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IN THE SUPREME COURT OF THE STATE OF NEVADA

VERONICA JAZMIN CASTILLO, AN
INDIVIDUAL,

Appellant,

vs.

ARMANDO PONS-DIAZ, AN
INDIVIDUAL,

Respondent.

Supreme Court Case No. 82267

District Court Case No.A-19-789525-C

APPELLANT'S
APPENDIX VOLUME 3A

Appellant VERONICA JAZMIN CASTILLO submits the following Appellant's Appendix in the Appeal from the Eighth Judicial District Court of the State of Nevada in and for the County of Clark, Department 4, the Honorable Nadia Krall

THOMAS A. LARMORE, ESQ.
Nevada Bar No. 7415
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3037East Warm Springs Road,Ste. 300
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Attorney for Appellant
Veronica Jazmin Castillo

Appellant VERONICA JAZMIN CASTILLO, by and through her counsel of record, Desert Ridge Legal Group, hereby submit its Appellant's Appendix in compliance with Nevada Rules of Appellate Procedure 30(b)(4).

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The Appendix satisfies NRAP 30(c)(3) (2013), with each volume containing no more than 250 pages.

DATED: September 21st 2021.

/s/ Thomas A. Larmore

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Road, Suite 300
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of September 2021, I served a true and complete copy of the foregoing **APPELLANT'S APPENDIX VOLUME 3** **addressed** to the parties below as follows:

☒ [X] by placing a true and correct copy of the same to be deposited for mailing in the U.S. Mail, enclosed in a sealed envelope upon which first class postage was fully prepaid; and /or
☐ [] via facsimile; and or
☐ [] by hand delivery to parties listed below; and or
☒ [X] by electronic service via E Flex through the Supreme Court of the State of Nevada.

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/s/ Jeri L. Roth
Desert Ridge Legal Group



Chiropractic Guidelines

Nevada.

- f) Conviction of any offense involving moral turpitude, or the conviction of a felony. The record of the conviction is conclusive evidence of unprofessional conduct.
- g) Administering, dispensing or prescribing any controlled substance.
- h) Conviction or violation of any federal or state law regulating the possession, distribution or use of any controlled substance. The record of conviction is conclusive evidence of unprofessional conduct.
- i) Habitual intemperance or excessive use of alcohol or alcoholic beverages or any controlled substance.
- j) Conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interests of the public
- k) Violating, or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or the regulations adopted by the board, or any other statute or regulation pertaining to the practice of chiropractic.
- l) Employing, directly or indirectly, any suspended or unlicensed practitioner in the practice of any system or mode of treating the sick or afflicted, or the aiding or abetting of any unlicensed person to practice chiropractic under this chapter.
- m) Repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner.
- n) Solicitation by the licensee or his designated agent of any person who, at the time of the solicitation, is vulnerable to undue influence, including, without limitation, any person known by the licensee to have recently been:
 - (i) Involved in a motor vehicle accident;
 - (ii) Involved in a work-related accident; or
 - (iii) Injured by, or as the result of the actions of, another person.
- o) Employing, directly or indirectly, any person as a chiropractor's assistant unless the person has been issued a certificate by the board pursuant to NRS 634.123, or has applied for such a certificate and is awaiting the determination of the board concerning the application.



Appendix B
Nevada Revised Statutes Chapter 634
(Chiropractic) excerpts

NRS 634.015 Gross malpractice defined.

Gross malpractice means malpractice where the failure to exercise the requisite degree of care, diligence or skill consists of ministering to a patient while the chiropractor is under the influence of alcohol or any controlled substance.

NRS 634.017 Malpractice defined.

Malpractice means failure on the part of a chiropractor to exercise the degree of care, diligence and skill ordinarily exercised by chiropractors in good standing in the community in which he practices.

NRS 634.018 Unprofessional conduct defined.

Unprofessional conduct means:

- a) Obtaining a certificate upon fraudulent credentials or gross misrepresentation.
- b) Procuring, or aiding or abetting in procuring, criminal abortion.
- c) Obtaining a fee on assurance that a manifestly incurable disease can be permanently cured.
- d) Advertising chiropractic business in which grossly improbable statements are made, advertising in any manner that will tend to deceive, defraud or mislead the public or preparing, causing to be prepared, using or participating in the use of any form of public communication that contains professionally self-laudatory statements calculated to attract lay patients. As used in this subsection, public communication includes, but is not limited to, communications by means of television, radio, newspapers, books and periodicals, motion picture, handbills or other printed matter. Nothing contained in this subsection prohibits the direct mailing of informational documents to former or current patients.
- e) Willful disobedience of the law, or of the regulations of the state board of health or of the chiropractic physicians board of



Chiropractic Guidelines

NRS 634.227 Unlawful acts; penalties.

- a) A person who:
 - (i) Presents to the board as his own the diploma, license or credentials of another;
 - (ii) Gives false or forged evidence of any kind to the board; or
 - (iii) Practices chiropractic under a false or assumed name or falsely personates another licensee,is guilty of a misdemeanor.
- b) Except as otherwise provided in NRS 634.105, a person who does not hold a license issued pursuant to this chapter and:
 - (i) Practices chiropractic in this state;
 - (ii) Holds himself out as a chiropractor;
 - (iii) Uses any combination, variation or abbreviation of the terms chiropractor, chiropractic or chiropractic physician as a professional or commercial representation; or
 - (iv) Uses any means which directly or indirectly conveys to another person the impression that he is qualified or licensed to practice chiropractic, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

NRS 634.230 Penalty. Except as provided in NRS 634.227, any person violating any of the provisions of this chapter shall be guilty of a misdemeanor.



notes

ARBITRATION AWARD/JURY VERDICT COMPARISON

<u>CASE</u>	<u>ARBITRATION AWARD</u>	<u>JURY VERDICT</u>	<u>SHORT TRIAL VERDICT</u>
2005			
Bender vs. Pavlow (personal injury- auto) A429769	\$18,861.94	\$19,120.71	
Wirth vs. Reagan (personal injury- auto) A441697	\$ 7,148.86		Defense verdict
Lujan vs. Fore (personal injury- auto) A437146	\$20,586.00		\$13,175.00
2006			
Moore v. Han (personal injury- auto) A468390	\$20,000.00		Defense verdict
Johnson vs. Halper (personal injury- auto) A451182	\$ 9,832.85		\$ 9,331.85
Pagan vs. Collins (personal injury- auto) A466124	\$ 5,166.00		Defense verdict
Dixon vs. Talbot (personal injury- auto) A462712	\$40,000.00	Defense verdict	
Gomez vs. Stoner (personal injury- auto) A491618	\$10,338.00		\$ 2,392.00
Pautler/Collins vs. LVMPD/Conk (personal injury- auto) A473570	\$ 9,364.13 \$40,000.00		Defense verdict

APP000506

Baldwin vs. Autry (personal injury- auto) A464269	\$ 3,700.00		\$ 2,000.00
Gonzalez vs. Farr (personal injury- auto) A450487	Undisclosed		Pltf Mtn Dismiss
Becerra vs. Interstate Plumbing (personal injury- auto) A457837	\$38,000.00	\$30,000.00 reduced to \$15,300 pltf 49 % at fault	
Imboden vs. Hutchinson (personal injury- auto) A478035	Undisclosed	\$ 4,050.00	
Beard vs. Lara (personal injury- auto) CV037138	\$ 5,935.25	Defense verdict	
Feeski vs. Montano (personal injury- auto) A471179	\$15,000.00	Settled at 2 nd day of trial for \$15,000.00	
Stavinsky vs. DePaulo (personal injury-auto) A439866	\$11,000.00	\$ 963.53	
Almeida vs. Sher (personal injury- auto) A455253	\$25,000.00	\$ 2,084.00	
Torres vs. Pollard (personal injury- auto) A481196	\$ 4,650.00	\$5,650.00 reduced to \$3,390 pltf 40% at fault	
McArdle vs. Hascall (personal injury- auto) CV05-0272	\$16,505.61		\$21,505.61
Caldwell vs. Peterson (personal injury-auto) A469876	\$ 2,500.00 \$ 2,500.00	Defense verdict	

Romero vs. Cowin (personal injury- auto) A482732	\$13,900.00	\$15,000.00	
Garcia vs. Guillen (personal injury- auto) A488428	\$ 9,019.38	\$ 0 jury found deft and pltf both negligent	
Johnson vs. Ripa (personal injury- auto) A460028	\$11,215.02		\$ 9,740.54
Davis vs. Mitchell (personal injury- auto) A502130	\$30,500.00		\$30,000.00 reduced to \$22,500 pltf 25% at fault
Fuentes vs. Morello (personal injury- auto) A477527	\$ 5,478.80		\$ 8,500.00
Degrasse vs. Yim (personal injury- auto) CV05-1466	\$13,945.37		\$13,046.37
Alvarez/Lomeli vs. Orvis (personal injury-auto) CV05-0647	\$ 7,460.25 \$10,662.50		Defense verdict
Clita vs. Frankewich (personal injury- auto) A509483	\$12,128.00		Defense verdict
Yamaguchi vs. Cooper (personal injury-auto) A500135	\$30,000.00		Defense verdict
Baer/DePaoli vs. Reinhardt (personal injury-auto) CV05-0704	\$22,000.00 \$ 8,500.00 \$10,000.00 \$11,000.00		\$20,000.00 \$ 6,500.00 \$ 6,000.00 \$ 9,500.00
Howard vs. Lash (personal injury- auto) CV05-01033	\$12,500.00		\$15,600.00

Grennan vs. Chamberlain (personal injury-auto)	Undisclosed		\$ 8,000.00
2007			
Bryant-Levi vs. Silverman (personal injury-auto) A499709	\$10,000.00		\$ 9,000.00
Morejon vs. Cali (personal injury-auto) A486617	\$15,459.10	\$12,500.00	
DiFore vs. Doble (personal injury-auto) A450726	\$13,593.10		Defense verdict
Herrera vs. Tillman (personal injury-auto) A502191	\$11,000.00	\$ 1,500.00	
Montoya vs. Mania (personal injury-auto) A504287	\$ 2,250.00		Defense verdict
Rascon vs. Roberts (personal injury-auto) A505747	\$ 4,459.50		\$ 305.00
Galvez vs. Burgess (personal injury-auto) A488335	\$ 8,355.00	\$ 5,355.00	
Yang vs. Hammond (personal injury-auto) A487993	\$14,187.19	\$29,500.00 reduced to \$20,650 pltf 30% at fault	
Shores vs. Marciniak (personal injury-auto) A461943	\$37,000.00	\$144,166.00	
Kolbo vs. Elkins (personal injury-auto) A503751	\$34,209.47		Defense verdict

Dang vs. Kearney (personal injury- auto) A489762	\$21,847.50		\$ 5,756.30
Jelinek vs. Sprout (personal injury- auto) A511746	\$13,865.12		\$ 4,230.75
Bass, Perez, Smith vs. Jackson (personal injury- auto) A492586	\$41,061.95	Pltf dismissed on 2 nd day of trial	
Samuels vs. Dubois (personal injury- auto) A506112	\$10,500.00		\$10,500.00
Goldstein vs. Koval (personal injury- auto) A488015	\$19,299.23		Defense verdict
Rothman- Buchbinder vs. Grinnell (personal injury-auto) A428259	\$27,500.75		Defense verdict
Lau vs. Saucedo (personal injury- auto) A484904	\$12,900.00		\$22,926.80
Lapuz vs. Troike (personal injury- auto) A520146	\$ 5,566.62		\$ 446.00
Faley vs. Noyes (personal injury- auto) A492796	\$ 6,300.00		\$ 0
Huang vs. Davis (personal injury- auto) A481800	\$ 6,377.74		Defense verdict
Ostmark vs. Hutton (personal injury- auto) A521439	\$ 9,099.00		\$ 1,160.00

Lorenzo-Casimiro vs. Gonzalez (personal injury- auto) A510085	\$12,500.00		\$ 5,000.00
2008			
Mathis vs. Martinez (personal injury- auto) A515966	\$ 9,825.00		\$ 5,000.00
Holloway vs. Michaud (personal injury-auto) A502310	\$ 6,600.00		\$10,000.00
Jones vs. Allstate (personal injury- auto) A506301	\$30,000.00		\$77,000.00
Piazza vs. Lilly (personal injury- auto) A517818	\$11,268.82		\$11,268.82
Luu vs. Burge (personal injury- auto) A517879	\$16,000.00		\$14,335.00
Price vs. Zamora (personal injury- auto) A479160	\$18,000.00		\$18,000.00
Goott vs. Barber (personal injury- auto) A518843	\$12,000.00		\$ 8,000.00
Adolphsen vs. Kreins (personal injury-auto) A502364	\$ 7,908.97		Defense verdict
Ivanova vs. Palomino (personal injury-auto) A515126	\$ 7,030.00		\$ 7,030.00
Sweiss vs. Mello (personal injury- auto)	\$37,642.38		\$42,642.38

