Complaint has been filed by the Plaintiff(s) against you for  
the relief set forth in the Complaint.

1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you,  
exclusive of the day of service, you must do the following:



8950 W. Tropicana Ave., #1  
Las Vegas, NV 89147  
Phone: (702) 598-4529  
Fax: (702) 598-3626

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(a) File with the Clerk of this Court, whose address is shown below, a formal written response to the Complaint in accordance with the rules of the Court, with the appropriate filing fee.

(b) Serve a copy of your response upon the attorney whose name and address is shown below.

2. Unless you respond, your default will be entered upon application of the Plaintiff(s) and failure to so respond will result in a judgment of default against you for the relief demanded in the Complaint, which could result in the taking of money or property or other relief requested in the Complaint.

3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response may be filed on time.

4. The State of Nevada, its political subdivisions, agencies, officers, employees, board members, commission members and legislators each have 45 days after service of this Summons within which to file an Answer or other responsive pleading to the Complaint.

Submitted by:

CLERK OF COURT

Marjorie Hauf

MARJORIE HAUF ESQ

Nevada Bar No. 8111

IDA YBARRA, ESQ.

Nevada Bar No. 11327

By:

Kathrine Cardenas  
Deputy Clerk

JUL 17 2013

Date

Regional Justice Center

200 Lewis Avenue

Las Vegas, NV 89155

KATHRINE CARDENAS

NOTE: When service is by publication, add a brief statement of the object of the action. See Nevada Rules of Civil Procedure 4(b).

1 ANS  
2 NORTH LAS VEGAS CITY ATTORNEY  
3 Sandra Douglass Morgan, NV Bar No. 8582  
4 Acting City Attorney  
5 Christopher D. Craft, NV Bar No. 7314  
6 Deputy City Attorney  
7 2250 Las Vegas Blvd. North, Suite 810  
8 North Las Vegas, Nevada 89030  
9 Telephone: (702) 633-1050  
10 Facsimile: (702) 649-8879  
11 Attorneys for Defendants  
12 *JOHN CARGILE and CITY OF NORTH LAS VEGAS*

13 **DISTRICT COURT**  
14 **CLARK COUNTY, NEVADA**

15 JAPONICA GLOVER-ARMONT,

16 Plaintiff,

17 vs.

18 JOHN CARGILE; CITY OF NORTH LAS  
19 VEGAS, a Municipal Corporation existing  
20 under the laws of the State of Nevada in the  
21 County of Clark; DOES I through X, inclusive;  
22 and/or ROE CORPORATIONS I through X,  
23 inclusive,

24 Defendants.

Case No. A-13-683211-C

Dept. No. XIX

**ANSWER TO COMPLAINT**

25 Defendants JOHN CARGILE ("Cargile") and CITY OF NORTH LAS VEGAS ("City" and  
26 collectively "Defendants"), by and through their attorneys, answer Plaintiff's Complaint on file  
27 herein as follows:

28 **JURISDICTION**

1. Defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1, 4, 5, 6, 7, and 8, and therefore deny the same.
2. Defendants admit the allegations contained in paragraphs 2 and 3.

**FACTS COMMON TO ALL CLAIMS FOR RELIEF**

3. With regard to the allegations contained in paragraph 9, Defendants admit that on or about November 5, 2012, Cargile was driving his City vehicle northbound on 5<sup>th</sup> Street in North Las Vegas, Nevada. Defendants further admit that on or about that same time, Plaintiff was

1 driving eastbound on Cheyenne approaching the intersection of 5<sup>th</sup> Street when their vehicles  
2 impacted. Defendants deny the remainder of the allegations contained in paragraph 9.

- 3 4. With regard to the allegations contained in paragraphs 10, 11, and 12, Defendants admit that  
4 at the time of the subject accident, Cargile was acting in the course and scope of his  
5 employment with the City, and that he was a permissive driver operating a vehicle owned by  
6 the City. Defendants are without knowledge or information sufficient to form a belief as to  
7 the remainder of the allegations contained in paragraphs 10, 11, and 12, and therefore deny  
8 the same.

9 **FIRST CLAIM FOR RELIEF**

10 **(Negligence)**

- 11 5. Answering paragraph 13, Defendants incorporate by reference their answers to paragraphs  
12 1 through 12 as though fully set forth herein.  
13 6. Defendants deny the allegations contained in paragraphs 14, 15, 16, 17 and 18.

14 **SECOND CLAIM FOR RELIEF**

15 **(Vicarious Liability)**

- 16 7. Answering paragraph 19, Defendants incorporate by reference their answers to paragraphs  
17 1 through 18 as though fully set forth herein.  
18 8. With regard to the allegations contained in paragraph 20, Defendants admit that on or about  
19 November 5, 2012, Cargile was driving a vehicle owned by the City, while working for the  
20 City while in the course and scope of his employment. Defendants deny the remainder of the  
21 allegations contained in paragraph 20.

22 **THIRD CLAIM FOR RELIEF**

23 **(Negligent Entrustment)**

- 24 9. Answering paragraph 21, Defendants incorporate by reference their answers to paragraphs  
25 1 through 20 as though fully set forth herein.  
26 10. Defendants deny the allegations contained in paragraphs 22, 23, 25, 26, 27, and 28.  
27 11. Defendants admit the allegations contained in paragraph 24.  
28

**FOURTH CLAIM FOR RELIEF**

**(Negligent Hiring, Training and Supervision)**

12. Answering paragraph 29, Defendants incorporate by reference their answers to paragraphs 1 through 28 as though fully set forth herein.
13. Paragraph 30 contains legal conclusions to which Defendants are not required to respond. To the extent paragraph 30 contains factual allegations, Defendants deny each and every allegation contained therein.
14. Defendants deny the allegations contained in paragraphs 31, 32, 33, and 34.

**GENERAL DENIAL**

15. Defendants deny each and every allegation in the Complaint which is not expressly admitted herein.

**AFFIRMATIVE DEFENSES**

Defendants hereby assert the following affirmative defenses:

1. Plaintiff fails to state a claim upon which relief can be granted.
2. The acts of the Defendants were reasonable, justified and/or privileged under the circumstances.
3. The Defendants are entitled to immunity and/or qualified immunity from all claims alleged by Plaintiff.
4. The damages sustained by Plaintiff, if any, were actually and/or proximately caused by Plaintiff, in whole or in part.
5. The damages sustained by Plaintiff, if any, were actually and/or proximately caused by the acts of third persons, for whom the Defendants are not liable to Plaintiff in any manner.
6. Plaintiff's claims are barred by estoppel.
7. Plaintiff's claims are barred by waiver.
8. Plaintiff's claims are barred by fraud.
9. The Defendants are immune from suit.
10. Plaintiff's claims are barred, in whole or in part, by her failure to mitigate damages.
11. Plaintiff's claims are barred by the doctrine of unclean hands.

12. Plaintiff's claims are barred by her own negligence, intentional acts, or misconduct.

13. Plaintiff's award for damages, if any, may not exceed the sum of \$100,000, pursuant to NRS 41.035(1).

14. The acts and/or omissions alleged by Plaintiff were in execution of a statute or regulation or discretionary functions for which Defendants are immune from suit pursuant to NRS 41.032.

15. The Defendants did not affirmatively cause the harm alleged by Plaintiff and; therefore, pursuant to NRS 41.0336, the Defendants are not liable to Plaintiff.

16. Plaintiff's claims are barred because Plaintiff failed to present her demand to the city council, in writing, within 6 months as required by NRS 268.020.

17. Pursuant to Nev. R. Civ. P. 11, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of the Defendants' Answer, and therefore, the Defendants reserve the right to amend its Answer to allege additional affirmative defenses if subsequent investigation warrants.

WHEREFORE, the Defendants pray for judgment as follows:

1. That Plaintiff take nothing by way of her Complaint;
2. For reasonable attorneys' fees incurred herein;
3. For costs of suit incurred;
4. For such other and further relief as the Court may deem just and proper in the premises.

DATED this 5<sup>th</sup> day of September, 2013.

NORTH LAS VEGAS CITY ATTORNEY

/s/ Christopher D. Craft

Sandra Douglass Morgan, NV Bar No. 8582  
Christopher D. Craft, NV Bar No. 7314  
2250 Las Vegas Blvd. North, Suite 810  
North Las Vegas, Nevada 89030  
Attorneys for Defendants  
JOHN CARGILE and CITY OF NORTH LAS VEGAS

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that service of a true and correct copy of the **ANSWER TO COMPLAINT** was made on the 5<sup>th</sup> day of September, 2013, as indicated below:

☒ By first class mail, postage prepaid from Las Vegas, Nevada pursuant to N.R.C.P. 5(b) addressed as follows

☐ By facsimile, pursuant to EDCR 7.26 (as amended)

☐ By hand delivery

☐ By e-mail transmission

To the parties listed below:

Marjorie Hauf, Esq.  
Ida M. Ybarra, Esq.  
GANZ & HAUF  
8950 W. Tropicana Avenue, Ste. 1  
Las Vegas, Nevada 89147  
Facsimile (702) 598-3626

*Attorneys for Plaintiff*

/s/ Michelle Harrell  
An Employee of North Las Vegas  
City Attorney's Office



1 **ANSW**  
2 MARJORIE HAUF, ESQ.  
3 Nevada Bar No. 8111  
4 IDA M. YBARRA, ESQ.  
5 Nevada Bar No. 11327  
6 GANZ & HAUF  
7 8950 W. Tropicana Ave., Ste. 1  
8 Las Vegas, Nevada 89147  
9 Tel: (702) 598-4529  
10 Fax: (702) 598-3626

11 Attorneys for Plaintiff

-000-

DISTRICT COURT

CLARK COUNTY, NEVADA

12 JAPONICA GLOVER-ARMONT,

13 Plaintiff,

14 vs.

15 JOHN CARGILE; CITY OF NORTH LAS  
16 VEGAS, a Municipal Corporation existing  
17 under the laws of the State of Nevada in the  
18 County of Clark; DOES I through X, inclusive;  
19 and/or ROE CORPORATIONS I through X,  
20 inclusive,

Defendants.

CASE NO.: A-13-683211-C  
DEPT NO.: XIX

**PLAINTIFF'S RESPONSES TO  
DEFENDANTS' FIRST SET OF  
INTERROGATORIES**

21 TO: CHIRSTOPHER CRAFT, ESQ, Counsel for Defendants.

22 Plaintiff, JAPONICA GLOVER-ARMONT, by and through her attorney of record,  
23 MARJORIE HAUF, ESQ., of the law firm GANZ & HAUF, and pursuant to Rule 33 of the  
24 Nevada Rules of Civil Procedures, hereby responds to Defendants' Interrogatories:

25 ///

26 ///

27 ///

1 **INTERROGATORY NO. 1:**

2 Identify yourself, giving your full name, all names by which you have been known,  
3 residential addresses, for the last ten years, business address, occupation, employers for the last ten  
4 years, date of birth and social security number

5 **ANSWER TO INTERROGATORY NO.1:**

6  
7 Objection, this Interrogatory is compound, overly broad and unduly burdensome. Without  
8 waiving said objections, Plaintiff answers as follows:

9 **Name:**

10 Japonica Felisha Glover-Armont;  
11 Japonica Felisha Armont; and  
12 Japonica Felisha Glover.

13 **Address:**

14 2300 Rock Spring Dr. #1037, Las Vegas, NV 89128, current;  
15 611 Park Landing Ct., North Las Vegas, NV 89032, approximately August 2012 to February  
16 2013;  
17 2881 North Rancho Dr, Las Vegas, NV 89130, approximately February 2011 to August of  
18 2012;  
19 4249 N Commerce St., North Las Vegas, NV 89032, approximately August 2010 to  
20 February 2011; and  
21 4404 W. Lake Mead Blvd. # 101, Las Vegas, NV 89108, approximately July 2010 to August  
22 2010.

23 **Employers:**

24 Las Vegas Review Journal (Contractor) 6/2010 to Present;  
25 3D Vision Inc. DBA 3D Janitorial (Co-Owner) 5/2005 to 1/2013;  
26 Pyramid Financial Services (Secretary) 1/2005 to 7/2005; and  
27 RH Donnelly (Business Development Associates) 7/2004 to 12/2004.

28 **Date of Birth:**

5/6/1968

**Social Security No.:**

XXX-XX-4899

23 **INTERROGATORY NO. 2:**

24 Please describe in detail the incident which is the subject of this lawsuit. Please include in  
25 your response:

- 26 a. A chronological description of all relevant facts that occurred before, during and after  
27 the incident (please include the time of day or an approximation of the time of day in  
28 your description);

- 1 b. A description of the scene where the incident took place;
- 2 c. The names, addresses and telephone numbers of all persons who were with you at the
- 3 time of the incident; and
- 4 d. The names, address and telephone number of all person who witnessed the incident.

5 **ANSWER TO INTERROGATORY NO.2:**

6

7 Objection, this Interrogatory is compound, vague ambiguous and overly broad. Without

8 waiving said objections, to the best of Plaintiff's recollection, on November 5, 2012, around 2:00

9 a.m. to 3:00 a.m., Plaintiff was traveling east on Cheyenne Ave. and as she was going through a

10 green light at the 5<sup>th</sup> St intersection, a police truck crashed into the front passenger side of

11 Plaintiff's car. The officer did not have his sirens on and Plaintiff could not see his lights flashing

12 due to the hill obstructing her view.

13 **INTERROGATORY NO. 3:**

14

15 As to the contentions set for in Paragraph 15 of the Complaint in which you assert that

16 Defendant JOHN CARGILE was negligent and failed to use due care:

- 17 a. State all material facts which evidence, refute, or relate to your contentions;
- 18 b. Identify all persons having knowledge of such facts; and
- 19 c. Identify all communication and document's which evidence, refute or relate your
- 20 contentions.

21 **ANSWER TO INTERROGATORY NO.3:**

22

23 Objection. Plaintiff objects to this Interrogatory on the grounds that it is compound and calls

24 for a legal conclusion. Without waiving said objection, Defendant John Cargile breached his duty

25 when he failed to use due care by failing to use his sirens.

26 ///

27 ///

28 ///

1 **INTERROGATORY NO. 4:**

2 As to the contentions set for in Paragraph 25 of the Complaint in which you assert that  
3 Defendant CITY OF NORTH LAS VEGAS knew or should have known that Defendant JOHN  
4 CARGILE's use of the vehicle may create an unreasonable risk of harm to others:

- 5 a. State all material facts which evidence, refute, or relate to your contentions;  
6 b. Identify all persons having knowledge of such facts; and  
7 c. Identify all communication and document's which evidence, refute or relate your  
8 contentions.  
9

10 **ANSWER TO INTERROGATORY NO.4:**

11 Objection. Plaintiff objects to this Interrogatory on the grounds that it is compound and calls  
12 for a legal conclusion. Without waiving said objection, the documents supporting this allegation is  
13 squarely within control of the Defendants and the Defendants have refused to provide it.  
14

15 **INTERROGATORY NO. 5:**

16 As to the contentions set for in Paragraph 31 of the Complaint in which you assert that  
17 Defendant CITY OF NORTH LAS VEGAS failed to meet its obligations and breached it duty to  
18 adequately hire, train and supervise each of its staff and/or other agents:

- 19 a. State all material facts which evidence, refute, or relate to your contentions;  
20 b. Identify all persons having knowledge of such facts; and  
21 c. Identify all communication and document's which evidence, refute or relate your  
22 contentions.  
23

24 **ANSWER TO INTERROGATORY NO.5:**

25 Objection. Plaintiff objects to this Interrogatory on the grounds that it is compound and calls  
26 for a legal conclusion. Without waiving said objection, the documents supporting this allegation is  
27 squarely within control of the Defendants and the Defendants have refused to provide it.  
28

1 **INTERROGATORY NO. 6:**

2 Set forth fully the injuries, symptoms or ailments you claim to have suffered as a result of  
3 the incident, including a complete description as to the present condition of any and all such  
4 injuries.

5 **ANSWER TO INTERROGATORY NO.6:**

6  
7 Objection. This answering Plaintiff is not a doctor and, therefore, the following list may not  
8 be complete or an accurate apportionment of injuries. Without waiving said objections, Plaintiff  
9 suffered headaches, neck pain, left shoulder pain and numbness down her left arm.

10 **INTERROGATORY NO.7:**

11 With regards to each physician, chiropractor or medical practitioner who examined or  
12 treated you for injuries received in this accident, state the following:

- 13  
14 a. His name, address and specialty;  
15 b. The date of each examination or treatment received;  
16 c. The type of examination or treatment received; and  
17 d. An itemization of each charges for each such examination or treatment.

18 **ANSWER TO INTERROGATORY NO.7:**

19 Objection. Plaintiff objects to this Interrogatory on the grounds that it is compound.  
20 However, without waiving said objection, to the best of Plaintiff's recollection she treated with the  
21 following medical providers:

- 22  
23 1. Patrick Flores M.D.  
24 The Person Most Knowledgeable and/or  
25 The Custodian of Records for  
26 Advanced Care Emergency Services  
27 P.O. Box 30102 Dept. 300  
28 Salt Lake City, UT 84130-0102

2. Patrick Flores, M.D. The Person Most Knowledgeable and/or  
The Custodian of Records for  
North Vista Hospital  
1409 E. Lake Mead Blvd.  
N. Las Vegas, NV 89030
3. The Person Most Knowledgeable and/or  
The Custodian of Records for  
Medicwest Ambulance Service  
9 W. Delhi Ave  
North Las Vegas, NV 89030
4. Michael McKay, DPT,  
Mark Mateja, PT  
The Person Most Knowledgeable and/or  
The Custodian of Records for  
Matt Smith Physical Therapy  
3155 W. Craig Rd., Ste 140  
N. Las Vegas, NV 89132
5. Bhuvana Kittusamy, M.D.  
The Person Most Knowledgeable and/or  
The Custodian of Records for  
Las Vegas Radiology  
7500 Smoke Ranch Rd. Ste 1  
Las Vegas, NV 89128
6. Raimundo Leon, M.D.  
The Person Most Knowledgeable and/or  
The Custodian of Records for  
Advanced Pain Consultants  
2650 Crimson Canyon Dr.  
Las Vegas, NV 89128
7. The Person Most Knowledgeable and/or  
The Custodian of Records for  
Sam's Club Pharmacy  
2650 E. Craig Rd  
Las Vegas, NV 89081

**INTERROGATORY NO.8:**

State whether you have ever had any previous injuries or problems, of any degree or kind,  
with any of the parts of the body you claim were injured in this incident. If so:

- a. Describe the previous injury or trouble;
- b. Describe the treatment you received as a result of said injury;

- 1 c. Identify the name and address of any physician, chiropractor or medical practitioner  
2 who was responsible for such treatment.  
3 d. State the date of each examination or treatment received;  
4 e. State the condition of any and all such injuries immediately prior to the subject  
5 incident; and  
6 f. Whether you still suffer residual symptoms from the injuries.  
7

8 **ANSWER TO INTERROGATORY NO.8:**

9 Objection. This interrogatory is unreasonably burdensome as to time, e.g., it requests an  
10 entire medical history of the affected area. Without waiving said objection, to the best of  
11 Plaintiff's recollection she has not had prior injuries to the areas of the body that are currently  
12 injured as a result of this accident.  
13

14 **INTERROGATORY NO.9:**

15 Identify each person you anticipate or expect to call as an expert witness at trial. As to each  
16 such expert, state:

- 17 a. The subject matter on which such expert will testify;  
18 b. The substance of the facts and opinions on which such expert is expected to testify; and  
19 c. A summary of the ground for each opinion of such expert.  
20

21 **ANSWER TO INTERROGATORY NO.9:**

22 Objection. This question seeks to ascertain information provided a consulting expert  
23 witness by Plaintiff's counsel and, as such, is violative of attorney work product privilege. This  
24 responding party has not yet decided on which, if any, expert witnesses may be called at trial. Any  
25 experts, utilized by this responding party to date are for the purposes of consultation and case  
26 preparation.  
27  
28

1 **INTERROGATORY NO.10:**

2 State whether you have been injured in any kind of incident prior to (10 years preceding  
3 subject incident) or subsequent to the one alleged in the Complaint and, if so:

- 4 a. State the date and place of each such incident;  
5 b. The nature of the incident;  
6 c. The nature and extend of any injuries sustain by you;  
7 d. The names and addresses of each physicians, chiropractor or other medical practitioner  
8 attending you;  
9 e. The date of such visit(s); and  
10 f. The treatment rendered on such date(s).  
11

12 **ANSWER TO INTERROGATORY NO.10:**

13  
14 Objection: The Interrogatory is indefinite as to time and without reasonable limitations in  
15 its scope of the body and therefore calls for information not relevant to the subject matter of this  
16 action nor reasonably calculated to lead to the discovery of admissible evidence. However, without  
17 waiving said objection, Plaintiff has not injured the area of her body related to his accident in the  
18 past ten years.

19 **INTERROGATORY NO.11:**

20 With respect to your claim for damages in this matter, set forth the amount you are  
21 claiming for the following items of damage:

- 22 a. Past and future medical expense;  
23 b. Past and future pain and suffering;  
24 c. Past and future wage loss; and  
25 d. Other (please specify).  
26  
27  
28

///

///



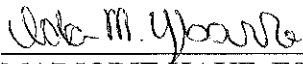
**ANSWER TO INTERROGATORY NO.11:**

Objection. Plaintiff objects to this Interrogatory on the grounds that it is compound. Also, Plaintiff is not an expert or an economist, and therefore cannot appropriately answer this interrogatory. However, without waiving said objection, Plaintiff is not making a wage loss claim and continues to treat for her injuries. Plaintiff's current medical expenses are as follows:

PROVIDER	CHARGES
Medic West Ambulance	\$926.76
North Vista Hospital	\$11,117.70
Advanced Care Emergency Services	\$756.00
Matt Smith Physical Therapy	\$5,555.00
Advanced Pain Consultants	\$2,846.00
Las Vegas Radiology	\$1,650.00
Sam's Club Pharmacy	\$104.23
<b>TOTAL</b>	<b>\$22,955.69</b>

Dated this 30<sup>th</sup> day of May, 2014.

GANZ & HAUF

  
MARJORIE HAUF, ESQ.  
Nevada Bar No. 8111  
IDA M. YBARRA, ESQ.  
Nevada Bar No. 11327  
8950 W. Tropicana Ave., Suite 1  
Las Vegas, Nevada 89147  
Attorney for Plaintiff

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and EDCR 7.26, I certify that on this date, I served the foregoing  
PLAINTIFF'S RESPONSES TO DEFENDANTS' FIRST SET OF INTERROGATORIES on all  
parties to this action by:

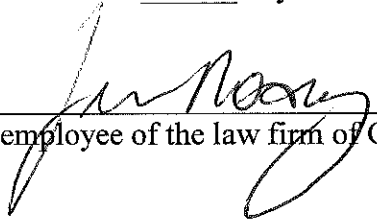
☐ Facsimile

☒ Mail

addressed as follows:

Christopher Craft, Esq.  
Deputy City Attorney  
2250 Las Vegas Blvd Ste 810  
North Las Vegas, NV 89030

Dated this 30<sup>th</sup> day of May, 2014.

  
An employee of the law firm of GANZ & HAUF

DISTRICT COURT

CLARK COUNTY, NEVADA

JAPONICA GLOVER-ARMONT,

Plaintiff,

vs.

JOHN CARGILE; CITY OF NORTH

LAS VEGAS, a Municipal

Corporation existing under

the laws of the State of

Nevada in the County of

Clark; DOES I through X,

inclusive; and/or ROE

CORPORATIONS I through X,

inclusive,

Defendants.

Case No. A-13-683211-C

DEPOSITION OF JAPONICA FELISHA GLOVER-ARMONT

Taken on Thursday, August 7, 2014

At 2:08 p.m.

At 2250 Las Vegas Boulevard North

Suite 810

North Las Vegas, Nevada 89030

Reported by: Susan Lee Naylor, RPR, RMR, CCR #513

1 APPEARANCES

2 For the Plaintiff: ADAM GANZ, ESQ.  
 3 Ganz & Hauf  
 4 8950 West Tropicana Avenue  
 Suite 1  
 Las Vegas, NV 89147

5 For the Defendants: CHRISTOPHER D. CRAFT, ESQ.  
 6 Deputy City Attorney  
 2250 Las Vegas Boulevard North  
 7 Suite 810  
 North Las Vegas, NV 89030

8  
 9  
 10 I N D E X

11	Witness	Page
12	JAPONICA FELISHA GLOVER-ARMONT	
13	(By Mr. Craft)	3
14	(By Mr. Ganz)	35

15  
 16 E X H I B I T S

17	Number	Description	Page
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1 (Rule 30(b)(4) was waived.)

2 JAPONICA FELISHA GLOVER-ARMONT

3 was called as a witness, and having been first duly  
4 sworn, testified as follows:

5 EXAMINATION

6 BY MR. CRAFT:

7 Q Could you please state and spell your full  
8 name for the record?

9 A Japonica Felisha Glover-Armont,  
10 J-A-P-O-N-I-C-A, F-E-L-I-S-H-A, G-L-O-V-E-R, hyphen,  
11 A-R-M-O-N-T.

12 Q We met earlier. My name is Chris Craft. I  
13 am one of the attorneys for the City of North Las Vegas  
14 and Officer Cargile in this lawsuit. Have you ever had  
15 your deposition taken before?

16 A No.

17 Q Okay. I'll explain the process a little  
18 bit. A deposition is our opportunity to ask you  
19 questions about your knowledge as it relates to this  
20 case. You are under oath. Even though this setting is  
21 informal, the oath carries as much weight as if we were  
22 in a court of law. Do you understand?

23 A Yes.

24 Q Along with us is a court reporter who will  
25 take down everything that we say. So she can do that,

1 we have to be careful not to talk over each other. We  
2 have to wait until the other one is done speaking  
3 before we start talking. Similarly, she can't take  
4 down gestures like shaking your head or nodding, so we  
5 have to use yes or nos, not uh-huh or uh-uh, things  
6 like that. Do you understand?

7 A Yes.

8 Q After we're done, the reporter is going to  
9 put everything that's said today in a booklet in a  
10 written form, and you will be sent a copy. You will  
11 have the opportunity to review it, and if there's  
12 anything you feel the need to correct, you can correct  
13 it.

14 One caveat with that. If you make a material  
15 change such as changing an answer from the light was  
16 green to the light was red, I will be able to comment  
17 on that at trial, and it may affect your credibility.  
18 Do you understand?

19 A Yes.

20 Q If there's anything I ask that you don't  
21 understand, or you need me to rephrase the question,  
22 just let me know. If you need to take a break for any  
23 reason, let me know. It's not an endurance contest.  
24 We will do our best to accommodate you. I would ask  
25 that you not take a break while a question is pending,

1 so if I ask you a question, you suddenly say, "Time  
2 out, I need to leave the room," then come back for an  
3 answer. Answer the question, and then take the break.  
4 Does that make sense?

5 A Yes.

6 Q Okay. Now and then your attorney may object  
7 to a question that I ask for whatever reason. Unless  
8 you're specifically instructed not to answer, you will  
9 still have to answer. If you forget what the question  
10 was during his objection, just ask me to restate it, or  
11 we will have the reporter read it back. Is that fair?

12 A Yes.

13 Q All we need today is your best recollection  
14 based on your knowledge. Don't guess, but you can  
15 estimate. The difference is, for example, if you can  
16 estimate how long this table is. But if I ask you to  
17 guess about the table in our conference room and you  
18 haven't seen it, that would be a guess. Do you  
19 understand the difference?

20 A Yes.

21 Q Don't be mad at me. I have to ask everyone  
22 this. Are you under any medication, drugs or alcohol,  
23 or anything else that would affect your memory or your  
24 ability to testify here today?

25 A No.

1 Q Is there reason that we can't go forward?

2 A No.

3 Q Are you currently employed?

4 A Yes.

5 Q By whom?

6 A Review-Journal.

7 Q How long have you been employed with that

8 company?

9 A About four years.

10 Q And what is your job?

11 A I'm a contractor.

12 Q Can you --

13 A I'm a carrier.

14 Q Okay. Can you briefly describe what that

15 job entails?

16 A Delivering papers to all their commercial

17 locations.

18 Q Okay. So not residential; not from house to

19 house?

20 A No.

21 Q Got it. Does that job include loading your

22 vehicle with newspapers?

23 A Yes.

24 Q Do you do that yourself?

25 A Yes. Well, I have help. Sometimes the



1 people in the dock help. Well, they issue you the  
2 papers, and they will help you load if you need them to  
3 help you load.

4 Q Briefly explain how that works.

5 A You back into the dock, and there's guys on  
6 the top of the dock. We're down below. And if we're  
7 getting ten bundles, then he will stack ten bundles up  
8 on the dock. If you need help with those bundles, he  
9 will come down and help you load the vehicle.

10 Q Okay. Do the bundles vary in size from time  
11 to time?

12 A Yes.

13 Q What's the smallest the bundle usually is?

14 A Six papers.

15 Q Okay. But it can be up to a larger amount?

16 A Up to 40, 50.

17 Q Okay. So the amount of papers you're going  
18 to be having in your car on any particular day is going  
19 to vary?

20 A Yes.

21 Q And that was true at the time of the  
22 accident, too?

23 A Yes.

24 Q Okay. At the time of the accident, how many  
25 days a week were you working?

1 A Seven days a week.

2 Q Is that still the case?

3 A Yes.

4 Q At the time of the accident, what were the  
5 usual hours that you were working from start to finish?

6 A Get to the warehouse around 12:00, between  
7 12:00 and 12:30, and I'm done around somewhere by 5:00.

8 Q That's midnight to 5 a.m.?

9 A Basically.

10 Q Okay. Is that the same schedule you have  
11 now?

12 A Yes.

13 Q Okay. At the time of the accident, did you  
14 have any other jobs?

15 A Yes.

16 Q What was that?

17 A Co-owner of a commercial janitorial company.

18 Q But not currently?

19 A No.

20 Q Okay. What was your job position with that  
21 company?

22 A Co-owner. I did -- we, me and my partner,  
23 we split the duties. So cleaning, customer service  
24 issue, whatever the business entailed.

25 Q And the company was 3-D Vision,

1 Incorporated, doing business as 3-D Janitorial?

2 A Yes.

3 Q And at the time of the accident, what were  
4 your hours that you were working with 3-D Vision?

5 A I would go out -- it varied. It wasn't an  
6 everyday job, because, like I said, my partner and I  
7 split the jobs. And at the time, we didn't have very  
8 many contracts, so maybe on Saturday, if he didn't feel  
9 like going out.

10 Q Okay. Did you work at 3-D Vision on the day  
11 prior to the accident?

12 A Yes.

13 Q What hours did you work that day?

14 A Normally, if I work, it's, like around from  
15 six o'clock, sometime after 6:00. We have to wait till  
16 the buildings are closed.

17 Q Okay.

18 A And so anytime after six o'clock.

19 Q So you started work the day before the  
20 accident at six o'clock p.m.?

21 A Yeah. If -- if the building is on service  
22 to be cleaned that day, yes.

23 Q Okay.

24 A The buildings aren't cleaned every day. At  
25 that time, we only had contracts that did like three

1 days a week cleaning, three days a week and two days a  
2 week.

3 Q So you started at 6:00. When did you finish  
4 that night?

5 A Maybe about 8:00.

6 Q Okay. And you said typically, you'd arrive  
7 at Review-Journal to pick up the papers at about  
8 midnight?

9 A Oh, between 12:00 and 12:30 we'd get there,  
10 but it doesn't mean we'd get done at the time we'd  
11 arrive. It was based on after we'd wait for them.

12 Q Do you recall what you did that night  
13 between your job with 3-D Vision and when you picked up  
14 the papers?

15 A Go to bed.

16 Q Do you recall the location where you were  
17 working for 3-D Vision that day?

18 A I don't remember which building.

19 Q Maybe I can cut to the chase this way. Do  
20 you recall how much sleep you got that evening prior to  
21 picking up the newspapers?

22 A Anywhere from -- my average time to lay down  
23 is about 9 p.m., so about three hours.

24 Q Other than your sleep, which you estimate to  
25 be from 9:00 to midnight that night, in the 24 hours

1 prior to the accident, did you get any other sleep?

2 A Yes.

3 Q What was that?

4 A I'll take a nap during the day. I can't say  
5 exactly what time during the day I took it. I always  
6 take daily naps.

7 Q Okay. When you get done with newspapers at  
8 5 a.m., what is your usual routine at that time, at the  
9 time of the accident?

10 A Go home, get something to eat, and go to  
11 bed.

12 Q Okay. So how long would you usually be able  
13 to sleep, on a typical day?

14 A Varies. Maybe about four hours.

15 Q Okay. So not charging you with a perfect  
16 memory, but to your best recollection, the day before  
17 the accident, you got about four hours' sleep in the  
18 morning after you were out, possibly took a nap if you  
19 could, and had sleep from 9:00 to midnight that night?

20 A Yes.

21 Q Okay. Previously, we had sent out some  
22 interrogatories for you to answer, just written  
23 questions, and you gave us answers. In response to one  
24 of our questions about the incident and what had  
25 happened before, during and after, you answered that

1 around two o'clock or three o'clock a.m., you were  
2 traveling east on Cheyenne Avenue, going through a  
3 green light at the Fifth Street intersection. Is that  
4 your recollection of what you were doing?

5 A Yes.

6 Q And at that time, where were you coming  
7 from?

8 A MLK and Cheyenne.

9 Q What was there?

10 A It's a Chevron, or Get 'N Go was the name of  
11 the gas station.

12 Q And you were dropping off newspapers there?

13 A Yes.

14 Q Okay. At the time you were on Cheyenne  
15 approaching Fifth Street, can you characterize -- how  
16 many newspapers did you have in your car?