A471889			
Cota vs. Demille (personal injury- auto) A526200	\$11,391.00		Defense verdict
Harron vs. Twet- Meister (personal injury-auto) A517304	\$13,500.00		\$16,000.00
Brown vs. Howard (personal injury- auto) A523954	Undisclosed		\$ 548.15
Baker vs. Alexander (personal injury- auto) A484802	\$ 5,027.00	\$ 7,680.25	
Begay vs. Chavez (personal injury- auto) A520664	\$ 9,832.95		\$11,455.00
Butler vs. McCawley (personal injury- auto) A526990	\$ 4,375.00		\$ 338.00
Wyatt vs. Michels (personal injury- auto) A479781	\$14,235.50		\$ 4,325.00
Thompson vs. Murphy (personal injury-auto) A499090	\$19,500.00	\$23,365.51	
Baires vs. Militello (personal injury- auto) A527864	Undisclosed		\$7,077.00
Ratliff/Crane vs. Salinas (personal injury-auto) A505557	\$ 7,000.00 \$10,500.00		Defense verdict
Snyder vs. Patel (personal injury- auto) A522863	\$13,250.00 \$12,350.00		\$ 4,493.00 \$ 3,743.00

O'Brien vs. Davis (personal injury- auto) A524338	\$25,451.02		Defense verdict
Tital Ins. Co. vs. Best (property damage-auto) A520117	\$15,000.00		Defense verdict
Palmer vs. Ranson (personal injury- auto) A515631	\$ 8,922.35		\$24,000.00
Acosta vs. Parks (personal injury- auto) A525903	\$ 5,000.00		Defense verdict
Murnane/Stone vs. Gomes (personal injury-auto) A522988	Undisclosed		Defense verdict
Mahan vs. Gonzalez (personal injury- auto) A522113	\$14,600.00		Defense verdict
Brown vs. Smith (personal injury- auto) A526660	Undisclosed		Defense verdict
Berkman vs. Kastan (personal injury- auto) A528924	\$11,500.00		\$12,900.00
Perez vs. Mickle (personal injury- auto) A529174	\$ 5,140.00		\$ 2,570.00
Spivey/Moser vs. Sanchez (personal injury-auto) A535423	\$ 7,500.00 \$ 8,500.00		Defense verdict
Elijah vs. Laska (personal injury- auto) A521663	\$19,500.00		\$ 0
Sepulveda vs. King (personal injury-			

auto) A527734	\$16,324.00		\$ 1,000.00
Morales vs. Williams (personal injury-auto) A531295	\$ 6,120.00		\$ 6,940.00
Gonzales vs. Sablan (personal injury- auto) A518111	\$11,356.50		Defense verdict
Cain vs. Thomasula (personal injury- bicycle) A524038	Undisclosed		Defense verdict
Jimenez/Rosales vs. Gywnn (personal injury-auto) A534000	\$37,000.00		\$12,000.00
Thepprasit vs. Steckler (personal injury-auto) A532558	\$ 7,500.00		\$ 1,500.00
Vigil vs. Yates (personal injury- auto) A529632	\$ 7,965.00		Defense verdict
Aikman-Sso vs. Gust (personal injury-auto) A521225	\$12,000.00		\$18,276.00
Sandoval/Jolon vs. Gillens (personal injury-auto) CV07-00667	\$ 3,915.00 \$ 3,610.00 \$ 436.00 \$ 6,560.00 \$ 3,610.00		\$ 3,915.00 \$ 3,610.00 \$ 436.00 \$ 6,560.00 \$ 3,610.00
Broadbent vs. Rodriquez (personal injury-auto) A528804	\$45,719.00	\$45,719.00	
Obeso/Trejo vs. Phillips (personal injury-auto) A534790	\$12,000.00 \$ 9,000.00		\$ 545.00 \$ 285.00
Crouch vs. Ortiz (personal injury- auto)	Undisclosed		\$ 914.29

A538835			
Lawson vs. Welsh (personal injury- auto) A515667	\$28,511.00		\$33,446.00 reduced to \$26,756.80 pltf 20% at fault
McNeelege vs. Reyes (personal injury-auto) A536288	\$16,855.50		\$ 3,750.00
Le/Pham vs. Dow (personal injury- auto) A497940	\$ 4,300.00		Defense verdict
Rai vs. Tupoumalohi (personal injury- auto) A540807	\$16,209.77		\$ 7,709.77
2009			
Marciniak vs. Savannah (personal injury-auto) A530757	\$ 5,073.60		\$ 9,583.60
Donaldson vs. Avery (personal injury-auto) A535293	\$12,702.13		\$10,007.86
Annalora vs. Falco (personal injury- auto) A541722	\$26,273.00		Defense verdict
Balajadia vs. Blackford (personal injury-auto) A531450	\$ 9,350.00		Defense verdict
Demarchis vs. Mahnesmith (personal injury- auto) A541176	\$20,521.00		\$11,491.00
Williams-Tolbert vs. Gonzalez (personal injury- auto)	\$ 7,385.50	\$ 2,600.00	

CV 08-00019			
Cota vs. Goc-Ong (personal injury- auto) A546527	\$10,200.00		\$10,200.00
Boumelhem vs. Malco Enterprises and Budget Rent-A- Car (personal injury-auto) A551075	\$30,000.00		\$19,391.00
Graham vs. Harrah's Imperial Palace (personal injury-slip and fall) A548247	\$13,000.00		Defense verdict
Owens vs. Anderson (personal injury- auto) A537788	Undisclosed		Defense verdict
Rosen vs. Ventures, LLC (personal injury-slip and fall) A527449	\$26,506.00		\$28,750.00 reduced to \$14,375.00 pltf 50% at fault
Crawford vs. Goodman (personal injury-auto) CV 08-0577	\$39,767.71		\$14,890.71
Hamlin vs. Lavell (personal injury- auto) A549946	\$15,741.91		\$ 6,000.00
Dicus vs. McGirl (personal injury- auto/bicycle) A544468	\$ 5,500.00		\$ 5,102.00 reduced to \$3,826.50 pltf 25% at fault
Pace-Henning vs. Bruno (personal injury-auto) A555924	\$ 3,780.00		\$ 5,000.00
Maestas vs. Pita (personal injury- auto) A537448	\$11,052.50		\$ 0

Butler vs. Graff (personal injury- auto) A554627	\$22,421.00		Defense verdict
Doria vs. Bowen (personal injury- auto) A520904	\$26,602.96		\$30,000.00
Chinchilla vs. Nawid (personal injury-auto) A541386	\$12,500.00		Defense verdict
Gantt vs. Peacock (personal injury- auto) A536220	\$ 6,500.00 \$ 8,500.00		\$10,000.00 \$15,000.00
Mayers vs. Rege (personal injury- auto) A558016	\$ 8,150.00		\$ 3,050.00
Mihos vs. A NLV Cab (personal injury-auto) A546299	\$25,408.38		Defense verdict
Scott vs. Vicars (personal injury- auto) A557379	\$12,000.00 \$10,000.00		\$ 4,345.00 \$ 3,420.00
Rodriguez vs. Valles (personal injury-auto) CV 08-00951	\$11,426.00		Defense verdict
Dixon vs. Solano (personal injury- auto) A552261	Undisclosed		Defense verdict
Castillo-Viveros and Castillo-Quintero vs. Quintero (personal injury- auto) CV 08-00874	\$14,000.00		Defense verdict
Casillas vs. Schrader (personal injury-auto) A555417	Undisclosed		\$ 0

Flores vs. Appleyard (personal injury-auto) A559602	\$15,755.22		\$ 6,310.00 reduced to \$3,155.00 pltf 50% at fault
Pashales vs. Lightfoot (personal injury-auto) CV08-02588	\$18,000.00		\$ 9,000.00
Sahagun vs. Castro (personal injury- auto) CV08-01128	\$13,535.50		\$ 8,000.00
Brown/Jones vs. King-Hong (personal injury- auto) A553596	\$22,354.00 \$ 3,948.00		\$20,452.00 \$ 2,194.00
Leeds vs. Hybarger (personal injury- auto) CV08-02580	\$12,283.48		\$ 9,283.40
Long vs. DMK Concrete (personal injury-falling object) A559104	\$27,000.00		Defense verdict
Perez/Sanchez/ Jimenez vs. Shewman (personal injury-auto) A560916	\$13,995.00 \$10,711.00 \$24,804.00		Defense verdict
Caballero vs. Haddad (personal injury-auto) A556699	\$12,990.00 \$ 110.00		\$10,490.00 \$ 325.00
2010			
Ponce-Guillen vs. Hernandez (personal injury-auto) A556302	\$18,160.00		\$ 5,420.00
Zuehlisdorf vs. Powell (personal injury-auto) A560229	\$ 7,500.00 \$ 7,500.00		Defense verdict
Jordan vs. Varuola			

(personal injury- auto) A573711	\$ 5,485.94		\$ 3,974.70
Hunter vs. Nevada Checker Cab (personal injury- auto) A559991	\$26,000.00		\$105,000.00
Cervantes vs. Consolidaed Mechanical (personal injury auto) A563866	\$16,500.00		\$16,500.65
Landero vs. Serio (personal injury- auto) A558223	Undisclosed		\$ 0
Turner vs. Connite (personal injury- auto) A567292	\$11,000.00 \$ 1,000.00		\$ 3,844.46
Howard vs. Hernandez (personal injury-auto) A523389	\$13,900.00	Defense verdict	
Samson vs. Monarrez (personal injury-auto) A569197	Undisclosed		Defense verdict
Flores-Pagaduan vs. Hilderscheid (personal injury- auto) A540183	\$ 9,955.00		\$ 4,000.00 reduced to \$2,000 pltf 50% at fault
Agar vs. Ephriam (personal injury- auto) A574764	\$11,900.00		\$ 9,714.08
Smith vs. Christof (personal injury- auto) A572963	\$21,500.00		\$12,500.00
Walker/Thompson vs. Lenahan (personal injury-	\$12,831.00		\$ 8,548.00

auto) A569401	\$ 6,025.00		\$ 7,025.00
Melton vs. Seiler (personal injury- auto) A576828	\$ 8,720.00		Defense verdict
Dapat/Sandoval/ Mtallaloui vs. Holt (personal injury- auto) A548650	\$12,500.00 \$12,100.00 \$19,00000		Defense verdict
Abell vs. Ting (personal injury- auto) A565059/566082	Undisclosed		Defense verdict
Palma vs. Sanchez- Castaneda (personal injury-auto) A570812	\$ 7,890.00		\$ 8,945.10
Ferreiro vs. Santos (personal injury- auto) A576986	\$11,000.00 \$12,000.00		\$ 2,573.00 \$ 2,832.00
Deluca vs. Chambers (personal injury-auto) A490272	Undisclosed		Mistrial
Santana vs. Qiyen (personal injury- auto) A561960	\$15,379.26		\$15,379.26
Arias vs. Swearingen (personal injury- auto) A566790	Undisclosed		\$ 7,000.00
Klisuric vs. Duke (personal injury- auto) A571533	Undisclosed		\$ 2,000.00
Talledo vs. Madera/ Olivarez (personal injury-auto) A578102	Undisclosed		\$20,000.00
Dampier vs. Schoeter (personal			

injury-auto) A559111	\$22,000.00		\$12,000.00
Lec vs. Cain (personal injury- auto) A580257	\$10,576.80		\$ 5,716.00
Valencia vs. Scott (personal injury- auto) A571773	\$ 8,885.00		Defense verdict
Navar/Delgado vs. Martinez (personal injury-auto) A578303	\$11,032.00 \$12,792.20		\$10,040.00 \$11,880.20
Aguilar vs. Cody (personal injury- auto) CV 09-0031	\$ 6,646.50		\$ 560.50
Palma vs. Montenegro-Garcia (personal injury- auto) A557793	\$18,191.00		\$30,645.00
Falvey vs. Martin (personal injury- auto) A576815	\$18,000.00		\$ 1,867.00
Winn vs. Figueroa- Magana/Figueroa- Romera (personal injury-auto) A580113	Undisclosed		\$12,144.79
Bone vs. Bona (personal injury- auto) A561804	\$18,980.82		Defense verdict
Fisher vs. Roundy (personal injury- auto) A571767	\$14,000.00		\$ 721.00
Blumenthal vs. Zurita (personal injury-auto) A584366	\$29,883.69		Defense verdict
Lewis vs. Reyes (personal injury-			