17 MR. GANZ: Volume, as opposed to just  
18 individual papers.

19 THE WITNESS: Oh, let's see. My backseat  
20 should have been full, so -- because I'm still pretty  
21 much in kind of the middle of my route, so my backseat  
22 should have still been full. I'm not sure. Because  
23 the papers vary from day to day, one I may have 300  
24 papers, next day I may only have 200. So the papers  
25 vary from day to day, so I'm not sure.

1 (Interruption at door.)

2 MR. CRAFT: Guest appearance by one of our  
3 city attorneys.

4 BY MR. CRAFT:

5 Q Did you have newspapers stacked up in the  
6 front seat?

7 A Yes.

8 Q About how many were in the front seat?

9 A I'm not sure. Maybe halfway, because as I  
10 use them, I unstrap and put some more in the front, so  
11 it changes as I deliver.

12 Q Okay. Did you also have newspapers in the  
13 trunk?

14 A I don't think I had in the trunk, but I'm  
15 not 100 percent sure. I don't remember how many  
16 bundles I had that night.

17 Q Remember the estimate versus guess. Could  
18 you give me a good estimate of how many pounds of  
19 newspapers you had in your car at that time?

20 A Pounds? Maybe a hundred pounds.

21 Q Okay. As you approached the intersection on  
22 Cheyenne as it approached Fifth Street, just describe  
23 what you saw.

24 A It's just morning, dark. I'm going down  
25 Cheyenne. I am approaching the green light. As I go

1 through the light, I look to my right, and that's where  
2 I see the police truck at, and it's getting ready to  
3 hit me.

4 Q Okay. How far were you from the actual  
5 intersection when you first saw the vehicle, the police  
6 car?

7 MR. GANZ: Objection. Vague.

8 THE WITNESS: Excuse me?

9 BY MR. CRAFT:

10 Q How far were you from the intersection when  
11 you first saw the police car?

12 MR. GANZ: Also assumes facts.

13 THE WITNESS: I was maybe -- I don't know.  
14 Maybe 50 to a hundred feet, maybe. I'm not 100 percent  
15 sure, because I'm just traveling through the green  
16 light. So maybe 50 to a hundred feet, maybe, maybe a  
17 little bit more than that.

18 BY MR. CRAFT:

19 Q At the time of the accident, did you have  
20 your headlights on?

21 A Yes.

22 (Exhibit A was marked.)

23 BY MR. CRAFT:

24 Q Handing you what's been marked Exhibit A,  
25 have you ever seen this before?



1           A       Police report? Yeah, I have. I think I  
2   have a copy of it.

3           Q       Okay. On the second page of the report  
4   during the narrative portion, in the very top paragraph  
5   where it says, "Both drivers stated that Vehicle No.  
6   1" -- that would be your vehicle -- "had a green  
7   traffic signal, and the Vehicle 2" -- the police car --  
8   "had a red traffic signal. Vehicle 2's operator  
9   reported that Vehicle 1 was traveling without the  
10   vehicle's headlights on at this time (during the hours  
11   of darkness), as the vehicle approached the  
12   intersection," do you agree with that statement or  
13   disagree?

14          A       I disagree.

15          Q       Why is that?

16          A       Because my car, that car I had then was a  
17   1995 Cavalier, and if you don't turn the headlight --  
18   if you don't turn the lights on, the dashboard is  
19   completely dark. So my dashboard was not completely  
20   dark.

21          Q       Okay. So your recollection is because your  
22   dashboard was lit up, that meant that your headlights  
23   were on?

24          A       Yes.

25                   (Exhibit B was marked.)

1 BY MR. CRAFT:

2 Q I am handing you a photograph that was  
3 produced in discovery in this case. Does this  
4 photograph actually represent the interior of your car  
5 at the time of the accident?

6 A Yes.

7 MR. GANZ: I'm going to object to vague.  
8 You mean at the time of impact? Talking about  
9 afterwards? What are we talking about?

10 MR. CRAFT: After the accident.

11 MR. GANZ: Is that how you understood the  
12 question?

13 THE WITNESS: Yes.

14 MR. CRAFT: Okay. We didn't have time to  
15 take a picture of the inside of her car prior to the  
16 accident. I understand that.

17 MR. GANZ: I thought you were saying at the  
18 time of the accident.

19 MR. CRAFT: I understand. Fair enough.

20 BY MR. CRAFT:

21 Q Does this depict the switch that you used to  
22 turn your headlights on and off?

23 A Yes.

24 Q Is it correct that the switch, at this time,  
25 is in the off position?

1           A       Yes.

2           Q       Does that change your recollection as to  
3 whether or not you had your headlights on prior to the  
4 accident?

5           A       No.

6           Q       Why not?

7           A       Because the officer that was sitting beside  
8 me reached in, turned off my car, and apparently he  
9 must have turned the headlights off, too, because he  
10 was telling me -- I was -- I remember holding my head,  
11 and -- because I was really groggy, kind of like, from  
12 the impact. I hit my head on the steering wheel. And  
13 he kept saying, "You need to turn your car off."

14                   So I didn't turn my car off. I didn't touch  
15 the headlights. But I know my headlights were on,  
16 because my dashboard was lit up.

17          Q       Okay. You said he "must have" reached  
18 over -- and I'm paraphrasing. I don't have exact  
19 memory. You said he "must have" reached over to turn  
20 off the headlights. Did you see him actually do that?

21          A       No. I don't recall. I remember him  
22 reaching in to turn the car off --

23          Q       Okay.

24          A       -- you know, but like I said, I was holding  
25 my hands to my face and holding my head and doing --

1 and nodding my head and rocking back and forth with my  
2 head, so I don't know what all. He was kind of talking  
3 to me. I can't remember what was said. I remember him  
4 saying something like, "Are you okay?" but, you know, I  
5 remember him asking that the car needed to be turned  
6 off.

7 Q Okay. So he got in -- we're jumping around  
8 a little bit. But the officer who was at the accident,  
9 driving the police car, got in your car on the  
10 passenger side?

11 A No, he didn't get in. He was on the  
12 passenger side. He opened the driver's side door, and  
13 he asked -- he says, "Are you okay?" you know. And I'm  
14 moaning and holding my head. And then he says, "You  
15 need to turn the car off."

16 But I didn't turn the car off, because I was  
17 still holding my head. At that point, I don't remember  
18 if he turned the car off or who did what. But there  
19 was some other officers that did show up, not -- I  
20 mean, almost instantly after he, you know, got out and  
21 came around or whatever. So I don't know. I know I  
22 did not touch the headlights, and I did not turn my car  
23 off.

24 Q Okay.

25 (Exhibit C was marked.)

1 BY MR. CRAFT:

2 Q Next photo I'm marking as Exhibit C. Can  
3 you describe what you're seeing in the photograph?

4 A Yes. I see where he hit my car.

5 Q So this is the police vehicle and your car  
6 after the accident?

7 A Yes.

8 Q Okay. What color is your car?

9 A It's, like an aqua green.

10 Q It's listed as blue, isn't it?

11 A Well, aqua blue. Yeah.

12 Q But this is what you would say is an  
13 accurate representation of the vehicles after the  
14 accident?

15 MR. GANZ: Objection. Vague as to time.

16 THE WITNESS: Yeah.

17 BY MR. CRAFT:

18 Q We may have touched on this, but when did  
19 you first realize there was a police car at the  
20 intersection of Cheyenne and Fifth Street at the time  
21 of the accident?

22 A What do you mean, when?

23 Q At what point? On Cheyenne, where was your  
24 vehicle when you first noticed that there was a police  
25 car there?

1           A       When I was entering into the intersection.

2           Q       At that time, how fast were you going?

3           A       Maybe about -- I'm going downhill, so maybe  
4   about 40, 45.

5           Q       On Exhibit A, the police report, if you go  
6   to the last page which is page CNLV 7, in the bottom  
7   right-hand corner, a speed analysis was done to  
8   estimate your speed as being 47 miles an hour. Is that  
9   correct that that's what that says?

10          A       Yes, that's what it says.

11          Q       Okay. Do you have any reason to believe  
12   that's not accurate?

13                   MR. GANZ: Objection. Foundation.

14                   THE WITNESS: I'm not sure. I mean, I don't  
15   remember what was on my speedometer.

16   BY MR. CRAFT:

17          Q       Okay. But specifically, do you have any  
18   reason to believe that's not an accurate estimate of  
19   your speed?

20                   MR. GANZ: Same objection.

21                   THE WITNESS: I don't know.

22   BY MR. CRAFT:

23          Q       When you were approaching the intersection,  
24   were the streetlights operational?

25          A       Yes, but that area's kind of dark because of

1     that huge hill that is to the right-hand side of the  
2     lane in which I'm traveling. It's a huge hill there at  
3     that corner of Fifth and Cheyenne, and it's just kind  
4     of dark up there. It's a little park or something, a  
5     little golf course or something. It's kind of dark in  
6     that intersection.

7           Q       Going back to the report, page 2, bottom  
8     right-hand corner CNLV 2, on the next-to-the-last  
9     paragraph, says "Vehicle 1" -- that's your vehicle --  
10    "right front impacted the front of Vehicle No. 2" --  
11    the police car -- "causing damage to both vehicles."

12                  Is it your understanding that the police  
13    report's indicating that your vehicle hit the police  
14    car?

15           A       That's what this says.

16           Q       Do you agree with the statement?

17           A       No.

18           Q       Can you explain why?

19           A       Because I was already in the intersection  
20    when he hit me.

21           Q       Is it your testimony that while you were  
22    driving through the intersection, both cars were  
23    moving, and his hit you in the side?

24           A       Yes.

25           Q       Okay. On the same page, third paragraph

1 down from the top, the report says -- and I am reading  
2 from this -- "V No. 1's operator stated that she saw V  
3 No. 2's emergency lights activated as she approached  
4 the intersection but did not hear the vehicle's siren."

5 First of all, is that correct that's what it  
6 says?

7 A Yes.

8 Q Do you agree with that statement? Let me  
9 rephrase that. Did you state to the officer that was  
10 making this report that you saw Vehicle No. 2, the  
11 police car's, emergency lights activated as you  
12 approached the intersection?

13 A I saw him as I entered the intersection.

14 Q Okay. And you saw his emergency lights  
15 activated?

16 A Yes.

17 Q So this is an accurate statement of what you  
18 had told the officer?

19 MR. GANZ: That's not what she said, so be  
20 careful there. She says as she entered. This says  
21 "approached." That's why she didn't agree with that.

22 MR. CRAFT: She didn't say she didn't agree  
23 with that.

24 BY MR. CRAFT:

25 Q Now we're just debating over what you said,



1 so let's start over and leave the attorneys out of it  
2 for a moment.

3 MR. GANZ: Leave the what out?

4 MR. CRAFT: The attorneys.

5 BY MR. CRAFT:

6 Q Is this an accurate statement?

7 A No.

8 Q Why not?

9 A Because I was already in the intersection  
10 when I saw him -- or let me rephrase that. I was -- as  
11 I was coming into the intersection, I looked to my  
12 right, and that's when I saw him. So I'm coming --

13 Q And as you said -- sorry. Go ahead.

14 A I'm coming into the intersection, and he's  
15 coming northbound. And when I looked, that's when I  
16 saw him to my -- when I looked to my right, that's when  
17 I saw him.

18 Q Okay. When you first saw the police vehicle  
19 on Fifth Street, what was your immediate reaction?  
20 What did you do?

21 A Slam on my brakes.

22 Q Can you estimate how much time it took  
23 between when you first saw the vehicle there and when  
24 you were able to apply the brakes?

25 A Maybe a couple of seconds, maybe.

1           Q       Going back to page 2, same page, third  
2 paragraph on the bottom says, "Vehicle No. 1 left  
3 approximately 110 feet of four-wheel skid marks in an  
4 attempt to avoid a collision with Vehicle No. 2."

5                   Do you have any reason to doubt the report as  
6 far as saying how long the skid marks were?

7           A       I don't know.

8                   (Exhibit D was marked.)

9 BY MR. CRAFT:

10          Q       Marking Exhibit D, have you seen that  
11 document before?

12                   MR. GANZ: Or a copy of it?

13                   THE WITNESS: A copy of it, I guess. Yes.

14 BY MR. CRAFT:

15          Q       And what is this?

16          A       It's the questions, I think.

17          Q       Is it your responses to defendants' first  
18 set of interrogatories?

19          A       Is it what?

20          Q       Plaintiff's response to defendants' first  
21 set of interrogatories, just reading the title of it on  
22 the first page.

23          A       Oh, yeah.

24          Q       Looking forward to your answer to  
25 Interrogatory No. 2, "Please describe in detail the

1 incident that is the subject of the lawsuit," basically  
2 a summary of your side of the story. In your answer to  
3 Interrogatory No. 2 on page 3, the last sentence, you  
4 say, "The officer did not have his sirens on, and  
5 plaintiff could not see his lights flashing due to the  
6 hill obstructing her view."

7 As you sit here today, is that an accurate  
8 statement?

9 A Yes.

10 Q And explain how the hill obstructed your  
11 view of the officer's lights flashing.

12 A This hill was huge, so there was no vision,  
13 period, to the right of you as you're approaching this  
14 hill. And the hill starts -- I don't know how many  
15 feet back from the light, but it starts, and it  
16 inclines, and it goes to a peak, so there's no vision  
17 of anything to the right of you. You can't, even if  
18 you wanted to -- like people do a right-hand turn on a  
19 light, you would have to completely stop, ease up, ease  
20 up, and look around this hill. So it totally obstructs  
21 anything to the right of you, and that's what was to  
22 the right of me from the direction he was coming.

23 Q Okay. So you're not talking about the hill  
24 that Cheyenne is, like coming -- talking about the hill  
25 where you're coming down Cheyenne. You're talking

1 about something on the right?

2 A Yeah. The hill was to my right, so I'm  
3 heading east toward the 15, he's heading north. So I'm  
4 heading east, he's heading north, so I couldn't see  
5 him, and he couldn't see me. He couldn't have seen me  
6 because of the hill.

7 Q Okay. Thank you for clarifying that. And  
8 you said that he did not have his sirens on. Is it  
9 your understanding that he had some sort of duty to  
10 have his sirens on?

11 A I was told that all police officers had to  
12 have their sirens on when they're in a hurry, or I grew  
13 up being told that, so I don't know.

14 Q But you don't have any knowledge of any  
15 Nevada laws to the contrary?

16 A I don't know anything about Nevada laws.

17 Q So to paraphrase -- and not to put words in  
18 your mouth, but is it fair to say that your position  
19 is, you don't dispute that the police car had its  
20 lights activated, but because of the hill being there,  
21 you couldn't see them in time to react?

22 A I didn't see him or hear him.

23 Q Okay. Is that a fair summary of what you're  
24 saying?

25 A Yes.

1           Q       Thank you. Was the road that you were  
2 driving on slick or wet or otherwise slippery, to your  
3 recollection?

4           A       No.

5           Q       So you've been working for the  
6 Review-Journal since June of 2010; is that correct?

7           A       Yes.

8           Q       That was about two and a half years prior to  
9 the accident?

10          A       Yes.

11          Q       Almost on a daily basis, you were driving  
12 with your car with varying amounts of newspapers?

13          A       Yes.

14          Q       On any occasion where your car was filled  
15 with newspapers -- let me rephrase that.

16                 On any occasion where your car had the amount  
17 of newspapers roughly equal to or more than the amount  
18 the day of the accident, did you have any occasion to  
19 slam on your brakes for any reason?

20          A       Not that I can recall, no.

21          Q       In this case, did your car slow as you  
22 expected it to, or did it take longer to stop than you  
23 expected?

24          A       I don't know. I just slammed on brakes.

25          Q       Okay. I think I know where this is going,

1 but do you believe that the added weight of your  
2 newspapers made it harder for your car to stop in time  
3 to avoid the accident?

4 A No.

5 Q Following the accident, did you have any  
6 conversation with the police officer who was driving  
7 the police car that was involved in the collision?

8 A You said after?

9 Q Yes.

10 A Or during?

11 Q After the accident.

12 A The only police officer that I spoke to was  
13 the one that came to the hospital.

14 MR. GANZ: He means at the accident scene.

15 BY MR. CRAFT:

16 Q That's what I meant.

17 A Just the one that opened the door and said,  
18 "Are you okay?"

19 Q And he also instructed you to turn off your  
20 vehicle?

21 A Yes.

22 Q Do you recall any other conversation with  
23 that individual?

24 A No.

25 Q To your knowledge, were there any other

1 witnesses to the accident aside from you and the  
2 officer that was involved?

3 A No.

4 Q Were you issued a citation for this  
5 accident?

6 MR. GANZ: Again, you meant at the scene?  
7 She did mention the one at the hospital that I got her  
8 off on. You were talking about at the scene still,  
9 right?

10 MR. CRAFT: I was.

11 MR. GANZ: Okay. I didn't mean to cut you  
12 off earlier, but she did say she had a conversation  
13 with somebody at the hospital.

14 MR. CRAFT: No. I appreciate that.

15 BY MR. CRAFT:

16 Q Do you recall who the officer was that you  
17 spoke with at the hospital?

18 A No.

19 Q Do you recall the conversation that took  
20 place?

21 A Yes.

22 Q What was the conversation, basically?

23 A He came to the emergency room where I was  
24 laying down in the bed, and he informed me that I was  
25 being cited for the accident, failure to stop for an

1 emergency vehicle or something.

2 And I said to him, "How can I stop for  
3 something I didn't see or hear?"

4 And he said to me, you know, that, "We don't  
5 have to have our sirens on."

6 And I refused to sign the thing. I was  
7 like, "It wasn't my fault."

8 And he says, "You need to sign this."

9 And, you know, at that point, I just shut  
10 up, and I just signed the citation.

11 Q Do you remember what you were cited for?

12 A Failure to stop for an emergency vehicle. I  
13 think that's what it was. I'm not sure.

14 (Exhibit E was marked.)

15 BY MR. CRAFT:

16 Q Handing you what's been marked as Exhibit E,  
17 I doubt you've ever seen this. I'll represent to you  
18 it's a printout from CourtView 2000 regarding the  
19 citations for this incident. Is it correct that it  
20 states your full name as Japonica -- probably  
21 misspelled -- Felicia Glover-Armont?

22 A Yes.

23 Q If you'd flip to the third page, it gives a  
24 chronology of your case -- I'm sorry. If you go to the  
25 fourth page, there is a bunch of listings for



1 November 12, 2012. There's a number of them at the  
2 bottom, basically the second one from the bottom. Do  
3 you see what Charge No. 1 is where it says, "Headlamps  
4 not illuminated when required"?

5 A Yeah, I see it.

6 Q And then rolling up to about the middle of  
7 the same where it says Charge No. 2 is "Failure to  
8 yield an emergency vehicle," is that correct? That's  
9 what it says?

10 A Which one, now?

11 Q Let me point to you. We're in regards to  
12 Charge No. 2. It says, "Fail, yield to emerg."

13 A Okay. Yes. I see that.

14 Q Do you recall that those were the two  
15 charges that were made against you?

16 A I guess. I just knew about this other one.  
17 I didn't realize there was an additional charge.

18 Q Okay. If you go back to the third page  
19 which is later on, there is a couple of entries for  
20 December 13, 2012 at the bottom. Charge No. 1 at the  
21 very bottom says, "Headlights not illuminated when  
22 required," and says, "Pled nolo."

23 Do you know what "pled nolo" means?

24 A No.

25 Q Do you know what nolo contendere means?

1           A       No.

2           Q       Do you recall making a plea with respect to  
3 that citation?

4           A       No. My attorney went for me. I didn't go  
5 to the hearing.

6           Q       You didn't go to the hearing?

7           A       No.

8           Q       Same thing -- sorry. Does the same thing  
9 apply to -- well, second to the bottom where it says  
10 Charge No. 2, "Failed to yield to emergency vehicle,"  
11 is that correct that you didn't show up at that  
12 hearing?

13          A       No.

14          Q       Did you know that you had pled nolo  
15 contendere to that charge?

16          A       I wasn't sure exactly what all was said at  
17 the hearing.

18          Q       You were aware the hearing was going  
19 forward?

20          A       Yes. I knew that my attorney had handled it  
21 for me, and she just told me that --

22                 MR. GANZ: No talking about the conversation  
23 you had with your attorney.

24                 THE WITNESS: I'm sorry. She told me she  
25 handled it.

1           MR. GANZ: Attorney discussions, anything  
2 she told you is privileged, okay? So you don't need to  
3 divulge that.

4           MR. CRAFT: I'll try to be careful.  
5 Sometimes we step into these, and I probably could have  
6 guessed where that was going.

7           MR. GANZ: That's okay.

8 BY MR. CRAFT:

9           Q       Is it your understanding how these citations  
10 were eventually disposed of? Were you found guilty?  
11 Do you have any knowledge of what happened?

12          A       I know that I had to make payment  
13 arrangements on -- and that the charge was lessened so  
14 that I would not receive any points on my license.

15          Q       Did you ever dispute the charge that you  
16 were driving without your headlights on at night?

17          A       I didn't realize it was there.

18          Q       And I understand that you paid fines on  
19 charges that were made against you without knowing what  
20 those charges were?

21           MR. GANZ: Objection. Misstates. She had a  
22 representative handling it for her. That's what she  
23 said.

24           (Testimony read.)

25           MR. CRAFT: I understand that you paid fines

1 on charges without knowing what those charges were.

2 MR. GANZ: I'm going to object. I believe  
3 it's argumentative.

4 THE WITNESS: I paid, you know -- yeah. I  
5 just paid what I was told to pay.

6 BY MR. CRAFT:

7 Q Going back to the interrogatories, your  
8 response to Interrogatory No. 3 asking about the  
9 complaint -- which was obviously drafted by an  
10 attorney -- you asserted that the defendant, John  
11 Cargile, the police officer, was negligent and failed  
12 to use due care. In response, you said that Cargile  
13 breached his duty when he failed to use due care by  
14 failing to use his sirens. Is that correct, your  
15 response?

16 A Yes.

17 Q Is that still your response to that  
18 interrogatory?

19 A Yes.

20 Q Okay. Just to clarify one response you gave  
21 earlier, I believe you indicated that -- and again, I'm  
22 paraphrasing. I'm not trying to put words in your  
23 mouth. You had indicated it's your understanding that  
24 there's no way Officer Cargile could have seen your car  
25 coming unless he pulled forward into the intersection.

1 Is that a fair statement?

2 A Yes.

3 MR. CRAFT: I have no further questions.

4 EXAMINATION

5 BY MR. GANZ:

6 Q Did you go to trial on that citation?

7 A No.

8 Q Was there a judge and a hearing and a trial  
9 that was taking place, and you were found guilty of  
10 anything?

11 A I wasn't there.

12 MR. GANZ: All right. Nothing further.

13 MR. CRAFT: Thank you.

14 (The deposition concluded at 2:54 p.m.)

15 \* \* \* \* \*

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## 1 CERTIFICATE OF REPORTER

2  
3 STATE OF NEVADA )  
 ) ss.  
4 COUNTY OF CLARK )

5 I, Susan Lee Naylor, CCR #513, RMR, a Certified  
6 Court Reporter licensed in the State of Nevada, do  
7 hereby certify: That I reported the taking of the  
deposition of the witness, Japonica Felisha  
8 Glover-Armont, commencing on August 7, 2014 at  
2:08 p.m.

9 That prior to being examined the witness was by me  
10 duly sworn to testify to the truth. That I thereafter  
transcribed my said shorthand notes into typewriting  
11 and that the typewritten transcript of said deposition  
is a complete, true and accurate record of the  
testimony provided by the witness at said time.

12 I further certify that (1) I am not a relative or  
employee of an attorney or counsel of any of the  
13 parties, nor a relative or employee of an attorney or  
counsel involved in said action, nor a person  
14 financially interested in the action, and (2) that  
transcript review pursuant to NRCP 30(e) was not  
15 requested.

16 IN WITNESS WHEREOF, I have hereunto set my hand in  
my office in the County of Clark, State of Nevada, this  
17 20th day of August 2014.

18  
19  
20  
21  
22 Susan Lee Naylor, RPR, RMR, CCR #513

# **Glover-Armont v. Cargile, et al.**

Deposition of:  
**Sergeant John Cargile**

**October 1, 2014**



500 South Rancho Drive, Suite 8A  
Las Vegas, Nevada 89106  
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Facsimile 702.474.6257

**[www.westernreportingservices.com](http://www.westernreportingservices.com)**

1 DISTRICT COURT

2 CLARK COUNTY, NEVADA

3  
4 JAPONICA GLOVER-ARMONT, )

5 )  
6 Plaintiff, )

7 vs )

) Case No. A-13-683211-C

8 JOHN CARGILE; CITY OF NORTH )

9 LAS VEGAS, a Municipal )

10 Corporation existing under the )

11 laws of the State of Nevada in )

12 the County of Clark; DOES I )

13 through X, inclusive; and/or )

14 ROE CORPORATIONS I through X, )

15 inclusive, )

16 Defendants. )  
17 \_\_\_\_\_ )

18 DEPOSITION OF SERGEANT JOHN CARGILE

19 Taken on Wednesday, October 1, 2014

20 At 3:49 p.m.

21 At 8950 West Tropicana Avenue, Suite 1

22 Las Vegas, Nevada

23  
24  
25 Reported by: Marnita J. Goddard, RPR, CCR No. 344



## A P P E A R A N C E S

FOR THE PLAINTIFF:

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FOR THE DEFENDANTS:

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## I N D E X

WITNESS

EXAMINATION

SERGEANT JOHN CARGILE:

(BY MR. GANZ)

3

## E X H I B I T S

Number

Description

Page

(No Exhibits Were Marked)

1 (Upon inquiry by the reporter prior to the  
2 commencement of the proceedings, Counsel present  
3 agreed to waive the reporter requirements as set  
4 forth in NRCP 30(b)(4) or FRCP (b)(5), as  
5 applicable.)

6 SERGEANT JOHN CARGILE,  
7 having been first duly sworn, was  
8 examined and testified as follows:

9 EXAMINATION

10 BY MR. GANZ:

11 Q. Can you state and spell your name for the  
12 record?

13 A. Sure. My name is John Cargile. It's  
14 J-O-H-N. My last name is C-A-R-G-I-L-E.

15 Q. It's my understanding you are a sergeant for  
16 the North Las Vegas Police Department; is that  
17 correct?

18 A. Correct.

19 Q. Have you ever had your deposition taken  
20 before?

21 A. No.

22 Q. I'm going to go through some basic, general  
23 ground rules of a deposition. You may have had the  
24 opportunity to speak to counsel about a deposition.  
25 Let me back up.

1           Have you ever testified at court before?

2           A.    Yes.  Plenty of times.

3           Q.    More than a hundred?

4           A.    I don't know.  It's fairly close to that.  
5 I've been on 14 years; so quite a lot.

6           Q.    Criminal is a little different than civil in  
7 the sense that we do discovery and depositions and I  
8 can see why you wouldn't have necessarily had to do  
9 some depositions before, but it's the same oath that  
10 you took in any one of those other matters.  You  
11 understand that; right?

12          A.    Right.

13          Q.    Obviously, we're a little more informal here  
14 today.  But it still carries with it the same  
15 requirements for truth and veracity as it would in a  
16 more formal setting with a judge and jury.  Do you  
17 understand that?

18          A.    Uh-huh.  Yes.

19          Q.    Some of the basics of a deposition.  You  
20 gave just a good example of one.  When you said  
21 "uh-huh," those types of things don't show up real  
22 good on the record.  So I may correct you or I may ask  
23 you, "Is that a yes?  Is that a no?"  It's not meant  
24 to be rude.  It's just meant to get a clear record.  
25 Okay?

1 A. Okay.

2 Q. So we need to make sure we're answering  
3 audibly to the questions. Otherwise, the  
4 court reporter can't take down everything we have to  
5 say. Head shakes and nods and those types of things  
6 don't show up real well. Okay?

7 A. Got it.

8 Q. At a later date, you are going to have the  
9 opportunity to review your deposition transcript.  
10 Have you ever reviewed a deposition before?

11 A. No.

12 Q. What about any depositions in this case?  
13 You haven't obviously seen Ms. Glover-Armont  
14 deposition?

15 A. No.

16 Q. Deposition will be put together in a booklet  
17 format, usually in two to three weeks. We're not in  
18 any hurry in this particular case. It will be the  
19 normal course of time where she'll put it together in  
20 a booklet format or electronic, depending on how you  
21 get it. It will read like a play. Almost like a  
22 script. Like you might have read -- if you've ever  
23 read any one of those things where it will be a  
24 question, then an answer, then a question and then an  
25 answer. In doing so, we need to make sure that we're

1 following some basic rules so she can get a good  
2 record. Okay?

3 A. Okay.

4 Q. The first is that we don't talk over each  
5 other. The reason is because she can't literally take  
6 down two people talking at the same time. It doesn't  
7 show up real good in the transcript. Secondly, it  
8 will look real choppy in that play I was talking  
9 about. It will be part of a question, part of an  
10 answer, part of a question. Really looks kind of  
11 choppy. Okay?

12 A. Okay.

13 Q. Plus although you may know or think you know  
14 what I'm going to ask you, it may be something totally  
15 different than what you expected, and I want to make  
16 sure I get your best testimony. Okay?

17 A. Okay.

18 Q. That deposition transcript, when it gets put  
19 together in a booklet format, you are going to have an  
20 opportunity to review it and make any changes that you  
21 want to it. You can make any changes whatsoever to  
22 the transcript. You will be making those changes  
23 under oath just like you are here today. Okay?

24 A. Okay.

25 Q. So I do need to caution you that if you need

1 to make any material change to that deposition, it may  
2 affect your credibility later on. Okay?

3 A. Okay.

4 Q. What I mean is you are under oath here  
5 today. You will be under oath when you correct the  
6 deposition transcript, if you need to make any  
7 corrections. And at some point in time either one of  
8 us, actually, may comment on the fact that you said  
9 something under oath one day and then another day when  
10 you were under oath you said something different. Do  
11 you understand?

12 A. Right.

13 Q. I don't want to make you nervous about  
14 making corrections. We obviously want your best  
15 testimony. So you want to be as correct as you can.  
16 Certainly, as we go through the deposition here today,  
17 if you do need to make any changes or corrections to  
18 something you've already testified to, feel free to  
19 make those questions today and say, you know what,  
20 20 minutes ago when you asked me that question, I  
21 really didn't understand what you meant, and I need to  
22 change it or whatever you need to do. Okay?

23 A. Okay.

24 Q. So it's a little bit different than it is in  
25 court. It's a little bit more of a fact-finding

1 mission, to be perfectly honest with you. We're  
2 asking questions that we don't know the answers to  
3 here. Typically when you are at trial, whoever is  
4 asking you the questions typically knows what you're  
5 going to say. Of course, the defense sometimes will  
6 do a fact finding, but the reality is it is not good  
7 lawyering in front of a jury or judge. It's not  
8 always good to not know the answer to your questions.  
9 We try to ask you those questions here today so I can  
10 at least understand what your testimony is going to be  
11 later on if we ever get to that stage. Okay?

12 A. Okay.

13 Q. If you have any questions as we go through  
14 here, you don't understand my question -- I sometimes  
15 talk a little fast -- if it doesn't make any sense to  
16 you whatsoever based upon the circumstances -- let's  
17 say I'm talking about the direction and I get it wrong  
18 or something like that, doesn't make any sense, make  
19 sure you correct me, and I'll make sure I try to ask  
20 intelligent questions that can be answered. Okay?

21 A. Okay.

22 Q. I will assume, however, if you answer a  
23 question, that you understood it. Is that a fair  
24 assumption?

25 A. Yes.

1 Q. So, in other words, it's my obligation to  
2 make sure I ask questions that make sense and your  
3 obligation to answer the question as best as you can.  
4 If you don't understand a question, don't answer it.  
5 Okay?

6 A. Okay.

7 Q. What documents have you reviewed in  
8 anticipation for your deposition testimony today?

9 A. I have reviewed the traffic accident report  
10 that was filed from the night of the accident.

11 Q. Anything else?

12 A. No. This is pretty much it.

13 Q. Other than your attorney -- and you  
14 understand that the City attorney is representing you;  
15 correct?

16 A. Correct.

17 Q. Other than your attorney -- just to make it  
18 clear, abundantly clear, if I ever ask a question that  
19 calls for an answer that has to do with a conversation  
20 you had with your attorney, I don't want to hear the  
21 answer. Okay?

22 A. Okay.

23 Q. That is attorney-client privilege. I'm not  
24 looking to gather -- looking to break that privilege  
25 with your attorney. Okay? That's completely



1 privileged and I don't need to know it. However, if  
2 it is something that you've learned from another  
3 source or if I ask the question in a way that doesn't  
4 elicit necessarily the conversation, it might be your  
5 impression about something, I don't need to know the  
6 source. I just want to know your impression. Make  
7 sense?

8 A. Okay.

9 Q. Other than your attorneys or anybody from  
10 his office, have you spoke to anybody about your  
11 deposition testimony?

12 A. No.

13 Q. When was the last time that you spoke to the  
14 investigating officer?

15 A. Officer Byrnes?

16 Q. Yes.

17 A. The only time I've spoken to him was the  
18 night of the accident. Him and I have not conversed  
19 directly about this since.

20 Q. Okay. Do you guys see each other on  
21 occasion in other settings, just don't talk about this  
22 particular incident?

23 A. Yes. I still see him out on -- typically  
24 it's if he's called out to fatal scenes.

25 Q. In doing those investigations of fatal

1 scenes, are you a supervisor of his at that point?

2 A. No. I'm usually just a supervisor of the  
3 first responding officers to the scene.

4 Q. Just kind of give you a heads up how we're  
5 going to proceed here today so you understand. I'm  
6 going to go through a little bit about your  
7 background, a little bit of your training. I'm going  
8 to go through some questions that we've asked you  
9 already via some written questions. I don't know if  
10 you remember doing those. But we're going to go  
11 through some of those. Then we're going to take you  
12 through the incident itself specifically and then just  
13 kind of get some general opinions about -- excuse me,  
14 general facts about what happened in the accident.  
15 Okay?