auto) A582432	Undisclosed		Defense verdict
Clark vs. Dixon (personal injury- auto) A585149	Undisclosed		\$15,054.90
Chorney vs. Nevada Star Cab Co. (personal injury- auto) A568527	\$ 5,000.00		Defense verdict
Franco vs. Mendola (personal injury- auto) A578946	Undisclosed		\$ 550.00
Aviles vs. Garcia- Robles (personal injury-auto) A533649	\$19,284.51		\$19,284.51
Yoder vs. Ciming (personal injury- auto) A560910	\$ 7,364.51		\$ 6,910.00
Wagner vs. Sabijon (personal injury- auto) A584861	\$14,000.00		\$ 2,500.00
Fischer vs. Calva (personal injury- auto) A545758	\$ 6,875.00		\$ 2,550.00
Guzman-Galica/ Garcia –Castillo vs. Aarvig (personal injury-auto) A584898	\$ 8,000.00 \$ 8,000.00		Defense verdict
Leverett vs. Carrera (personal injury- pedestrian) A590288	\$14,695.00		\$25,530.00
Solomon vs. Solomon (personal injury-auto) A576920	\$15,000.00 \$ 7,500.00		\$13,855.00 \$ 7,454.00
Garcia vs. Fragassi (personal injury-	\$26,933.50		\$19,798.00

auto) A572785	\$17,081.50		\$12,023.75
Strickland/Kandil vs. Wickard (personal injury- auto) A575383	\$18,304.73 \$22,022.12		Defense verdict
Pillman vs. A NLV Cab Co. (personal injury-auto) A585950	Undisclosed		\$50,544.25
2011			
Otanez/Bravo vs. Arteaga (personal injury-auto) A572231	\$12,329.98		\$9,744.98
Martinez vs. Salas (personal injury) A590318	\$50,000.00		\$4,612.24
Scheffler vs. Marquez (personal injury-auto) A592084	\$ 5,150.00		\$11,500.00
Rosten s. Robinson (personal injury – auto) A601600	\$11,715.13 \$ 4,357.00		\$12,052.13 \$ 3,357.00
Potochan vs. White (personal injury- auto) A584377	\$16,023.34		\$13,502.93
Vega-Gomez vs. Bowers (personal injury-auto) A594922	\$ 6,150.00		\$ 4,596.00
Campos vs. Carner (personal injury- auto) A600803	\$13,209.69		\$9,459.69
Valderrama/Aquino vs. Guerrero (personal injury- auto) A586568	\$12,160.00 \$13,601.50		Defense verdict
Gokcedian vs.			

Corona (personal injury-auto) A595146	\$25,000.00		\$15,600.00
Sledge s. Ybarra (personal injury-auto) A590748	\$17,968.03		\$13,568.03
Tebbs vs. Diaz-Chavez (personal injury-auto) A598950	\$16,664.93		\$ 3,207.39 reduced by 50% pltf fault to \$1,603.69
Spillman vs. Penrose (personal injury-auto) CV 10-0034	\$15,628.00		\$ 2,127.00
Degssisso vs. Go (personal injury-auto) A576803	\$10,086.00		Defense verdict
Montenegro vs. Ramirez (personal injury-auto) A579060	\$16,165.34		Defense verdict
Flores-Diaz vs. Snodgrass/Akhtar (personal injury-auto) CV10-00947	\$ 7,139.51 \$ 7,316.75		\$ 5,450.00 \$ 5,450.00
Rosetti vs. Martinez-Rojas (personal injury-auto) A597414	\$ 8,149.00		\$ 4,338.00
Bruce vs. Foose (personal injury-auto) A588548	Undisclosed		Defense verdict
Komes vs. Sanchez (personal injury-auto) A581867	\$25,372.19		\$ 6,562.00 reduced by 40% pltf fault to \$3,937.20
Gomes vs. Merrill (personal injury-auto) A583068	Undisclosed		Defense verdict

Tobin vs. Ayala (personal injury- auto) A590740	\$11,560.00		\$ 8,000.00
Shaffer vs. Dibetta (personal injury- auto) A577121	\$13,500.00		\$ 8,500.00
Knabel vs. Mercado (personal injury- auto) A595322	\$11,500.00		\$ 8,837.00
Vasquez vs. Gutierrez-Quezada (personal injury- auto) A590551	\$ 8,810.00		Defense verdict
Vargas vs. Muniz- Martinez (personal injury-auto) A592962	\$ 7,000.00		\$5,109.68 reduced by 20% pltf fault to \$4,087.74
Hillin vs. Carcamo- Cano (personal injury-auto) CV10-00834	\$ 5,250.00		\$ 4,050.00
Hernandez/ Covarrubias vs. Hungerford (personal injury- auto) A598027	\$ 7,015.00 \$ 6,636.00		\$ 6,836.00 \$ 6,215.00
McGill vs. Strehlow (personal injury- auto) A569750	\$30,294.97		Defense verdict
Wright vs. Smith (personal injury- auto) A580044	\$32,000.00		\$ 7,947.00
Estanilla vs. Posnik (personal injury- auto) A583265	\$ 5,500.00 \$17,210.00		\$ 8,000.00 \$30,000.00
Pastran vs. Williams (personal injury- auto)	\$ 9,300.00		Defense verdict

A575017			
Bartlett vs. Hendrix (personal injury- auto) CV10-02106	\$ 7,962.25		\$ 5,112.25
Manchego vs. Margitza (personal injury-auto) A601933	\$36,000.00		\$26,900.70
Carranza vs. Brockman (personal injury-auto) A601358	\$10,000.00		Defense verdict
Delgado-Machuca/ Lopez-Garcia vs. Escoto (personal injury-auto) A615617	\$ 9,092.00 \$ 8,555.00		\$ 6,934.00 \$ 6,531.00
Everfield vs. Ballinger (personal injury-auto) A599078	\$11,323.00 (Def't 75% fault)		\$18,500.00 reduced by 40% pltf fault to \$11,100.00
Brin vs. Cranford (personal injury- auto) A590177	\$ 6,500.00		Defense verdict
Vanover vs. Woosley (personal injury-auto) CV10-02231	\$ 4,000.00		\$ 2,365.00
Renteria vs. Wadsworth (personal injury- auto) A595115	\$20,000.00		\$15,240.00
Pedroso vs. Guzman (personal injury- auto) A589426	\$17,443.45		Defense verdict
Jones vs. Powell (personal injury- auto) A609659	\$ 6,606.38		Defense verdict
Hunter vs. Orellana- Gomez (personal injury- auto)	\$24,067.65		\$10,000.00

A598373			
Hinorosa vs. Perez (personal injury- auto) A602613	\$13,081.50		\$ 9,581.50
Bermudez vs. Stringfield (personal injury-auto) A604026	\$16,803.75		\$16,000.00
Rush/Hadden vs. Sheinfeld (personal injury-auto) A603078	\$20,200.00 \$14,350.00		\$25,600.00 \$18,702.00
Gatlin vs. Buchan (personal injury- auto) A602520	\$11,019.05		Defense verdict
Temoche vs. Beach (personal injury- auto) A591244	\$12,118.00		\$ 7,725.00
Garcia vs. Farr (personal injury- auto) A608720	\$13,649.00		Defense verdict
Zuniga vs. Follette (personal injury- auto) A580423	\$50,000.00		\$ 5,113.00
Rivas vs. Harper (personal injury- auto) A596809	\$15,866.00 \$ 9,777.00	\$ 1,574.00 \$ 1,335.00	
Graham vs. A-Cab Co. (personal injury-auto) A568376	\$26,018.00 \$ 2,000.00		\$47,973.00 \$ 500.00
Heiner vs. Tyspin (personal injury- auto) A609915	\$ 8,374.00		\$12,126.50
Beaudette vs. Wright (personal injury-auto) A565463	\$ 7,837.00		\$ 9,337.00 Deft. filed mtn for new trial

2012			
Amezquita vs. Holland (personal injury-auto) A596712	\$ 7,160.00		Defense verdict
Mastrapa vs. Simmonds (personal injury-auto) A571110	\$24,000.00		\$24,213.00
Donnelly vs. Boren (personal injury- auto) A609507	\$14,135.06		\$120,000.00
Johnston vs. Meneses (personal injury-auto)	\$ 6,800.00		\$ 2,000.00
Barnes vs. Royer (personal injury- auto) A609869	\$ 6,011.00		\$ 1,369.00
Reyes-Lopez vs. Perez (personal injury-auto) A615712	\$ 9,842.00		\$ 8,002.80
Veasley vs. DeRamirez (personal injury- auto) A610007	\$ 9,978.00		\$ 6,000.00
Zavala vs. Monarrez (personal injury- auto) A616590	\$19,762.07		\$24,500.00
Villamor vs. Wright (personal injury- auto) A611500	\$10,500.00		\$ 8,000.00
Sandoval vs. Sarabia (personal injury-auto) A608166	\$15,000.00		\$ 5,000.00
Zaleski vs. Slinker (personal injury- auto) A601185	\$ 8,159.00		\$ 2,441.00

Kane vs. Tagliaferri (personal injury- auto) A601606	\$12,956.79		\$13,850.00
Martinez-Espinoza/ Lopez-Peraza vs. Kantor (personal injury-auto)	\$19,500.00 \$12,500.00		Defense verdict
Crawley vs. Lee (personal injury- auto) A609871	\$36,553.22		Defense verdict
Young vs. Chacon (personal injury- auto) A620489	\$32,000.00		Defense verdict
Flynn vs. Fernald (personal injury- auto) A608821	\$15,000.00		\$15,000.00
Stamps vs. Reynolds (personal injury-auto) A589722	\$22,000.00 \$26,000.00		\$10,000.00 \$12,000.00
Burch vs. Park (personal injury- auto) A614354	\$12,000.00		\$128,209.51
Carrillo vs. Carrillo (personal injury- auto) CV11-00358	\$10,473.00		Defense verdict
Williams vs. Winn (personal injury- auto) A611130	\$10,500.00		\$10,500.00
Smith vs. Rodriguez (personal injury- auto) A518848	\$19,000.00		\$ 600.00
Gray vs. Drakulich (personal injury- auto) CV11-00158	\$30,302.00		\$11,500.00
McKay vs. Pleitez (personal injury-			

auto) A599005	\$ 7,000.00		Defense verdict
Cascio vs. Redfern (personal injury- auto) A622300	\$34,885.00		\$ 4,000.00
McPherson vs. Dimartini (personal injury-auto) A625405	\$ 6,860.00		Defense verdict
Gevara-Alcantar vs. Armendarez-Ramos (personal injury- auto) A620833	\$ 9,100.00 \$12,000.00		\$10,009.45 \$10,484.26
Newton-Burks vs. Reid (personal injury-auto) A631361	\$17,080.90		\$ 973.00
Armstrong vs. Millfin (personal injury-auto) A621597	\$45,000.00		\$80,000.00
Vargas vs. Ixin- Perez (personal injury-auto) A601497	\$16,930.00		\$18,786.00
Leon vs. Palmerin (personal injury- auto) A614518	Undisclosed		Defense verdict
Brooks vs. Carney (personal injury- auto) A598601	\$ 3,424.00	\$ 0	
Cortez vs. Thomas (personal injury- auto) A612662	\$ 7,055.00		Case settled night before trial
Neu vs. Saldivar (personal injury- auto) A619790	\$ 5,700.00		\$ 3,360.00
Chen vs, Paye (personal injury- auto)	\$ 4,452.35		\$ 0