16 A. Okay.

17 Q. Starting off with your background, how long  
18 have you lived in the Las Vegas area, whether it be  
19 North Las Vegas or Las Vegas?

20 A. I've lived here -- it's going to be 20-plus  
21 years now. I'm going to say around 22. I was in the  
22 military '89, '90, '91. So it was around, I believe,  
23 the '92 to '93 time frame, right around there, is when  
24 I moved here.

25 Q. Which branch of the military?

1 A. Air Force.

2 Q. Were you active military?

3 A. Yes.

4 Q. Were you honorably discharged?

5 A. Yes.

6 Q. What was your rank in the military?

7 A. I left the military as an E-7 and then went  
8 into the reserves. But the reserves was in the Army  
9 reserves.

10 Q. Are you still a reservist?

11 A. No.

12 Q. As an E-7, what were some of your duties in  
13 the Air Force?

14 A. I spent the last six and a half years in a  
15 specialized assignment which, believe it or not, is a  
16 classified assignment that I did -- that I worked out  
17 here for. I believe the Air Force shows me as  
18 working at -- my last duty station is Edwards  
19 Air Force Base in California.

20 Q. But physically you were here in Las Vegas?

21 A. Physically I was here in Las Vegas, yes.

22 Q. Or Nellis.

23 A. Yes.

24 Q. Creech. Some of those.

25 Can you give me generally the area of work

1     that you did in the Air Force? Again, I don't want  
2     to --

3             A.     I was an Air Force intel officer. My  
4     specifics, for the most part, was I was a worldwide  
5     responder who supervised linguists in their chosen  
6     field.

7             Q.     What about as an Army reservist?

8             A.     As an Army reservist, I was assigned to  
9     civil affairs. They call it 38 Alpha. I was a civil  
10    affairs officer.

11            Q.     What does that entail?

12            A.     Civil affairs is just -- it's an airborne  
13    unit that would, if deployed in country, would meet  
14    with foreign dignitaries to help set up schools,  
15    water, that type of thing.

16            Q.     And I don't want to know your exact address  
17    because as a police officer I'm not -- I don't know if  
18    I'm entitled to it or not, but I don't really need it.  
19    So I don't want it, but what general vicinity of the  
20    town do you live in?

21            A.     I live in Henderson.

22            Q.     How long have you -- have you lived all the  
23    20 years out there?

24            A.     No. I lived the first few years up on  
25    Sunrise Mountain when I was in the military, right

1 behind the base. Then when I became a police officer,  
2 I moved out to Henderson.

3 Q. Can you give me a brief history of your  
4 educational background?

5 A. I have a bachelor's degree in criminal  
6 justice and I have a bachelor's degree in  
7 communications.

8 Q. From where did you matriculate for your  
9 criminal justice degree?

10 A. My criminal justice is through here through  
11 the University of Phoenix. My communications degree  
12 is -- it's joint. It's through the Air Force, through  
13 Boise State University.

14 Q. What year did you get your communication  
15 degree?

16 A. That was when I was still in -- I want to  
17 say around '94.

18 Q. And the University of Phoenix degree?

19 A. That was more recent. That was, I believe,  
20 2006. 2005, 2006. Right around there.

21 Q. Have you -- strike that.

22 We already talked about your current  
23 employment with North Las Vegas Police Department.  
24 How long have you worked for the North Las Vegas  
25 Police Department?

1 A. I've worked for them for 14 years.

2 Q. Prior to that was that the Air Force?

3 A. Yes. I will take that back. I had one job  
4 in between the Air Force and here. I was the regional  
5 manager for Respond, Incorporated, which is an armored  
6 car company.

7 Q. The fourteen years that you have worked for  
8 the North Las Vegas Police Department -- I don't  
9 presume you came right in as a sergeant.

10 A. No.

11 Q. Take me through your job titles and also the  
12 departments that you were in.

13 A. Uh-huh.

14 Q. Within the 14 years.

15 A. Started out in patrol, like all new officers  
16 do. I left -- excuse me. I was -- became a field  
17 training officer and then left patrol for the police  
18 academy. Was at the police academy for three and a  
19 half years. Left there for narcotics. Was in  
20 narcotics for a short duration of time. I can't even  
21 remember the exact dates on that, but it was very  
22 short after that. I came back into patrol as a field  
23 training officer and then was promoted as sergeant. I  
24 was promoted to sergeant -- I believe the exact date  
25 was November of 2011. Almost three years.

1 Q. You are a sergeant in patrol?

2 A. I'm a sergeant in patrol right now. I'm  
3 currently the administrative sergeant in the Northwest  
4 Area Command.

5 Q. When you did the narcotics stint, were you  
6 involved in the DEA task force in narcotics or were  
7 you --

8 A. No. Just for the police department.

9 Q. As a detective?

10 A. It's patrol. They call you an investigator  
11 by title, but there's no other -- there's no other  
12 things. Not like Metro does with different titles.  
13 We have just -- as an investigator. They have three  
14 individual officers assigned to the different task  
15 force.

16 Q. If you know, approximately how many police  
17 officers are employed by North Las Vegas Police  
18 Department?

19 A. Currently right now I believe we have -- I  
20 think it's 282 is roughly commissioned officers. It's  
21 going to be fairly close to that.

22 Q. How many -- were you a sergeant on the date  
23 of this incident?

24 A. Yes, I was.

25 Q. In November of 2012, how many sergeants were

1 within that police force?

2 A. Currently, right now, we have 26 sergeants  
3 assigned to our department. The number is going to be  
4 fairly close. At the time there might have been  
5 around 27 or 28 assigned.

6 Q. As I understand the structure -- I don't  
7 know how many, but I understand that you go from a  
8 police officer to a sergeant to lieutenant to --

9 A. Captain.

10 Q. -- captain to chief?

11 A. Correct.

12 Q. One chief; correct?

13 A. One chief.

14 Q. How many captains?

15 A. Three captains. One chief. We have  
16 11 lieutenants, I believe, now and 26 sergeants.

17 Q. Excellent. Thank you. Do you or have you  
18 ever done accident reconstruction?

19 A. No.

20 Q. Do you anticipate giving any kind of  
21 accident reconstruction opinions in this case?

22 A. No.

23 Q. Ever done the Northwest 1 or 2 accident  
24 reconstruction courses?

25 A. No, I have not. I've only received the



1 basic course in the academy.

2 Q. Can you kind of give me a general  
3 overview -- I know currently you are in the admin  
4 position. Were you -- you were obviously not in admin  
5 in November 2012; correct?

6 A. Correct.

7 Q. Tell me kind of generally what your job  
8 entailed in November of 2012.

9 A. November 2012 I was assigned as the sergeant  
10 and I was the 2012 south -- I was the grave B  
11 sergeant.

12 Q. What did that entail?

13 A. I supervised 11 to 13 patrol officers. Our  
14 workdays for grave B are on Saturday, Sunday, Monday,  
15 Tuesday night going into the mornings. So basically  
16 Sunday, Monday, Tuesday, Wednesday mornings. That's  
17 the first shift of the squad. I supervised them from  
18 10:30 at night until 8:30 in the morning.

19 Q. More generally, can you tell me -- I think I  
20 know the answer. But just to make sure that I'm not  
21 just reading into things, you're supervising their  
22 activities. What kind of activities are we talking  
23 about?

24 A. Just their day-to-day activities out on the  
25 street. Whatever -- obviously, I can't be with every

1 officer all the time. A lot of times it's as officers  
2 request my assistance, whether it be guidance for  
3 appropriate charges or actions that they are taking.  
4 Or if we have dynamic scenes that start to grow,  
5 whether or not they should be entering a house, not  
6 entering a house, those type of things.

7 Q. When we're talking about patrol officers,  
8 we're talking about the front line officers responding  
9 to calls --

10 A. Calls for service, correct.

11 Q. Not talking about traffic investigators?

12 A. Correct.

13 Q. Or traffic officers responding to traffic  
14 accidents?

15 A. Correct, no. Patrol officers do respond to  
16 the traffic accidents when our motor officers are not  
17 available. So we do go to them. If it's anything  
18 that is a serious injury, substantial bodily harm,  
19 then more officers will be called out.

20 Q. I assume you participate or have  
21 participated in a safety orientation when you were  
22 hired at North Las Vegas?

23 A. Correct. Reference to officer safety or  
24 driving safety?

25 Q. Driving safety.

1           A.     Driving safety, yes.  It's our EVOC,  
2     emergency vehicle operations course.

3           Q.     Do you remember how long that course was?

4           A.     That course is a one-week-long course that  
5     consists of practice driving, then scored driving, and  
6     a written examination.

7           Q.     I asked Officer Byrne whether or not the  
8     North Las Vegas police cars were equipped with the  
9     Opticom devices to control traffic signals.  He did  
10    not know, necessarily.  Do you know if --

11          A.     Some vehicles do have them; some don't.  It  
12    just depends upon the function of the vehicles.  But  
13    not all vehicles have them.

14          Q.     Did your vehicle that you were driving  
15    November 5th, 2012, that was involved in this crash  
16    have one?

17          A.     No.  My understanding is I don't believe any  
18    of the supervisor vehicles have those.

19          Q.     Have you ever been in a car accident prior  
20    to this one?  Not talking specifically about  
21    on-the-job accidents but a car accident prior to this  
22    one.

23          A.     Yes, I have been in a vehicle accident.  My  
24    vehicle accidents have all been on duty.  Prior to  
25    that, I have never been involved in an accident.

1 Q. So how many vehicle wrecks have you been in?

2 A. I have been involved in three.

3 Q. Take me through the most recent one.

4 A. The most recent one is this one.

5 Q. November 5th, 2012?

6 A. Yes.

7 Q. Then the one prior to that?

8 A. The one prior to that I was -- I don't know  
9 the exact date. I was the passenger in the vehicle  
10 when we were struck.

11 Q. Approximate year?

12 A. I was still -- just came out. Roughly say  
13 around 2007. Then I was only involved in one more.  
14 That was when I first came on the department. That  
15 was -- I was the driver. That was 2001, maybe early  
16 2002.

17 Q. What were the circumstances surrounding that  
18 incident in 2001?

19 A. That one was driving lights and sirens to an  
20 officer-involved shooting, where the officer had  
21 called out shots fired and requested assistance. I  
22 was actually driving on Cheyenne. It was at Cheyenne  
23 and Commerce, the intersection of Cheyenne and  
24 Commerce, in front of the Silver State -- I'm going to  
25 say disposal yard. Their trash receptacle yard. I

1 was right in front of that one.

2 Q. What happened?

3 A. That one was I was eastbound. Had turned  
4 into the middle travel lane. I had green lights to  
5 go, but traffic was stopped. And the vehicle hit  
6 debris out of the roadway from the trash receptacle  
7 that was pulled out. My vehicle hit debris, struck  
8 the median, the three-foot concrete median that was  
9 in. Then the front of my car ended up striking the  
10 rear of a car that was stopped in the number 1 travel  
11 lane.

12 Q. That incident was fairly close to this  
13 incident, wasn't it?

14 A. No. Years apart. That was in 2001.

15 Q. I meant distancewise.

16 A. Locationwise, yes. This one was Cheyenne  
17 and North Fifth. My first accident was Cheyenne and  
18 Commerce.

19 Q. So less than a half mile away.

20 A. Oh, yes. Yes.

21 Q. Maybe even a couple blocks; right?

22 A. I don't know the exact distance, but right  
23 from there it drops down the hill to North Fifth. But  
24 they are fairly close.

25 Q. Any -- there haven't been any other --

1 strike that.

2           There haven't been any other wrecks after  
3 this incident; correct?

4           A.    Correct.

5           Q.    I want to go through some basic kind of  
6 safety rules and concepts with you if I can.

7           Do you agree that drivers of vehicles should  
8 never needlessly endanger others in the road?

9           A.    Yes.

10          Q.    Do you agree that drivers of emergency  
11 vehicles have a duty to drive safely at all times?

12          A.    Yes.

13          Q.    Do you also agree that a driver of an  
14 emergency vehicle, regardless whether or not they're  
15 running with lights and sirens or lights or sirens,  
16 must not enter an intersection on a red light until  
17 they're sure that it's safe to do so?

18          A.    Yes.

19          Q.    Why do you believe that these are  
20 important -- just very basic safety rules?

21          A.    I refer to it as driving with due care.  
22 That's just it. It's trying to minimize or limit the  
23 risk to all the drivers on the roadway by yet being  
24 able to expedite our response time to those that are  
25 in need.

1 Q. Have you ever responded to fatalities with  
2 either vehicle crashes or vehicle and pedestrians or  
3 anything like that?

4 A. Yes. Both.

5 Q. How many times have you done that?

6 A. It's a much smaller number. I would  
7 probably say less than 25 throughout the career. But  
8 have responded to both.

9 Q. With regards to North Las Vegas Police  
10 Department policy with regards to running -- first of  
11 all, when you use the terminology "Code 3," what does  
12 that mean?

13 A. Code 3 for us is responding to calls for  
14 service in which they require us to expedite our  
15 response, which means driving faster than we normally  
16 do. To be able to do so, then we run with our lights  
17 flashing and our sirens activated.

18 Q. I know what Code 4 is. That's usually a  
19 call sign to say that everything is safe.

20 A. Safe, yes.

21 Q. And there's no exigent circumstances.

22 A. Correct.

23 Q. Is there a Code 1 and a Code 2?

24 A. No Code 2. There is a Code 1 and a Code 3.  
25 Those are both referred to driving. Code 3 is lights

1 and sirens. Code 1 is just normal driving, obeying  
2 the traffic laws.

3 Q. Just curious. Was there a Code 2 at some  
4 point in time?

5 A. No. Just they called it -- as far as I  
6 know, my whole career, it's just always been Code 1  
7 and Code 3.

8 Q. Just curious.

9 A. Then Code 4 came around for just -- response  
10 to let people know that everybody was all right.

11 Q. So Code 1 would be a response to a call, no  
12 exigent circumstances, meaning no emergency  
13 circumstances, and you are to respond to a call but to  
14 not run with your lights on, not run with your sirens  
15 on and just get there at your earliest convenience?

16 A. Correct. How that Code 1 came about was  
17 basically for calls for service that required a Code 3  
18 response. Officers would respond on the radio -- they  
19 would copy the call and responding Code 3. But as  
20 information was updated or, say, other officers  
21 arrived there first and they said we're here, we're  
22 out, we're Code 4, then the officers that were  
23 required to run Code 3 will respond on the radio,  
24 okay, I'm now operating Code 1, which is just to let  
25 everybody know that now they are not lights and



1 sirens.

2 Q. Is it your -- from your testimony just a  
3 minute ago, it's North Las Vegas Police Department  
4 policy to run lights and sirens when you are running  
5 Code 3?

6 A. Yes.

7 Q. Even when -- strike that.

8 What is your understanding of either the NRS  
9 and/or North Las Vegas statute, for better word -- I  
10 think it's code -- but code with regards to your  
11 authority to be able to go through red lights when you  
12 are running Code 3?

13 A. Again, it's with due care. I fully believe  
14 the NRS states that in order -- if you're going to be  
15 operating where -- I don't know if violating is the  
16 correct word, but you're not going by the law, so you  
17 are violating laws. You are given that authority to  
18 do so as in run a stop sign or go through a red light,  
19 that you must have your lights activated. NRS is a  
20 requirement to have lights activated, not necessarily  
21 lights and sirens. But it also says that by doing so  
22 you have the ability to operate within due care,  
23 meaning that you cannot go through an intersection  
24 without at least trying to visually clear that it's  
25 safe for you to do so.

1 Q. There's a couple of NRS provisions that seem  
2 to be applicable to this. They all seem to be very  
3 similar in nature. Do you agree that it requires that  
4 a vehicle to proceed, you know, past or through a red  
5 light requires a vehicle to slow down as necessary to  
6 proceed with caution and safety through the  
7 intersection?

8 A. Yes, it does.

9 Q. Regardless of whether it's NRS or North Las  
10 Vegas statute, you agree they are all essentially the  
11 same thing. You indicated that the policy is to have  
12 lights and siren, but you believe the NRS is only  
13 lights or siren?

14 A. Correct.

15 MR. CRAFT: Misstates prior testimony. He  
16 said lights or sirens.

17 THE WITNESS: NRS says you must have your  
18 lights, but you don't necessarily have to have sirens.  
19 But your lights must be activated. Our North  
20 Las Vegas policy says lights and sirens.

21 Q. (BY MR. GANZ) That's what I thought I had  
22 asked. I'm glad you clarified. Thank you. All  
23 right. This accident -- strike that.

24 Before I get to that, I guess -- how often  
25 have you been, over the last, you know, ten years have

1 you been to that area where this wreck occurred?

2 A. I drive through that area almost daily when  
3 I'm working, at one point or another.

4 Q. Hundreds, if not thousands of times?

5 A. Yes.

6 Q. And has that area's topography, meaning kind  
7 of the layout of the area, the buildings and all that  
8 stuff, has that changed very dramatically --

9 A. No.

10 Q. -- since November 2012?

11 A. No. Actually, the entire time I've been  
12 here in my career the area is not -- it's the same  
13 things.

14 Q. As we may have already mentioned, this wreck  
15 occurred at the intersection of Cheyenne and Fifth;  
16 correct?

17 A. Correct.

18 Q. What was your shift that night?

19 A. I was working graveyard, which I believe is  
20 10:30 to 8:30 in the morning.

21 Q. Was that your normal shift during that  
22 period of time?

23 A. Yes.

24 Q. How long were you on graveyard for? Are you  
25 still on graveyard?

1           A.    No.  I spent one year on graveyard.  This  
2 week, it happens to be that I'm back on graveyard,  
3 believe it or not.  But my current assignment is  
4 administrative sergeant.  I work day, swing, and  
5 grave.  I work all shifts.

6           Q.    November 2012, where did that fall within  
7 your year of working graveyard?

8           A.    I was promoted in 2011.  So it would have  
9 been that February of 2012 I would have gone to  
10 graveyard.  So that would have been my graveyard  
11 shift.

12          Q.    How many days a week did you work during  
13 that period of time?

14          A.    I work four days a week.  Yes.

15          Q.    Was it a set four days that you normally  
16 worked?

17          A.    Yes.  I worked grave B, B squad, so, again,  
18 I came in Saturday night.  I was working basically the  
19 Sunday morning, Monday morning, Tuesday, and Wednesday  
20 morning, for the most part.

21          Q.    This wreck occurred about 1:53 in the  
22 morning is I believe when you called it in.  So I  
23 assume it occurred maybe minutes before that.

24          A.    Uh-huh.

25          Q.    Is that a fair statement?

1 A. Yes.

2 Q. Where were you coming from?

3 A. I was coming from the South Area Command,  
4 which is at Lake Mead and Bruce. And I was driving  
5 to -- I think the exact is 3260 Fountain Falls, which  
6 is basically Cheyenne and Simmons, is where I was  
7 heading to.

8 Q. How do you remember that address?

9 A. I remember that it's -- it's an apartment  
10 complex that's right there that we respond to quite  
11 often back then, especially when I was assigned to the  
12 south. It was one that you become frequent with.

13 Q. What's the name of the complex?

14 A. It's called Fountain Falls. And that might  
15 not be the current name of the apartment complex  
16 today. They tend to change from year to year by  
17 ownerships.

18 Q. It was your intended route to take -- take  
19 me through your intended path had this accident not --  
20 had this not occurred.

21 A. The quickest way for us to get down there as  
22 we come on to the west side of town, which is on the  
23 west side of the I-15 freeway, the North Fifth Street  
24 off of Losee is our easiest way to come up, to only  
25 have to come up to the light that's at North Fifth and

1 Cheyenne. So we're trying to get to the area that's  
2 used less by the civilian traffic. Then I was going  
3 to go westbound on Cheyenne from there. All straight  
4 up to Simmons.

5 Q. So it was your intent to make a left on  
6 north -- sorry, on Cheyenne and go westbound?

7 A. And go westbound, yes.

8 Q. Is there an alternative route from the --  
9 you said we usually take that route. Is there an  
10 alternative route that can be taken from the Lake Mead  
11 and Bruce Southwest Area Command?

12 A. There's several different ways that you can  
13 go. But a lot of times it will depend upon current  
14 traffic. If we had other calls or accidents working,  
15 based on where you are at, you may take a different  
16 route based on that alone. But, yes, you could use  
17 Lake Mead or Carey or come across Civic Center and up  
18 Cheyenne that way. But several different ways to get  
19 there.

20 Q. It appears to me -- strike that.

21 Is there -- strike that.

22 Did you inspect your car prior to getting in  
23 the vehicle to head to this call?

24 A. Yes.

25 Q. What did you do to inspect your vehicle?

1           A.     Our normal inspection of our vehicle is to  
2     make sure that all of our required equipment is inside  
3     of the vehicle -- traffic vest, cones. As a  
4     supervisor, we have additional equipment that we carry  
5     inside the vehicles, which are shields, rams, extra  
6     protective equipment for the officers, so forth. So  
7     we verify that all of our required equipment is inside  
8     the vehicle. Then after that, then we do an  
9     inspection of the tires and an external of a vehicle.  
10    Then we turn on lights and sirens and make sure  
11    everything is operational.

12           Q.     Was that done immediately prior to the call,  
13    or was that done at the beginning of your shift?

14           A.     At the very beginning of the shift.

15           Q.     You were kind of indicating a -- some kind  
16    of writing. Is there some kind of form that you fill  
17    out to do that?

18           A.     No, we don't do a form. We have a vehicle  
19    log that is on -- an electronic vehicle log. Once you  
20    complete your inspection, you type in on the vehicle  
21    log that vehicle check was okay and that the gas card  
22    is in the vehicle. That's usually what's put inside  
23    the log.

24           Q.     Is that something that is kept for a period  
25    of time?

1           A.    I believe -- it's kept for I believe for  
2   three months. Right after that you can see it and  
3   then electronically up for a year and then it's gone.

4           Q.    Anything else that you did regarding your  
5   inspection?

6           A.    No. Once inspection is complete, then  
7   that's it. We put ourselves in service.

8           Q.    I understand that you said that you were at  
9   the southwest command. Were you at a desk at the time  
10   you received the call? What were you doing? Do you  
11   remember?

12          A.    Don't specifically. I know I was down at  
13   the South Area Command. I believe I was talking with  
14   other officers when the call first started coming out.  
15   But just based on the information of the call as it  
16   starts to come out, I immediately jumped in my vehicle  
17   and started heading in that general direction.

18          Q.    My understanding is that there was -- well,  
19   what is your memory of what kind of call was made?

20          A.    The call that was in is that there was a  
21   fight that was going on inside the complex with  
22   several juveniles, that it was still active. And then  
23   there was shots fired at the complex which of course  
24   that generated people to start going, which at that  
25   point, the two primary officers and myself being the



1 supervisor are now automatically dispatched to the  
2 call to have to respond. I believe shortly within the  
3 very first few seconds of that call coming out, then  
4 the dispatch claimed that they had a victim down to a  
5 gunshot wound and people were requesting medical to  
6 respond as well.

7 Q. Ultimately, you never made it to that call;  
8 is that correct?

9 A. Correct.

10 Q. Do you have an understanding of what exactly  
11 occurred that night, if there was any kind of  
12 convictions from that, anything like that?

13 A. No, not off the top of my head I don't  
14 remember. Basically once I was en route and involved  
15 in the accident, my job was just to notify them that I  
16 was involved so that another supervisor could get  
17 en route to the call to be able to get on scene.

18 Q. Who was the other supervisor at the time?

19 A. Tell you the truth, I'm not sure. I think  
20 there were a couple of supervisors that were on. I  
21 believe Sergeant Semper was on up north and I believe  
22 Sergeant Fay was still there. But I believe  
23 Sergeant Semper actually responded on scene. But I  
24 would have to go verify who actually got there.

25 Q. I was just curious.

1           And you don't remember what ultimately  
2 occurred, whether or not the victim was found -- I'm  
3 sorry, the --

4           A.   Victim was found. I know an arrest was  
5 made. I don't know like what the outcome was whether  
6 or not the suspect had received time or anything like  
7 that.

8           Q.   Okay. You obviously didn't have anybody  
9 else in your vehicle at the time; correct?

10          A.   Correct.

11          Q.   Can you describe in detail how this wreck  
12 occurred?

13          A.   Basically, I was running lights and sirens  
14 going which would be northbound on Fifth Street as I  
15 approached Cheyenne, the intersection with Cheyenne.  
16 I was preparing to make a left-hand turn and go  
17 westbound on Cheyenne. As I approached the  
18 intersection, there was nobody on my side of the  
19 street. I do remember that there was vehicles  
20 directly across because we did have a red light for  
21 east and westbound traffic. There was vehicles that  
22 were stopped on the other side that were traveling  
23 south. It would be south on North Fifth. And as I  
24 approached, I believe there was some cross traffic as  
25 in vehicles had passed through the intersection as I

1 was approaching up to the intersection. At that  
2 point, then I came to a stop prior to the intersection  
3 as typically we do, because I know there was one or  
4 two vehicles -- I don't recall like make or models of  
5 vehicles on the other side of the intersection. That  
6 we then will do something where we will change. We  
7 have four different siren tones that are on our  
8 vehicle. What we do is we'll push from button to  
9 button to button. It changes the sound, the tone, how  
10 loud it goes, in order to make sure everybody that's  
11 in the intersection or nearby is gathering their  
12 attention to my patrol vehicle. Then I started to --  
13 once I believed there was no oncoming traffic on  
14 either east or westbound on Cheyenne, I started to  
15 encroach into the intersection to get ready to make my  
16 left-hand turn. As soon as I started to encroach into  
17 the intersection, I heard the vehicle lock up its  
18 brakes. And it was to my left. So I noticed it was a  
19 small car now that was traveling eastbound on Cheyenne  
20 approaching the intersection. Two things occurred to  
21 me. I noticed it was a small dark-colored vehicle and  
22 it had no headlights or anything on the vehicle as it  
23 approached. At that point I stopped as that vehicle  
24 was locking up its brakes. There's that point in  
25 there where I realized I can't move or go anywhere,

1 but knowing that the vehicle mostly likely was going  
2 to end up striking the front of my vehicle. Once the  
3 collision occurred, then I called out on the radio to  
4 advise them that I was --

5 Q. Let's stop there.

6 MR. GANZ: Do you mind reading back his  
7 answer?

8 Q. (BY MR. GANZ) I'm going to have her read  
9 that back to you, make sure it's accurate and correct,  
10 and if there is something you need to change, let us  
11 know afterwards. Okay?

12 A. Okay.

13 (The reporter read the requested  
14 portion of the record)

15 Q. (BY MR. GANZ) You heard her read that back?

16 A. Nope.

17 Q. You didn't?

18 A. I heard her read it back. I have one  
19 clarification. I will say I know it was a red light  
20 to stop north and southbound traffic. I was traveling  
21 north. It was green lights that allowed east and  
22 westbound traffic through the intersection as I  
23 approached.

24 Q. Anything else?

25 A. Huh-uh.

1 Q. Is that no?

2 A. Yeah, that's a no. That's it.

3 Q. Was there anything else you want to add to  
4 that, something that you may have missed in your  
5 explanation of how the wreck occurred?

6 A. Nope. That's pretty much exactly how it  
7 happened.

8 Q. I have some questions for you. You had said  
9 that there was some cross traffic at one point in  
10 time.

11 A. Correct.

12 Q. Are you talking about cross traffic meaning  
13 east and -- eastbound and westbound Cheyenne?

14 A. East and westbound Cheyenne, correct. As I  
15 approached still a distance -- I'm going to say  
16 several hundred feet away from the intersection, but  
17 as I'm approaching, I can see the intersection. I  
18 could see cars that had gone through the intersection  
19 as I was approaching.

20 Q. You had then said that as you approached the  
21 intersection you stopped prior to the intersection.

22 A. Correct.

23 Q. And started changing the tones of your  
24 siren; correct?

25 A. Correct.

1 Q. First of all, how long had you stopped  
2 before you proceeded into the intersection?

3 A. I would -- probably five to six seconds.  
4 It's not a whole lot of time. Once I stopped, then  
5 it's just a matter of just visually clearing each  
6 intersection as I go.

7 Q. When you stopped prior to approaching the  
8 intersection, I want to make sure we have the same  
9 definition of an intersection just because it gets  
10 very confusing sometimes where the intersection begins  
11 and where it doesn't. At least from my perspective.

12 My take on where the intersection occurs is  
13 where the stop bar is for the vehicles traveling in  
14 that direction. Do you agree with that?

15 A. Correct. From any point from that stop sign  
16 into is included into the intersection, which is  
17 typically defined by the curbing that is along the  
18 road, the roadway.

19 Q. I'm talking about -- if you're looking at an  
20 aerial above, there is a stop bar that's before the  
21 light where you are supposed to stop waiting for a  
22 light.

23 A. Correct.

24 Q. Can we agree that at least for the  
25 discussion today even if that's not the technical

1 beginning of the intersection that we use that as a  
2 point of reference for now?

3 A. Correct. That's fine.

4 Q. When you say you stopped prior to the  
5 intersection and changed your tone, were you stopped  
6 behind that stop bar?

7 A. Yes. Stopped behind the line, yes.

8 Q. And I know from traveling that area -- not  
9 that often -- but recently in an inspection of the  
10 area, I noticed there's this -- for lack of better  
11 term there's this big hill that's on the southwest  
12 corner of Fifth Avenue just right before the  
13 intersection; correct?

14 A. Correct.

15 Q. It actually goes beyond the stop bar,  
16 doesn't it?

17 A. The hill?

18 Q. Yes.

19 A. The hill goes, yes, correct, all the way up.

20 Q. When I say it's a big hill, it's a hill -- I  
21 don't know, I haven't measured it, but it's probably  
22 at least 50 feet in the air; right?

23 A. I would put the hill probably a good 20,  
24 25 feet up. I believe that mound that is there is the  
25 Las Vegas -- or the North Las Vegas Golf Course. It's

1 a built up tee box that is for the golf course.

2 Q. When you are at that stop bar with that hill  
3 on your left, are you able to see -- and I'm talking  
4 about stopped right before the stop bar. Are you able  
5 to see the eastbound traffic on Cheyenne?

6 A. Yes, for only a certain distance. There's  
7 two limiting factors I see on that one. One is the  
8 obstruction, the large hill that's on that southwest  
9 corner, and two is the limited lighting at night to be  
10 able -- how far up the hill you can see.

11 Q. In addition to the hill, there's also trees  
12 and stuff there too, isn't there?

13 A. That is inside the fence up on the hill.  
14 Lower down, all the way up -- down around by the  
15 fencing I don't think there's any trees down there.

16 Q. Forgetting about lighting issues because of  
17 being dark, even if it was during the middle of the  
18 day with that hill there at the stop bar can you  
19 estimate for me how far you could see into the  
20 eastbound travel lanes if you're at that stop bar in  
21 that one lane?

22 A. That's a tough question, a tough question.  
23 There's no lighting there. Typical lighting is  
24 150 feet up. It's a good judge for us to be able to  
25 see a streetlight -- the next streetlight up from a



1 corner because it's not exact but it's roughly about  
2 150 feet for the placement. That gives us usually a  
3 good judgment of how far up we can see. In this case,  
4 there is no street lighting that is right there. Not  
5 until you're much further up the road to the entrance  
6 to the little park that sits right there by that  
7 golf course.

8 Q. Just so you understand, I'm looking for an  
9 estimate. I recognize you haven't maybe have done --  
10 doesn't sound like you've done this analysis.

11 A. Right.

12 Q. My question is as you sit here today, what  
13 would you estimate how far you could see if you're  
14 looking to the left in clear conditions in daylight?

15 A. It's rough being stopped behind the line  
16 looking up the street. I'm -- most likely I'm going  
17 to say the angle to see eastbound traffic or probably  
18 less -- maybe around 150 feet to 200 feet that you  
19 could probably see up the roadway.

20 Q. What about specifically for the third travel  
21 lane closest to the curb?

22 A. Close to the curb? That's going to be the  
23 shortest distance that you're going to be able to see  
24 going up the hill. Again, 150 feet. But I'm making a  
25 rough guess.

1           Q.    Surely you've gone -- traveled eastbound on  
2 Cheyenne on that road as well; correct?

3           A.    Correct.

4           Q.    Can you give me an estimate of how far you  
5 believe in a Number 3 travel lane that somebody could  
6 see somebody sitting at that stop bar facing  
7 northbound on Fifth Avenue if you're traveling  
8 eastbound on Cheyenne?

9           A.    Eastbound on Cheyenne? It's a little easier  
10 to see eastbound than west. And, again, I would have  
11 to -- it's like anything else. I'll refer it to such  
12 as building clearing and cutting corners. Where I'm  
13 sitting to make a left-hand turn, the closer that I  
14 sit to that side, it's harder for me to see an angle  
15 to get cleared up. Otherwise, somebody who is coming  
16 down from the other direction, the distance off  
17 between where the travel lanes are -- and I don't know  
18 exactly how it is, but, obviously, the further out you  
19 go the easier it is for you to see back one way. I  
20 don't know the exact term for it, but it's a thing  
21 that we use to where one direction you can actually  
22 see somebody. But someone looking the other direction  
23 actually can't, when you cut off those corners. But  
24 it's fairly close. It's not like a huge advantage, if  
25 that makes sense.

1 Q. So still in that 150 to 200 feet range?

2 A. Correct. Where you could be -- again, it's  
3 tough to say with being exactly there. But sitting  
4 where I'm at, somebody could be -- if they are  
5 150 feet up this way, they could see this vehicle  
6 where this vehicle couldn't see them.

7 Q. Regardless of that, it's still about 150 --

8 A. About 150 feet. Roughly, I would say, in  
9 that third lane. As you go further out, you'd be able  
10 to see -- I could see a little bit further and then  
11 they could also see me.