A629753			
Tanner vs. Pacheco (personal injury- auto) A617804	\$50,000.00		Defense verdict
Anderson vs. Long (personal injury- auto) A628509	Undisclosed		Defense verdict
Rivera vs. Riordan (personal injury- pedestrian) A629592	Undisclosed		Defense verdict
Crader vs. Morgan (personal injury- auto) A614934	\$15,417.00		\$ 6,557.00 \$ 2,520.00
Walker vs. Nevada Yellow Cab (personal injury- auto) A624959	\$37,000.00	\$18,771.16	
Richardson vs. Uttz (personal injury- auto) A623225	\$47,118.05		\$37,605.06
Bello vs. Pinapfel (personal injury- auto) A618774	Undisclosed		Defense verdict
Mejia vs. Cohen (personal injury- auto) A637112	\$50,000.00 \$ 2,598.00		\$15,000.00 \$ 2,598.00
Stevens vs. Junior (personal injury- auto) A627009	\$37,500.00		\$33,449.00
Aguirre vs. Abarro (personal injury- auto) A624969	\$15,042.38		\$11,952.38
LI vs. Pambo (personal injury- auto) A628225	\$ 7,251.29		Defense verdict

Livingston vs. Cagal (personal injury- auto) A626562	\$ 6,500.00		\$ 950.00
Perez/Soto vs. Trujillo-Campos (personal injury- auto) A599812	\$ 6,000.00 \$ 3,500.00 \$ 8,000.00		\$13,251.00 \$ 2,000.00 \$ 9,115.00
Gaucin-Garcia vs. Hernandez (personal injury-auto) A632062	\$10,700.00 \$ 6,000.00		Mistrial \$ 2,424.00 (new \$ 1,290.00 trial)
Kjorstad vs. Steubing (personal injury-auto) A628723	\$ 6,492.58		\$ 5,362.58
Harris vs. Tarragano (personal injury- auto) A637159	\$11,500.00		\$12,502.00
Stacy vs. Ballard (personal injury- auto) A627500	\$21,666.37		\$10,000.00
Hayes vs. Sorto (personal injury- auto) A610565	\$ 9,130.33		Defense verdict
Kusiak vs. Tucci (personal injury- auto) A640237	\$18,000.00		\$ 8,996.20
Croucher vs. Zuniga (personal injury- auto) A600056	\$10,456.00 (pltf) \$13,043.12 (deft)		\$11,956.60
Fils-Aime/Simon vs. Bravo (personal injury-auto) A633157	\$17,667.00 \$16,033.30		\$ 6,708.00 Defense verdict
Tamez vs. Robinson (personal injury- auto) A633937	\$10,455.01		Defense verdict
Kitchen/Rose vs.			

Langton (personal injury-auto) A624585	\$20,000.00 \$22,500.00		\$10,608.70 \$ 2,504.03
Lacascia vs. Conely (personal injury-auto) A628630	\$13,700.00		Defense verdict
Frost vs. Pacibe (personal injury-auto) A637089	\$13,500.00		\$ 5,000.00
Fulks vs. Mehling (personal injury-auto) A626439	\$18,000.00		\$10,096.00
Madrigal/Duran vs. Adamson (personal injury-auto) A636110	\$24,856.40 \$18,808.00		\$ 5,250.00 \$ 2,800.00
Medina vs. McCrary (personal injury-auto) A625036	\$ 7,878.00		\$ 3,577.50
Cruz vs. Angelino (personal injury-auto) A639433	\$13,090.00 \$ 900.00		\$10,813.30 \$ 500.00
2013			
Cameron vs. Villa (personal injury-auto) A618684	\$11,697.41		Defense verdict
Ding/Li vs. Sanchez (personal injury-auto) A626409	\$ 9,280.00 \$ 7,560.00		\$ 3,280.00 \$ 2,560.00
Martin vs. Duvail (personal injury-auto) A637763	\$ 6,170.00		\$ 3,820.00
Ortega-Torres vs. Kral (personal injury-auto) A645120	\$17,263.98		Defense verdict

Number of Cases with
comparison of arbitration
award to a jury verdict 274

Defense verdicts 87

Number of verdicts
less than arb awards 141 (does not include defense verdicts)

83% of cases the verdict was either a defense verdict or less than arbitration award

NOTE: There are 30 cases not included in the 274 cases where the arbitration award was undisclosed, but the summary indicates the de novo was filed from the arbitration award. Thirteen (13) of these cases were found to be a defense verdict.

12/15/05 - Judge MARK R. DENTON - CV
A428769 - BENDER (Donald C. Kudler of Law
Offices of Albert D. Massi, Ltd.) v PAVLOW (Mark
L. Gentile of Gentile & Howard, Ltd.) - PERSONAL
INJURY - REAREND. *Case being tried on Plntf's
appeal of an \$18,861.94 arbitration award.* Plntf,
female, age 38, a Nevada visitor, a self-employed
sales person, was passenger in a vehicle, which was
rear-ended by Dfnt. Plntf alleged the impact pushed
Plntf's vehicle into the vehicle in front of it. Dfnt,
male, age 54, a Nevada visitor, employed as a health
care administrator, admitted liability. Plntf alleged
she sustained cervical, thoracic, and lumbar soft
tissue injuries; plus fractured teeth. Plntf also alleged
she has ongoing complaints. Plntf called Carl
Melville, II, D.C., of Crestline, California; and
Augustine Amerigo, D.C., of San Bernardino,
California; both of whom were of the opinion Plntf's
soft tissue injuries were causally related. Plntf also
called Michael E. Myers, D.D.S., of San Bernardino,
California, who testified Plntf's fractured teeth were
causally related, and she will require a bridge and
other dental procedures in the future. Dfnt argued
Plntf was involved in subsequent collisions, in which
she was injured. Dfnt called David J. Oliveri, M.D.,
a physiatrist, who was of the opinion Plntf sustained
a soft tissue injury in the instant collision, which,
according to Plntf's medical records, resolved after
several months of treatment. Prayer: In excess of
\$10,000 compensatory damages; \$17,244.84 medical
expenses; \$2,500 future medical expenses; plus
\$12,000 lost wages. Plntf made a pretrial demand of
\$50,000 - Dfnt made a \$14,501 offer of judgment
(D). (Carrier: Allstate Insurance.) During closing
arguments, Plntf's counsel asked jury to award Plntf
her specials, plus a fair and reasonable amount for
pain and suffering. Defense counsel argued only
\$4,300 of Plntf's medical expenses were causally
related. Three day trial. Jury out two-plus hours.
AWARDED PLNTF \$19,120.71
COMPENSATORY DAMAGES (REPRESENTING
\$7,245.71 PAST MEDICAL EXPENSES, \$2,500
FUTURE MEDICAL EXPENSES, \$4,375 PAST
LOST WAGES, AND \$5,000 PAST PAIN AND
SUFFERING). (Post-trial, Dfnt filed motion for fees
and costs, as Plntf failed to better the arbitration
award by twenty percent.)

Following is a report of a trial that did not come to light until we received information from Dfnt's counsel. We apologize for any inconvenience this omission may have caused our readers. We ask that our readers assist us by advising us of cases tried in the Shorttrial program.

1/14/05 - pro tem Judge TIMOTHY C. WILLIAMS - CV A441697 - WIRTH (Donald C. Kudler of Law Offices of Albert D. Massi, Ltd.) v REAGAN (George M. Ranalli of Ranalli, Zaniel & Jordan, L.L.C.) - PERSONAL INJURY - INTERSECTION - CONTROLLED. Case being tried on Plntf's appeal of a \$7,148.86 arbitration award. Case also being tried as a Shorttrial. Plntf, male, age 48, a Nevada resident, employed as a taxi driver, alleged that, while he was in the course and scope of his occupational duties, travelling on Las Vegas Boulevard, Dfnt negligently executed a right turn, and struck the right rear quarter panel of Plntf's vehicle. Dfnt, female, age 37, a Nevada resident, and homemaker, argued causation. Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries; plus an injury to the right wrist, with secondary ganglion cyst. Plntf used the deposition of Gary J. Latourette, M.D., an orthopod, who was of the opinion Plntf's ganglion cyst was causally related, and the cost of future surgical removal of the cyst was \$14,000. Dfnt argued Plntf's ganglion cyst was unrelated. Dfnt called John E. Herr, M.D., an orthopod, who testified Plntf's ganglion was not causally related, and was most likely a preexistent condition. Prayer: In excess of \$10,000 compensatory damages; \$4,146.83 medical expenses; plus \$14,000 future medical expenses. Plntf made a pretrial demand of \$14,000 - Dfnt offered \$7,148.86 (D). (Carrier: Progressive Insurance.) During closing arguments, Plntf's counsel argued impact was more forceful than Dfnt alleged, and Plntf's injuries were causally related. Plntf's counsel asked jury to award Plntf his specials, plus a fair and reasonable amount for pain and suffering. Defense counsel argued impact was too minor to cause injury. One day trial. By stipulation, four jurors deliberated. Jury out fifty-five minutes. FOUND FOR DFNT.

Following is a report of a trial that did not come to light until we received information from Plntf's counsel. We apologize for any inconvenience this omission may have caused our readers. We ask that our readers assist us by advising of cases tried as Shorttrials.

12/2/05 - pro tem Judge TIMOTHY C. WILLIAMS - CV A437146 - LUJAN (Jay A. Kenyon of Henness & Haight) v FORE (Valarie I. Fujii of Law Offices of Valarie I. Fujii & Associates) - PERSONAL INJURY - REAREND. Case being tried on Dfnt's appeal of Plntf's \$20,586 arbitration award. Case also being tried as a Shorttrial. Plntf, female, age 45, a Nevada resident, travelling northbound on Decatur Boulevard, south of Tropicana Avenue, alleged she was rear-ended by Dfnt. Dfnt, male, a Nevada resident, admitted negligence, but argued causation. Plntf alleged she sustained cervical, thoracic, and lumbar strains and sprains, with secondary headaches. Dfnt argued impact was minor, with minimal property damage, and the forces generated were not sufficient to cause injury. Dfnt also argued that Plntf's injuries, if any, were preexistent. Dfnt used the records review performed by Anthony B. Serfustini, M.D., an orthopod, who was of the opinion the majority of Plntf's treatment was unreasonable and unnecessary. Prayer: In excess of \$10,000 compensatory damages; plus an unspecified amount for medical expenses. Plntf made a \$9,999 pretrial offer of judgment (P). (Carrier: Allstate Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out two-plus hours. AWARDED PLNTF \$13,175 COMPENSATORY DAMAGES. (Post-trial, Court awarded Plntf \$6,873.46 in attorney's fees, costs, and interest.)

1/2/06 - pro tem Judge TIMOTHY C. WILLIAMS - CV A468390 - MOORE (Geraldine Kirk-Hughes of Law Offices of Kirk-Hughes & Associates) v HAN (George M. Ranalli of Ranalli, Zaniel & Jordan, L.L.C.) - PERSONAL INJURY - SIDESWIPE COLLISION. *This trial actually ended December 9, 2005, but did not come to light until after Dfnt's counsel brought it to our attention. Therefore, we have changed the trial's ending date to conform to our citation system. Case being tried on Dfnt's appeal of Plntf's \$20,000 arbitration award.* Case also being tried as a Shorttrial. Plntf, male, age 51, a Nevada resident, employed as an airport baggage handler, alleged that, while travelling on I-215, Dfnt negligently executed a lane change, and sideswiped Plntf's vehicle. Dfnt, male, age 29, a Nevada visitor and student, admitted negligence, but argued causation. Plntf alleged he sustained a cervical strain and sprain; plus an injury to the left shoulder, which required epidural injections for pain relief. Plntf called John R. Thompson, M.D., an orthopod, who testified the sudden movement of Plntf's left shoulder in the collision caused the injury. Dr. Thompson also testified that the reason Plntf waited so long to receive treatment was because Plntf attempted to live with his pain, which he believed would resolve. Dfnt argued Plntf's complaints were subjective, and Plntf was not credible. Prayer: In excess of \$10,000 compensatory damages; \$5,500 medical expenses; plus \$1,250 lost wages. Plntf made a pretrial demand of \$17,000 - Dfnt made a \$10,001 offer of judgment (D). (Carrier: Progressive Insurance.) During closing arguments, Plntf's counsel argued the twisting motion caused by the collision resulted in Plntf's injuries. Defense counsel argued impact was too minor to cause injury. Defense counsel also argued Plntf waited over one month to seek treatment, and Plntf was not credible. One day trial. By stipulation, four jurors deliberated. Jury out forty minutes. FOUND FOR DFNT.

1/2/06 - pro tem Judge BILL C. HAMMER - CV A451182 - JOHNSON (Jay A. Kenyon of Henness & Haight) v HALPER (Kimberly A. Feldman of Turner & Riddle) - PERSONAL INJURY - REAREND. *This trial actually ended November 21, 2005, but did not come to light until after Plntf's attorney brought it to our attention. Therefore, we have changed the trial's ending date to conform to our citation system. Parties entered into a \$25,000/\$1,000 high/low agreement. Case being tried on Dfnt's appeal of Plntf's \$9,832.85 arbitration award. Case also being tried as a Shorttrial. Plntf, male, age 21, a Nevada resident, a passenger in a 1982 Buick Regal, alleged that, as his vehicle exited the Venetian Resort parking garage, the vehicle was rear-ended by Dfnt. Dfnt, male, a Nevada resident, admitted negligence, but argued causation. Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries. Dfnt argued the impact was minor, with no damage to either vehicle. Dfnt alleged that all or a portion of the damage to Plntf's vehicle was preexistent. Dfnt called Lyle Rawson Persch, P.E., an accident reconstructionist and biomechanical engineer, who testified Plntf's vehicle sustained no damage, and the displayed damage to the rear bumper of Plntf's vehicle was old damage. Mr. Persch also testified the impact occurred at less than five miles-per-hour. Dfnt also alleged Plntf's injuries were the result of a subsequent parking lot collision, which settled for an undisclosed amount. Dfnt called Michael Karagiozis, D.O., a family practitioner, who, after a review of Plntf's medical records, was of the opinion Plntf was not injured in the instant collision, and all of his medical treatment was unreasonable and unnecessary. Prayer: In excess of \$10,000 compensatory damages; plus an unspecified amount for medical expenses (P). (Carrier: Farmers Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out one-plus hours. AWARDED PLNTF \$9,331.85 COMPENSATORY DAMAGES. (Post-trial, Court awarded Plntf \$9,600 in attorney's fees, plus \$4,582.19 in costs and prejudgment interest.)*

1/13/06 - Judge KENNETH C. CORY - CV
A466124 - PAGAN (James J. Ream of the Law
offices of James J. Ream) v COLLINS (Valarie I.
Fujii of the Law Offices of Valarie I. Fujii &
Associates) - PERSONAL INJURY - PARKING
LOT MISHAP - PROPERTY DAMAGE. *Case
being tried on Dfnt's appeal of Plntf's \$5,166
arbitration award.* Case also being tried as a
Shortrial. Plntf, female, age 43, a Nevada resident,
employed as a cocktail waitress, alleged that, as she
exited a car wash, Dfnt negligently backed from a
parking space, and caused collision. Plntf alleged
she sustained cervical, thoracic, and lumbar soft
tissue injuries; plus injuries to the left arm and eyes.
Dfnt, female, a Nevada resident, argued Plntf's
medical complaints were preexistent. Prayer: In
excess of \$10,000 compensatory damages; \$4,766
medical expenses; plus \$1,059 property damage.
Plntf made a pretrial demand of \$5,266 - Dfnt offered
\$2,500 (P). (Carrier: Allstate Insurance.) During
closing arguments, Plntf's counsel asked jury to
award Plntf \$8,266. Defense counsel argued Plntf
should take nothing. One day trial, held over two
one-half days. By stipulation, four jurors deliberated.
Jury out two-plus hours. FOUND FOR DFNT.

1/20/06 - Judge KENNETH C. CORY - CV A462712 - DIXON (Robert E. Marshall, a sole practitioner) v TALBOT (Jonathan J. Hansen of Hansen & Hansen) - PERSONAL INJURY - INTERSECTION - CONTROLLED - TRAFFIC SIGNAL - CONSTRUCTION ZONE - LEFT TURN. *Case being tried on Dfnt's appeal of Plntf's \$40,000 arbitration award, reduced by fifty percent fault.* Plntf, female, age 34, a Nevada resident, employed as a dental assistant, alleged that, as she executed a left turn from Torrey Pines Drive, Dfnt negligently ran red light, and broadsided Plntf's vehicle. Dfnt, female, age 68, a retired Nevada resident, denied liability, advancing the defense that Plntf ran red light, and caused collision. Dfnt argued Plntf must have been confused, due to road construction and posted lane changes on Torrey Pines Drive. Dfnt called the investigating police officer, who testified that, since there was no eyewitness to the collision, and each party had a different account of the collision, there was insufficient evidence to determine fault. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries. Plntf called Deborah A. Kuhls, M.D., a general surgeon, who testified Plntf's injuries were causally related, and relatively mild. Plntf also called Gary L. Whitehead, D.C., who testified Plntf's injuries were causally related. It was Dr. Whitehead's opinion Plntf may require future surgery for bulging disk. Dfnt called Michael H. Millar, D.C., of Torrance, California, a biomechanical trauma expert, who was of the opinion some of Plntf's injuries were causally related, but her injuries were minor. Prayer: In excess of \$10,000 compensatory damages; plus approximately \$18,000 medical expenses. Plntf made a pretrial demand of \$20,000 - Dfnt made a \$6,751 offer of judgment (D). (Carrier: Safeco Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf her specials, plus \$35,000 for past pain and suffering, and \$75,000 to \$100,000 future pain and suffering. Defense counsel argued Plntf failed to prove her case, and only a portion of Plntf's treatment was causally related. Three day trial. Jury out two hours. FOUND FOR DFNT. (Post-trial, Plntf filed motion for new trial.)

1/27/06 - pro tem Judge SUSAN HOLLAND JOHNSON - CV A491618 - GOMEZ (Eduardo G. San Miguel and Ian Christopherson, both sole practitioners) v STONER (Ronald M. Pehr, a sole practitioner) - PERSONAL INJURY - AUTOMOTIVE COLLISION. *Case being tried on Dfnt's appeal of Plntf's \$10,338 arbitration award.* Case being tried as a Shorttrial. Plntf, male, alleged Dfnt's negligence caused collision. Dfnt, male, argued causation. Plntf alleged he sustained soft tissue injuries. Plntf called James Overland, Sr., D.C., who testified Plntf's treatment was reasonable and necessary. Dr. Overland also testified Plntf had objective findings, which were supported by x-rays. Dfnt called Eugene L. Appel, M.D., a biomechanical trauma specialist, of San Diego, California, who testified Plntf sustained minimal, if any, injuries, and Plntf had no objective findings. Dr. Appel also testified the x-rays taken were of poor quality, the chiropractic modalities administered were not helpful, and Plntf only required a few physical therapy sessions. It was Dr. Appel's opinion that any injury was self-limiting. Prayer: In excess of \$10,000 compensatory damages; plus an unspecified amount for medical expenses. Plntf made a \$9,000 pretrial offer of judgment - Dfnt made a \$5,135.81 offer of judgment (D). (Carrier: NGIC.) During closing arguments, Plntf's counsel argued Plntf's treatment was reasonable and necessary, and asked jury to award Plntf \$10,338. Defense counsel argued Plntf was not injured. One day trial. By stipulation, four jurors deliberated. Jury out less than one hour. AWARDED PLNTF \$2,392 COMPENSATORY DAMAGES.

2/17/06 - pro tem Judge TIMOTHY C. WILLIAMS - CV A473460 - PAUTLER and COLLINS (Donald C. Kudler of Law Offices of Albert D. Massi, Ltd.) v LAS VEGAS METRO POLICE DEPARTMENT and CONK (Craig R. Anderson of Marquis & Aurbach) - PERSONAL INJURY - BICYCLE/AUTO COLLISION - PARKING LOT MISHAP. *Case being tried on Dfnts' appeal of Plntf mother Pautler's \$9,364.13 arbitration award for medical expenses, and Plntf son Collins' \$40,000 arbitration award.* Case also being tried as a Shorttrial. Plntf mother Pautler, and Plntf son Collins, age 8, Nevada residents, alleged that, while Plntf son was riding a bicycle, in the parking lot where Plntfs resided, he was struck by Dfnt Conk, male, who was in the course and scope of his occupational duties as a policeman, operating a patrol vehicle for Dfnt Las Vegas Metro Police Department. Plntfs also alleged Dfnt Conk was travelling faster than stated, and should have seen Plntf son. Plntfs argued it was not inappropriate for Plntf son to be allowed to ride his bicycle, unsupervised, in the apartment complex parking lot. Impact propelled Plntf son onto the hood of Dfnts' vehicle. Dfnts argued Dfnt Conk was travelling approximately five miles-per-hour as he began to execute a left turn around a dumpster, when Plntf son's bicycle struck the front left side of Dfnts' patrol vehicle. Dfnts also argued Dfnt Conk was travelling slowly, on the right side of the parking lot roadway, and could not have done anything to avoid the collision. Additionally, Dfnts argued that several witnesses stated Plntf son habitually raced his bicycle through the parking lot. Dfnts also argued the apartment complex rules forbade bicycle riding in the parking lot, and required adult supervision of children under the age of eighteen years. Plntf son sustained facial injuries, and the avulsion injury of his top front two teeth. Plntf son's teeth were re-implanted at the hospital; however, Plntfs alleged the prognosis for saving the teeth is not good, and Plntf son may require future extraction, with either a bridge or dental implants. Prayer: In excess of \$10,000 compensatory damages; over \$12,000 medical expenses; plus an unspecified amount for future medical expenses. Plntfs made a pretrial demand of \$50,000 - Dfnts made a \$12,000 offer of judgment (D). (Dfnts self-insured.) One day trial. By stipulation, four jurors deliberated. Jury out one hour. FOUND PLNTF SON TO BE FIFTY-

ONE PERCENT AT FAULT, AND DFNT CONK
TO BE FORTY-NINE PERCENT AT FAULT.

2/15/06 - pro tem Judge TIMOTHY C. WILLIAMS -
CV A464269 - BALDWIN (Donald C. Kudler of
Law Offices of Albert D. Massi, Ltd.) v AUTRY
(Thomas E. Winner of Atkin, Winner, Sherrod &
Vames, Ltd.) - PERSONAL INJURY - REAREND.
*Case being tried on Plntf's appeal of her \$3,700
arbitration award.* Case also being tried as a
Shorttrial. Plntf, female, a Nevada resident, employed
as a manicurist, alleged she was rear-ended by Dfnt's
employee. Dfnt, male, a Nevada resident, admitted
negligence, but argued causation and damages. Plntf
alleged she sustained thoracic and lumbar soft tissue
injuries. Plntf used the medical report of Josephine
D. Saludez, M.D., an internist; and Donald W. Nobis,
R.P.T.; both of whom were of the opinion Plntf's
treatment was causally related, reasonable, and
necessary. Dfnt used the medical report of Rodney
E. Gong, M.D., an internist, who was of the opinion
Plntf's physical therapist double billed for the same
treatments, for injuries sustained in two separate
collisions. Prayer: In excess of \$10,000
compensatory damages; plus \$7,980 medical
expenses (D). (Carrier: State Farm Insurance.)
During closing arguments, Plntf's counsel asked
Court to award Plntf her specials, plus a fair and
reasonable amount for pain and suffering. Defense
counsel argued causation and damages. One day
trial. COURT AWARDED PLNTF \$2,000
COMPENSATORY DAMAGES.

Following is a report of a trial about which we were unable to obtain complete details prior to our publication deadline for the February 2006 issue of THE TRIAL REPORTER of Nevada.

1/18/06 - Judge MARK R. DENTON - CV A450487 - GONZALEZ (James A. Oronoz and Thomas A. Ericsson of Christiansen Law Offices) v FARR (Diane M. Mullenix of Wilson, Elser, Moskowitz, Edelman & Dicker, L.L.P.); and WHITMER (Valarie I. Fujii of the Law Offices of Valarie I. Fujii & Associates) - PERSONAL INJURY - REAREND. Case being tried on appeal of an arbitration award. Plntf husband, operating a 1999 Chevrolet, with Plntf wife, as passenger, Nevada residents, alleged they were rear-ended by Dfnt Farr, male, a Nevada resident, who was operating a 1999 Ford. Plntfs also alleged Dfnt Whitmer, male, a Nevada resident, operating a 1992 Chrysler, rear-ended Dfnt Farr, which propelled Dfnt Farr's vehicle into the rear of Plntfs' vehicle a second time. Plntfs sustained unspecified injuries. (PLNTF WIFE AND DFNT FARR SETTLED BEFORE TRIAL FOR AN UNDISCLOSED AMOUNT.) Prayer: In excess of \$10,000 compensatory damages; plus an unspecified amount in medical expenses. DURING FIRST DAY OF TRIAL, AFTER JURY WAS IMPANELLED, COURT GRANTED PLNTF'S MOTION TO DISMISS WITH PREJUDICE. JURY EXCUSED.