12 Q. Sure. Would you agree with me that that  
13 hill, the fence, and the foliage on that corner  
14 obstructs the view of somebody who is sitting in the  
15 northbound Fifth Avenue -- obstructs the view of  
16 anybody coming eastbound on Cheyenne? Would you agree  
17 with that general concept?

18 A. Yeah. All that goes into play. I'd say  
19 almost anywhere that that's going to go on there, what  
20 you can see, what you can't see. It all makes -- we  
21 have -- there's a new state law in reference to I want  
22 to say campaign signs because they put them out there  
23 and when they are sitting on corners, it obstructs  
24 people's views to be able to see clearly in any  
25 directions on the roadways.

1 Q. I'm just asking very specifically on this  
2 intersection, that hill, foliage, fencing, and trees  
3 obstructs the view of somebody who is traveling  
4 northbound -- the view of the eastbound travel on  
5 Cheyenne is obstructed?

6 A. Yes. That corner does. Whether you are  
7 traveling eastbound Cheyenne or northbound on  
8 North Fifth, it's going to limit your view.

9 Q. I'm not just talking about a little bit;  
10 right? I mean, that's a really big obstruction. I  
11 mean, I drove by it. I was fairly impressed with how  
12 large that hill was and the amount of obstruction it  
13 caused on that area. I mean, it's a tough spot to see  
14 around, isn't it?

15 A. It is a tough spot to see around, correct.

16 Q. Because of that, you testified that you had  
17 stopped, did your tone change, and then started -- you  
18 described yourself as creeping forward a little bit;  
19 is that correct?

20 A. Yes.

21 Q. Then you said that you heard a vehicle lock  
22 up and then at that point you stopped and realized  
23 that there was nowhere that you could go; is that  
24 correct?

25 A. Correct.

1 Q. At the point that you heard the vehicle, you  
2 were already in the third travel lane for eastbound  
3 Cheyenne; correct?

4 A. Correct.

5 Q. How far were you in the travel lane when you  
6 first heard the sound?

7 A. As I began to encroach, I'm only a couple of  
8 feet. My vehicle is starting to roll forward because  
9 I'm getting ready. My anticipation, even though I'm  
10 not going to go fast, is that I've started because I'm  
11 going to go out and make my left-hand turn across the  
12 intersection. Specifically where I was at, I don't  
13 know. I know that I had a stop prior to the  
14 intersection. There's several feet. Again, without  
15 going out there and measuring it -- because of that  
16 and because of that spot, it's three to five feet or  
17 so behind. So as I was rolling out -- my best example  
18 is always to use the curbing that is on the sidewalk  
19 that is on the Cheyenne side for the east and west  
20 travel. I was fairly close to that or I would say  
21 even starting to pass that when I heard the brakes  
22 lock up, which immediately drew my attention to my  
23 left. Then I stopped.

24 Q. And it's your testimony that you were  
25 stopped at the time of impact; correct?

1 A. Correct.

2 Q. So when you heard the vehicle, you  
3 immediately applied your brakes?

4 A. Correct.

5 Q. And didn't move any further?

6 A. Correct.

7 Q. So whatever position that the impact  
8 occurred, is it fair to say that that's the location  
9 that you first heard the vehicle?

10 A. Yeah. Fairly close. I could only probably  
11 travel two to three -- I mean, a small amount of feet.  
12 My vehicle is in motion when I heard it. I got to  
13 stop. At that speed, I'm only going to go a couple  
14 feet at most before I get stopped.

15 Q. How fast were you traveling from your point  
16 of stopping before the stop bar and the time that you  
17 heard the vehicle to the left?

18 A. Couple miles per hour. It was -- basically  
19 it was just getting this vehicle into motion and then  
20 hearing it and then applying the brakes and stopping.

21 Q. You used the word encroaching into the  
22 Cheyenne travel; correct?

23 A. Correct.

24 Q. Is that a term that you used?

25 A. Yes.

1           Q.    What you meant by that was that you were  
2 already within that Cheyenne travel when you heard the  
3 vehicle to the left?

4           A.    Encroaching. I was entering the  
5 intersection.

6           Q.    But you were already in it?

7           A.    Yes.

8           Q.    When you do your little change in sounds, do  
9 you then have to hit another button to be able to have  
10 the sound continuous to a specific sound or is it just  
11 change it and then it rotates?

12          A.    It just changes. It will continue to  
13 change. Whatever I leave it on -- our main siren on  
14 our vehicles is called wail, W-A-I-L. Once I start  
15 hitting buttons to change, if I leave it on -- if it's  
16 the constant or yelp, if I start to drive, it will  
17 stay there for say roughly 10 seconds and then it  
18 automatically changes back to the main wail without me  
19 having to push anything. All I'm doing by pushing the  
20 button, again, is just changing the tone or the type  
21 of sound that's coming off.

22          Q.    Do you know what decibel level the wail is?

23          A.    No, I don't. It varies in how loud and the  
24 pitch to be able to -- and how frequently it goes. It  
25 changes to get people's attention.

1 Q. It's pretty loud, though, isn't it?

2 A. Yes. It's quite loud.

3 Q. And it's your testimony that as the siren is  
4 going, you heard squealing of tires to the left?

5 A. Correct.

6 Q. So I think you took us up to the point to  
7 where the impact occurred.

8 A. Correct.

9 Q. But before you do that, can you describe for  
10 me, first of all, what you remember seeing from the  
11 time that you -- obviously, you didn't take your eyes  
12 off of the other vehicle once you saw it; correct?

13 A. Correct.

14 Q. You said approximately how far away was it  
15 when you first saw it?

16 A. The vehicle was fairly close. I'm going to  
17 say it was roughly around the 150 to 200 feet range,  
18 right up in there, once I picked up the vehicle. But  
19 what drew my attention to it again was the sound of  
20 the brakes, of the vehicle being locked up. You could  
21 tell it was a vehicle that was in skid at that point.  
22 And that's when I finally was able to pick the vehicle  
23 up in the darkness.

24 Q. And you didn't take your eyes off of that  
25 vehicle once you heard it; correct?



1           A.     Right. Once I heard it, yeah, I didn't take  
2 my eyes off of it. It was too close.

3           Q.     Try to give me the path that it took and  
4 describe for me the impact on your vehicle, her  
5 vehicle, and what you saw there.

6           A.     The impact itself to me felt -- it wasn't  
7 hard. It was enough that it moved my vehicle a little  
8 bit back and forth. But I don't believe my vehicle  
9 actually moved very much, if at all, as in being  
10 pushed sideways by the impact. But when I got out of  
11 the vehicle, it just appeared very minor in nature at  
12 that point. Again, my first recourse was just to call  
13 it out and then go to the driver of that vehicle to  
14 make sure they were okay.

15          Q.     My question, though, is what part of your  
16 vehicle hit her vehicle and her vehicle hit your  
17 vehicle?

18          A.     It was the front of my vehicle, front and  
19 the front driver's corner. It was also the front and  
20 front passenger corner of her vehicle that met.

21          Q.     Would you describe it as -- when you say  
22 front of your vehicle, you are talking about your  
23 front bumper or are you talking about your quarter  
24 panel that is near your wheel?

25          A.     It was all the way on the front bumper of

1 the vehicle. Initially, when I heard the locking up  
2 of the wheels, caught the attention of the vehicle as  
3 it was coming towards me. Where I was stopped at it  
4 was one of those -- you knew it was not going to be a  
5 head-on or violent impact. To me it was almost still  
6 a chance the vehicles could have missed each other.  
7 If that's the best way to describe it. You just knew  
8 it was going to be very minor or very close. It  
9 wasn't going to be a hard impact into one where the  
10 vehicles were going to be going in opposite directions  
11 of each other, if that makes sense. It was almost  
12 like they could have brushed the vehicle.

13 Q. Did you take any evasive action once you  
14 heard her vehicle?

15 A. No. I just kept my vehicle on the brake.  
16 At that point, I said -- I felt it was going to be  
17 minor, but most likely I was going to be struck. So I  
18 just maintained my position. There wasn't going to be  
19 a whole lot of time for me to do anything else.

20 Q. Was there any evasive action that she could  
21 have taken once you saw her vehicle at that point?

22 A. Now, the assumption is what I would have  
23 done if I was driving that vehicle? I know what I  
24 could have done.

25 Q. Are you critical of her for not taking

1 evasive action, once you were able to see her?

2 A. No, I'm not critical of her not being able  
3 to take evasive action. All just depends upon your  
4 driving skill, knowing what you could have done or not  
5 could have done.

6 Q. So then once the impact occurred, what did  
7 you do next?

8 A. Once the impact occurred, I basically put my  
9 vehicle into park and got out. I called out on the  
10 radio that I was in a traffic accident but that I was  
11 uninjured.

12 Q. That's a portable radio?

13 A. Yes.

14 Q. As you're getting out of the vehicle?

15 A. As I was getting out of my vehicle.  
16 Basically, all I did was go around the rear of her  
17 vehicle. I just looked to make sure no one else was  
18 coming, vehicles were stopped, if somebody else was on  
19 the roadway. I went to her driver's side, opened the  
20 door, and asked her if she was okay.

21 Q. What do you remember her saying?

22 A. I don't remember specifically. She was just  
23 like just doing, "I'm sorry. I'm sorry. I'm sorry.  
24 I'm so sorry. Are you hurt?"

25 "No, I'm fine. Are you okay?"

1 "I'm fine."

2 I'm not going to say she was elderly. She  
3 was older than me. I basically just told her to sit  
4 there and relax, it was an accident. I just told her  
5 that I was requesting medical to come check her out  
6 regardless.

7 Q. Although you don't remember the specific  
8 conversation, it's your testimony that you believe  
9 that she apologized?

10 A. Yes. Yes. She most definitely -- I can't  
11 remember exactly what she said. I just know that she  
12 was, again, just apologetic. She kept repeating, "I'm  
13 sorry. I'm sorry." That type of a thing.

14 Q. How long until somebody else responded?

15 A. It was fairly quickly. I believe a patrol  
16 officer got to me within a few minutes. I would have  
17 to go back and try to look at that to know exact, but  
18 it was a short amount of time before a patrol officer  
19 got there. That was to provide assistance and getting  
20 the travel lane behind her blocked off so nobody else  
21 would come up and strike her vehicle.

22 Q. Do you remember who first responded?

23 A. I do not know the other officer that  
24 responded. I'd have to look. I'm pretty sure it's in  
25 there.

1 Q. In where?

2 A. It may be in the traffic accident report.

3 I'm not exactly positive. If not, it's called out.

4 Q. Where do we get that information about who  
5 responded and at what time?

6 A. Information would be through our dispatch to  
7 know who else responded after the scene. They  
8 wouldn't have done anything except for place cones and  
9 stuff out there to make sure no one struck the rear of  
10 her vehicle. I requested motors to respond.

11 Q. Do you remember how many total responded at  
12 any given time?

13 A. There was only -- there was a patrol vehicle  
14 that responded to put cones and stuff out behind her  
15 vehicle. Then after that it was the motor officers  
16 that responded out on scene. I believe there was two.  
17 But Officer Byrnes was the lead investigator for the  
18 accident.

19 Q. So he was one of the two?

20 A. Yes. The only other ones that responded was  
21 our CSI to take photographs of the accident.

22 Q. It's your testimony that CSI came out?

23 A. Yes.

24 Q. And it's your testimony that CSI did an  
25 investigation?

1           A.    All they do is take photographs.  They are  
2   there to photograph at the direction of the motor  
3   officer, which would have been Officer Byrnes, at his  
4   direction.

5           Q.    Officer Byrne --

6           A.    Byrne.

7           Q.    -- testified right before you today.  He  
8   said that when he showed up to the scene you were the  
9   only one there and that CSI wasn't called and he never  
10   talked to anybody other than you at the accident  
11   scene.  Is that different than your memory?

12          A.    CSI arrived and took photographs.  They'll  
13   take photographs of the overall scene.  By the time he  
14   arrived, the other officer -- because we had a  
15   shooting which the victim was down, the other officers  
16   could have left the scene.  I know when officers  
17   showed up that they would just provide cones and stuff  
18   to block off traffic to make sure.  I would say most  
19   likely they would have then left prior to  
20   Officer Byrne showing up.

21          Q.    You don't -- your memory is, as his is, by  
22   the time he got there, my client was gone and  
23   everybody else was gone.  It was just you still at the  
24   accident scene.  Is that your same memory?

25          A.    Yeah.  Correct.

1 Q. Do you know how long it took for  
2 Officer Byrne to get there?

3 A. I do not. He had to be called out. I would  
4 say 30 minutes at least, which is probably the most  
5 likely why the other officer was not on scene when he  
6 got there.

7 Q. During that 30 -- strike that.

8 You said that a patrol officer came within a  
9 few minutes?

10 A. Yes.

11 Q. Do you remember any other conversations you  
12 had with Ms. Glover-Armont prior to that officer  
13 coming?

14 A. Do not. It was more about just is she okay?  
15 Is she hurt? I had medical coming anyway, making sure  
16 she was looked at and checked out. A lot of that, in  
17 my mind, had to do with her age and stuff. Sometimes  
18 they could be hurt and they don't even realize it. I  
19 just wanted to have her checked out. But nothing  
20 specific. I believe I did ask her, once that she  
21 decided she was going to be transported by the  
22 ambulance, that if there was somebody there for her  
23 vehicle. The reason why, she delivered newspapers.  
24 And she made a phone call to have somebody come to be  
25 able to get the newspapers and I believe was going to

1 make her deliveries for her from the vehicle.

2 Q. Do you remember any other conversations that  
3 you had at the accident scene with her before she was  
4 taken?

5 A. No. My concern was more for her well being.  
6 I wasn't -- I didn't get into it like why did you  
7 drive? Why did you do this? I didn't go anywhere  
8 like that with her.

9 Q. Did you take any pictures yourself?

10 A. Yes, I did.

11 Q. What pictures did you take?

12 A. I took a photo of the inside of the car to  
13 show that the -- her headlights were off on the car.

14 Q. When was that photo taken?

15 A. Right after they were removing her out of  
16 the vehicle from the scene, which they didn't have to  
17 remove her. She got up and stood up and walked over  
18 to the gurney.

19 Q. So it was already after the ambulance had  
20 come?

21 A. After the ambulance had come. The ambulance  
22 was there. I basically stood there with her and  
23 remained talking with her, more to keep her calm and  
24 stuff, until medical arrived to be able to start  
25 asking their questions.



1 Q. How long after did medical come?

2 A. I don't know. I requested them immediately.  
3 I requested them. It's also department policy if we  
4 were in an accident our dispatchers would immediately  
5 get on the phone and request for medical to respond as  
6 well.

7 Q. Was it within minutes of the first patrol  
8 officer showing up?

9 A. Yeah. They responded fairly quickly. It  
10 would have been within a few minutes.

11 Q. At the time that you took this photograph,  
12 the vehicle was still on or was it off by then?

13 A. The vehicle was still on. Still on.  
14 Sitting there running. It was pretty much exactly how  
15 she left it.

16 Q. So it is approximately 10 minutes after the  
17 crash and the vehicle is still just running?

18 A. It's still running. There was no damage,  
19 enough to any of the vehicles, to warrant like for  
20 fire or medical to start turning stuff off. They were  
21 just attending to her. The vehicle was on. Do I know  
22 specifically if she had clicked it back to turn the  
23 engine off or not? I don't 100 percent recall. But I  
24 know the keys and everything were in the ignition and  
25 it had to be clicked over because like the little dome

1 light that is not very bright and stuff was popped on  
2 inside the vehicle.

3 Q. It's your testimony that you did not turn  
4 her vehicle off?

5 A. I did not turn her vehicle off, no.

6 Q. Somebody else did?

7 A. Somebody else did. They could have. Again,  
8 fire and medical get in there and start talking to her  
9 because she was sitting initially when they got there  
10 in the driver's seat. I believe she moved her feet  
11 out. But she was sitting right there. It's not hard  
12 for either her or them to just turn it back one so  
13 that the engine stops.

14 Q. Again, no further conversations that you  
15 remember other than what we've already talked about?

16 A. No conversation. It was all about her  
17 welfare, well being, whether or not she was hurt or  
18 injured. I do remember asking her if there was  
19 somebody that could come for her newspapers for her  
20 route.

21 Q. Did you ever write a written statement  
22 regarding how this incident occurred?

23 A. No.

24 Q. Not even as a report to the department at  
25 all?

1           A.    No.  I don't -- no, that would have been  
2   Officer Byrne being the investigator.

3                       (Phone call interruption)

4           Q.    (BY MR. GANZ)  Do you need to grab that?

5           A.    No, that's dispatch.  If it's something I  
6   have to, they'll follow it up with a text.

7           Q.    Do you believe that you could have avoided  
8   this crash in any way?

9           A.    No.

10          Q.    Do you believe you have any fault for  
11   causing this crash at all?

12          A.    No.

13          Q.    No camera in your vehicle; correct?

14          A.    No camera in the vehicle.

15          Q.    You didn't take any video afterwards either;  
16   right?

17          A.    No.  Did not.

18          Q.    Just to be clear, when you entered the  
19   Cheyenne roadway, your light for northbound travel on  
20   Fifth Avenue was red; correct?

21          A.    The traffic light was red, yes.

22          Q.    Do you remember anything else about  
23   Ms. Glover at all?  First of all, ever met her  
24   beforehand?

25          A.    No.  Have not met her beforehand.

1 Q. Could you pick her out of a line-up now?

2 A. Probably not.

3 Q. Do you remember anything about her in the  
4 vehicle when you saw her coming at you? Was there  
5 anything that you saw her doing or anything like that?

6 A. No. Couldn't really see her, the driver of  
7 the vehicle at all, until after the accident. I can  
8 only just describe it as dark colored, small sedan.

9 Q. Did you happen to see what happened to her  
10 body upon impact at all?

11 A. No, I did not. No.

12 Q. Where is your memory of where the impact  
13 occurred within the intersection?

14 A. Just inside the intersection, a few feet  
15 inside, in the number -- there's three -- so it would  
16 be number 3 travel lane, which is closest to the  
17 south.

18 Q. Do you know how wide those lanes are there?

19 A. I believe the standard is 11 to 13 feet in  
20 width.

21 Q. If it's -- let's take the average there and  
22 make it nice and even, 12. Let's assume that it's  
23 12 feet. How far approximately was the impact within  
24 the lane itself?

25 A. Three feet.

1 Q. Were you able to appreciate at all about how  
2 fast she was going after she applied her brakes at any  
3 time?

4 A. Could I estimate how fast she was going  
5 based on the --

6 Q. Let me make sure I understand. You didn't  
7 see her prior to her applying her brakes; correct?

8 A. Correct. Did not see her.

9 Q. So your only vantage point would be to tell  
10 me how fast she was going after she applied her  
11 brakes; correct?

12 A. Correct.

13 Q. So can you estimate approximately how fast  
14 you thought she was going once she started applying  
15 her brakes?

16 A. For me that's tough. Inside the accident  
17 kit we have the workup card based on roughly how much  
18 skid is out there. Without going back and walking off  
19 the skid to -- would I know for sure how fast.

20 Q. I just want to make sure that you are not  
21 going to tell the jury that she was going like a bat  
22 out of hell going a hundred miles an hour or  
23 something.

24 A. Do I think she was speeding? Yes. Do I  
25 think she was a hundred plus miles per hour? No. No,

1 I don't.

2 Q. You saw the speed workup done by  
3 Officer Byrne?

4 A. No, I have not seen the speed workup.

5 Q. It indicates in the traffic accident report  
6 on the very last page that a speed analysis was done,  
7 that he believed that she was not exceeding the speed  
8 limit prior to braking. His workup was done to  
9 indicate she was going approximately 47 miles an hour.  
10 Do you have anything to disagree with that?

11 A. No.

12 Q. You would defer to him who did measure the  
13 skid and did do the calculations and everything?

14 A. Yes. That's his thing. Again, the only  
15 reasons why I was concerned with her about seeing the  
16 vehicle -- I will add this -- is that -- the amount of  
17 papers, newspapers, and everything that she had. I  
18 believe they were the Sunday papers, newspapers,  
19 inside of her vehicle. That was my concern. Again,  
20 do I think she was going a hundred miles an hour, an  
21 excessive amount of speed, no. Definitely did not  
22 think she was doing that when I saw her. I was more  
23 concerned of the amount of weight and everything  
24 inside that vehicle and her ability to be able to stop  
25 it, that it could have been more of an impact on her

1     than on me. That's why my concern was for her, the  
2     driver.

3           Q.     Did you ever check up on her at the hospital  
4     to see how she was doing at all?

5           A.     No, I did not.

6           Q.     Is there anything that you would have done  
7     differently? Even though you don't believe that you  
8     did anything wrong, was there anything you would have  
9     done differently in retrospect?

10          A.     No.

11          Q.     Prior to Officer Byrne showing up, did you  
12     move the vehicles at all?

13          A.     No, did not move the vehicles.

14          Q.     Were you ever disciplined for this incident?

15          A.     No.

16          Q.     Was there an internal -- I don't want to say  
17     Internal Affairs, but some kind of internal  
18     investigation that was done?

19          A.     Yes. All traffic accidents go to the  
20     Collision Review Board.

21          Q.     Collision Review? I didn't know that. I  
22     heard it earlier today, but I didn't remember it, to  
23     be honest with you.

24                   Collision Review, do you testify there?

25          A.     You have the option to testify if you want

1 to, but it's not required.

2 Q. Did you in this case?

3 A. No, I did not. I basically just let the  
4 accident speak -- what was in the report to speak for  
5 itself.

6 Q. Were you supplied with a decision regarding  
7 the Collision Review Board?

8 A. Yes.

9 Q. What is your understanding of the outcome of  
10 that?

11 A. The outcome, I believe -- I was just found  
12 not at fault of the accident. They do have specific  
13 terms that they use. I don't remember off the top of  
14 my head.

15 Q. Was that something that was placed in your  
16 file or anything?

17 A. No, it is not. It is maintained by the  
18 motor bureau because Lieutenant Salyer, head of the  
19 motors, supervises the Collision Review Board. He  
20 maintains all of those on file, I believe. I don't  
21 know the exact duration.

22 Q. Have you ever been disciplined while on duty  
23 for -- strike that.

24 Have you ever been disciplined for any  
25 on-duty activities?



1 A. No. Have not.

2 Q. Did you speak to any kind of expert or  
3 consultant about how this accident occurred?

4 A. No. Did not.

5 Q. That prior incident that you were in on  
6 Cheyenne as well early on in your career, were you  
7 found to have been at fault for that?

8 A. Yes.

9 Q. Can you tell me a little bit about that?

10 A. Basically, without remembering it back  
11 before, but it was percentages of being at fault. And  
12 a lot of it more to do with hitting the debris in the  
13 roadway prior to entering the intersection. Obviously  
14 if I could have avoided the debris, then most likely I  
15 would not have struck the median and then back into  
16 the other vehicle.

17 Q. Were you disciplined for that incident?

18 A. No, I was not disciplined for that. It does  
19 go on file, I believe, if you have -- if you have  
20 three accidents within a certain time frame, then they  
21 can review it. They can send you back to the  
22 emergency vehicle operations course to have you drive  
23 or stuff like that. That's why it's held.

24 Q. Do you remember any other conversations with  
25 anybody else at the scene as you sit here today?

1           A.    No.  My conversations at the scene were only  
2   to her initially, again, with her injuries and stuff,  
3   and getting someone to come out and get her newspapers  
4   and then with Officer Byrne who basically asked me  
5   questions similar to -- what direction I was  
6   traveling, where I was at, where I saw her, as far as  
7   him investigating the accident.

8           Q.    Made any notes or any kind of diary with  
9   regards to the incident afterwards?  We talked about a  
10  formal written statement, but did you go back and  
11  write anything up at all?

12          A.    No.

13          Q.    I think I'm just about done.  Just a second.  
14                How long was Officer Byrne at the scene?

15          A.    I'm not exactly sure.  I'm going to say it  
16  probably took him an hour or maybe even a little  
17  longer for him to do everything.

18          Q.    Were you there the whole time?

19          A.    Yes, I was there the whole time.  My vehicle  
20  was drivable.  So once he was done and everything,  
21  then I drove my vehicle back down to the police  
22  department.

23          Q.    Her vehicle was --

24          A.    Her vehicle was towed.

25          Q.    Not before somebody else came and took the

1 newspapers out?

2 A. Newspapers, yes.

3 Q. Do you remember who that person was?

4 A. No, I do not.

5 Q. Did you have any conversations with that  
6 person?

7 A. Actually, no. I take that back. I think he  
8 came up to me and asked me if it was okay to go ahead  
9 and remove the newspapers from the car when he  
10 arrived. And Officer Byrne said yes and then I said  
11 yes. He removed them. I didn't help him remove them.  
12 He took them out of the car and I believe he was going  
13 to make deliveries for her. I'm not sure if that was  
14 somebody for the Review-Journal or if that was just a  
15 friend that did it.

16 Q. You drove your vehicle to the City garage?

17 A. Correct.

18 Q. What did you do at that point?

19 A. We park it in the back lot and we move all  
20 of our equipment so we can get into another vehicle.  
21 Then that's it.

22 Q. Just about done here. Hold on a second.

23 So it's your memory you only took the one  
24 photograph inside the vehicle?

25 A. Inside the vehicle, yes.

1           Q.    I know this sounds obvious, but clearly you  
2   were working within the course and scope of your  
3   employment at the time this incident occurred;  
4   correct?

5           A.    Correct.

6           Q.    Had plaintiff had her lights on -- I  
7   understand your testimony that she didn't -- had she  
8   had her lights on, would she have done anything wrong?

9           A.    Would she have done anything wrong?

10          Q.    Yes.

11          A.    I believe that if she would have had her  
12   lights on, I would have been able to see her and that  
13   I would not have encroached into the intersection  
14   prior to her arriving into the intersection.

15          Q.    So my question is had she had her lights on,  
16   did she do anything wrong?

17          A.    If she would have had her lights on, I  
18   wouldn't have encroached in. She probably would have  
19   went right through the intersection and then I would  
20   have went behind her.

21          Q.    Never made aware of any other person who  
22   witnessed it and stuck around and gave you a name or  
23   number or anything like that?

24          A.    No.

25          Q.    The instrumentation in your vehicle you have

1 at the time was radios. I assume you had your cell  
2 phone. Computer that's there as well and accessible;  
3 correct?

4 A. Correct.

5 Q. Were you distracted at all prior to entering  
6 the intersection by looking at any of those devices?

7 A. No.

8 Q. It's your testimony that you were not on  
9 your phone or texting or on the radio or your computer  
10 within the few minutes before the impact?

11 A. Correct. Yeah, I was not using anything.  
12 In this case, I knew the exact address and where I  
13 needed to go. So I didn't need the use of all that.  
14 Listening to the radio, but I was actually not using  
15 it.

16 Q. Last question. You know you are under oath.  
17 Do you really like the Dodgers? I mean, really? Just  
18 kidding.

19 MR. GANZ: I have nothing further.

20 MR. CRAFT: No questions.

21 (The deposition was concluded  
22 at 5:19 p.m.)

23 \* \* \* \* \*

## 1 CERTIFICATE OF DEPONENT

2 I, SERGEANT JOHN CARGILE, deponent herein, do  
3 hereby certify and declare the within and foregoing  
4 transcription to be my deposition in said action,  
5 subject to any corrections I have heretofore  
6 submitted; and that I have read, corrected, and do  
7 hereby affix my signature to said deposition.

8  
9  
10 \_\_\_\_\_  
11 SERGEANT JOHN CARGILE, Deponent  
12

13 Subscribed and sworn to before me this  
14 \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

15  
16  
17  
18 STATE OF NEVADA )  
19 COUNTY OF CLARK ) ss:  
20

21 \_\_\_\_\_  
22 Notary Public  
23  
24  
25

## 1 CERTIFICATE OF REPORTER

2  
3 I, Marnita J. Goddard, CCR No. 344, a  
4 Certified Court Reporter licensed by the State of  
Nevada, do hereby certify:

5 That I reported the deposition of the  
6 witness, SERGEANT JOHN CARGILE, commencing on  
Wednesday, October 1, 2014, at the hour of 3:49 p.m.;

7 That prior to being examined, the witness was  
8 by me first duly sworn to testify to the truth, the  
9 whole truth, and nothing but the truth; that I  
thereafter transcribed my related shorthand notes into  
10 typewriting and that the typewritten transcript of  
said deposition is a complete, true, and accurate  
11 record of testimony provided by the witness at said  
time.

12 I further certify (1) that I am not a  
13 relative or employee of an attorney or counsel of any  
of the parties, nor a relative or employee of any  
14 attorney or counsel involved in said action, nor a  
person financially interested in the action, and (2)  
that pursuant to NRCP 30(e), transcript review by the  
15 witness was not requested.

16 IN WITNESS WHEREOF, I have hereunto set my  
17 hand in my office in the County of Clark, State of  
Nevada, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

18  
19 \_\_\_\_\_  
Marnita J. Goddard, RPR, CCR No. 344

# **Glover-Armont v. Cargile, et al.**

Deposition of:  
**Officer Jim Byrne**

**October 1, 2014**



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1 DISTRICT COURT

2 CLARK COUNTY, NEVADA

3  
4 JAPONICA GLOVER-ARMONT, )

5 )  
6 Plaintiff, )

7 vs )

)Case No. A-13-683211-C

8 JOHN CARGILE; CITY OF NORTH )  
9 LAS VEGAS, a Municipal )  
Corporation existing under the )  
10 laws of the State of Nevada in )  
the County of Clark; DOES I )  
11 through X, inclusive; and/or )  
ROE CORPORATIONS I through X, )  
inclusive, )

12 Defendants. )  
13 \_\_\_\_\_ )  
14

15 DEPOSITION OF OFFICER JIM BYRNE

16 Taken on Wednesday, October 1, 2014

17 At 1:05 p.m.

18 At 8950 West Tropicana Avenue, Suite 1

19 Las Vegas, Nevada  
20  
21  
22  
23  
24

25 Reported by: Marnita J. Goddard, RPR, CCR No. 344

## A P P E A R A N C E S

FOR THE PLAINTIFF:

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FOR THE DEFENDANTS:

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## I N D E X

WITNESS

EXAMINATION

OFFICER JIM BYRNE:

(BY MR. GANZ) 3, 58

(BY MR. CRAFT) 56

## E X H I B I T S

Number	Description	Page
Ex. 1	CV	5
Ex. 2	Notes, Citation, Speed Workup	6

1 (Upon inquiry by the reporter prior to the  
2 commencement of the proceedings, Counsel present  
3 agreed to waive the reporter requirements as set  
4 forth in NRCP 30(b)(4) or FRCP (b)(5), as  
5 applicable.)

6 OFFICER JIM BYRNE,  
7 having been first duly sworn, was  
8 examined and testified as follows:

9 EXAMINATION

10 BY MR. GANZ:

11 Q. Can you please state and spell your name for  
12 the record?

13 A. Jim Byrne, B-Y-R-N-E.

14 Q. And you are a police officer?

15 A. Yes.

16 Q. For the North Las Vegas Police Department?

17 A. Correct.

18 Q. Have you ever had your deposition taken  
19 before?

20 A. Many times.

21 Q. How many times? Approximately.

22 A. Over a hundred easy.

23 Q. Have those been related to accident  
24 investigations?

25 A. Correct.

1 Q. Do I need to go through the admonitions with  
2 regards to a deposition, or do you feel comfortable  
3 with dispensing with that?

4 A. You can dispense with it.

5 MR. GANZ: I'm backwards here. I thought we  
6 had Cargile's first. Am I wrong?

7 MR. CRAFT: Incorrect, yeah. You had Byrne,  
8 1 o'clock, and Cargile, 3:30.

9 MR. GANZ: You are correct. I apologize.  
10 See if we can start with that, then.

11 Q. (BY MR. GANZ) Can you give me your current  
12 business address?

13 A. 3755 West Washburn, North Las Vegas 89032.

14 Q. You've brought with you a file, I see?

15 A. I brought both my CV in case you wanted it  
16 as well as the case file for the accident.

17 Q. I don't know that you've been listed as an  
18 expert in this case.

19 MR. GANZ: Has he or has he not?

20 MR. CRAFT: He's going to be kind of a gray  
21 area. A lot of people are fact witnesses for what he  
22 saw at the accident, but he also has expertise as far  
23 as general accident reconstruction, what happened,  
24 that sort of thing.

25 MR. GANZ: Is he going to be designated as

1 an expert witness?

2 MR. CRAFT: See what he says. I would say  
3 probably, yes. Some of his testimony is going to be  
4 something a layperson would not know.

5 MR. GANZ: Typically you wouldn't bring a CV  
6 to a --

7 THE WITNESS: I've been certified as an  
8 expert. So I always bring CVs to depositions because  
9 inevitably they want to know the training and such.

10 Q. (BY MR. GANZ) I'll go ahead and attach that  
11 as Plaintiff's Exhibit 1 and go through that a little  
12 bit later.

13 Anything else related to this case, you  
14 said, other than the accident report you brought?

15 A. Speed workup, citation associated with it,  
16 and then just some field notes.

17 Q. Do you mind if I make copies of those and  
18 attach those as well?

19 A. Please.

20 Q. I obviously don't need the report. If I can  
21 get the notes and the speed workup, that would be  
22 great.

23 MR. GANZ: I'll be right back.

24 (Exhibit 1 was marked)

25 (Recess was taken)

1 MR. GANZ: I'm going to go ahead and mark as  
2 Plaintiff's Exhibit 2 the other documents you brought  
3 with you that I had made copies of.

4 Copy for counsel.

5 MR. CRAFT: Thanks.

6 (Exhibit 2 was marked)

7 Q. (BY MR. GANZ) Have you reviewed anything  
8 else in preparation for your deposition testimony?

9 A. No. This is the only documents that were  
10 available to me at this moment.

11 Q. Have you had any conversations with anybody  
12 about your deposition testimony?

13 A. Just the City's counsel.

14 Q. And as an expert, I'm entitled to know about  
15 your conversations you've had with him. Was there  
16 substantive conversations about your testimony?

17 A. No. It was about 10, 15 minutes. We were  
18 talking about what I had for the deposition on this  
19 date.

20 Q. What else did you talk about?

21 A. Just basically the speed workup, the  
22 citation that was issued, and what, if any,  
23 recollection I had of talking to Vehicle No. 1's  
24 operator at the hospital.

25 Q. The first thing is with regards to the speed

1 workup and review of your notes, is there anything  
2 that you believe to be inaccurate with regards to your  
3 speed workup from your original workup that you did?

4 A. No.

5 Q. No changes in reviewing it from what you did  
6 originally?

7 A. Correct.

8 Q. With regards to your memory of this event,  
9 do you have an independent recollection of this event?

10 A. Yes.

11 Q. Do you have an independent recollection of  
12 my client?

13 A. Yes.

14 Q. Can you give me a description of her?

15 A. Well, it wouldn't be fair because I've seen  
16 the driver's license because I wanted to make sure  
17 I -- they spelled her name wrong. But I remember  
18 seeing her at the hospital only because I had to go  
19 there and talk to her and she was laying down on a bed  
20 in one of the waiting rooms at North Vista. And she's  
21 a black female.

22 Q. At the time that you saw her -- you have an  
23 independent recollection of going to the hospital, you  
24 said?

25 A. Yes. Followed up with her. Issued cites at

1 the hospital.

2 Q. Did you ever take a statement from her?

3 A. No.

4 Q. At the time that you -- strike that.

5 At the time that you saw her at the  
6 hospital, had you already done your speed workup and  
7 your preliminary report at the time?

8 A. No.

9 Q. What information, if any, did you get from  
10 her?

11 A. I went there and told her that I was  
12 investigating her collision with our vehicle and that  
13 I was here to issue two citations and then if she had  
14 anything she wanted to add to what was told to me at  
15 the scene, and she said no. Basically there was  
16 nothing there that stands out. I just told her that I  
17 was issuing her two citations and that neither was an  
18 admission of guilt, innocence, and gave her a copy of  
19 the citation as well as the case number for her to  
20 follow up on.

21 Q. Did she have -- strike that.

22 Did you make any notes of your conversation  
23 with her at all?

24 A. No.

25 Q. Other than what you just told me, do you



1 have any recollection of your conversation with her at  
2 all?

3 A. No.

4 Q. Did you record the conversation at all?

5 A. No.

6 Q. Have you done any additional supplements to  
7 the original accident report that you did?

8 A. No.

9 Q. I'm bouncing back and forth in my notes  
10 because I had screwed up on the order of the witnesses  
11 here today.

12 A. Not a problem.

13 Q. So I have some questions back and forth that  
14 I planned -- I want to see if we can get some general  
15 background from you if I can.

16 How long have you worked with the  
17 North Las Vegas Police Department?

18 A. Twenty years this last August.

19 Q. Your current title?

20 A. Traffic investigator.

21 Q. How long have you had that title?

22 A. I've been with the traffic bureau now for --  
23 first year was patrol, second year was SWAT -- 18  
24 years.

25 Q. That's as a traffic investigator or just

1 within the traffic --

2 A. Traffic bureau, traffic officer. I'm the  
3 fatal investigator for the department.

4 Q. Eighteen years as fatal investigator?

5 A. Basically right from the get-go. You get  
6 the training. You get right online.

7 Q. At least in this particular instance, your  
8 agency investigates its own City vehicle accidents; is  
9 that correct?

10 A. Officer-involved collisions, yes.

11 Q. I know that some other agencies have outside  
12 agencies -- in other words, Henderson may have Metro  
13 or somebody else investigate an officer-involved  
14 collision. Is it a policy of North Las Vegas one way  
15 or the other or is it just it never really came up?

16 A. The policy is we investigate our own. The  
17 only department I know that goes outside is NHP.  
18 Otherwise, Henderson and Metro do their own. The law  
19 changed just recently where other agencies are asked  
20 to have outside agencies investigate fatal collisions.  
21 However, there's caveats to that that if you can show  
22 that your officers or your detectives are more trained  
23 or have better training, then you can still take the  
24 lead on the investigation.

25 Q. How many officer-involved collisions have

1 you investigated for the North Las Vegas Police  
2 Department over your 18 years, if you can give me an  
3 estimate?

4 A. I would say just maybe 20, 25. We don't get  
5 a lot of them, fortunately.

6 Q. Of those 20 or 25, do you have a memory of  
7 the officer being at fault for those collisions, any  
8 of those collisions?

9 A. Yeah. There's been several. The last one  
10 would have been I want to say last year at the  
11 intersection of Craig and MLK where -- no. There was  
12 contributing factor. But, no, he wasn't at fault.  
13 No, I can't remember the last time.

14 Q. But it's your testimony that you believe  
15 that there has been accidents where the officer was at  
16 fault that you investigated?

17 A. I believe so, but I can't think of one right  
18 off the top of my head.

19 Q. Let's go through some of your training, if  
20 you would. I assume that you've done Northwestern 1  
21 and 2?

22 A. Northwestern 1, 2, and 3.

23 Q. When did you complete Northwestern 1?

24 A. It's on the resume. I want to say '95.

25 Q. I forgot you gave that to me. Thank you.

1           A.     Only because I don't remember off the top of  
2 my head.

3           Q.     I don't blame you.

4                     I didn't see Northwestern 1 and 2 on here.  
5 Maybe you can help me out there. I saw 3 just  
6 recently.

7           A.     Because they just came online with that.  
8 That's their first year that they did it. Right  
9 there. '99. At the bottom.

10          Q.     '99? Okay. Eighty hours. And then  
11 Northwestern 2 was '99, in August. You did another  
12 40 hours?

13          A.     Right. TAR 1 is just basically a  
14 continuation of vehicle dynamics and Tech AI. TAR 2  
15 becomes more specialized where we talk about  
16 commercial vehicles, pedicyclists, bikes, motorcycles.  
17 Then from there, you got to go into the specialized  
18 training. It basically wets your whistle.

19          Q.     The third one that you just recently did,  
20 what was the difference between that?

21          A.     It just keeps moving on there. We talked  
22 about Monte Carlo analysis of crashes. You do an  
23 Excel analysis of crashes.

24          Q.     Did -- strike that.

25                     Did you do any training at North Las Vegas

1 Police Department?

2 A. Yes.

3 Q. With regards to accident reconstruction?

4 A. Yes.

5 Q. What other type of training do you provide  
6 over there?

7 A. I started teaching Tech 1, Tech 2. I've  
8 taught pedicyclist collisions and coinstructing on a  
9 CDR analyst and the operator part of it. Basically  
10 anything and everything right now. Then I tried to  
11 list -- just recently I've been asked to list it in  
12 the CV. Like I instructed vehicle dynamics on July of  
13 last year. Did it again in May for Las Vegas, for  
14 Metro.

15 Q. I don't think you actually gave me your  
16 rank.

17 A. Just police officer. We don't have fatal  
18 detectives here.

19 Q. I didn't know if they did ranks as far as  
20 sergeant --

21 A. No. I'm not a sergeant, no.

22 Q. Is it fair to say that once you issued the  
23 citation -- strike that.

24 Is it fair to say that once you did your  
25 final report that you have not done any additional

1 work on this accident crash?

2 A. Correct.

3 Q. So after you saw her in the hospital, what  
4 did you do next in order to complete your report?

5 A. Conducted a speed analysis to make sure -- I  
6 looked out there at the scene, and I didn't think she  
7 was speeding. However, I wanted to do an analysis to  
8 make sure that she wasn't exceeding the  
9 50-mile-per-hour speed limit there. She wasn't. Did  
10 that. Concluded that. There was no additional  
11 charges on her. And then completed the NHP-5 report,  
12 including the speed analysis.

13 Q. Did you -- it's dated that the report was  
14 reviewed November 5th at approximately 7:56 p.m. Do  
15 you remember when you completed it? Looks like it was  
16 that same day. But do you know what time?

17 A. No. I normally would have done it right  
18 after because the Sergeant Cargile or whomever was  
19 going to do the review would have wanted the accident  
20 report done as soon as possible.

21 Q. I think it was Salyer.

22 A. He wasn't on the scene. I might have  
23 completed this report and he might have reviewed it  
24 later that day. But the report was done before I went  
25 home so it could be turned over to another supervisor

1 if they needed that information.

2 Q. Why don't you -- let's do this first.

3 Again, I apologize for being disorganized. I'm not  
4 usually this bad.

5 Have you spoken to Officer Cargile at all  
6 about this collision at any time after the date of the  
7 incident?

8 A. Sergeant Cargile? No.

9 Q. Sergeant Cargile. Excuse me.

10 A. No, it's okay. No.

11 Q. Had you at the -- strike that.

12 I want to make sure kind of get some basics  
13 with you with regards to vehicle road safety, if you  
14 don't mind.

15 Obviously, you would agree, would you not,  
16 that a driver should always look where he's going?

17 A. Correct.

18 Q. Would you agree that a driver of an  
19 emergency vehicle has a duty to drive at all times in  
20 a safe manner?

21 A. Correct.

22 Q. Do you also agree that a driver in an  
23 emergency vehicle must never, even if he is running  
24 with his lights and sirens, must not enter an  
25 intersection on a red until the intersection is safe

1 to enter?

2 A. Correct.

3 Q. That last particular rule, why is that  
4 important in your area of work?

5 A. Because that's where the majority of the  
6 collisions occur, between -- interaction between an  
7 emergency vehicle and another vehicle.

8 Q. Can you give me a little bit more  
9 understanding of what you mean by that?

10 A. Generally, when one enters an intersection  
11 against the light, there is going to be other traffic  
12 flowing, depending on what time of the day. Some  
13 heavier, some lighter. But it's still incumbent on  
14 the operator of the emergency vehicle to ensure that  
15 he can enter that intersection and travel through it  
16 safely.

17 Q. With regards to applicable statutes that  
18 apply to emergency vehicles, are you familiar with the  
19 applicable NRS as well as the North Las Vegas code  
20 with regards to emergency vehicles on the roadways?

21 A. The NRS, yes, because I listed it in the  
22 accident itself. I did not list the City statute  
23 because I didn't use it.

24 Q. Why is that?

25 A. Generally, they are duplicates of the NRSs.



1 Q. You listed, if I'm not mistaken, NRS -- make  
2 sure I've got the right number here. What was the NRS  
3 that you listed?

4 A. I listed two. Due care and then also listed  
5 the violation of 484B.267 for operation of a vehicle  
6 upon approach of an authorized emergency vehicle.

7 Q. That was -- and in addition, with regards to  
8 the emergency vehicle, you cited to 484A.480; correct?

9 A. No. 484B.267.

10 Q. I'm looking a little bit further down that  
11 same paragraph. 484A; right?

12 A. That's -- the subsection of 484A.480 states  
13 that for you to have the right to enter the  
14 intersection against the traffic signal, you must have  
15 use of lights, emergency lights.

16 Q. Right. That's what I was referring to.

17 A. Okay.

18 Q. The actual emergency vehicle, the applicable  
19 statute that you cited to for the emergency vehicle,  
20 would have been 484A.480; correct?

21 A. Correct.

22 Q. What is your understanding of that statute  
23 whether it requires that the emergency vehicle be  
24 operating with lights, with siren, or both?

25 A. Just lights. The state just requires

1 lights.

2 Q. Do you believe that that is consistent with  
3 the North Las Vegas statute as well?

4 A. It should be. But I can't swear to that.

5 Q. Why don't you -- make sure I'm done with the  
6 preliminary stuff. Okay?

7 I did have a question. Does North Las Vegas  
8 not use the Opticom technology at all?

9 A. As far as the operation on the motor  
10 vehicles?

11 Q. In other words --

12 A. Right, they can change the lights itself.  
13 You would have to ask somebody from the City garage.  
14 I believe the fire department does and some of their  
15 vehicles. But I don't know if the police vehicles are  
16 outfitted as such.

17 Q. So you don't know if the vehicle that you  
18 drive has such a device?

19 A. My vehicle is a plainclothes vehicle. So it  
20 would not have it.

21 Q. What about -- strike that.

22 Why don't you tell me how you learned about  
23 this crash.

24 A. I was -- I'm on call 24/7. I was called out  
25 I believe by Lieutenant Salyer to respond down to

1 Fifth and Cheyenne to investigate an officer-involved  
2 collision involving Sergeant Cargile's patrol truck.

3 MR. GANZ: Off the record.

4 (Discussion off the record)

5 Q. (BY MR. GANZ) So you got the call at what  
6 time? Do you remember?

7 A. No.

8 Q. What was the first thing that you did?

9 A. Just got dressed and responded down there.

10 Q. When you showed up at the scene, what do you  
11 remember seeing?

12 A. Basically, both vehicles were still in their  
13 final rest position. If I remember right, it was just  
14 Sergeant Cargile that was there by himself. There was  
15 nobody else.

16 Q. No other emergency vehicles at all that you  
17 remember?

18 A. No. I think cones were set out. I just  
19 remember it was just him waiting on me to show up.

20 Q. At the time that you showed up, then,  
21 obviously the plaintiff, Ms. Glover-Armont, was not at  
22 the scene, obviously?

23 A. Correct. She had been transported to  
24 North Vista Hospital for medical attention.

25 Q. How did you learn that?

1 A. From Sergeant Cargile.

2 Q. So when you -- again, when you arrived, he  
3 was the only one there. Is it fair to say that all  
4 the information that you received in coming to your  
5 conclusions was from Sergeant Cargile?

6 A. Correct.

7 Q. He indicated to you that he was traveling  
8 northbound on Fifth with his emergency lights and  
9 siren activated? Is that what he told you?

10 A. I believe he said lights and sirens. I know  
11 at the minimum the lights were operational.

12 Q. How do you know that?

13 A. Because that's what he told me. He said he  
14 was running code. Whether it was lights and sirens --  
15 I assumed both.

16 Q. Did he specifically say to you that I had my  
17 lights and my siren going?

18 A. I don't believe he did or didn't. I just  
19 made the assumption when he said he was running code,  
20 he was running lights and sirens.

21 Q. It was your understanding that he was coming  
22 north on Fifth Avenue approaching the intersection;  
23 correct?

24 A. Correct.

25 Q. And are you familiar with that area?

1 A. Very much.

2 Q. It's a horrible mound just to the west of  
3 that street on Fifth Avenue approaching --

4 MR. CRAFT: Objection to the form for  
5 horrible.

6 Q. (BY MR. GANZ) Let me rephrase it. He's  
7 right.

8 There is an enormous mound of dirt of some  
9 sort from either a park or a facility that's just on  
10 the corner of that intersection on the southwest  
11 corner; is that true?

12 A. Right. And I made mention of it in the  
13 narrative.

14 Q. Is it a fair statement that as one  
15 approaches that intersection, it's impossible to see  
16 beyond that mound until you are literally beyond the  
17 stop bar? Is that a fair statement?

18 MR. CRAFT: Object. Be more specific.  
19 Approaching the intersection from which direction?

20 MR. GANZ: Good point.

21 Q. (BY MR. GANZ) Coming northbound --  
22 approaching the intersection from the south traveling  
23 northbound approaching Cheyenne, it's impossible to  
24 see the west -- strike that.

25 The west -- it's impossible to see west,

1    which would be the eastbound traffic, until you  
2    actually pass the stop bar; isn't that true?

3           A.    Correct.

4           Q.    Now, from the other perspective, traveling  
5    eastbound, if you are unable to see -- strike that.

6                   Traveling eastbound, at what point in time  
7    would someone be able to see a car traveling  
8    northbound on Fifth Avenue?

9           A.    A car by itself? Not until they encroach  
10   the number 3 travel lane.

11          Q.    Do you have any idea -- is that a park there  
12   that has that mound in it?

13          A.    City View Park. Also attached to a  
14   municipal golf course.

15          Q.    You concluded from what Sergeant Cargile had  
16   told you is that he approached the intersection on a  
17   red traffic signal; correct?

18          A.    Correct. Both he and Ms. Glover said that  
19   she had the green and he had the red.

20          Q.    And the information that she had her  
21   headlights off that you have indicated in your  
22   narrative, that was from Sergeant Cargile; correct?

23          A.    Correct. Then when I went to the hospital,  
24   I asked her, and she -- I don't remember what she  
25   responded. It was enough that -- where I felt I could

1 issue the citation for it.

2 Q. Have you reviewed her deposition testimony?

3 A. No.

4 Q. The information you have in your report that  
5 Sergeant Cargile came to a stop and slowly began  
6 moving into the intersection, that information was  
7 entirely from him; correct?

8 A. That and the physical evidence in the  
9 roadway.

10 Q. What physical evidence specifically?

11 A. The fact that the impact from Vehicle 1 --  
12 had he been moving, there would have been what we call  
13 an offset mark on his part, and there was none. So  
14 the fact that he said that he had come to a stop, and  
15 there was no physical evidence that would say contrary  
16 to that.

17 Q. Anything else?

18 A. No. Just those two.

19 Q. Okay. So after you arrived at the scene,  
20 you had a discussion with Sergeant Cargile. What did  
21 you do next?

22 A. Did the physical workup on the roadway. Saw  
23 the skid marks. Saw the final rest position for both  
24 vehicles. Measured both the pre and postimpact  
25 skid marks for Vehicle 1. Measured the distance that

1 Vehicle 2 had traveled and basically what the AOI is,  
2 area of impact. And then got the information off of  
3 both vehicles. Got his driver's license and then had  
4 the vehicles removed from the scene and then responded  
5 to the hospital follow-up with Ms. Glover.

6 Q. At the time that you arrived, had both  
7 vehicles been turned off?

8 A. I believe so.

9 Q. You indicated that you came up with an AOI.  
10 What did you document as the AOI? Because I didn't  
11 note one.

12 A. Give me a moment.

13 Q. Sure. I don't think that's it. I could be  
14 wrong.

15 A. AOI was eastbound Number 3 travel lane.  
16 It's in the field notes. 26 five west of east and  
17 6.5 feet north of south.

18 Q. So that's in Exhibit -- what we've attached  
19 as Exhibit 2 as your notes that you made that day?

20 A. Correct.

21 Q. But that's not documented in the accident  
22 report; is that correct? Or am I wrong?

23 A. No. I haven't seen it yet. But that's  
24 where I got the AOI. Then I put down -- yeah, refer  
25 to the AOI, but I don't see where I put it down as far



1 as the exact AOI.

2 Q. So according to your report, she traveled  
3 5.5 feet post AOI?

4 A. Approximately, yes.

5 Q. And, again, how did you determine the AOI?

6 A. From the -- basically, you will have a set  
7 of skid marks. Then what you have is -- there was no  
8 offset from Vehicle 1. So where there's a difference  
9 of the vehicle's approach to departure, that's the  
10 offset. That's what we would have designated as AOI.

11 Q. You say "we." Was there anybody else --

12 A. Sorry. Just we as in the department. I.

13 Q. I understand. I just want to make sure I  
14 clarify it for the record.

15 A. Uh-huh.

16 Q. Again, your field notes indicate -- strike  
17 that.

18 Did you take any pictures of the skid marks?

19 A. No.

20 Q. Did you take any pictures of the lack of  
21 offset?

22 A. No.

23 Q. I did note that you did take some pictures,  
24 though; correct?

25 A. No.

1 Q. Oh, you didn't take any pictures at all?

2 A. No. When I got there, I asked if CSI was  
3 going to respond. Someone had already taken the  
4 pictures prior to my arrival. So I've never seen them  
5 nor have I had any copies of them provided to me.

6 Q. There was some pictures taken by somebody.

7 A. I think --

8 Q. Sergeant Cargile might --

9 A. One of his staff, one of his officers.

10 Q. These are obviously at a different time.  
11 The pictures that I have that appear soon after the  
12 collision with pictures of my client and the rescue  
13 vehicles still there, the EMS still there, so it looks  
14 shortly thereafter, still show the vehicles actually  
15 touching.

16 A. Okay.

17 Q. Again, I'm just kind of curious on how you  
18 came up with --

19 A. 5.5?

20 Q. Yes.

21 A. Because you are coming from first contact  
22 and then how far the vehicle traveled afterwards. So  
23 you have an offset. Then you have what part of the  
24 vehicle -- right front side impacted the left front  
25 side of the sergeant's truck. And then that's an

1 approximate movement of the vehicle post area of  
2 impact.

3 Q. You said approximate. It wasn't measured?

4 A. Yeah, it was measured. But we're not using  
5 a GPS diagram out there where it's accurate within one  
6 or two millimeters. That's why I always say  
7 approximate.

8 Q. Which is a good point. You used a roll  
9 tape?

10 A. I used a roll tape and a steel tape.

11 Q. That's for all the measurements?

12 A. Correct.

13 Q. Did you ever plot this into a CAD program to  
14 recreate the physical findings?

15 A. No, only because I was told that this was  
16 considered a minor collision and they weren't going to  
17 do a full workup on it.

18 Q. All right. That's not something you can do  
19 now; correct?

20 A. Correct.

21 Q. There's missing physical evidence that you  
22 would need for that to be accomplished; correct?

23 A. Correct.

24 Q. So, again, I'm just trying to get a sense of  
25 how you determined the AOI. Correct me if I'm wrong,

1 but it sounds like you kind of just looked at the  
2 vehicles, where they were in their rest position, and  
3 backed it up from there. Is that a fair statement?

4 A. The statement -- it's more based on the fact  
5 that Sergeant Cargile said that he had not moved prior  
6 to the accident. When I looked at the vehicles, both  
7 as they were attached and when they were separated,  
8 there was no -- if he had kept moving and they hit,  
9 then the marks are similar to something like that,  
10 depending on speed and weight of the vehicles  
11 involved. There was none. This basically is a  
12 shearing effect of what Vehicle 1 did to Vehicle 2.  
13 There's no -- a sideswipe basically.

14 Q. So it's your belief that and it's your  
15 assumption that Sergeant Cargile's vehicle didn't move  
16 to the right at all upon impact?

17 MR. CRAFT: I'll object to the form. You  
18 said belief and assumption. I know it's like --

19 Q. (BY MR. GANZ) You can answer.

20 A. I was just waiting for him to get the  
21 objection. I always cut him off.

22 MR. CRAFT: I'm not sure which one you want,  
23 his belief or his assumption.

24 MR. GANZ: Reask my question again. Now I  
25 forgot it.

1 (The reporter read the requested  
2 portion of the record)

3 THE WITNESS: The vehicle's base, the  
4 vehicle's platform consisting of four tires did not  
5 shift to the right. The vehicle's upper body, which  
6 is a more dynamic stage, can move to the right because  
7 the bumper was being sheared, I believe, in this case.  
8 So the movement was on top, but not at the platform of  
9 the vehicle. Right here. There's no movement of the  
10 vehicle to the right to the east from the impact. The  
11 movement is up here, which is a dynamic stage based on  
12 the suspension. And then the shearing is beginning  
13 right there on the left front.

14 Q. (BY MR. GANZ) And it appears as though from  
15 these pictures, and correct me if I'm wrong, but at  
16 least from that picture you were just pointing at  
17 shows the light and a MedicWest vehicle in the  
18 background.

19 MR. CRAFT: Is that numbered?

20 MR. GANZ: I don't know which one it is.  
21 I'm just trying to get some basic understanding here.

22 Q. (BY MR. GANZ) It appears as though  
23 Sergeant Cargile's vehicle impacted the side of her  
24 vehicle; isn't that true?

25 A. Well, based on movement of the vehicles,

1 it's going to be Vehicle 1 that impacted Vehicle 2.

2 There's no movement on Vehicle 2 based on my  
3 investigation. So Vehicle 1 strikes Vehicle 2.

4 Q. Here's a closer picture. It doesn't appear  
5 as though any left fender damage to the police car.

6 A. The damage to the vehicle -- to the police  
7 truck was minimum. In fact, we had it driven to the  
8 tow yard. The damage to Vehicle 2 required a tow  
9 truck.

10 Q. My point was is that it appears, though, the  
11 damage was done to the front of his vehicle; correct?

12 A. Left front.

13 Q. But not to the left side of his vehicle?

14 A. I'd have to take a little better look at the  
15 pictures. But I believe I just put left front to --  
16 Vehicle 1's right front A pillar impacted the front of  
17 Vehicle 2, causing damage to both vehicles. And then  
18 this for the vehicle itself. It's not marked on  
19 the --

20 Q. It's not marked on the diagram and --

21 A. No, it's not marked on Vehicle 2's  
22 information sheet. Vehicle 1's information sheet is  
23 marked correctly. Vehicle 2 is not marked.

24 Q. Specifically, you are referring to page 5?

25 A. Page 5, first contact and damage areas.

1 Q. And again -- strike that.

2 Also, it's not documented anywhere in your  
3 report where the damage occurred on the police  
4 vehicle; correct?

5 A. Yeah. I'm more specific on Vehicle 1's  
6 impact area than I am on Vehicle 2.

7 Q. My question is did you document anywhere  
8 where the damage is located on Vehicle 2?

9 A. Vehicle 2, left front and front. So I'm  
10 indicating that the left front quarter panel and the  
11 front bumper was compromised.

12 Q. That's in your --

13 A. Field notes.

14 Q. That's Exhibit 2, but not in the --

15 A. Not in the actual diagram. Not in the  
16 actual NHP-5 sheet.

17 Q. The traffic accident report?

18 A. Correct.

19 Q. What assumptions did you make to come to  
20 your AOI?

21 A. Basically, where the vehicles are at rest,  
22 the final rest position for both vehicles, and the  
23 fact that Vehicle 2 had not shown any evidence of  
24 being moved sideways.

25 Q. You would -- strike that.

1           So the physical evidence that you had  
2 mentioned that you noted, skid marks, the final  
3 resting point, all that that you had documented, those  
4 were -- strike that.

5           Was anything else that you obtained from the  
6 physical evidence dependent upon any other assumptions  
7 that were provided to you from Sergeant Cargile?

8           A.    No.

9           Q.    Just so I make sure I got it, the skid  
10 marks, obviously, you were able to physically identify  
11 and document?

12          A.    Correct.

13          Q.    That's based upon the physical evidence.  
14 The final resting point besides the assumption that  
15 they hadn't been moved after the impact, you were able  
16 to document that based upon the physical evidence;  
17 correct?

18          A.    Correct.

19          Q.    The pre and postskids are based upon your  
20 determination of AOI; correct?

21          A.    Correct.

22          Q.    Any other physical evidence that you  
23 documented that I hadn't mentioned? Is there  
24 something I'm missing?

25          A.    The only other physical attribute that I



1 looked at was the downloading of the vehicles' black  
2 boxes. And neither vehicle was supported for that.

3 Q. I noted some notes about that. I was going  
4 to ask you about some additional equipment about that  
5 as well.

6 Neither vehicle had any data on the black  
7 boxes; is that a fair statement?

8 A. No. What it is is that you have an air bag  
9 control module. Now, the manufacturer can install a  
10 device, an accelerometer, as well as a recording  
11 capability to capture that in case of an accident,  
12 depending if it reaches a certain protocol. But in  
13 this case, the Cavalier -- GM was really good about  
14 it. They started earlier than everybody else. They  
15 didn't make their Cavaliers online until '96. This  
16 was a '95. So they weren't supported. They had the  
17 capability. However, GM, for whatever reason, said,  
18 hey, we're not going to start that.

19 Ford, however, had started the Expeditions  
20 in 2007. This is a 2008. But, evidently, I believe  
21 they went to a different manufacturer. So 2008, 2009,  
22 and 2010 were not supported. They had the capability,  
23 but Ford just decided, hey, we're not going to mess  
24 with that this time.

25 Q. So it wasn't that there was no data and it

1 wasn't that the collision didn't meet any kind of  
2 thresholds. It was -- you determined that neither had  
3 the equipment to record the accident; correct?

4 A. Yeah, they were not supported for me to do a  
5 download.

6 Q. Do you know if the -- strike that.  
7 Was the police vehicle equipped with a  
8 camera?

9 A. No. None of ours are.

10 Q. Do you know if the intersection had any kind  
11 of recording of this incident?

12 A. By law we're not allowed to record at  
13 intersections. The cameras up there are basically two  
14 parts. They are there to sense the vehicles as far as  
15 changing the lights and/or they are used by FAST and  
16 in cases like when we do the NASCAR. They can look at  
17 the traffic flow, but NRS does not allow us to use as  
18 recording devices.

19 MR. GANZ: Didn't know that.

20 MR. CRAFT: I didn't either.

21 Q. (BY MR. GANZ) I've seen some on some news  
22 broadcasts every once in a while.

23 A. That's because FAST is streaming it live.  
24 But they can't record it.

25 Q. Gotcha.

1 MR. CRAFT: Should that be kept  
2 confidential?

3 THE WITNESS: No. Because FAST puts that  
4 out there when they -- like when you do the news --  
5 when they do the news thing, you will see FAST, and  
6 they are streaming it live and giving it to the news  
7 people. But they are not allowed to record it by law.

8 Q. (BY MR. GANZ) Interesting. All right. If  
9 you don't mind taking me through your -- strike that.  
10 Is there anything else that you did after  
11 you documented the physical evidence that we just  
12 talked about? What did you do next after that?

13 A. Basically then I completed the on-scene  
14 investigation and went to the hospital to talk to  
15 Ms. Glover.

16 Q. When you went to the hospital, it was your  
17 intent to issue her citations based upon your findings  
18 at the scene; correct?

19 A. Correct.

20 Q. From there -- we already talked about it  
21 earlier -- you went back and you completed your  
22 report. After going to the hospital, you completed  
23 your report and submitted it for review?

24 A. Correct.

25 Q. Then until you were subpoenaed with this,

1 you probably hadn't thought about this particular  
2 incident; correct?

3 A. Correct.

4 Q. Can you take me through your handwritten  
5 notes that I have attached as Exhibit 2?

6 A. Not a problem.

7 Q. Four pages there.

8 A. Should only be two. Oh, the speed analysis  
9 makes it three.

10 Q. There's four pages. It looks like the first  
11 two are notes. Are those all your handwriting on  
12 those?

13 A. Correct.

14 Q. The third page is the citation that was  
15 issued. And then the last page is the speed workup,  
16 4?

17 A. Yes.

18 Q. Looking at those pages there, if you don't  
19 mind just reading into the record, if you would,  
20 starting with the first page of Exhibit 2, just so we  
21 have it. I know you have it on yours. Start with  
22 that. Just kind of read so we know what your  
23 handwriting says there if you don't mind.

24 A. Want me to read everything?

25 Q. If you don't mind. There's some stuff on

1     there I may not -- I may have some questions for you  
2     as you go through it.

3             A.     There's a telephone number listed to the  
4     upper left followed by -- I believe that's going to be  
5     Vehicle 1's plate: 358-VMF. Expiration would be  
6     8/29/2013. '95 Chevy Cavalier. Blue in color. Four  
7     door. The VIN number. Want me to read the VIN?

8             Q.     No.

9             A.     The insurance company that's associated with  
10    that vehicle was Progressive Northern Insurance with  
11    expiration of 1/12. Telephone number associated with  
12    that as well as a policy number associated with that.

13            Q.     The first number, the 460 number, where did  
14    you get that information?

15            A.     That I would have probably got from  
16    Sergeant Cargile.

17            Q.     And the rest of the information, where did  
18    you get that from?

19            A.     Either from the vehicle's registration  
20    and/or insurance.

21                    Then to the right is Vehicle 2's  
22    information, showing exempt plate, 52316, associated  
23    with a 2008 Ford Expedition. It's a unit number,  
24    1514, for us and for the City garage to track. A VIN  
25    number. Registered owner would be City of North

1 Las Vegas. And then Vehicle 2's driver's info.  
2 Sergeant Cargile. Using the 490 south area command as  
3 the address and his date of birth and his driver's  
4 license number.

5 Q. That "460," is that your handwriting as well  
6 on top there?

7 A. Yeah.

8 Q. Just looks a little different. I didn't  
9 know if somebody else wrote that.

10 A. No, it's mine.

11 Q. If you could read starting with the  
12 '95 Chevy.

13 A. I was going to do a download. Then I  
14 researched to see if they were available for me to  
15 download. I wrote the notes that the '95 Chevy is not  
16 available until '96. Then I put down the 2008  
17 Expedition wasn't supported either. But I wrote down  
18 additionally that 2007 was and then it didn't come  
19 back into effect until 2011, '12, and '13.

20 Q. The next, are those some of your  
21 measurements?

22 A. Vehicle 1, 110 feet pre AOI. 5.5 post AOI.  
23 It's a downhill grade. So it's negative 3, which I  
24 also associate with a 1.7 degree downhill.

25 Q. So the grade, where did you get that

1 information from?

2 A. I have a smart level that I bring out to the  
3 scene.

4 Q. The 1.7 is the --

5 A. Degrees. You can translate 3.0 to 1.7 and  
6 vice versa.

7 Q. You said that says "5.5." It looks like a  
8 5.6.

9 A. Five feet six inches.

10 Q. Five feet six inches. Gotcha. Okay. Then  
11 Vehicle 1, the next paragraph there.

12 A. Vehicle 1's right front to Vehicle 2's left  
13 front and front. Vehicle 1's A pillar area is the  
14 impact area. And then the AOI would be the eastbound  
15 travel lane, number 3 travel lane, and then 26.5 west  
16 of east. 6.5 north of south. And I used the  
17 southeast corner as the reference point.

18 Q. So using the southeast corner as a reference  
19 point, it says 26.51; is that correct?

20 A. No. 26 five. That's just to indicate a  
21 foot notation.

22 Q. It's a little long.

23 A. Yeah.

24 Q. So 26 five inches west of east --

25 A. Correct.

1 Q. -- and 6.5 --

2 A. North of south.

3 Q. It was your determination that the area of  
4 impact occurred in the third lane within the eastbound  
5 travel on Cheyenne; correct?