3/31/06 - Judge VALORIE J. VEGA - CV A457837
- BECERRA (Tracey B. Howard of Gentile &
Howard, Ltd.) v INTERSTATE PLUMBING AND
AIR CONDITIONING, and KILKENNY (David R.
Sidran of Law Offices of David R. Sidran) -
PERSONAL INJURY - INTERSECTION -
CONTROLLED - STOP SIGN. *Case being tried on
Dfnt's appeal of Plntf's \$38,000 arbitration award.*
Case also being tried on comparative fault. Plntf,
male, age 29, a Nevada resident, owner of a catering
truck, travelling on Robindale Road, alleged Dfnt
Kilkenny, male, a Nevada resident, who was in the
course and scope of his occupational duties for Dfnt
Interstate Plumbing and Air Conditioning, failed to
yield the right-of-way from a stop sign, at Silver
Strand, entered thoroughfare, and caused collision.
Dfnts argued Dfnt Kilkenny was not primarily at
fault, as Plntf had last chance to avoid the collision.
Dfnts also argued Dfnt Kilkenny stopped for the stop
sign, then proceeded through the intersection,
because he believed the intersection was clear. Dfnts
called David K. Elliott, an accident reconstructionist,
who agreed Dfnt Kilkenny failed to yield the right-
of-way, but argued Plntf had the final opportunity to
avoid the collision. Plntf alleged he sustained
cervical, thoracic, and lumbar soft tissue injuries; a
closed head injury, with concussion; plus lacerations
to the head and left arm. Plntf called Marcello
Salzano, D.C.; and Steven A. Holper, M.D., a
physiatrist; both of whom were of the opinion Plntf's
injuries were causally related, and his treatment was
reasonable and necessary. Dfnts called David J.
Oliveri, M.D., a physiatrist, who agreed Plntf was
injured in the collision, but argued his treatment was
unreasonable and excessive. Prayer: In excess of
\$10,000 compensatory damages; \$12,000 medical
expenses; plus \$12,000 property damage. Plntf made
a pretrial demand of \$38,000 - Dfnts offered \$20,000
(P). (Carrier: Kemper Insurance.) During closing
arguments, Plntf's counsel argued Dfnts were one-
hundred percent at fault, and asked jury to award
Plntf \$62,000. Defense counsel asked jury to find
Plntf to be primarily at fault. Four day trial. Jury out
three-plus hours. AWARDED PLNTF \$30,000
COMPENSATORY DAMAGES. (Found Plntf to be
forty-nine percent at fault, and Dfnts to be fifty-one
percent at fault; therefore, Plntf's award to be reduced
to \$15,300.)

Following is a report of a trial about which we were unable to obtain complete details prior to our publication deadline for the March 2006 issue of THE TRIAL REPORTER of Nevada.

2/14/06 - Judge VALERIE P. ADAIR - CV A478035 - IMBODEN (Victor L. Miller, a sole practitioner) v HUTCHINSON (Mark L. Gentile of Gentile & Howard, Ltd.) - PERSONAL INJURY - AUTOMOBILE COLLISION. *Case being tried on appeal of Plntf's arbitration award.* Plntf, female, a Nevada resident, travelling on U.S. Highway 95, alleged Dfnt negligently caused collision. Dfnt, male, a Nevada resident, admitted negligence. Plntf sustained unspecified injuries. Prayer: In excess of \$10,000 compensatory damages; an unspecified amount for medical expenses; plus an unspecified amount for lost wages. (Carrier; Unknown.) Two day trial. Jury out one-plus hours. AWARDED PLNTF \$4,050 COMPENSATORY DAMAGES (REPRESENTING \$1,600 IN MEDICAL EXPENSES, AND \$2,450 FOR PAIN AND SUFFERING).

3/7/06 - Judge STEVEN R. KOSACH - CV 03-07138 - BEARD (Joseph "Jay" Dita of David Allen & Associates) v LARA (Phillip R. Emerson of Emerson & Manke, P.L.L.C.) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$5,935.25 arbitration award.* Plntf, male, age 22, a Nevada resident, employed as a security guard for Pinkerton Security, operating a 1990 Subaru, southbound on North Virginia Street, during snowy conditions, alleged he was rear-ended by Dfnt. Dfnt, male, age 34, a Nevada resident, employed as a construction worker, operating a Nissan Altima, admitted negligence, but argued causation and damages. Dfnt argued impact was minor, and Plntf's vehicle sustained only \$149.70 in damage. Plntf alleged he sustained cervical and thoracic soft tissue injuries, with secondary headaches and nausea; plus an injury to the left shoulder. Plntf called Michael A. Glick, D.O., a family practitioner, who was of the opinion Plntf's injuries were causally related. Dfnt called Rowlin L. Lichter, M.D., an orthopod, who was of the opinion Plntf could not have been injured to the extent alleged, as a result of the low-impact collision. Prayer: In excess of \$10,000 compensatory damages; an unspecified amount for medical expenses; plus an unspecified amount for lost wages. Plntf made a pretrial demand for policy limits of \$25,000 - Dfnt made a \$2,001 offer of judgment (D). (Carrier: Allstate Insurance.) During closing arguments, Plntf's counsel argued Plntf's injuries were causally related, and asked jury to award Plntf \$10,210. Defense counsel argued impact was minor, and Plntf was not injured to the extent alleged. Defense counsel also argued Plntf's subjective complaints were not consistent with objective medical evidence. Two day trial. Jury out one hour. FOUND FOR DFNT.

4/5/06 - Judge LEE A. GATES - CV A471179 -
FECSK1 (Jeffrey L. Galliher of Cobeaga, Ham &
Galliher) v MONTANO (Ronald M. Pehr, a sole
practitioner) - PERSONAL INJURY -
INTERSECTION - CONTROLLED - TRAFFIC
SIGNAL. *Case being tried on Dfnt's appeal of
Plntf's \$15,000 arbitration award, plus \$1,500 in
attorney's fees.* Plntf, female, age 42, a Nevada
resident, employed as a radiology technician, alleged
Dfnt failed to yield the right-of-way, and caused
collision. Dfnt, female, age 22, a Nevada resident,
employed as a check-out receptionist for a
cardiologist, admitted negligence, but argued
damages. Plntf alleged she sustained cervical,
thoracic, and lumbar soft tissue injuries. Plntf
planned to call Judy Zito-Pry, A.P.N., who was of the
opinion Plntf's injuries were causally related, and her
treatment and expenses were reasonable and
necessary. Dfnt planned to call Eugene L. Appel,
M.D., B.M.E., M.M.E., a biomechanical trauma
specialist, of San Diego, California, who was of the
opinion Plntf's twenty-seven physical therapy
treatments were excessive. Prayer: In excess of
\$10,000 compensatory damages; \$6,035 medical
expenses; \$3,236.10 lost wages; plus \$6,355.43
property damage. Plntf made a \$15,000 pretrial offer
of judgment - Dfnt made a \$9,011.55 offer of
judgment (P). (Carrier: Unknown.) DURING
SECOND DAY OF TRIAL, MATTER SETTLED
FOR \$15,000. JURY EXCUSED.

4/26/06 - Judge MICHELLE L. LEAVITT - CV
A439866 - STAVINSKY (Donald C. Kudler of Law
Offices of Albert D. Massi, Ltd.) v DePAULO
(Michael E. Rowe of Nevada General Insurance
Company) - PERSONAL INJURY - REAREND.
*Case being tried on Dfnt's appeal of Plntf's \$11,000
arbitration award.* Plntf, male, age 44, a Nevada
resident, employed as a delivery driver, alleged he
was rear-ended by Dfnt. Dfnt, female, age 40, a
Nevada resident, employed as a home care specialist,
admitted negligence, but argued causation. Plntf
alleged he sustained cervical, thoracic, and lumbar
soft tissue injuries. Dfnt argued impact was minor,
and Plntf was not injured. Dfnt called Eugene L.
Appel, M.D., a biomechanical trauma specialist, of
San Diego, California. Prayer: In excess of \$10,000
compensatory damages; an unspecified amount for
past and future medical expenses; plus an unspecified
amount for lost wages. Plntf made a pretrial demand
of \$15,000 - Dfnt made a \$3,635.71 offer of
judgment (D). (Carrier: Nevada General Insurance.)
Two day trial. Jury out one-plus hours. AWARDED
PLNTF \$963.53 COMPENSATORY DAMAGES.

5/3/06 - Judge ELIZABETH "BETSY" GOFF GONZALEZ - CV A455253 - ALMEIDA (Roger P. Croteau, a sole practitioner) v SHER (Joel F. Hansen of Hansen & Hansen) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$25,000 arbitration award.* Plntf, female, age 34, a Nevada resident, alleged she was rear-ended by Dfnt. Dfnt, male, a Nevada resident, and medical infertility specialist, admitted negligence, but argued causation. Dfnt argued impact was minor, with no damage to Plntf's vehicle, and only minor damage to Dfnt's vehicle. Dfnt called E. Paul France, Ph.D., a biomechanical engineer, who was of the opinion Dfnt's speed, at time of impact, was too slow to cause injury. Plntf alleged she sustained cervical soft tissue injuries; a skull fracture, with a contusion of the brain; plus a lesion of the facial nerve, resulting in peripheral facial paralysis (Bell's Palsy). Plntf called Wendy M. Scheer, D.C., who testified Plntf sustained substantial injuries in the collision, and she has ongoing complaints with pain. Dfnt called Bruce M. Ballard, M.D., an orthopod, who was of the opinion that chiropractic treatment was contraindicated. It was also Dr. Ballard's opinion that Plntf required no treatment, unless pain persisted for six weeks, then physical therapy may have been helpful. Prayer: In excess of \$10,000 compensatory damages; plus \$4,000 medical expenses. Plntf made a pretrial demand of \$25,000 - Dfnt made a \$3,000 offer of judgment (D). (Carrier: Safeco Insurance.) During closing arguments, Plntf's counsel argued Plntf sustained substantial injuries, and asked jury to award Plntf \$25,000. Defense counsel argued there was no evidence that Plntf's Bell's Palsy was causally related, and no evidence that Plntf had sustained a fractured skull or brain contusion. Defense counsel also argued that Plntf was "making a mountain out of a molehill". Three day trial. Jury out ? hours. AWARDED PLNTF \$2,084 (sic) COMPENSATORY DAMAGES.

5/17/06 - Judge ELIZABETH "BETSY" GOFF GONZALEZ - CV A481196 - TORRES (Orlando DeCastroverde of Law Offices of Waldo DeCastroverde) v POLLARD (Kurt K. Harris and Stanley E. Wade of Harris Merritt Chapman, Ltd.) - PERSONAL INJURY - LANE CHANGE - SIDE IMPACT. *Case being tried on Plntf's appeal of Plntf's \$4,650 arbitration award.* Case also being tried on comparative fault. Plntf, male, age 22, a Nevada resident, employed as a retail clerk, alleged Dfnt negligently executed a lane change from right to left, and collided with Plntf's vehicle. Dfnt, female, age 58, a retired Nevada resident, denied liability, advancing the defense that Plntf was travelling in the center median lane, preparatory to executing a left turn. In the alternate, Dfnt alleged Plntf was speeding to "make the light", and was comparatively at fault. Plntf alleged he sustained soft tissue injuries. Plntf called his treating physician, Thomas R. Vaughn, D.C. Dfnt called Eric Easton, D.C., who was of the opinion Plntf's medical records were inadequate, and his treatment was not reasonably related to his alleged injuries. Prayer: In excess of \$10,000 compensatory damages; \$4,650 medical expenses; plus \$1,500 property damage. Plntf made a pretrial demand of \$3,500 - Dfnt refused to make an offer (D Harris). (Carrier: Financial Indemnity Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$4,650 in medical expenses, plus a fair and reasonable amount for pain and suffering. Defense counsel argued Plntf was at least fifty percent at fault, and suggested \$2,500 was adequate compensation. Two day trial. Jury out two-plus hours. AWARDED PLNTF \$5,650 COMPENSATORY DAMAGES (REPRESENTING \$3,150 IN MEDICAL EXPENSES, AND \$2,500 FOR PAIN AND SUFFERING). (Found Plntf to be forty percent at fault and Dfnt to be sixty percent at fault; therefore, Plntf's award to be reduced to \$3,390.)