6 A. Correct.

7 Q. That would be -- just to make sure for the  
8 record purposes -- third lane would be the southmost  
9 travel lane; correct?

10 A. The protocol for travel within state of  
11 Nevada per NHP-5 is number 1, number 2, number 3,  
12 3 being closest to the curb, 1 being closest to the  
13 center.

14 Q. Then you had a smaller piece of paper from a  
15 notebook, looks like, that you also took some notes on  
16 as well; correct?

17 A. No. That's not my handwriting other than  
18 the corrective lenses part of it. Somebody wrote that  
19 down. Could have been Sergeant Cargile or one of his  
20 officers got that information the engine that  
21 responded, the MedicWest unit responded, where they  
22 were taking Ms. Glover, the information on Ms. Glover,  
23 her name, date of birth, social security, height,  
24 weight, color hair, color eyes with a driver's  
25 license. Then when I looked up the driver's license



1 to make sure it was valid, I wrote down corrective  
2 lenses, she was required to have, and then her address  
3 and a phone number which I believe would be associated  
4 with Ms. Glover and then the other numbers below I  
5 don't know. Sorry, that would have been the case  
6 number and the time that sarge called it out.

7 Q. Sergeant Cargile?

8 A. Yeah.

9 Q. You don't know whose handwriting this is?

10 A. No.

11 MR. GANZ: Counsel, do you have any problem  
12 afterwards if we redact her social out of that? I  
13 didn't realize her social was in there.

14 MR. CRAFT: No problem.

15 Q. (BY MR. GANZ) The next page is a citation  
16 that you issued?

17 A. Correct.

18 Q. Does it indicate on there what time she  
19 signed off on it or that you generated it or anything  
20 like that? That says issued date and time at 4:41 in  
21 the morning.

22 A. Right. That would have been probably the  
23 time that I saw her at the hospital.

24 Q. Is there any indication in your report to  
25 indicate what time you arrived at the scene?

1           A.    No.  That would have been with the radio  
2  notes.  I would call out when I was en route, and I  
3  would call out when I arrived.  But there's no place  
4  for us to put that on the report.

5           Q.    Because I have an arrival time on the bottom  
6  right there of 1:53.  Is that somebody else's arrival  
7  time?

8           A.    Where's that?

9           Q.    Page 1 of the report.

10          A.    What happens is -- that's the -- when it's  
11 the first officer there.  Since he's involved, he  
12 calls it out.  At 1:55 it's dispatched -- 0153, and  
13 arrival time the same.  All numbers are the same.

14          Q.    Got it.  There's a citation in here for  
15 failure to -- for her not having her headlights on;  
16 correct?

17          A.    Correct.

18          Q.    That information was entirely taken from  
19 Sergeant Cargile; correct?

20               MR. CRAFT:  Objection.  Misstates his prior  
21 testimony.

22               THE WITNESS:  Yes, and then when I talked to  
23 her at the hospital.  I don't remember anything that  
24 would say that it was not accurate.  That's why I  
25 issued the citation.

1 Q. (BY MR. GANZ) I asked you earlier about  
2 your memory of that conversation. We didn't talk  
3 about the headlights at all. Do you remember  
4 specifically asking her that?

5 A. I remember going there asking her what her  
6 recollection of the accident was, how fast she thought  
7 she was going. Basic questions. And then the fact  
8 that Sergeant Cargile had said that she was running  
9 without headlights. Again, I didn't keep any notes of  
10 that. If I wrote the cite, then I was comfortable  
11 writing cite for that.

12 Q. My point is -- it's not your testimony that  
13 she admitted that she was running without her  
14 headlights, is it?

15 A. No.

16 Q. You just don't have a memory one way or the  
17 other?

18 A. Right.

19 Q. Assuming you didn't get that information  
20 from her, the only other source of that information  
21 would have been Sergeant Cargile; correct?

22 A. Correct.

23 Q. You didn't do any kind of hot shock?

24 A. No lamp analysis was done.

25 Q. Do you know if a lamp analysis could have

1    been done?

2           A.    I don't remember if the headlights were  
3    fractured.  If they were fractured, then, yes, that  
4    could have been done.

5           Q.    But you don't have any memory one way or the  
6    other?

7           A.    No.

8           Q.    When -- strike that.

9                   Do you know North Las Vegas's policy  
10    regarding running Code 3?  Is it required that they  
11    run with both lights and siren?

12          A.    Yes.

13          Q.    And had Sergeant Cargile not been running  
14    both lights and siren, he would have been in violation  
15    of that policy?

16          A.    Had he not, yes.

17          Q.    Did you do any kind of analysis about how  
18    fast or maybe you have some general understanding of  
19    how fast an officer would have to go in order to  
20    outrun his siren?  Do you know what I'm asking?

21          A.    It's usually can you outdrive your  
22    headlights and your emergency lights and your siren.  
23    Every vehicle has a different range, depending where  
24    they put the siren and what type of siren they have  
25    and what pattern they are running on the siren.

1 Because there's all different kinds of patterns.

2 Q. Did you do any kind of analysis in this case  
3 about that issue?

4 A. No.

5 Q. You mentioned a couple times -- referred to  
6 Sergeant Cargile. Is he a supervisor of yours?

7 A. No. Patrol supervisor.

8 Q. He's a --

9 A. Patrol supervisor.

10 Q. Has he ever been a supervisor of yours?

11 A. No.

12 Q. Have you ever worked with him in the same  
13 detail?

14 A. No.

15 Q. Did you do any kind of measurements on the  
16 angles of impact at all?

17 A. No.

18 Q. Did you do any kind of analysis of the speed  
19 of Sergeant Cargile's vehicle?

20 A. No.

21 Q. Were you made aware of any witnesses to the  
22 accident?

23 A. No.

24 Q. Did you come up with any kind of  
25 calculations with regards to delta-Vs in this case?

1           A.    No.  I wasn't asked to provide one.  
2   Normally I would do that with a more -- what we call  
3   colinear impact.  A sideswipe, it's hard to get a  
4   delta-V on it.  You can get one if you can associate a  
5   delta-V with one or both vehicles.  I didn't do one on  
6   this one, nor was I asked to do it.

7           Q.    Is that something you would be able to do  
8   from the information you have now?

9           A.    No.

10          Q.    Just again I want to make sure I understand  
11   your opinion as to what kind of impact occurred here.  
12   Is it your opinion that the Vehicle 1 impacted the  
13   left front of the police vehicle?  In other words,  
14   when I say "left front," I'm talking about the left  
15   fender, front of the wheel.

16          A.    Based on how I wrote the field notes, yes,  
17   the left front and front.  I'm saying that it caught  
18   part of the left front.  Could be associated with the  
19   quarter panel or just the bumper itself.

20          Q.    But it's not your opinion that the police  
21   vehicle hit the side of Vehicle No. 1?

22          A.    Correct.

23          Q.    Would that change your analysis if that did  
24   occur that way?

25          A.    No, because the only thing I do is with -- I

1 have what we call a strike and a target vehicle.  
2 Usually the striking vehicle -- I usually will list it  
3 Vehicle No. 1 just so I keep them straight.  
4 Vehicle 2, the not-at-fault vehicle -- I mean, the  
5 bullet vehicle would be the at-fault vehicle. Target  
6 vehicle would be the not-at-fault vehicle. I usually  
7 keep that. It's not a hundred percent rule by any  
8 means.

9 Q. From what I'm gathering, did you find that  
10 Sergeant Cargile had any fault in causing this  
11 collision?

12 A. No. I didn't put him down for any partial  
13 culpability because I thought that he had his lights  
14 and sirens on. Vehicle 1's operator said she saw the  
15 lights, didn't hear the siren. However, he abided by  
16 what the NRS stated he was required to do. Then in  
17 addition, the fact that she saw the lights -- that's  
18 what I put down. She failed to use due care upon  
19 approaching the intersection. I didn't cite her for  
20 it, but -- she also -- basically, had she not locked  
21 up the vehicle -- she doesn't have ABS brakes. So  
22 she's not able to maneuver out. So she locks up the  
23 vehicle. That vehicle is just basically -- she's  
24 going right towards his vehicle based on the  
25 nomenclature of the roadway and the crown of the

1 roadway. There's just no way to avoid that there.  
2 He's inching out to do -- I thought he was doing his  
3 due diligence to make sure he could clear. Then when  
4 he felt he saw the vehicle come headlights -- no  
5 headlights, he stopped. Then it was on her now to  
6 proceed safely by or come to a stop prior to the  
7 intersection. She did neither.

8 Q. The fact that you just indicated that he was  
9 inching out, again, that is completely from  
10 Sergeant Cargile; correct?

11 A. Correct.

12 Q. There's no physical evidence to indicate  
13 that one way or the other, is there?

14 A. Not to support that, no.

15 Q. Did you rely on any particular journal,  
16 article, or any kind of publication that you would  
17 rely on in coming to your opinions at all?

18 A. Just based on previous training. Nothing  
19 particular.

20 Q. It wasn't like you went out and got a  
21 specific article or text that you had in coming to  
22 your conclusions in your report; correct?

23 A. Correct.

24 Q. Did you ever come up with the weight of the  
25 vehicles?



1           A.    No.  Because, again, this was considered a  
2  minor collision and not a full workup was asked for or  
3  done.

4           Q.    Your speed workup, if you don't mind, take  
5  you through your speed workup.  Your concluding  
6  opinion was is that she was traveling at how fast  
7  prior to braking?

8           A.    At the application of the skid marks she was  
9  doing approximately 47 miles per hour.  That's  
10 conservative in nature.

11          Q.    You have speed number 1 in miles per hour,  
12 and then you have speed number 2 under formula inputs.

13          A.    Right.  Speed number 1 is just based on the  
14 5.5 coming back from the first contact between the  
15 vehicles and her sliding to stop.  That would show  
16 approximate impact speed of 10 miles per hour on her  
17 vehicle acting on his vehicle.  Then if you take it  
18 back, then there's another 46 miles per hour.  But  
19 it's not what we call a linear equation.  You can't  
20 add the two.  It's a speed workup that requires a  
21 square root, and that's what brings it to 47.

22          Q.    What did you use -- what assumptions did you  
23 make in coming to these opinions?

24          A.    The drag factor for the area.  And .65 is  
25 relatively conservative.  I've done speed workup out

1    there for fatalities, and I've gotten up to .7, .75,  
2    depending on the vehicle and the braking system. So I  
3    usually use .65 when I don't do any skid test or drag  
4    factor. That's benefit derived by the operator. Then  
5    I did measure the downhill grade and took that into  
6    account.

7           Q.    So the drag factor of .65 was used as a  
8    result of the fact that it was a downhill slope with a  
9    3 percent grade?

10          A.    Correct.

11          Q.    Any other assumptions?

12          A.    No.

13          Q.    Those are the formulas you used or put into  
14    the computer that came up with your speeds?

15          A.    Correct. I do it by hand as well, and then  
16    I confirm it by the program itself.

17          Q.    At least from this analysis, it was your  
18    opinion that she was traveling at least at 10 miles an  
19    hour plus at the time of the impact?

20          A.    Correct.

21          Q.    Did you -- strike that.

22                  I don't know if I just said this, but that  
23    was at the time of impact; correct?

24          A.    Correct. The first contact -- interaction  
25    between the two vehicles.

1 Q. And we don't know what Sergeant Cargile's  
2 speed was at the time of impact or any other time;  
3 correct?

4 MR. CRAFT: Objection. Misstates his prior  
5 testimony.

6 THE WITNESS: The assumption was based on  
7 that it was zero for him.

8 Q. (BY MR. GANZ) Have we covered all of your  
9 opinions that you've outlined in your report?

10 A. I believe so.

11 Q. Is there any other opinions that you have  
12 that are not contained in your report?

13 A. No, sir.

14 Q. Any other conversations that you had with  
15 Sergeant Cargile or Ms. Glover-Armont that you have  
16 any memory of from any point in time?

17 A. I don't believe I ever spoke to her after  
18 the visitation at the hospital. And I'm not on the  
19 Collision Review Board, so I don't believe I ever had  
20 spoke with sarge about this afterwards.

21 Q. Tell me -- I don't know what a Collision  
22 Review Board is. Can you tell me about that?

23 A. Just that the department reviews any and all  
24 crashes between officers and the public.

25 Q. Did they do that in this case?

1           A.    I believe so.  I believe they do them all,  
2   all of them.

3           Q.    Were you asked to testify at that particular  
4   hearing?

5           A.    No.

6           Q.    Do they produce reports or is this something  
7   that goes in someone's file?

8           A.    I believe it's treated like an IA  
9   investigation, but not exactly as an IA.  It's a  
10   confidential thing.  They don't publish what their  
11   findings were, nor would they tell me.

12          Q.    You mentioned earlier that the police  
13   vehicle was driven away.

14          A.    Yes.

15          Q.    Sounded like you had some basis for the --  
16   or knowledge about where it was taken and what was  
17   done there.  Can you tell me a little about that?

18          A.    Just automatically any vehicles involved in  
19   a collision are taken to the garage so that mechanics  
20   can check them out, make sure that no damage has been  
21   done that would impair its safety.

22          Q.    But you didn't partake in that, particularly  
23   in this case, did you?

24          A.    No.

25               MR. GANZ:  I don't think I have anything

1 else. Look at my notes real quick. Okay?

2 MR. CRAFT: Sure.

3 Q. (BY MR. GANZ) I just want to go through the  
4 accident report and see if there's anything I missed  
5 here. It says roadway character. It says straight  
6 and level. Doesn't actually indicate a grade or a  
7 hillcrest. Why would you have noted that under there  
8 on page 1?

9 A. Because the program has certain default  
10 values. I believe I put it --

11 Q. You did on the first page. You noted the  
12 slope.

13 A. Right. It has default. Instead of putting  
14 it over here, I put it over on the roadway grade so  
15 that I can show that it was measured and what the  
16 downhill slope was. If you look here, there's no  
17 boxes filled in here because if there's anything that  
18 happens in the intersection, then these boxes are left  
19 blank. It has certain default and protocol values  
20 built into it.

21 Q. You have this as an angle collision. How  
22 come?

23 A. Because the protocol says that if it's not  
24 head on, it's not rear end, and it doesn't involve a  
25 collision with a nonvehicle, that's how you list it.

1 It's not a true sideswipe because that would be the  
2 vehicle is like this or like this. So anything other  
3 than that, other than colinear is considered an angle.

4 Q. I noted in your narrative that you indicated  
5 that he was -- that Sergeant Cargile was responding to  
6 a shots fired call with a confirmed victim. Why is  
7 that important that he was responding to a call with a  
8 confirmed victim?

9 A. It shows the premise why he was running  
10 code. He wasn't going to lunch or running late to see  
11 somebody. He was actually responding to a call that  
12 required Code 3 activation. It didn't have to be put  
13 in there. A lot of times the parties involved in  
14 this -- insurance companies, this is the only document  
15 they will see. So I try to put as much in here so  
16 that they have a better understanding of what  
17 happened.

18 Q. Do you believe that the hill that you had  
19 identified in here had any contributing factor to  
20 causing this collision in any way?

21 A. Yes.

22 Q. Tell me how.

23 A. Because it required the operation of the  
24 Vehicle 2 to move into the travel lane, eastbound  
25 travel lane, to clear the eastbound travel lanes.

1 Q. And also because Vehicle 1 couldn't see him  
2 until he was actually into the intersection; correct?

3 A. Correct.

4 Q. Paragraph -- it's like the third paragraph  
5 down. Says, Vehicle 1's operator stated.

6 A. Right.

7 Q. That's from your conversation with her?

8 A. Conversation at the hospital.

9 Q. It says in here that Vehicle 1's operator  
10 stated that she saw Vehicle 2's emergency lights  
11 activated as she approached the intersection but did  
12 not hear the vehicle's siren.

13 A. Right. She said she saw the lights, but she  
14 doesn't remember hearing the siren.

15 Q. It says she did not hear the vehicle's  
16 siren; correct?

17 A. More definitive, yeah, did not hear it.

18 Q. And although Sergeant Cargile said that he  
19 had his sirens on?

20 A. I believe that's what he told me. I think  
21 the term he used, he was running Code 3. To me, I  
22 take that as lights and sirens. You would have to be  
23 more definitive with Sergeant Cargile on that one.  
24 That's how I took it.

25 Q. Assuming that Ms. Glover-Armont had her

1 lights on, would your opinions in this accident have  
2 changed?

3 A. No. To me that wasn't a contributing factor  
4 on her part. And the sergeant had recognized the  
5 vehicles without the lights on. That wasn't a  
6 contributing part on his. He saw the vehicle. He was  
7 just pointing out that there was no lights.

8 MR. GANZ: Thank you very much. I  
9 appreciate your time.

10 MR. CRAFT: I might have a couple follow-up.

11 EXAMINATION

12 BY MR. CRAFT:

13 Q. Normally I wouldn't, but just to clean up a  
14 couple things.

15 When you visited Ms. Glover-Armont at the  
16 hospital, you indicated to her that you were citing  
17 her for driving without her headlights; correct?

18 A. Yes.

19 Q. When you said that, did she deny driving  
20 without her headlights?

21 A. No. My recollection was that she did not  
22 say anything that deterred me from citing her. So she  
23 wasn't definitive. It would have been something that  
24 she had to be definitive in saying -- no, I had my  
25 headlights on. The sergeant was wrong. It was more



1     like, I don't remember or I might not have had them  
2     on. Something on that basis where I felt comfortable  
3     issuing that cite.

4           Q.     As far as the scene of the accident, were  
5     there any skid marks from Sergeant Cargile's vehicle  
6     as he was moving forward?

7           A.     No.

8           Q.     Was there any other indication that he had  
9     locked up his brakes or skidded to a stop at the area  
10    of impact?

11          A.     No.

12          Q.     Had Cargile's vehicle been moving forward at  
13    the time of impact, how would the scene have looked  
14    different?

15               MR. GANZ:   Objection. Assumes facts.

16               THE WITNESS: As I stated earlier, had he  
17    been moving forward, the offset would have been  
18    definitive for both vehicles and they would have moved  
19    off based on his vehicle being heavier than her  
20    vehicle and she was sliding to a stop. It would have  
21    put the vehicles out more eastbound, if not northeast.

22               MR. GANZ:   My objection was not assumes  
23    facts. It should have been incomplete hypothetical.  
24    I apologize.

25          Q.     (BY MR. CRAFT) But that was not the case;

1 correct?

2 A. Correct.

3 Q. If you had felt that Cargile was at fault  
4 for this accident, would you have cited him?

5 A. No. By policy we don't cite. It's referred  
6 to the chief and then to the city attorney.

7 Q. But you didn't feel that he was at fault for  
8 this accident?

9 A. No. I would have put in here if I felt he  
10 had partial culpability. I've done that with other  
11 officer-involved accidents. I put in there if they  
12 have some culpability. Never black and white always.

13 MR. CRAFT: I have no further questions.  
14 Thank you.

15 FURTHER EXAMINATION

16 BY MR. GANZ:

17 Q. The skid marks -- you said there weren't any  
18 skid marks for the Cargile vehicle, but you didn't  
19 document that there were not skid marks either, did  
20 you?

21 A. With the absence of them, I wouldn't have  
22 stated that. I looked for them, just made sure that  
23 he didn't slide into the stop, but there was no skid  
24 marks. So if there's none, I would have not noted it.

25 Q. My point is you used skid marks in order to

1     come up with her speed workup.

2             A.     Correct.

3             Q.     You didn't do a speed workup for him;  
4     correct?

5             A.     Correct.

6             Q.     So there wasn't a notation of absence of  
7     skid marks either is my point.

8             A.     No, I did not make mention of that, no.

9             Q.     You ever been in that area without -- during  
10    about that period of time as far as the intersection  
11    of Fifth and Cheyenne?

12            A.     Yes.

13            Q.     Is it even possible to drive without your  
14    headlights on?

15            A.     Coming into that, yes, because it's well lit  
16    there. It's darker going westbound. Eastbound is  
17    more well lit because you have a business over here to  
18    your northeast. You're coming into the Flying J,  
19    which is now the Morton Travel Center, and there are  
20    headlights -- there are streetlights and lamps  
21    available that were working at that time. So it would  
22    have been more lit than normal. It's the fact if you  
23    were going westbound. It's extremely dark.

24            Q.     But where she was at when -- as she was  
25    approaching the intersection, at least 110 feet back,

1 if not further before she recognized that there was a  
2 potential hazard, there's no streetlights over there,  
3 is there?

4 A. There is space larger. They are elongated  
5 further from each other. So it's a darker area.

6 Q. You indicated that -- again, I just want to  
7 make sure I got this right.

8 Had he been partially culpable, you would  
9 have sent it off to the captain as well as the city  
10 attorney's office?

11 A. It would have went to my supervisor and then  
12 it would have went up the chain.

13 Q. You have, if I remember your testimony  
14 earlier -- about the 20, 25 or so City vehicle  
15 collisions, you have never found a City vehicle a  
16 hundred percent culpable; is that a fair statement?

17 A. Yes.

18 Q. So you've never had to do that process?

19 A. No.

20 MR. GANZ: Okay. Thank you very much.

21 MR. CRAFT: Thank you for your time.

22 THE WITNESS: You're welcome.

23 (The deposition was concluded  
24 at 2:33 p.m.)

25 \* \* \* \* \*

## 1 CERTIFICATE OF DEPONENT

2 I, OFFICER JIM BYRNE, deponent herein, do  
3 hereby certify and declare the within and foregoing  
4 transcription to be my deposition in said action,  
5 subject to any corrections I have heretofore  
6 submitted; and that I have read, corrected, and do  
7 hereby affix my signature to said deposition.

8  
9  
10 \_\_\_\_\_  
11 OFFICER JIM BYRNE, Deponent  
12

13 Subscribed and sworn to before me this  
14 \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.  
15  
16  
17

18 STATE OF NEVADA )  
19 COUNTY OF CLARK ) ss:  
20

21 \_\_\_\_\_  
22 Notary Public  
23  
24  
25

## 1 CERTIFICATE OF REPORTER

2  
3 I, Marnita J. Goddard, CCR No. 344, a  
4 Certified Court Reporter licensed by the State of  
Nevada, do hereby certify:

5 That I reported the deposition of the  
6 witness, OFFICER JIM BYRNE, commencing on Wednesday,  
October 1, 2014, at the hour of 1:05 p.m.;

7 That prior to being examined, the witness was  
8 by me first duly sworn to testify to the truth, the  
9 whole truth, and nothing but the truth; that I  
thereafter transcribed my related shorthand notes into  
10 typewriting and that the typewritten transcript of  
said deposition is a complete, true, and accurate  
11 record of testimony provided by the witness at said  
time.

12 I further certify (1) that I am not a  
13 relative or employee of an attorney or counsel of any  
of the parties, nor a relative or employee of any  
14 attorney or counsel involved in said action, nor a  
person financially interested in the action, and (2)  
that pursuant to NRCP 30(e), transcript review by the  
15 witness was not requested.

16 IN WITNESS WHEREOF, I have hereunto set my  
hand in my office in the County of Clark, State of  
17 Nevada, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.  
18

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20 Marnita J. Goddard, RPR, CCR No. 344  
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<sup>1</sup> ACCIDENT RECONSTRUCTION & FAILURE ANALYSIS

A Proud Partner of the  **CrashTeams**  
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# RECONSTRUCTION REPORT

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FEBRUARY 18, 2015

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GLOVER-ARMONT VS. NORTH LAS VEGAS PD

Ms. MARJORIE HAUF

GANZ & HAUF

REFERENCE: 14149

## INTRODUCTION

Exhibit-A, LLC was contacted by the law firm of Ganz & Hauf on July 28, 2014 relative to a two (2) motor vehicle collision that occurred on November 5, 2012. The incident occurred on Cheyenne Avenue at the intersection of 5<sup>th</sup> Street in North Las Vegas, Nevada. The reported time of the incident was 01:53 (1:53 AM).

The objective of this project was to perform a reconstruction of the subject accident with an emphasis on vehicle speed, time and distance and visibility. The task was performed through a completion of the following tasks:

- 1) Review of the Traffic Accident Report (TAR).
- 2) Review photographs of the accident scene
- 3) Review vehicle specifications relative to a 1995 Chevrolet Cavalier
- 4) Review vehicle specifications relative to a 2007 Ford Expedition
- 5) Perform and inspection of the accident site and map the subject intersection & surrounding geometry
- 6) Generate a scaled site diagram of the intersection
- 7) Review reference material
- 8) Perform a reconstruction analysis relative to time/distance, speed and visibility
- 9) Generate a report

## QUALIFICATIONS

I am a graduate of Texas State University with a Bachelors degree in Technology. My professional career includes 17 years of experience performing traffic accident analysis and reconstruction and includes a multitude of specialized education classes relevant to the accident reconstruction profession. My curriculum vitae (CV) is attached as Appendix A of this report.

I am currently the owner/operator of Exhibit-A, LLC (dba Crashtams Las Vegas) and I am fully accredited by the Accreditation Commission for Traffic Accident Reconstruction (ACTAR #2068). My fee for this case is \$195/hour.

## INVESTIGATION

Subsequent to the initial contact, the following items were supplied for review:

- 1) A copy of the Traffic Accident Report (TAR) dated 11/5/12 as completed by J. Byrne (badge no. 956)
- 2) Nine (9) digital color photographs of the accident scene and subject vehicles
- 3) Vehicle maintenance records re: subject Ford police unit
- 4) 113 digital color photographs of the subject Chevrolet Cavalier
- 5) Several legal documents including, complaint, interrogatories and production documents
- 6) A copy of the deposition transcript of Sergeant John Cargile dated 10/1/14
- 7) A copy of the deposition transcript of Officer Jim Byrne dated 10/1/14
- 8) Several medical related documents for Ms. Glover (not reviewed relative to this project)
- 9) A copy of the deposition transcripts of MS. Glover dated 8/7/14



It is reported within the Traffic Accident Report (TAR) that: "V#1 (Glover Chevrolet) was traveling eastbound in the #3 travel lane on Cheyenne, approaching the intersection of 5<sup>th</sup> St. V#2 (Cargile Ford), a marked NLVPD patrol vehicle (unit #1514) was traveling northbound on 5<sup>th</sup> with emergency lights and siren activated, approaching the intersection of Cheyenne. The operator, a patrol SGT., was responding to a shots fired call, with a confirmed victim. Both drivers stated that V#1 had a green traffic signal and that V#2 had a red traffic signal. V#2's operator reported that V#1 was traveling without the vehicle's headlights on at this time (during the hours of darkness), as the vehicle approached the intersection.

As V#2 approached the intersection on a red light, V#2's operator came to a stop and slowly began moving into the intersection in an attempt to cross the intersection (due to a large hill in the city view park which obstructs northbound traffic's vision, V#2's operator had to move partially into the intersection, in order to be able to observe eastbound traffic).

V#1's operator stated that she saw V#2's emergency lights activated as she approached the intersection, but did not hear the vehicle's siren. V#1's operator failed to use due care upon approaching the intersection in violation of NRS 484B.603-Duty of a driver to decrease speed under certain circumstances...In addition, V#1 failed to yield the right of way to V#2 in violation of NRS 484B.267-Operation of vehicle on approach of authorized emergency vehicle or official vehicle of regulatory agency...

V#1 left approx 110' of 4-wheel skidmarks in an attempt to avoid a collision with V#2 which had partially encroached the eastbound #3 travel lane in order to clear the intersection (#3 travel lane is approx 14' wide & 15.5' from curb to bots dots, V#2 encroached approx. 6.5' from curb line in order to clear traffic).

V#1's right front ("A" Pillar) impacted the front of V#2, causing damage to both vehicles. V#1 then traveled approx. 5.5' Post-AOI, before coming to rest in the eastbound #3 travel lane (total skidmarks 115.5').

V#1's operator was transported to north vista hospital for medical attention for her neck and head pain and was listed in stable condition at north vista."

According to historic data, the weather conditions near the time of the incident (1:53 AM) were dry and clear with 10.0 miles visibility. US Naval Observatory data indicate that the incident occurred approximately 9 hours after sunset and 4.5 hours after moonrise. The moon is not considered a significant source of ambient light; therefore, any lighting in the vicinity of the incident would be from localized artificial lighting.

## INVESTIGATION

I have reviewed the deposition transcripts of both involved parties as well as the investigating officer. Portions of their transcripts have been provided below to reveal each party's account of the subject incident.

### DEPOSITION TESTIMONY OF SERGEANT JOHN CARGILE (V2 DRIVER)

Q. Can you describe in detail how this wreck occurred?

A. Basically, I was running lights and sirens going which would be northbound on Fifth Street as I approached Cheyenne, the intersection with Cheyenne. I was preparing to make a left-hand turn and go westbound on Cheyenne.... At that point, then I came to a stop prior to the intersection as typically we do, because I know there was one or two vehicles -- I don't recall like make or models of vehicles on the other side of the intersection. That we then will do something where we will change. We have four different siren tones that

are on our vehicle. What we do is we'll push from button to button to button. It changes the sound, the tone, how loud it goes, in order to make sure everybody that's in the intersection or nearby is gathering their attention to my patrol vehicle. Then I started to -- once I believed there was no oncoming traffic on either east or westbound on Cheyenne, I started to encroach into the intersection to get ready to make my left-hand turn. As soon as I started to encroach into the intersection, I heard the vehicle lock up its brakes. And it was to my left. So I noticed it was a small car now that was traveling eastbound on Cheyenne approaching the intersection. Two things occurred to me. I noticed it was a small dark-colored vehicle and it had no headlights or anything on the vehicle as it approached. At that point I stopped as that vehicle was locking up its brakes. There's that point in there where I realized I can't move or go anywhere, but knowing that the vehicle mostly likely was going to end up striking the front of my vehicle. Once the collision occurred, then I called out on the radio..."

Q. First of all, how long had you stopped before you proceeded into the intersection?

**A. I would -- probably five to six seconds. It's not a whole lot of time. Once I stopped, then it's just a matter of just visually clearing each intersection as I go.**

Q. When you say you stopped prior to the intersection and changed your tone, were you stopped behind that stop bar?

**A. Yes. Stopped behind the line, yes.**

Q. Sure. Would you agree with me that that hill, the fence, and the foliage on that corner obstructs the view of somebody who is sitting in the northbound Fifth Avenue -- obstructs the view of anybody coming eastbound on Cheyenne? Would you agree with that general concept?

**A. Yeah. All that goes into play.**

Q. And it's your testimony that you were stopped at the time of impact; correct?

**A. Correct.**

Q. So when you heard the vehicle, you immediately applied your brakes?

**A. Correct.**

Q. And didn't move any further?

**A. Correct.**

Q. How fast were you traveling from your point of stopping before the stop bar and the time that you heard the vehicle to the left?

**A. Couple miles per hour. It was -- basically it was just getting this vehicle into motion and then hearing it and then applying the brakes and stopping.**

Q. Did you take any evasive action once you heard her vehicle?

**A. No. I just kept my vehicle on the brake. At that point, I said -- I felt it was going to be minor, but most likely I was going to be struck. So I just maintained my position. There wasn't going to be a whole lot of time for me to do anything else.**

Q. And it's your testimony that as the siren is going, you heard squealing of tires to the left?

**A. Correct.**

Q. Do you believe that you could have avoided this crash in any way?

**A. No.**

Q. Do you believe you have any fault for causing this crash at all?

**A. No.**

Q. Just to be clear, when you entered the Cheyenne roadway, your light for northbound travel on Fifth Avenue was red; correct?

**A. The traffic light was red, yes.**

Q. Do you also agree that a driver of an emergency vehicle, regardless whether or not they're running with lights and sirens or lights or sirens, must not enter an intersection on a red light until they're sure that it's safe to do so?

**A. Yes.**

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**DEPOSITION TESTIMONY OF MS SAPONZCA GLOVER-ARMONT (V1 DRIVER)**

Q: Okay. As you approached the intersection on Cheyenne as it approached Fifth Street, just describe what you saw.

**A. It's just morning, dark. I'm going down Cheyenne. I am approaching the green light. As I go through the light, I look to my right, and that's where I see the police truck at, and it's getting ready to hit me.**

Q: How far were you from the intersection when you first saw the police car?

**A. I was maybe -- I don't know. Maybe 50 to a hundred feet, maybe. I'm not 100 percent sure, because I'm just traveling through the green light. So maybe 50 to a hundred feet, maybe, maybe a little bit more than that.**

Q At what point? On Cheyenne, where was your vehicle when you first noticed that there was a police car there?

**A When I was entering into the intersection.**

Q At that time, how fast were you going?

**A Maybe about -- I'm going downhill, so maybe about 40, 45.**

Q Is it your testimony that while you were driving through the intersection, both cars were moving, and his hit you in the side?

**A. Yes.**

Q Okay. When you first saw the police vehicle on Fifth Street, what was your immediate reaction? What did you do?

**A. Slam on my brakes.**

Q. Can you estimate how much time it took between when you first saw the vehicle there and when you were able to apply the brakes?

**A Maybe a couple of seconds, maybe.**

Q. At the time of the accident, did you have your headlights on?

**A. Yes.**

Q. Okay. On the second page of the report during the narrative portion, in the very top paragraph where it says, "Both drivers stated that Vehicle No. 1" -- that would be your vehicle -- "had a green traffic signal, and the Vehicle 2" -- the police car -- "had a red traffic signal. Vehicle 2's operator reported that Vehicle 1 was traveling

without the vehicle's headlights on at this time (during the hours of darkness), as the vehicle approached the intersection," do you agree with that statement or disagree?

**A. I disagree.**

Q. Why is that?

**A. Because my car, that car I had then was a 1995 Cavalier, and if you don't turn the headlight -- if you don't turn the lights on, the dashboard is completely dark. So my dashboard was not completely dark.**

Q. Okay. So your recollection is because your dashboard was lit up, that meant that your headlights were on?

**A. Yes.**

Q. I am handing you a photograph that was produced in discovery in this case. Does this photograph actually represent the interior of your car at the time of the accident?

**A. Yes.**

Q. Does this depict the switch that you used to turn your headlights on and off?

**A. Yes.**

Q. Is it correct that the switch, at this time, is in the off position?

**A. Yes.**

Q. Does that change your recollection as to whether or not you had your headlights on prior to the accident?

**A. No.**

Q. Why not?

**A. Because the officer that was sitting beside me reached in, turned off my car, and apparently he must have turned the headlights off, too, because he was telling me -- I was -- I remember holding my head, and -- because I was really groggy, kind of like, from the impact. I hit my head on the steering wheel. And he kept saying, "You need to turn your car off." So I didn't turn my car off. I didn't touch the headlights. But I know my headlights were on, because my dashboard was lit up.**

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#### **DEPOSITION TESTIMONY OF OFFICER JIM BYRNE (INVESTIGATING OFFICER)**

Q. When you showed up at the scene, what do you remember seeing?

**A. Basically, both vehicles were still in their final rest position. If I remember right, it was just Sergeant Cargile that was there by himself. There was nobody else.**

Q. So when you -- again, when you arrived, he was the only one there. Is it fair to say that all the information that you received in coming to your conclusions was from Sergeant Cargile?

**A. Correct.**

Q. Did you ever take a statement from her? [Glover]

**A. No.**

Q. What information, if any, did you get from her?

**A. I went there[Hospital] and told her that I was investigating her collision with our vehicle and that I was here to issue two citations and then if she had anything she wanted to add to what was told to me at the scene, and she said no.**

Q. At least in this particular instance, your agency investigates its own City vehicle accidents; is that correct?

**A. Officer-involved collisions, yes.**

Q. So after you saw her in the hospital, what did you do next in order to complete your report?

**A. Conducted a speed analysis to make sure -- I looked out there at the scene, and I didn't think she was speeding. However, I wanted to do an analysis to make sure that she wasn't exceeding the 50-mile-per-hour speed limit there. She wasn't. Did that. Concluded that. There was no additional charges on her.**

Q. You listed, if I'm not mistaken, NRS -- make sure I've got the right number here. What was the NRS that you listed?

**A. I listed two. Due care and then also listed the violation of 484B.267 for operation of a vehicle upon approach of an authorized emergency vehicle.**

Q. You concluded from what Sergeant Cargile had told you is that he approached the intersection on a red traffic signal; correct?

**A. Correct. Both he and Ms. Glover said that she had the green and he had the red.**

Q. And the information that she had her headlights off that you have indicated in your narrative, that was from Sergeant Cargile; correct?

**A. Correct. Then when I went to the hospital, I asked her, and she -- I don't remember what she responded. It was enough that -- where I felt I could issue the citation for it.**

Q. My point is -- it's not your testimony that she admitted that she was running without her headlights, is it?

**A. No.**

Q. You just don't have a memory one way or the other?

**A. Right.**

Q. You didn't do any kind of hot shock?

**A. No lamp analysis was done.**

Q. Do you know if a lamp analysis could have been done?

**A. I don't remember if the headlights were fractured. If they were fractured, then, yes, that could have been done.**

Q. The information you have in your report that Sergeant Cargile came to a stop and slowly began moving into the intersection, that information was entirely from him; correct?

**A. That and the physical evidence in the roadway.**

Q. What physical evidence specifically?

**A. The fact that the impact from Vehicle 1 -- had he been moving, there would have been what we call an offset mark on his part, and there was none. So the fact that he said that he had come to a stop, and there was no physical evidence that would say contrary to that.**

Q. So according to your report, she traveled 5.5 feet post AOI?

**A. Approximately, yes.**

Q. And, again, how did you determine the AOI?

**A. From the -- basically, you will have a set of skid marks. Then what you have is -- there was no offset from Vehicle 1. So where there's a difference of the vehicle's approach to departure, that's the offset. That's what we would have designated as AOI.**

Q. Did you take any pictures of the skid marks?

**A. No.**

Q. Did you take any pictures of the lack of offset?

**A. No.**

Q. Did you do any kind of analysis of the speed of Sergeant Cargile's vehicle?

**A. No.**

Q. It appears as though Sergeant Cargile's vehicle impacted the side of her vehicle; isn't that true?

**A. Well, based on movement of the vehicles, it's going to be Vehicle 1 that impacted Vehicle 2. There's no movement on Vehicle 2 based on my investigation. So Vehicle 1 strikes Vehicle 2.**

Q. Here's a closer picture. It doesn't appear as though any left fender damage to the police car.

**A. The damage to the vehicle -- to the police truck was minimum. In fact, we had it driven to the tow yard. The damage to Vehicle 2 required a tow truck.**

Q. Just again I want to make sure I understand your opinion as to what kind of impact occurred here. Is it your opinion that the Vehicle 1 impacted the left front of the police vehicle? In other words, when I say "left front," I'm talking about the left fender, front of the wheel.

**A. Based on how I wrote the field notes, yes, the left front and front. I'm saying that it caught part of the left front. Could be associated with the quarter panel or just the bumper itself.**

Q. But it's not your opinion that the police vehicle hit the side of Vehicle No. 1?

**A. Correct.**

Q. Is it even possible to drive without your headlights on?

**A. Coming into that, yes, because it's well lit there. It's darker going westbound. Eastbound is more well lit because you have a business over here to your northeast. You're coming into the Flying J, which is now the Morton Travel Center, and there are headlights -- there are streetlights and lamps available that were working at that time. So it would have been more lit than normal. It's the fact if you were going westbound. It's extremely dark.**

## ACCIDENT SITE

On August 7, 2014, I inspected the accident site during the hours of daylight. I photo documented the roadway and approach paths for the involved vehicles. During this inspection, the incident area was dimensionally documented with a Sokkia Reflectorless Total Station.

Cheyenne Avenue (near the subject intersection) is an asphalt roadway running generally east/west and has six (6) through lanes, three (3) for each direction of travel. There is one (1) dedicated left turn lane for each direction of travel for vehicles accessing 5<sup>th</sup> Street. Cheyenne Avenue has an approximate 3% down grade in the eastbound direction (direction of travel for Ms. Glover).

5<sup>th</sup> Street (near the subject intersection) is an asphalt roadway running generally north/south. On the south side of the Cheyenne Avenue intersection, the roadway has two (2) through lanes – one (1) for each direction of travel. On the north side of the intersection, there are two (2) northbound through lanes and one (1) southbound through lane. There are dedicated right and left turn lanes for southbound traffic accessing Cheyenne Avenue. There is a roadway alignment offset for 5<sup>th</sup> Street at the intersection with Cheyenne, meaning the through lanes are not in perfect alignment on each side of Cheyenne.

On Monday August 12, 2014, I returned to the subject accident site during the hours of darkness at approximately 1:50 AM. The purpose of this inspection was to photo document the lighting conditions, observe the signal light function and perform drive-through video's mimicking the travel paths of each involved vehicle.

Figure 1 is an image taken at the time of the August 7<sup>th</sup> daylight inspection. The image is taken from the northbound through lane on 5<sup>th</sup> Street looking generally westbound. The camera position is approximately 30 feet south of the south curb line of Cheyenne avenue.



Figure 1  
Subject Accident Site – N/B lane on 5<sup>th</sup> looking westbound

It can be seen from Figure 1 that a hill exists on the southwest corner of the intersection causing an obstructed view for each involved party.



## SCALED SITE DIAGRAM

From the survey data collected at the time of the initial site inspection, a scaled site diagram was generated to aid in the reconstruction. The diagram was overlaid on a satellite image of the same area for demonstrative purposes. Utilizing the TAR measurements for the Area of Initial Contact (AIC) and skid distance measurements, the physical evidence was overlaid on the diagram. Figure 2 is a portion of the scaled site diagram. Appendix B of this report contains several versions of the site diagram with reconstruction analysis details.

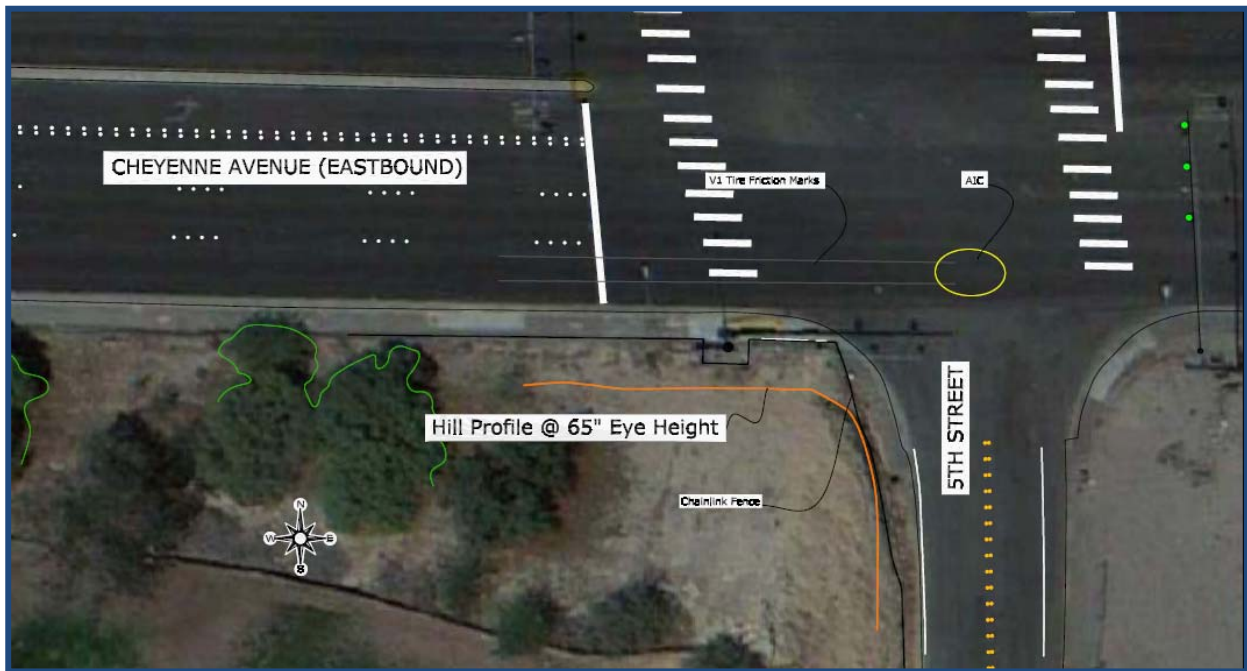


Figure 2  
Portion of Scaled Site Diagram

## VEHICLE INSPECTIONS

At the time of this writing I have not inspected either subject vehicle. It is my understanding that Ms. Glover no longer owns the subject Chevrolet and the subject Ford has been repaired. Provided scene and vehicle photographs depict the permanent impact damage sustained to both vehicles. Direct contact damage is noted on the passenger (right) front fender, wheel and passenger door of Ms. Glover's Chevrolet. It is noteworthy to indicate there is no damage on Ms. Glover's front bumper or leading edge of the passenger fender.

Direct contact damage is noted on the front bumper, polymer bumper cover and grille of Sergeant Cargile's Ford. It is noteworthy to indicate there is no damage to the driver's (left) front fender of Sergeant Cargile's vehicle.

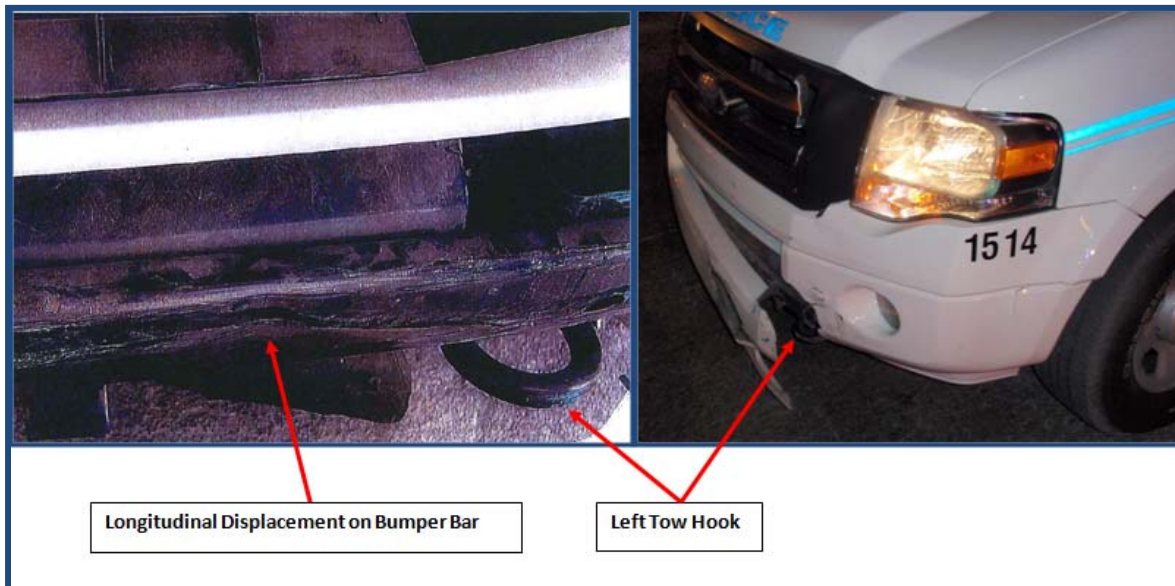
Figures 3 and 4 are images provided of the subject Chevrolet and Ford respectively.





**Figure 3**  
**Subject Chevrolet Cavalier Direct Contact Damage**

From Figure 3, one can see the direct contact damage concentrated on the passenger side of Ms. Glover's Chevrolet. All contact exists on the fender, door and wheel. There is no damage located on the leading edge of the front bumper or marker light. Scene photographs show Ms. Glover's right front wheel cover in the roadway – displaced due to contact damage from the Ford. The right front wheel is bent due to contact damage.



**Figure 4**  
**Composite Image of Subject Ford Police Unit**

Figure 4 is a composite image of the subject Ford Police Unit. The left side of the image reveals the vehicle's front bumper bar after the polymer bumper cover has been removed. The left tow hook is identified in both images for reference purposes. The bumper bar is the structural metal bumper that exists under the cosmetic polymer bumper cover (white). The displacement to the structural bumper cover came from contact with the wheel of Ms. Glover's Chevrolet. The provided repair estimate for the Ford indicates the bumper bar was replaced during the repair of the Ford. It should be noted that the bumper bar is on the leading edge of the vehicle. Ms. Glover's Chevrolet was traveling left to right (as seated in the driver's seat of the Ford). As such, any contact damage to the bumper structure (near the centerline of the Ford) would come from that vehicle's forward momentum as it entered the intersection and struck the left front wheel of Ms. Glover's Chevrolet.

## RECONSTRUCTION ANALYSIS

Neither the physical damage evidence sustained to the subject vehicles nor the physical roadway evidence is consistent with Sergeant Cargile's testimony that he was stopped at the moment of contact. The damage evidence suggests that Sergeant Cargile's vehicle impacted the right (passenger) side of Ms. Glover's Chevrolet at approximately the right front wheel. Vehicle wheels and the suspension components they are mounted to are, by design, considered hard points such that they resist movement laterally. Wheel hits are considered infinitely "stiff" by comparison to the softer sheet metal fenders and bumpers. The wheel hit actually resisted the crushing displacement on sheet metal parts by limiting the travel laterally as the Ford bumper contacted the wheel. Sergeant Cargile's Ford outweighs Ms. Glover's Chevrolet by more than a factor of two (2,596 lbs vs. 5,793 lbs). As a result, contact from the Ford re-directed the Chevrolet's travel during the post-impact travel phase.

Figure 5 is an image taken at the accident scene with both vehicles at their rest positions. I have included labels identifying each vehicle. Because the quality of the image is poor, I have identified the approximate location of the right side tire marks left by Ms. Glover's vehicle. Note the orientation of Ms. Glover's Chevrolet in relation to the tire mark and the road edge.



Figure 5  
Scene Photograph

The TAR specifically indicates that Ms. Glover’s vehicle left “4-wheel” skids pre-impact. From other provided scene photographs, it is evident that Ms. Glover’s vehicle was tracking (heading direction vs. travel direction) as it skidded – indicating the rear tires were tracking over the top of the front tires for their respective sides. As such, the only way Ms. Glover’s vehicle orientation can be different than the pre-impact orientation, is from lateral contact from Sergeant Cargile’s vehicle. This physical evidence in conjunction with the physical damage evidence provides unequivocal proof that Sergeant Cargile’s vehicle was moving at the time the collision took place and with enough force to re-direct Ms. Glover’s vehicle during the post-impact portion of the collision. Additionally, this indicates that Sergeant Cargile’s vehicle impacted Ms. Glover’s – not the other way around.

Officer Byrne suggests that Sergeant Cargile’s vehicle was not moving at time of contact because he did not see an “offset mark” for the Ford. Offset marks are a notable shift in a skid mark that reconstructionists utilize to determine the Area-of-Initial-Contact (AIC). However, since Sergeant Cargile’s vehicle did not leave skid marks, there would be no expectation of an “offset”. As such, it provides no insight into the pre-impact or post-impact movements of the Cargile Ford.

#### TIME/DISTANCE & SPEED

A speed from skid analysis was performed to determine the likely speed of Ms. Glover’s vehicle at the onset of skid marks. Considering the fact that Ms. Glover’s vehicle is not equipped with an anti-lock brake system (ABS) in conjunction with the downhill 3% grade, it can be concluded that Ms. Glover’s vehicle was traveling

at approximately 42 to 48 mph (62 to 70 ft/sec) at the moment her vehicle began leaving skid marks. For reference purposes, the posted speed limit on Cheyenne Avenue in the vicinity of the incident is 50 mph.

Unfortunately, the actual pre-impact motions of Sergeant Cargile's Ford are not known at this time as his testimony account of the incident is not consistent with the physical evidence. It must be concluded that Sergeant Cargile was moving at the moment of impact with enough speed to re-direct Ms. Glover's vehicle and damage the bumper bar super structure on his vehicle. Utilizing the 6.5 feet travel distance from the south road edge of Cheyenne to the AIC (assuming Sergeant Cargile was actually stopped at the road edge) in conjunction with a "normal" to "rapid" acceleration rate, the likely speed of Sergeant Cargile's vehicle at the moment of contact is approximately 5.5 to 8.0 mph. This speed is consistent with the physical collision damage observed on the part of both vehicles.

A reconstruction analysis for time and distance was performed from the speed information calculated above, in conjunction with the following assumptions:

- 1) Sergeant Cargile stopped his vehicle with the front bumper of his Ford along the south road edge Cheyenne Avenue.
- 2) Ms. Glover was traveling at a constant 47mph prior to the onset of skid marks.
- 3) The emergency light bar is located approximately 8 feet rearward of front bumper.

Utilizing this speed analysis in conjunction with the physical roadway geometry (including hill, fence, foliage, etc.) it can be determined that Ms. Glover's first potential opportunity to see Sergeant Cargile's flashing lights is when Ms. Glover is approximately 200 to 250 feet from the onset of her skid marks. From this, it can be determined that Ms. Glover's Perception/Reaction (PRT) timing is approximately 1.5 to 2.0 seconds. For reference purposes, a normal alert driver\* will respond to an unexpected hazard at night in approx. 2.0 seconds. Thus, it can be concluded that Ms. Glover's reaction to Sergeant Cargile's vehicle (with flashing lights) is substantially similar to 85% of all drivers on the roadway.

\*Considers night time and 85<sup>th</sup> percentile driver with 10-Deg. eccentricity to a 90-degree intersection hazard

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## MS. GLOVER'S HEADLIGHT STATUS

I am unable to inspect the subject Chevrolet's headlights for "hot shock" due to the vehicle being disposed of prior to my involvement in this case. Unfortunately, Officer Byrne indicated he did not conduct a lamp analysis, though he does not provide a reason why. He suggests that one could have been conducted "if the headlights were fractured" but could not remember if they were fractured or not. With all due respect to Officer Byrne, a lamp analysis could have been conducted without fractured headlights. Officer Byrne was in the best situation to conduct such an analysis and rely on possible physical evidence to conclude the headlight status; instead, he relied on Sergeant Cargile's account.

Sergeant Cargile's testimony is confusing regarding the status of the headlight switch on Ms. Glover's vehicle. He claims he took a picture of the headlight switch of Ms. Glover's vehicle after EMS had removed her from the vehicle. Obviously, this was after EMS had responded, arrived and removed Ms. Glover from her vehicle. First he indicated the vehicle was still running, then later seemed to suggest it was off, then concluded that he couldn't remember if it was on or off and did not know who turned the vehicle off. It is plausible that the vehicle headlights were turned off by Sergeant Cargile or other EMS personnel as Ms. Glover suggests.

Sergeant Cargile's account of Ms. Glover's headlights cannot be taken as direct evidence since he is obviously incorrect about other facts of the subject incident.

Ms. Glover testified that her vehicle's headlights were on at the time of the collision. She has a specific memory of her dash lights being on which suggests her headlights were on. Ms. Glover also testified she left the "Get 'n go" store near MLK and Cheyenne Avenue traveling east on Cheyenne Avenue prior to the incident. Ms. Glover traveled approx. 1.5 miles down Cheyenne Avenue through 3 signalized intersections and 3 long sections of roadway with no artificial roadway lighting. If Ms. Glover's headlights had been off, it is likely she would have noticed it prior to the incident.

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## AUDIBLE WARNING DETECTION

At the time of this writing, I have not conducted an audible detection analysis relative to this incident. Performing such an evaluation would require both subject vehicles operating within the subject intersection with the same ambient noise conditions as those experienced on the night of the incident. I reserve the right to perform such an evaluation and potentially supplement this report with the results.

There are many reported incidents with vehicles colliding with law enforcement and fire department vehicles while they are running lights and sirens. These incidents have led to several studies relative to the effectiveness of such audible sirens. In general, most studies indicate that law enforcement cannot rely on the audible warning device's sound to aid in the detection of their vehicle by others.

It is generally accepted that the ambient noise inside a vehicle must be raised by a level of 10-13 decibels before the occupant can detect an audible warning. Studies indicate that the effectiveness of audible warning devices is reduced when:

- 1) In an urban environments with multiple surrounding structures
- 2) When the detection vehicle's windows are up
- 3) At intersections when the signal and detection vehicles are on converging streets
- 4) As the speed (and subsequent ambient noise) of the detection vehicle is increased

A paper produced by the Department of Transportation (DOT) titled "Effectiveness of Audible Warning Devices on Emergency Vehicles" reports the following facts:

- *It was concluded that reliance on present audible warning devices to warn drivers in traffic is not justified. To be loud enough to warn in all ordinary circumstances, the sound level of audible warning devices would have to be increased greatly.*
- *There is not sufficient warning to advise vehicles on converging roads. The attenuation of the sound in turning the corner in the urban situation and the high forward directivity of existing siren devices, coupled with the typical speed of the vehicles, in the rural situation can cause the warning distances to be too short for the receiving vehicle to brake and avoid a collision with an emergency vehicle which maintains speed.*
- *During emergency vehicle driver training, drivers should be taught about the short detection distances commonly encountered.*

It can be concluded from the preceding facts of the subject incident in conjunction with the results of the DOT study, that Ms. Glover likely never detected the audible signal from Sergeant Cargile's vehicle siren preceding the collision – whether it had been on or not.



## VISIBILITY ANALYSIS

At the time of my nighttime inspection, I conducted a visibility analysis of the subject intersection from the vantage points of both involved drivers. From a time/distance perspective, the analysis was conducted from the #3 eastbound travel lane (same as Ms. Glover) traveling at the posted speed limit approaching the subject intersection with known distance placemarkers on the roadway edge. Video was conducted revealing the likely visible perspective Ms. Glover had in the moments preceding the collision. A surrogate vehicle was placed on northbound 5<sup>th</sup> Street at varying positions approaching Cheyenne. Figure 6 is a screen capture of one of the videos collected at the time of the inspection.

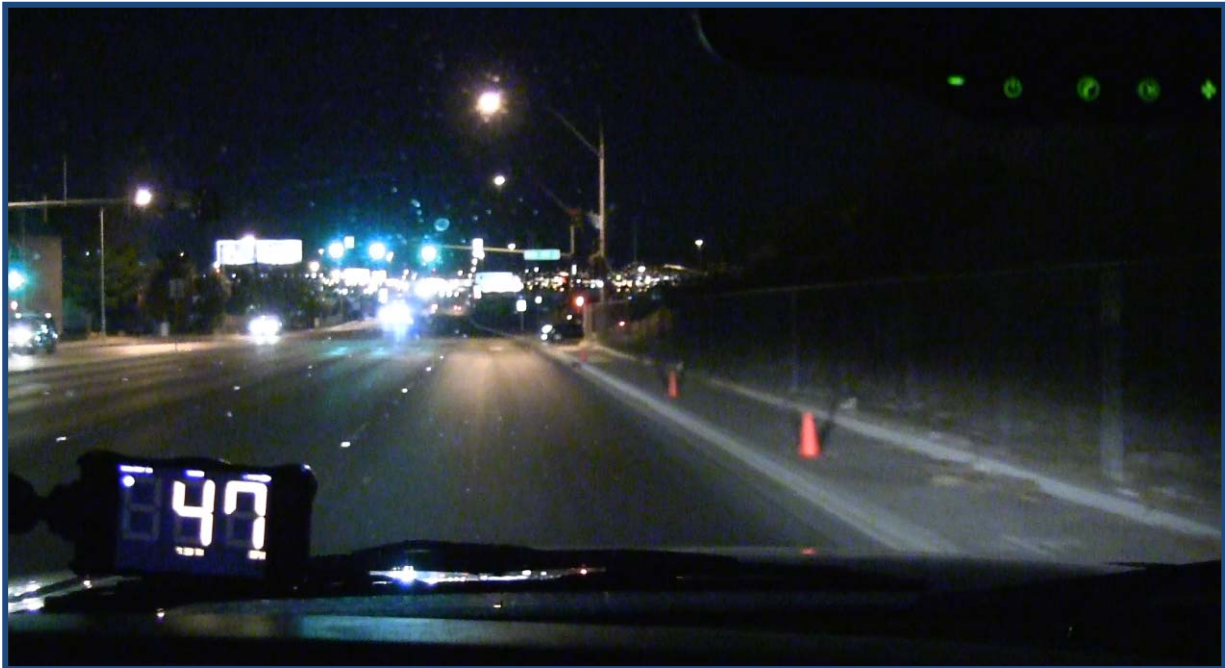


Figure 6  
Visibility Video

From Figure 6, the lower left corner reveals the speed of the vehicle as 47 mph. The orange cones on the sidewalk are distance markers. The subject intersection with 5<sup>th</sup> Street is visible with a green traffic signal. A surrogate vehicle is placed on northbound 5<sup>th</sup> Street with the front bumper along the south road edge of Cheyenne Avenue. The surrogate vehicle has a flashing amber light on top. The orange light is visible in this image above the surrogate vehicle is NOT the flashing light. The orange light is a pedestrian signal. The flashing vehicle light is not visible in this image due to the fence, light-post and other geographical features. The location of the vehicle in this image represents approximately 2.0 seconds prior to Ms. Glover applying her brakes. As previously mentioned, 2 seconds is considered “normal” perception reaction (PRT) timing for an unexpected hazard.

The visibility analysis also revealed the lack of structures on the south side of the roadway to reflect flashing lights and call attention to the approaching Cargile Ford. Of course, the large hill on the southwest corner of the intersection obstructs any view of any vehicle (regardless of flashing lights or not) on approach from northbound 5<sup>th</sup> Street. The image in Figure 6 also suggests the presence of conspicuity issues from city lights in the background which can lead to detection issues for emergency lights.

The visibility analysis, in conjunction with the time/distance analysis reveals that Ms. Glover acted appropriately and “normally” to the situation that unfolded in front of her.

With all due respect to the job Officer Byrne did and does, he failed to consider the basic physical evidence when he reached his conclusions relative to fault. The analysis indicates Ms. Glover acted with “care” and performed actions to avoid the collision. The notion that Ms. Glover “failed to reduce speed” is completely flawed as evident by the 110’ of pre-impact skid marks as a result of Ms. Glover applying her brakes in an attempt to avoid the collision. Additionally, the evidence indicates that Ms. Glover had locked her brakes prior to even entering the intersection. Further, it can only be concluded that Ms. Glover was doing everything within her ability to yield the right of way of Sergeant Cargile as he encroached the lane that Ms. Glover had ownership of.

To the contrary, since Sergeant Cargile had a red signal, the responsibility lies with Sergeant Cargile to yield the right of way to approaching traffic under a green traffic signal.

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## OPTICOM DEVICE

At this time, I am unaware if Sergeant Cargile’s Ford was equipped with an Opticom Device. The testimony of both Sergeant Cargile and Officer Byrne indicate they are not aware if the subject Ford was equipped with such a device. The Opticom device is an infrared device mounted on the patrol vehicle’s light bar that is utilized to effectively change the signal lights in order to stop potential interfering traffic from opposing directions. Device effective range varies by device and intersection; however, if a detection (or call) is observed by the receiver, the signal coordinator will initiate a yellow light followed by a red light for opposing traffic and illuminate a green light for the direction of travel from the transmitter.

At the time of my inspection, I noted there were Opticom receivers installed on the signal lights at the subject intersection. At this time I am unable to perform any analysis for signal preemption timing due to the lack of information relative to the potential installation of such a device on Sergeant Cargile’s vehicle. Should additional information become available, I reserve the right to amend or supplement this report.

## RESEARCH MATERIALS

Some of the materials examined relative to my investigation and subsequent opinions include, but are not limited to, the following texts:

- Vehicle specifications relative to a 1995 Chevrolet Cavalier from Canadian Vehicle Specifications
- Vehicle specifications relative to a 2007 Ford Expedition from Canadian Vehicle Specifications
- Solomon, S., et al., et al., Emergency Vehicle Accidents 2<sup>nd</sup> Edition, Lawyers & Judges Publishing, 2002
- Green, M., et al., Forensic Vision with Application to Highway Safety, Lawyers & Judges Publishing, 2008
- Olson, P., et al., Forensic Aspects of Driver Perception and Response, Lawyers & Judges Publishing, 2010
- “Guide to Test Methods, Performance Requirements, and Installation Practices for Electronic Sirens Used on Law Enforcement Vehicles” National Institute of Justice, Guite 500-00, August 2000

- DOT-TSC-OST-77-38, "Effectiveness of Audible Warning Devices on Emergency Vehicles" Department of Transportation, August 1977
- SAE 700391, "Driver Vision", Versace, J., 1970
- "Opticom" accessory information from Federal Signal Products

## CONCLUSIONS

The reconstruction analysis utilizing the laws of physics reveals:

- 1) V1 (Glover Chevrolet) was traveling between 42 and 48 mph at the moment she applied her brakes in an attempt to avoid the collision.
  - a) For reference purposes, the posted speed limit for Ms. Glover was 50 mph
2. V2 (Cargile Ford) was most likely traveling between 6 and 8 mph at the moment he encroached the #3 travel lane on Cheyenne Avenue and collided with the right side of V1.
  - a) The physical damage on the subject vehicles is consistent with the speed analysis
  - b) The vehicle damage location, the extent of the damage and the post-impact trajectory of Ms. Glover's vehicle indicate that V2 (Cargile Ford) was moving at the moment of the collision. NONE of the above evidence is consistent with Sergeant Cargile's sworn testimony that he was stopped at the moment of contact.
  - c) The evidence indicates V2 hit V1 – not vice versa.
3. Ms. Glover most likely never heard Sergeant Cargile's siren (whether it was on or not).
4. The evidence indicates Ms. Glover:
  - 1) Decreased speed while attempting to yield the right of way of the emergency vehicle
  - 2) Utilized due care
  - 3) Made every attempt possible to avoid a collision with Sergeant Cargile
  - 4) Responded in a "normal" manner to the emergency situation that Sergeant Cargile created.
5. Sergeant Cargile's account of Ms. Glover's headlights cannot be taken as direct evidence since he is obviously incorrect about other facts of the subject incident.
  - 1) Officer Byrne elected not to perform a lamp analysis on Ms. Glover's vehicle which could have provided physical evidence in determining the headlight status during the collision.
  - 2) Officer Byrne took Sergeant Cargile's statement regarding Ms. Glover's headlights as fact and did not question Ms. Glover on the subject.
6. The individual with the best ability to avoid this collision was Sergeant Cargile.
  - 1) Sergeant Cargile admitted entering the intersection under a red signal with the understanding that approaching traffic would have a green signal and the subsequent right of way.
  - 2) Sergeant Cargile indicated he was very familiar with the intersection and the known obstructions. It is not clear to me why Sergeant Cargile chose to traverse the known hazardous intersection rather than other intersections with better visibility.

I trust you will find this to be of assistance; should any questions arise from your review of this report, please call the undersigned.



The conclusions and opinions expressed in this report are based on a review of the documents and photographs listed, the accident site inspection, the reconstruction analysis utilizing the laws of physics, my education, experience, and judgment. All opinions herein have been expressed to a reasonable degree of scientific probability. If any additional materials of facts become available, these opinions may be subject to amendment or supplementation.

## REPORT ADMISSIBILITY

The opinions expressed herein are based on the fundamental laws of physics. The National Highway Traffic Safety Administration (NHTSA), the Insurance Institute for Highway Safety (IIHS) and many other public and private entities perform instrumented crash tests which are utilized by reconstructionist to verify standard reconstruction methodologies and calculations such as the ones conducted for this project. The reconstruction conducted was performed utilizing the skills normally exercised by practicing accredited accident reconstruction specialists. I am fully accredited by the Accreditation Commission for Traffic Accident Reconstructionist (ACTAR) #2068 and this report has been peer reviewed.