5/9/06 - pro tem Judge WILLIAM G. COBB - CV 05-00272 - McARDLE (Robert R. Jensen of Galloway & Jensen) v HASCALL (Stacey Ann Upson of Law offices of Melissa P. Harris) - PERSONAL INJURY - INTERSECTION - CONTROLLED - STOP SIGN. *Case being tried on Dfnt's appeal of Plntf's \$16,505.61 arbitration award.* Case also being tried as a Shorttrial. Plntf, male, age 24, a Nevada resident, employed as a parking lot attendant, alleged Dfnt "lured" Plntf from a stop sign, when she activated her turn signal, slowed, and started to execute a turn. Plntf also alleged that Dfnt's actions caused collision. Dfnt, female, a homemaker and Nevada visitor, denied liability, advancing the defense that she did not slow, and did not start to turn. Dfnt argued she activated her turn signal, but intended to turn further up the roadway. Dfnt also argued Plntf failed to observe the direction from which Dfnt was advancing, failed to yield the right-of-way, from the stop sign, and caused collision. Plntf alleged he sustained cervical and lumbar soft tissue strains and sprains. Plntf called Barbara Szatkowski, APN, a nursing expert. Dfnt argued Plntf's medical records reflected that Plntf was pain-free three weeks post-collision. Prayer: In excess of \$10,000 compensatory damages; \$3,822.61 medical expenses; \$183 lost wages; plus \$2,500 property damage. Plntf made a \$16,505.61 offer of judgment - Dfnt made a \$501 offer of judgment (P). (Carrier: The Hartford.) One day trial. By stipulation, four jurors deliberated. Jury out less than thirty minutes. AWARDDED PLNTF \$21,505.61 COMPENSATORY DAMAGES.

6/9/06 - Judge VALORIE J. VEGA - CV A469876 - CALDWELL (Travis E. Shetler, a sole practitioner) v PETERSON (James W. Howard of Gentile & Howard, Ltd.) - PERSONAL INJURY - REAREND. *Case being tried on Plntfs' appeal of a \$2,500 arbitration award to each Plntf.* Plntf husband, employed as a carpenter, and Plntf wife, alleged they was rear-ended by Dfnt. Dfnt, male, admitted negligence, but argued causation. Plntfs alleged they sustained cervical, thoracic, and lumbar soft tissue injuries. Plntfs called Sandra T. Swan, D.C. Dfnt argued Plntfs were not injured in the minor collision. Prayer: In excess of \$10,000 compensatory damages; plus an unspecified amount for medical expenses. Dfnt made a \$2,500 pretrial offer of settlement (D). (Carrier: Allstate Insurance). One day trial. Jury out less than thirty minutes. FOUND FOR DFNT. UNANIMOUSLY.

6/9/06 - Judge JESSIE E. WALSH - CV A481732 - ROMERO (Roger M. Cram and Matthew R. Vannah of Vannah & Vannah) v COWIN (James W. Howard and Mark L. Gentile of Gentile & Howard, Ltd.) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$13,900 arbitration award.* Plntf, female, age 25, a Nevada resident, employed as an accounts payable clerk, was passenger in a vehicle, operated by non-party Vidal. Plntf alleged that, while stopped, Plntf's vehicle was rear-ended by Dfnt. (NON-PARTY VIDAL SETTLED BEFORE TRIAL FOR AN UNDISCLOSED AMOUNT.) Dfnt, in his thirties, a self-employed Nevada resident, admitted negligence, but argued causation. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries; plus an injury to the foot. Plntf called Daniel Antonio, R.P.T.; and Jon Sydney James, D.P.M., a podiatrist; both of whom testified regarding the mechanism of injury. Dfnt argued impact was minor, and Plntf was not injured. Prayer: In excess of \$10,000 compensatory damages; plus \$8,485 medical expenses. Plntf made a \$9,999 pretrial offer of judgment - Dfnt made a \$7,001 offer of judgment (P Vannah). (Carrier: Progressive Insurance.) Four day trial. Jury out two-plus hours, over a two-day period. AWARDED PLNTF \$15,000 COMPENSATORY DAMAGES (REPRESENTING \$7,490 MEDICAL EXPENSES, AND \$7,510 FOR PAIN AND SUFFERING).

7/26/06 - Judge JESSIE E. WALSH - CV A488428 - GARCIA (Romeo R. Perez, a sole practitioner) v GUILLEN (Michael A. McOsker of Turner & Riddle) - PERSONAL INJURY - INTERSECTION - CONTROLLED - LEFT TURN. *Case being tried on Dfnt's appeal of Plntf's \$9,019.38 arbitration award.* Case also being tried on comparative fault. Plntf, male, a Nevada resident, alleged that, while he was in the course and scope of his occupational duties, operating an ice cream truck, Dfnt negligently executed a left turn, into Plntf's path, and caused collision. Dfnt, female, age 17, a Nevada resident and student, admitted negligence, but argued comparative fault. Plntf alleged he sustained soft tissue injuries. Plntf also alleged the generator of the ice cream truck required replacement, at a cost of \$3,000. Plntf used the medical report of Steven L. Burke, D.C., who treated Plntf's soft tissue injuries for ten weeks. Prayer: In excess of \$10,000 compensatory damages; \$2,798 medical expenses; plus \$3,000 property damage. Plntf made a pretrial demand of \$9,000 - Dfnt offered \$4,000 (D). (Carrier: Farmers Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$10,000. Defense counsel argued Plntf was overtreated, and only required treatment for five weeks. Two day trial. Jury out one hour. FOUND PLNTF AND DFNT WERE BOTH NEGLIGENT, AND AWARDED \$0 COMPENSATORY DAMAGES.

8/4/06 - pro tem Judge PHILIP J. DABNEY - CV A460028 - JOHNSON (Boyd B. Moss of Henness & Haight) v RIPA (Michael P. Golden of Turner & Riddle) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$11,215.02 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 44, a Nevada resident, alleged that, as she turned northbound onto Highland Drive, from westbound Desert Inn Road, she was rear-ended by Dfnt. Dfnt, female, a Nevada resident, denied liability, advancing the defense that Plntf stopped for no apparent reason, and Plntf's negligence caused collision. Dfnt used the report of Lyle Rawson Persch, an accident reconstructionist, who was of the opinion the impact to Plntf's vehicle was minimal. Plntf alleged she sustained cervical, thoracic, and lumbar strains and sprains, with secondary headaches, which required ten weeks of treatment. Dfnt argued impact was minor, causing approximately \$700 in property damage to Plntf's vehicle, and Plntf was not injured. Dfnt used the medical records of Curtis W. Poindexter, M.D., a psychiatrist, who was of the opinion Plntf was not injured, and her treatment was a "gross misuse" of medical resources. Prayer: In excess of \$10,000 compensatory damages; \$6,509.50 medical expenses; plus \$2,231.04 lost wages. Plntf made a \$6,399 pretrial offer of judgment - Dfnt made a \$1,000 offer of judgment (P). (Carrier: Farmers Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf her specials, plus a fair and reasonable amount for pain and suffering. Defense counsel argued Plntf should take nothing. One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARDER PLNTF \$9,740.54 COMPENSATORY DAMAGES. (Post-trial, Plntf filed motion for fees, costs, and interest. MATTER THEN SETTLED FOR \$15,000 POLICY LIMITS.)

8/17/06 - pro tem Judge GLORIA J. STURMAN -
CV A502130 - DAVIS (Allen A. Cap of Law Offices
of Albert D. Massi, Ltd.) v MITCHELL (Richard A.
Englemann of Prince & Keating, L.L.P.) -
PERSONAL INJURY - REAREND. *Case being
tried on Plntf's appeal of Plntf's \$30,500 arbitration
award, with a finding that Plntf was twenty-five
percent at fault.* Case also being tried as a Shorttrial.
Additionally, case being tried on comparative fault.
Plntf, female, age 62, a Nevada resident, employed as
a beautician, alleged that, as she slowed for a stopped
vehicle, she was rear-ended by Dfnt. Dfnt, female,
age 17, a Nevada resident and student, denied
liability, advancing the defense that Plntf executed a
sudden stop, to avoid striking/rear-ending the vehicle
stopped in front of her, which contributed to Dfnt
rear-ending Plntf's vehicle. Plntf alleged she
sustained cervical, thoracic, and lumbar soft tissue
injuries; plus an injury to the right shoulder. Plntf
used the medical reports of John A. Moehrle, D.C.;
David J. Oliveri, M.D., a physiatrist; and Mark B.
Kabins, M.D., an orthoped. Prayer: In excess of
\$10,000 compensatory damages; plus \$13,205.19
medical expenses. Plntf made a pretrial demand of
\$30,5000 - Dfnt made a \$25,000 offer of judgment
(D). (Carrier: ANPAC.) During closing arguments,
Plntf's counsel asked jury to award Plntf \$30,500,
plus a fair and reasonable amount for ongoing pain
and suffering. Defense counsel suggested \$11,000 to
\$22,000 was adequate compensation, and asked jury
to find Plntf to be twenty-five to fifty percent at fault.
One day trial. By stipulation, four jurors deliberated.
Jury out ? hours. AWARDED PLNTF \$30,000
COMPENSATORY DAMAGES. (Found Plntf to be
twenty-five percent at fault, and found Dfnt to be
seventy-five percent at fault; therefore, Plntf's award
to be reduced to \$22,500.) (Post-trial, Dfnt filed
motion for fees and costs.)

9/28/06 - pro tem Judge ROBERT A. KELLEY - CV A477527 - FUENTES (Gary W. Call of Bernstein & Associates) v MORELLO (Ronald M. Pehr, a sole practitioner) - PERSONAL INJURY - INTERSECTION - CONTROLLED - STOP SIGN. Case being tried on Dfnt's appeal of Plntf's \$5,478.80 arbitration award. Case also being tried as a Shorttrial. Plntf, female, age 32, a Nevada resident, employed as a reservations clerk, alleged Dfnt negligently entered the intersection, in front of Plntf's vehicle, and blocked traffic, which caused Plntf to collide with Dfnt's vehicle. Dfnt, female, a Nevada resident, denied liability, advancing the defense that Plntf overreacted. Plntf alleged she sustained cervical and lumbar soft tissue injuries. Dfnt argued Plntf's injuries were minor, and Plntf was overtreated. Dfnt used the report of Eugene L. Appel, M.D., a biomechanical trauma specialist, of San Diego, California, who was of the opinion Plntf's injuries were minor, and Plntf's treatment was excessive and unreasonable. Prayer: In excess of \$10,000 compensatory damages; \$5,879.40 medical expenses; plus \$214 lost wages. Plntf made a \$9,000 pretrial offer of judgment - Dfnt made a \$3,646.11 offer of judgment (P). (Carrier: Nevada General Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARDED PLNTF \$8,500 COMPENSATORY DAMAGES. (Post-trial, Plntf filed motion for attorney's fees and costs.)

10/4/06 - pro tem Judge SHERRY B. BOWERS - CV 05-01466 - DEGRASSE (Lee T. Hotchkin, a sole practitioner) v YIM (C. James Georgeson of Georgeson Angaran, Chtd.) - PERSONAL INJURY - BUS/AUTOMOBILE COLLISION. *Case being tried on Dfnt's appeal of Plntf's \$13,945.37 arbitration award.* Case also being tried as a Shorttrial. Plntf, male, age 72, employed by WARC, was passenger on a city bus, when it was struck by Dfnt. Dfnt, female, age 32, a Nevada resident, and homemaker, operating a sport utility vehicle, admitted negligence, but argued damages. Dfnt argued impact was minor, and Plntf was the only one of fourteen bus passengers who claimed injury. Plntf alleged he sustained cervical and lumbar strains and sprains. Dfnt argued the only treatment received by Plntf was in the emergency department, the day of the collision. Prayer: In excess of \$10,000 compensatory damages; \$13,046.25 medical expenses; plus \$5,000 lost wages. Plntf made a \$4,999 pretrial offer of judgment - Dfnt refused to make an offer (D). (Carrier: California State Automobile Association.) During closing arguments, Plntf's counsel asked jury to award Plntf \$36,000. Defense counsel argued Plntf was not injured, and fabricated his symptoms. One day trial. By stipulation, four jurors deliberated. AWARDED PLNTF \$13,046.37 COMPENSATORY DAMAGES. 3 - 1.