I reserve the opportunity to perform additional analysis (should additional information become available) and potentially amend or supplement this report and subsequent opinions. Further, I reserve the right to generate a demonstrative animation relative to my opinions and analysis.

Written by:



Sam Terry, Exhibit-A, LLC  
dba Crashtams Las Vegas



**APPENDIX A**  
**CURRICULUM VITAE OF SAM TERRY**

## **CURRICULUM VITAE**

### **TESTIMONY**

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- Qualified as a reconstruction expert in the Eighth Judicial District Court in Clark County, Nevada
- Qualified as a reconstruction expert in the Second Judicial District Court in Washoe County, Nevada

### **SPECIALIZED EXPERIENCE**

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- |                                |                               |                                      |
|--------------------------------|-------------------------------|--------------------------------------|
| • Impact Severity "Delta V"    | • Motorcycle Accidents        | • Military Vehicle Accidents         |
| • Sight & Visibility Analysis  | • Animations                  | • Heavy Truck Dynamics               |
| • Time/Distance Analysis       | • Pedestrian Accidents        | • High Resolution Courtroom Exhibits |
| • Commercial Vehicle Accidents | • Roll-over Accidents         | • Tire Failure Examination           |
| • Skidmark Analysis            | • Dynamic Vehicle Testing     | • Product Liability                  |
| • Lamp Examinations            | • Mechanical Failure Analysis | • Air Brake Analysis                 |
| • Vehicle Dynamics             | • Seat-belt Usage Analysis    |                                      |
| • Forensic Mapping             |                               |                                      |

### **EDUCATION AND TRAINING (632 HRS)**

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- Bachelor of Science (B.S.) Degree in Industrial Technology - Texas State University (Formerly Southwest Texas State) San Marcos, Texas. May 1997
- Successfully completed the examination for the Accreditation Commission for Traffic Accident Reconstruction (ACTAR), an 8 hour exam designed to qualify experienced accident reconstructionists on an international basis. ACTAR # 2068, December 2008
- Human Factors for Traffic Crash Reconstruction – Northwestern University/Crash Safety Research Center, North Las Vegas, NV Oct. 20-24, 2014 (40 hrs)
- 2014 SATAI Fall Conference – Sept. 25-27, 2014 (Detail on page 4) (20 hrs)
- Basic Motorcycle Rider Course I – College of Southern Nevada, Sept. 17-19, 2014 (20 hrs)
- Tire Mechanics & Inspection – Forensic Tire Examination by Thomas Giapponi Glendale, AZ, Sept. 2014 (20 hrs)
- 2014 SATAI Spring Conference – Mar. 14-15, 2014 (Detail on page 4) (16hrs)
- Optics, Lighting & Visibility for the Forensic Investigator , Fishers, IN Aug. 19-23, 2013 (40 hrs)
- 2012 SATAI Fall Conference – Sept. 28-29, 2012 (Detail on page 4) (16 hrs)
- ARAS360HD Advanced 3d Computer Animation – May29-1, 2012 (24 hrs)
- ARAS360 Advanced 3d Computer Diagramming – Jan. 4-6, 2011 (24 hrs)
- Advanced Auto Pedestrian Collision Reconstruction (IV) – North Las Vegas, NV, November 2010 (40 hrs)
- 2011 SATAI Spring Conference – March 11-12<sup>th</sup>, 2011 (Detail on page 4)(8 hrs)
- 2010 ARC-CSI Crash Conference – May 24-27, 2010 (Detail on page 4) (28 hrs)
- 2009 SATAI Summer Conference – July 10-11<sup>th</sup>, 2009 (Detail on page 4)(16 hrs)
- 2009 ARC-CSI Crash Conference – June 1-4, 2009 (Detail on page 4) (32 hrs)
- ACTAR Preparatory Course, SSR Training, Natick, MA – Oct. 6-9, 2008 (32 hrs)

- 2008 ARC-CSI Crash Conference – June 2-5, 2008 (Detail on page 4)(32 hrs)
- Leica Scan Station Training - Training on the Leica Scan Station 1 and corresponding Cyclone software. Long Beach, CA, October 2007 (16 hrs)
- Vehicle Accident Reconstruction Methods, SAE Intl., Detroit, MI, Aug. 2005 (16 hrs)
- Conducting Vehicle Handling Maneuvers - Hands-on training course with Doug Milliken, Carson City, NV, June 2005 (16 hrs)
- Heavy Truck Handling Symposium, SAE Intl., Greenville SC, May 2005 (24 hrs)
- Passenger Vehicle Rollover, Causes, Prevention and Injury Prevalence, SAE International, Scottsdale, AZ, April 2002 (16 hrs)
- Vehicle Dynamics for Passenger Cars and Light Trucks, SAE International, Detroit, MI, June 2001 (24 hrs)
- Hydraulic Brake Systems, SAE Intl., February 2001 (24 hrs)
- Commercial Vehicle Inspection / Investigation, Texas A&M University, Houston, TX, October 1999 (40 hrs)
- Accident Investigation II, Northwestern University, Evanston, IL, Oct. 1998 (80 hrs)

#### **AFFILIATIONS, PUBLICATIONS, LICENSES AND CLEARANCES**

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- “Recent Advancements in Crash Animations Make Them Affordable”, April 2012, Attorney at Law Magazine
- “Evaluation of Motorcycle Braking System Performance & Characteristics Relative to Current Regulatory Standards” July/Aug 2010, Accident Reconstruction Journal
- “A Discussion on Using a Pendulum as a Method for Impact Testing Vehicle Sub-systems” SAE 2002-01-0687
- Commercial Drivers License CDL-A, endorsements for Doubles, Tripples and Tankers
- Motorcycle License “M”
- US Military “Secret” Security Clearance
- Member, Accident Reconstruction Network (ARC Network)
- Member, Southwestern Association of Technical Accident Investigators (SATAI)
- Member, International Network of Collision Reconstructionists (INCR)

#### **PROFESSIONAL WORK EXPERIENCE**

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**2004 – PRESENT**

**OWNER / OPERATOR – EXHIBIT-A, LLC**  
**DBA CRASHTEAMS LAS VEGAS**

Dedicated to providing high-quality, high-accuracy motor vehicle crash analysis in a timely and cost-effective manner.

Perform manual and computer-aided accident reconstructions, speed/time/distance analysis, vehicle dynamics, product defect investigation and testing and causation-avoidance prevention. Develop vehicle crush profiles for crush energy calculations. Accomplish line-of-sight determination. Locate and document exemplar vehicles. Utilize the latest technology to collect accident site geometric data and physical evidence for use in constructing detailed renderings of accident scenes and vehicle damage profiles for impact severity.

Perform full vehicle performance testing in accordance with SAE, FMVSS, ISO, FMCSR and ASTM for passenger car, light truck, heavy truck and motorcycle. Design custom tests suitable for replicating specific crash related events.

**2000 – PRESENT                      CONSULTANT / PROGRAM MANAGER**  
**NEVADA AUTOMOTIVE TEST CENTER**

Perform vehicle stability and handling evaluations including end-limit maneuvers and roll-over determination on passenger cars, light trucks and commercial vehicles. Analyze vehicle static and transient response through subjective and objective evaluations. Accomplish complete accident reconstructions including site and vehicle inspections, analysis, documentation and final reports. Responsible for proposal writing, test planning, instrumentation, testing, data processing, analysis and final reports for vehicle tests. Driver training instructor for 2 and 4-wheel drive light trucks and class 8 heavy trucks.

**1997 – 2000                      ACCIDENT ANALYST – VERIFACT CORPORATION**

Conduct accident investigation and reconstruction through deciphering roadway evidence, electronic site surveys, vehicle damage inspections, accident diagrams, analysis and final reports. Accomplish analysis in the areas of: linear and rotational momentum, speed determination from tire marks and/or crush, work, force and speed change "delta-V". Performed failure analysis including: structural, electrical, drive train and suspension. Performed static loading and dynamic impact tests on vehicles and components.

**SYNOPSIS**

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Mr. Terry has extensive knowledge and experience in the areas of accident reconstruction and vehicle dynamics. He has been involved in the documentation, analysis, or reconstruction of over 500 hundred vehicle accidents. His experience includes the most advanced methodology for forensic scene mapping, line of sight studies, time and motion analysis, speed/distance analysis and rollovers. Mr. Terry has extensive vehicle knowledge with expertise in all vehicle systems including air brakes, lamp examination, tire analysis and seat belt loading. Additionally, he operates as vehicle dynamics consultant performing vehicle stability and handling maneuvers on motorcycles, passenger cars, light trucks, class 5, 6, 7 and 8 trucks.

Mr. Terry has instructed numerous driver training classes for the Department of Homeland defense, US Marine Corps and the US Army including on and off-road handling and mobility classes on 2 and 4-wheel drive SUV and specialty use vehicles. Additionally, Mr. Terry has instructed driver training classes for stability and handling of Class-8 heavy-trucks. Additionally, Mr. Terry has personally conducted a multitude of dynamic vehicle tests related to vehicle braking, dynamics, ride quality and handling. An abbreviated list of tests conducted is detailed in page 5 of this CV.

**CURRICULUM DETAIL – SEMINARS & CONFERENCES**

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- **2014 SATAI Fall Conference – Sept. 25-27, 2014**
  1. Bruno Schmidt – Applied Physics & Rotational Mechanics
  2. Pat Donahue – GM Ignitions & Related recalls
  3. Don Stevens – Rollover Accidents
- **2014 SATAI Spring Conference – Mar. 14-15, 2014**
  1. Jeff Muttart – Reconstructing a Nighttime Car Versus Pedestrian Crash
  2. Interviewing Witnesses & Drivers
  3. Jim Sobek – Headlight Performance in Pedestrian Strikes
- **2012 SATAI Fall Conference – Sept. 28-29<sup>th</sup>, 2012**
  1. Commercial Motor Vehicle Air Brake Systems
  2. CMV Collision Investigations – Methods & Myths
- **2011 SATAI Spring Conference – March 11-12<sup>th</sup>, 2011**
  1. Rollover Reconstruction
  2. Current Topics in Low Speed Reconstruction & Biomechanics
- **2010 ARC-CSI Crash Conference – May 24-27, 2010**
  1. Low Speed Crash Analysis
  2. Motorcycle Accident Reconstruction
  3. Commercial Motor Vehicle Forensic Inspection for the Reconstructionist
  4. PDOF and Angle Development Over Time
  5. Impact Speed and Post-Collision Speedometer Readings
  6. Conspicuity Sheeting, Retro Reflective Tape Wear
  7. Accelerometers and other Devices used for Skid and other testing
  8. GPS – The Overlooked EDR
  9. Using Motion Equations in Accident Reconstruction
  10. Onstar & Automatic Crash Response
  11. Find Speed and Acceleration from Video
- **2009 SATAI Summer Conference – July 10-11<sup>th</sup>, 2009**
  1. MADYMO dummy simulation software for Accident Reconstruction
  2. Biomechanical Analysis of Rollover Crashes
  3. Seat Belts in Rollover Crashes
- **2009 ARC-CSI Crash Conference – June 1-4, 2009**
  1. Evaluating Nighttime Response
  2. Optics, Lighting & Visibility for the Forensic Investigator
  3. Estimation of Vehicle Speed & Trajectory Based on Video from a Vehicle-Mounted Camera
  4. Commercial Vehicle Dynamics Factors in Collision Reconstruction
  5. Death Investigations & Their Psychological Effect on Police Officers and Reconstructionists
  6. Accuracy of Critical Speed Formula (CSF) When Applied to Yaw Marks Leading to Rollovers of SUVs
  7. Braking Efficiency of Motorcycles
  8. A Common Sense Approach to Explaining Real World Acceleration Values
  9. Human Factors Testing
  10. Air Brake Fundamentals & Advanced Technology plus Air Brake Performance
- **2008 ARC-CSI Crash Conference – June 2-5, 2008**
  1. New Vehicle Technologies and Their Relationship to Proper Crash Reconstruction Techniques
  2. Momentum and Energy: a Code 3 Case Study
  3. Judkins Law And it's Applications To The Human Factors Of Collision Avoidance And Witness Recall
  4. The introduction of close-range photogrammetry as a routine accident reconstruction tool
  5. Video Applications in Crash Reconstruction
  6. Reconstruction of Precision Immobilization Technique (PIT)
  7. Engine Idle Acceleration
  8. Current trends in Ped Crash Reconstruction
  9. Airborne Analysis with Rotational Mechanics

## **VEHICLE PERFORMANCE EVALUATIONS EXPERIENCE**

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### **BRAKING**

- FMVSS 105 – Hydraulic & Electric Brake Systems
- FMVSS 135 – Light Vehicle Brake Systems
- FMVSS 121 – Air Brake Systems
- FMVSS 122 – Motorcycle Brake Systems
- ECE R13H – European Brake Standard

### **STABILITY & HANDLING**

- ISO 3888 – Severe Lane Change Maneuver
- AVTP 03-30 – Steering & Maneuverability
- AVTP 03-160W – Dynamic Stability
- SAE J266 – Steady State Directional Control Test for Passenger Cars & Light Trucks
- NHTSA J-Turn
- SAE J695 - Turning Ability And Off Tracking--Motor Vehicles
- SAE J2181 - Steady-State Circular Test Procedure for Trucks and Buses

### **TIRE TESTING**

- NATO/FINABEL 20.A.5 – Tire Run-Flat Testing
- Tire Blow-Out Testing – non-standardized tests

### **MILITARY TESTING**

- TOP 1-1-014 - Ride Dynamics
- TOP 1-2-610 - Human Factors Engineering
- TOP 2-2-002 – Wheeled Vehicle Dynamic Stability & Handling
- TOP 2-2-500 - Vehicle Characteristics
- TOP 2-2-504 - Acceleration Maximum and Minimum Speeds
- TOP 2-2-505 - Inspection and Preliminary Operation of Vehicles
- TOP 2-2-508 - Automotive Safety and Health Hazard Evaluation
- TOP 2-2-609 – Steering & Manoeuvrability
- TOP 2-2-610 - Gradeability and Side Slope Performance
- TOP 2-2-650 – Engine Cold-Starting & Warm up
- TOP 2-2-607 – Cooling Systems
- TOP 2-2-602 – Acceleration & Maximum Speed

### **SOUND**

- SAE J986 – Sound Level for Passenger Cars & Light Trucks
- SAE J366 – Exterior Sound Level for Heavy Trucks and Buses
- SAE J1470 – Measurement of Noise Emitted by Accelerating Highway Vehicles
- SAE J1169 – Measurement of Light Vehicle Exhaust Sound Under Stationary Conditions

## Samuel R. Terry - List of Arbitrations, Depositions & Trials

**Our File - Testimony Type - Date:** 10010      Deposition      6/2/2010  
**D.O.L - Case Name:** 6/8/2007      Hamrick vs. Clegg  
**Legal info:** Case No. A565221, Dept. No. III, Clark County, Nevada  
**Client:** Oliver Melgar - Christensen Law  
**Venue:** Renalli & Zaniel by George Renalli

**Our File - Testimony Type - Date:** 10017      Deposition      9/9/2010  
**D.O.L - Case Name:** 3/9/2008      Dates vs. Nevada Checker Cab, et al  
**Legal info:** Case No. A572275, Dept. No. 22, Clark County, Nevada  
**Client:** Kerry Earley - Richard Harris Law Firm  
**Venue:** Wells & Rawlings by Kirby Wells

**Our File - Testimony Type - Date:** 10021      Deposition      10/22/2010  
**D.O.L - Case Name:** 4/26/2008      Ross v. Meyers  
**Legal info:** Case No. A592182, Dept. No. 8, Clark County, Nevada  
**Client:** Ryan Anderson - Chrisensen Law  
**Venue:** McCormick Barstow by Jessica Mann

**Our File - Testimony Type - Date:** 10011      Deposition      8/23/2011  
**D.O.L - Case Name:** 8/18/2007      Sison v. Marquez  
**Legal info:** Case No. A589823, Dept. No. 1, Clark County, Nevada  
**Client:** Ryan Anderson - Chrisensen Law  
**Venue:** Law Offices of Schuetze & McGaha, P.C. by William McGaha

**Our File - Testimony Type - Date:** 10033      Deposition      11/22/2011  
**D.O.L - Case Name:** 9/11/2006      Francisco Arroyo vs. Tina Schennum  
**Legal info:** Case No. CV08-02408, Dept. No. 6, Washoe County, Nevada  
**Client:** Adam Ganz - Ganz & Hauf  
**Venue:** Ganz & Hauf law offices by Alice Kung Herbolzheimer

**Our File - Testimony Type - Date:** 10058      Deposition      12/16/2011  
**D.O.L - Case Name:** 1/24/2008      Rau-Retke vs. Metlife  
**Legal info:** Case No. 2:07-CV-00982, United States District Court  
**Client:** Melanie Muldowney - Bell & Young  
**Venue:** Glen Lerner Injury Attorneys by Paul Powell

**Our File - Testimony Type - Date:** 10033      Trial      2/13/2012  
**D.O.L - Case Name:** 9/11/2006      Francisco Arroyo vs. Tina Schennum  
**Legal info:** Case No. CV08-02408, Dept. No. 6, Washoe County, Nevada  
**Client:** Adam Ganz - Ganz & Hauf  
**Venue:** Washoe County Courthouse, Reno, NV



**Our File - Testimony Type - Date:** 10059      Deposition      4/26/2012  
**D.O.L - Case Name:** 1/6/2010      Burton vs. Quality Mechanical et al.  
**Legal info:** Case No. A629689, Dept. No. XXXII, Clark County Nevada  
**Client:** John Turco - Turco & Draskovich  
**Venue:** Cisceros Clayson & Marias by Christine Moore

**Our File - Testimony Type - Date:** 12118      Deposition      9/27/2012  
**D.O.L - Case Name:** 4/3/2009      Hutsell vs. Williams, et al.,  
**Legal info:** Case No. A-11-636095-C, Dept. No. XXVIII, Clark County, Nevada  
**Client:** Jim Crockett - Crockett & Myers  
**Venue:** Crockett & Myers by Roger Strassburg, The Doyle Firm

**Our File - Testimony Type - Date:** 12110      Trial      12/13/2012  
**D.O.L - Case Name:** 8/28/2008      Cooltchinski vs. Derequito  
**Legal info:** Case No. A623307, Dept. No. ?, Clark County, Nevada  
**Client:** Roger Croteau - Roger P. Croteau & Assoc.  
**Venue:** Clark County District Court, Las Vegas, Nevada

**Our File - Testimony Type - Date:** 10052      Deposition      12/18/2012  
**D.O.L - Case Name:** 4/18/2010      Jesse Cruz vs. Durbin, et al.  
**Legal info:** 11-CV-00342-RCJ-LRL - United States District Court  
**Client:** Ramzy Ladah - Ladah Law Firm PLLC  
**Venue:** Western Reporting Services

**Our File - Testimony Type - Date:** 13105      Trial      3/5/2013  
**D.O.L - Case Name:** 1/16/2012      Munoz vs. Ortiz  
**Legal info:** Case No. A-12-673426-C, Department 30, Clark County, Nevada  
**Client:** Preston Rezaee - The Firm, P.C.  
**Venue:** Clark County District Court, Las Vegas, Nevada

**Our File - Testimony Type - Date:** 10035      Deposition      5/10/2013  
**D.O.L - Case Name:** 9/24/2010      Medina vs. Medina  
**Legal info:** Case No. A-11-634110-C, Dept. XXVII, Clark County, Nevada  
**Client:** Matt Minucci - Christensen Law  
**Venue:** Dennett / Winspear by Ryan Dennett

**Our File - Testimony Type - Date:** 13107      Deposition      5/23/2013  
**D.O.L - Case Name:** 8/12/2011      Sanchez vs. Tod, et al.  
**Legal info:** Case No. 2:12-cv-00870-MMD-GWF, US District Court  
**Client:** Ryan Anderson - Morris / Anderson  
**Venue:** Olson, Cannon, Gormley.... By Michael Federico

**Our File - Testimony Type - Date:** 12105      Deposition      6/19/2013  
**D.O.L - Case Name:** 3/1/2009      Temple vs. Nevada Star Cab, et al.  
**Legal info:** Case No. A-11-634848-C, Dept. XXX, Clark County, Nevada  
**Client:** Adam Ganz - Ganz & Hauf  
**Venue:** Litigation Services, by Tamer Botros

**Our File - Testimony Type - Date:** 13101      Deposition      10/17/2013  
**D.O.L - Case Name:** 12/23/2009      Mendoza vs. Barr, et al.  
**Legal info:** Case No. A-11-635887-C, Dept. XIII, Clark County, Nevada  
**Client:** Ryan Anderson - Morris / Anderson  
**Venue:** Perry & Westbrook, by Alan Westbrook

**Our File - Testimony Type - Date:** 14125      Deposition      11/14/2014  
**D.O.L - Case Name:** 5/17/2012      Alvares vs. McMullen, et al.  
**Legal info:** Case No. 2:13-CV-022560GMN-CWH, Dept. ??, Clark County, Nevada  
**Client:** Ryan Anderson - Morris / Anderson  
**Venue:** Wilson Elser, by Kevin Smith

**Our File - Testimony Type - Date:** 14167      Deposition      1/2/2015  
**D.O.L - Case Name:** 4/5/2013      Marvin vs. Rushfield, et al.  
**Legal info:** Case No. A-697145, Dept. XXX, Clark County, Nevada  
**Client:** Marjorie Hauf - Ganz & Hauf  
**Venue:** by Casey Tyler

**Our File - Testimony Type - Date:** 14135      Deposition      2/2/2015  
**D.O.L - Case Name:** 12/12/2011      Keller et al., vs. Stiegler, et al.  
**Legal info:** Case No. A-677147 Dept. XXIX, Clark County, Nevada  
**Client:** Kurt Anderson - Christensen Law  
**Venue:** Emerson & Manke by Joshua Dowling

**Our File - Testimony Type - Date:** 14158      Deposition      2/18/2015  
**D.O.L - Case Name:** 6/5/2012      Alvarez vs. NLV Cab  
**Legal info:** Case No. A-13-678755-C Dept. XIV, Clark County, Nevada  
**Client:** Adam Ganz; Ganz & Hauf  
**Venue:** Ganz & Hauf by Brent Jordan

**APPENDIX B**  
**SCALED SITE DIAGRAM**  
**11x17**



CHEYENNE AVENUE (EASTBOUND)

5TH STREET

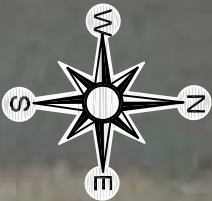
Hill Profile @ 65" Eye Height

Chainlink Fence

V1 Tire Friction Marks

A/C

110	Onset of Visible Skid
124	Brake Application
197	Approx. 1 sec. to Brake Application
233	Approx. 1.5 sec. to Brake Application
270	Approx. 2.0 sec. to Brake Application



**LIST**  
MARJORIE HAUF, ESQ.  
Nevada Bar No. 8111  
IDA M. YBARRA, ESQ.  
Nevada Bar No. 11327  
GANZ & HAUF  
8950 W. Tropicana Ave., Ste. 1  
Las Vegas, Nevada 89147  
Tel: (702) 598-4529  
Fax: (702) 598-3626

Attorneys for Plaintiff

-000-

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

JAPONICA GLOVER-ARMONT,  
  
Plaintiff,

CASE NO.: A-13-683211-C  
DEPT NO.: XIX

vs.

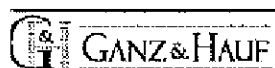
JOHN CARGILE; CITY OF NORTH LAS  
VEGAS, a Municipal Corporation existing  
under the laws of the State of Nevada in the  
County of Clark; DOES I through X, inclusive;  
and/or ROE CORPORATIONS I through X,  
inclusive,

Defendants.

**PLAINTIFF'S DESIGNATION OF  
EXPERT WITNESSES**

Plaintiff, JAPONICA GLOVER-ARMONT, by and through her attorney, MARJORIE HAUF, ESQ., of the law firm of GANZ & HAUF, hereby produces her List of Expert Witnesses pursuant to Rule 16.1 of the Nevada Rules of Civil Procedure as follows (said witnesses are expected to testify in person at the time of trial of this matter, however, Plaintiff reserves the right to use each of the below-listed experts as well as those previously listed experts' respective deposition(s) in place of their live testimony, if the circumstances warrant said use):

///





1 I. EXPERT WITNESSES

2 1. Raimundo Leon, M.D.  
3 Advanced Pain Consultants  
4 2650 Crimson Canyon Drive  
5 Las Vegas, Nevada 89128

6 Raimundo Leon, M.D. is a Nevada licensed doctor, Board-certified and Fellowship-trained  
7 in pain medicine and anesthesiology, who will provide testimony regarding causation and damages  
8 issues. He is expected to testify as to the nature, extent and cause of the injuries suffered by  
9 Japonica Glover-Armont; the past medical treatment provided for her; the future medical treatment  
10 needed; the amount, necessity, and reasonableness of the charges for the past and future medical  
11 treatment; and that the charges for the past and future medical treatment are within the usual and  
12 customary charges in the community. Dr. Leon's testimony may also include expert opinions as to  
13 whether Ms. Glover-Armont has any restrictions of activities, including work activities, and Ms.  
14 Glover-Armont's life expectancy. Dr. Leon's opinions are expected to be consistent with his  
15 reports. Dr. Leon will also rebut the opinions of Defendants' experts, if any.

16 Dr. Leon has authored medical records which have been produced in Plaintiff's Production  
17 of Documents and Witness List Pursuant to NRCP 16.1 and any supplements thereto. The exhibits  
18 to be used as a summary of support for Dr. Leon's opinions are Ms. Glover-Armont's medical  
19 records, billing, all deposition testimony in this case, Ms. Glover-Armont's radiographic studies,  
20 records, billing, all deposition testimony in this case, Ms. Glover-Armont's radiographic studies,  
21 films, and reports, all expert reports, his evaluation of Ms. Glover-Armont, as well as the report  
22 produced in Plaintiff's Second Supplemental Production of Documents and Witness List Pursuant  
23 to NRCP 16.1., as Exhibit 13 served concurrently herewith.

24 Dr. Leon was provided with the following records:

- 25
- 26 • Complaint;
  - 27 • Answer;
  - 28 • Traffic Accident report with photographs;
  - Advanced Care Emergency Services;
  - North Vista Hospital;
  - Medic West Ambulance Services;

- Matt Smith Physical Therapy;
- Las Vegas Radiology;
- Sams Club Pharmacy;
- Estimate & photos of Defendant's Truck; and
- Photographs of Plaintiff's Car;
- North View Hospital Medical Records;
- Defendants' Answer to Request for Production of Documents;
- Defendant City of North Las Vegas Answers to Request for Admissions;
- Defendant City of North Las Vegas Answers to Interrogatories
- Defendant John Cargiles' Answers to Request for Admissions;
- Defendant John Cargiles' Answers to Interrogatories;
- Plaintiff's responses to Defendants' Interrogatories;
- Plaintiff's response to Request for Production of Documents; and
- Deposition of Japonica Glover-Armont.

Dr. Leon's fee schedule is as follows: \$1,500 per hour for deposition testimony; \$5,000 per half day, plus travel expenses, for trial testimony; and \$10,000, plus travel expenses, for an entire day of trial testimony. A copy of Dr. Leon's curriculum vitae, prior testimony list, and fee schedule produced in Plaintiff's Second Supplemental Production of Documents and Witness List Pursuant to NRCP 16.1., as Exhibit 14.

2. Sam Terry  
Exhibit-A  
PO Box 53011  
Henderson, NV 89053

Mr. Terry is an engineer specializing in automobile collision analysis, reconstruction and vehicle dynamics. Mr. Terry will testify regarding the accident at issue and his testimony will be consistent with his report. Mr. Terry's report is attached as Exhibit 15 in Plaintiff's Second Supplemental Early Case Conference Report. His fee schedule, testimony list and curriculum vitae attached as Exhibit 16 in Plaintiff's Second Supplemental Early Case Conference Report, served concurrently herewith.

Mr. Terry was provided the following records:

- Complaint;
- Answer;
- Traffic Accident report with photographs;
- Defendant's Estimate;

- Photos of Defendant's Truck;
- Notice of Claim to City;
- Maintenance records for Defendant's truck;
- Pictures of site;
- Defendants' Answer to Request for Production of Documents;
- Defendant City of North Las Vegas Answers to Request for Admissions;
- Defendant City of North Las Vegas Answers to Interrogatories
- Defendant John Cargiles' Answers to Request for Admissions;
- Defendant John Cargiles' Answers to Interrogatories;
- Plaintiff's responses to Defendants' Interrogatories;
- Plaintiff's response to Request for Production of Documents;
- Photographs of Plaintiff's Car;
- Advanced Pain Consultants Medical Records;
- Dr. Leon's Medical Record Review;
- North Vista Hospital Medical Records; and
- Deposition of Japoinca Glover-Armont.

Mr. Terry's fee schedule is as follows: \$365.00 per hour for deposition testimony and \$365.00 per hour for trial testimony.

3. Officer Jim Byrne, ID # 956  
c/o North Las Vegas Police Department  
2332 Las Vegas Blvd. North, Ste. 200  
North Las Vegas, NV 89030

This non-retained witness is expected to give expert and rebuttal testimony and opinions regarding the nature, causation and investigation of the subject incident and testimony regarding the conditions, weights, speeds, distances, measurements, parties' perceptions and times as they relate to this accident. He is expected to also review documents outside his report for the purpose of providing and defending those opinions. The qualifications of this witness are that he is a trained police officer in accident investigation with the North Las Vegas Police Department. This witness' fee is as proscribed in NRCP 45(b)(1).

### **III. NON-RETAINED PHYSICIANS AND WITNESSES**

The following non-retained physicians and witnesses are expected to give opinions regarding the treatment of Plaintiff at their respective facilities, the authenticity of the records for said treatment, the necessity of treatment rendered, and the causation of the necessity for the



1 medical treatment rendered. Their opinions shall include the cost of past medical care, diagnostic  
2 testing, surgery and medication; the cost of future medical care, diagnostic testing, surgery and  
3 medication; and whether those past and future medical costs fall within the ordinary and customary  
4 charges in the community for similar medical care and treatment:

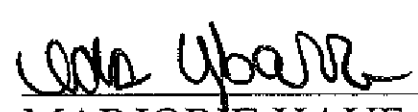
- 5 1. Patrick Flores M.D.  
6 The Person Most Knowledgeable and/or  
7 The Custodian of Records for  
8 Advanced Care Emergency Services  
9 P.O. Box 30102 Dept. 300  
10 Salt Lake City, UT 84130-0102
- 11 2. Patrick Flores, M.D.  
12 The Person Most Knowledgeable and/or  
13 The Custodian of Records for  
14 North Vista Hospital  
15 1409 E. Lake Mead Blvd.  
16 N. Las Vegas, NV 89030
- 17 3. The Person Most Knowledgeable and/or  
18 The Custodian of Records for  
19 Medicwest Ambulance Service  
20 9 W. Delhi Ave  
21 North Las Vegas, NV 89030
- 22 4. Michael McKay, DPT,  
23 Mark Mateja, PT  
24 The Person Most Knowledgeable and/or  
25 The Custodian of Records for  
26 Matt Smith Physical Therapy  
27 3155 W. Craig Rd., Ste 140  
28 N. Las Vegas, NV 89132
5. Bhuvana Kittusamy, M.D.  
The Person Most Knowledgeable and/or  
The Custodian of Records for  
Las Vegas Radiology  
7500 Smoke Ranch Rd. Ste 1  
Las Vegas, NV 89128
6. Raimundo Leon, M.D.  
The Person Most Knowledgeable and/or  
The Custodian of Records for  
Advanced Pain Consultants  
2650 Crimson Canyon Dr.  
Las Vegas, NV 89128

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- 7. The Person Most Knowledgeable and/or  
The Custodian of Records for  
Sam's Club Pharmacy  
2650 E. Craig Rd  
Las Vegas, NV 89081
  
- 8. Patrick Flores, D.O.  
The Person Most Knowledgeable and/or  
The Custodian of Records for  
Advanced Care Emergency Services

Dated this 23<sup>rd</sup> day of February, 2015.

GANZ & HAUF

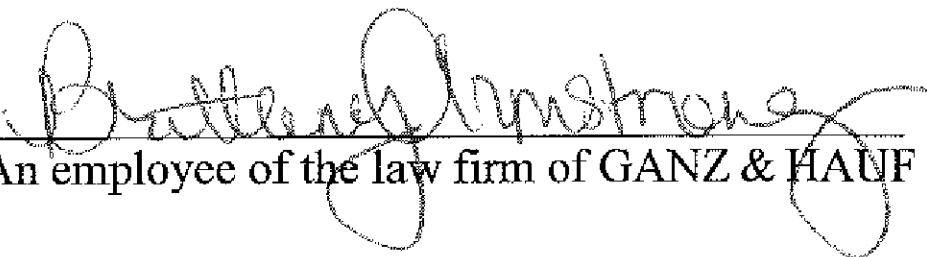
  
MARJORIE HAUF, ESQ.  
Nevada Bar No. 8111  
IDA M. YBARRA, ESQ.  
Nevada Bar No. 11327  
8950 W. Tropicana Ave., Suite 1  
Las Vegas, Nevada 89147  
Attorney for Plaintiff

CERTIFICATE OF E-SERVICE

Pursuant to NRCP 5(b) and EDCR 7.26, I certify that on this date, I served the foregoing  
**PLAINTIFF'S INITIAL EXPERT DISCLOSURE** on all parties via wiznet:

Christopher Craft, Esq.  
Deputy City Attorney  
2250 Las Vegas Blvd Ste 810  
North Las Vegas, NV 89030

Dated this 23rd day of February, 2015.

  
An employee of the law firm of GANZ & HAUF