10/6/06 - pro tem Judge THOMAS P. BEKO - CV 05-00647 - ALVAREZ and LOMELI (Martin G. Crowley of American Legal Services; and George B. Grover, a sole practitioner) v ORVIS (Phillip R. Emerson of Emerson & Manke, P.L.L.C.) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf Alvarez's \$7,460.25 arbitration award, and Plntf Lomeli's \$10,662.50 arbitration award.* Case also being tried as a Shorttrial. Plntf Alvarez, male, undocumented, a Nevada resident, was operating a vehicle, southbound on U.S. 395 frontage road, between Villanova Drive and Plumb Lane, with passenger, Plntf Lomeli, female, also undocumented, a Nevada resident. Plntfs alleged that, while stopped, they were rear-ended by Dfnt. Dfnt, male, a Nevada resident, denied liability, advancing the defense of sudden emergency. Dfnt alleged Plntf Alvarez suddenly stopped, when non-party motorist swerved into Plntfs' lane of travel, and Dfnt had insufficient time to avoid the collision. Plntfs alleged they sustained cervical, thoracic, and lumbar soft tissue injuries. Plntfs used the medical reports of Robert J. Dorn, Jr., D.C.; and Jeffrey P. Daso, D.C.; both of whom were of the opinion Plntfs' soft tissue injuries were causally related. Dfnt used the report of Rowlin L. Lichter, M.D., an orthopod, who was of the opinion Plntfs were not injured in the collision, and their treatment was excessive. Prayer: In excess of \$10,000 compensatory damages; plus an unspecified amount for medical expenses. Plntf Alvarez made a \$19,841 pretrial offer of judgment; Plntf Lomeli made a \$23,162 pretrial offer of judgment - Dfnt offered \$500 (D). (Carrier: Allstate Insurance.) During closing arguments, Plntfs' counsel argued that, although non-party motorist suddenly swerved into Plntfs' lane, Plntf Alvarez was able to bring his vehicle to a safe stop, and, therefore, Dfnt should have done the same. Plntfs' counsel asked jury to award Plntf Alvarez \$7,460.25, and award Plntf Lomeli \$10,662.50. Defense counsel argued liability, due to sudden emergency, and Dfnt had no advance notice of the sudden stop. Defense counsel also argued neither Plntf claimed injury at the scene, and could not have been injured as a result of the impact. One day trial. By stipulation, four jurors deliberated. Jury out ? hours. FOUND FOR DFNT.

11/2/06 - pro tem Judge WALTER R. CANNON -
CV A509483 - CLITA (Robert E. Marshall of
Marshall Law Office) v FRANKEWICH (John T.
Keating and Richard W. Mingus of Prince &
Keating, L.L.P.) - PERSONAL INJURY -
AUTOMOBILE COLLISION. *Case being tried on
Dfnt's appeal of Plntf's \$12,128 arbitration award.*
Case also being tried as a Shorttrial. Plntf, male, age
53, a Nevada resident, employed as a taxicab driver,
alleged Dfnt's negligence caused collision. Dfnt,
female, age 31, a Nevada resident, employed as a real
estate agent, admitted negligence, but argued
causation. Dfnt called Brian K. Jones, an accident
reconstructionist, who testified the collision occurred
at less than five miles-per-hour. Plntf alleged he
sustained cervical, thoracic, and lumbar soft tissue
injuries. Dfnt argued Plntf was not injured. Prayer:
In excess of \$10,000 compensatory damages; plus
\$6,918 medical expenses. Plntf made a pretrial
demand of \$10,000 - Dfnt refused to make an offer
(D Keating). (Carrier: American National Property
and Casualty.) During closing arguments, Plntf's
counsel argued that Plntf's injuries were causally
related, and asked jury to award Plntf \$12,128.
Defense counsel argued the collision was minor, and
Plntf was not injured. One day trial. By stipulation,
four jurors deliberated. Jury out one hour. FOUND
FOR DFNT.

12/15/06 - pro tem Judge ELIZABETH J. FOLEY - CV A500135 - YAMAGUCHI (Mark A. Kulla of Spilotro & Kulla, Chtd.) v COOPER (Ronald M. Pehr, a sole practitioner) - PERSONAL INJURY - INTERSECTION - CONTROLLED - TRAFFIC SIGNAL - U-TURN/T-BONE MISHAP. *Case being tried on Dfnt's appeal of Plntf's \$30,000 arbitration award, with a finding that Plntf was twenty percent at fault, and Dfnt was eighty percent at fault.* Case also being tried as a Shorttrial. Plntf, female, age 61, a Nevada resident, employed by a real estate company, alleged that, as she executed a U-turn on Russell Road, at its intersection with McLeod Drive, from the left turn lane, she was struck by oncoming Dfnt. Plntf also alleged she entered the intersection on a green turn arrow, and Dfnt ran red light. Dfnt, male, age 26, a Nevada resident, employed as a carpenter, denied liability, advancing the defense that he had a green light, and Plntf failed to yield the right-of-way. Dfnt argued he was travelling within the speed limit. Dfnt also argued Plntf executed a U-turn and stopped in Dfnt's path, and he was unable to avoid T-boning Plntf's vehicle. Dfnt used the report of David M. Sonne, an accident reconstructionist, who was of the opinion Plntf entered the intersection when Dfnt was too close to avoid colliding with Plntf's vehicle. Plntf sustained a fractured pelvis, plus lacerations and bruises, with secondary pain. Plntf used the medical reports of her treating healthcare providers. Prayer: In excess of \$10,000 compensatory damages; over \$7,000 medical expenses; plus \$1,120 lost wages. Plntf made a pretrial demand of \$12,000 - Dfnt offered \$100 (D). (Carrier: Nevada General Insurance.) During closing arguments, Plntf's counsel argued Plntf had the right-of-way regardless whether she entered the intersection on a green turn arrow or a green light. Defense counsel argued Plntf and Dfnt both had green lights, and Plntf failed to yield the right-of-way. One day trial. By stipulation, four jurors deliberated. Jury out ten minutes. FOUND FOR DFNT.

11/15/06 - Judge MICHAEL R. GRIFFIN - CV 05-00704 - BAER and DePAOLI (Robert C. Herman, a sole practitioner) v REINHARDT (Kaleb D. Anderson of Law Offices of Melissa P. Harris) - PERSONAL INJURY - REAREND. *Case being tried on appeal of Plntf mother Baer's \$22,000 arbitration award, Plntf daughter DePaoli's \$8,500 arbitration award, Plntf son Robert DePaoli's \$10,000 arbitration award, and Plntf son Domenick DePaoli's \$11,000 arbitration award.* Case also being tried as a Shorttrial. Plntf mother, age 44, a Nevada resident, was operating a pickup truck, with passengers, Plntf minor children DePaoli, also Nevada residents. Plntfs alleged that, while stopped for a traffic signal northbound on Highway 395, Dfnt, who was travelling more than forty miles-per-hour, negligently rear-ended Plntfs' pickup truck. Dfnt, female, a Nevada resident, who died from non-related natural causes post-accident, did not contest liability. Plntfs alleged they sustained soft tissue injuries. Plntf mother and Plntf son Domenick alleged they will require ongoing treatment. Plntfs called their treating physician, Steven L. Bohner, D.C.; and Roger A. Russell, D.C., who performed a review of Plntfs' medical records. Dfnt argued Plntfs were overtreated. Each Plntf's Prayer: In excess of \$10,000 compensatory damages; plus an unspecified amount in medical expenses. One day trial. By stipulation, four jurors deliberated. Jury out one-plus hours. AWARDED PLNTF MOTHER \$20,000 COMPENSATORY DAMAGES (REPRESENTING \$14,000 PAST MEDICAL EXPENSES, AND \$6,000 FUTURE MEDICAL EXPENSES); AWARDED PLNTF DAUGHTER \$6,500 COMPENSATORY DAMAGES FOR PAST MEDICAL EXPENSES; AWARDED PLNTF SON ROBERT \$6,000 COMPENSATORY DAMAGES FOR PAST MEDICAL EXPENSES; AND AWARDED PLNTF SON DOMENICK \$9,500 COMPENSATORY DAMAGES (REPRESENTING \$6,500 PAST MEDICAL EXPENSES, AND \$3,000 FUTURE MEDICAL EXPENSES). [POST-TRIAL, ON JANUARY 3, 2007, COURT GRANTED PLNTFS' MOTION FOR ADDITUR, AND AWARDED PLNTF DAUGHTER \$2,500 COMPENSATORY DAMAGES FOR PAST PAIN AND SUFFERING (TOTAL AWARD \$9,000); AWARDED PLNTF SON ROBERT \$2,500 COMPENSATORY DAMAGES FOR PAST PAIN

AND SUFFERING (TOTAL AWARD \$8,500); AWARDED PLNTF MOTHER \$7,500 COMPENSATORY DAMAGES FOR PAST PAIN AND SUFFERING, PLUS \$5,000 COMPENSATORY DAMAGES FOR FUTURE PAIN AND SUFFERING (TOTAL AWARD \$32,500); AND AWARDED PLNTF SON DOMENICK \$2,500 COMPENSATORY DAMAGES FOR PAST PAIN AND SUFFERING, PLUS \$1,000 COMPENSATORY DAMAGES FOR FUTURE PAIN AND SUFFERING (TOTAL AWARD OF \$13,000)].

11/3/06 - pro tem Judge THOMAS P. BEKO - CV
05-01033 - HOWARD (Randolph C. Wright, a sole
practitioner) v LASH (Mark A. Hughs of Law
Offices of Robert F. Enzenberger) - PERSONAL
INJURY - INTERSECTION - CONTROLLED -
STOP SIGN - SIDESWIPE MISHAP. *Case being
tried on appeal of Plntf's \$12,500 arbitration award.*
Case also being tried as a Shortrial. Plntf, female, a
Nevada resident, employed as a time-share sales
person, operating a 1963 Ford Falcon, was stopped at
the intersection of Ralston and Fifth streets. Plntf
alleged Dfnt, operating a 1985 Mazda, westbound on
Fifth Street, failed to yield the right-of-way from a
stop sign, executed a right turn, and sideswiped
Plntf's vehicle. Plntf's vehicle was totalled. Dfnt,
male, a Nevada resident, admitted negligence, but
argued damages. Plntf alleged she sustained cervical,
thoracic, and lumbar soft tissue injuries, which
required physical therapy, medication, a home
exercise program, and trigger-point injections. Plntf
also alleged she had secondary headaches, plus chest
pain, and developed anxiety and depression.
(Carrier: Unknown.) Prayer: In excess of \$10,000
compensatory damages; plus an unspecified amount
for medical expenses. One day trial. By stipulation,
four jurors deliberated. Jury out ? hours.
AWARDED PLNTF \$15,600 COMPENSATORY
DAMAGES (REPRESENTING \$5,600 PAST
DAMAGES AND \$10,000 FUTURE DAMAGES.

11/20/06 - pro tem Judge ALBERT F. PAGNI - CV
05-01020 - GRENNAN (Lee T. Hotchkin, a sole
practitioner) v CHAMBERLAIN (B. Alan
McKissick of McKissick, Van Walraven & Harris,
Chtd.) - PERSONAL INJURY - REAREND. *Case
being tried on appeal of Plntf's arbitration award.*
Case also being tried as a Shorttrial. Plntf, female, a
Nevada visitor, self-employed as a child care
provider, alleged she was rear-ended by Dfnt,
operating a Ford pickup truck. Dfnt, male, a Nevada
visitor, denied liability, advancing the defense that
his vehicle only bumped Plntf's vehicle. Plntf
alleged she sustained soft tissue injuries, plus
emotional trauma. Plntf also alleged that, as a result
of her injuries, she was unable to open a new child
care facility, as she had planned. Dfnt argued Plntf
was not injured, and her treatment was unnecessary
and unreasonable. Dfnt also argued Plntf's claim for
lost earnings was unfounded. Prayer: In excess of
\$10,000 compensatory damages; an unspecified
amount for medical expenses; plus \$13,500 lost
earnings. (Carrier: Farmers Insurance.) One day
trial. Jury out ? hours. AWARDED PLNTF \$8,000
COMPENSATORY DAMAGES.

2/1/07 - pro tem Judge BLAIR C. PARKER - CV A499709 - BRYANT-LEVI (Geraldine Kirk-Hughes of Law Offices of Kirk-Hughes & Associates) v SILVERMAN (Richard S. Johnson of Safeco Staff Counsel) - PERSONAL INJURY - INTERSECTION - UNCONTROLLED - LEFT TURN MISHAP. *This trial actually ended January 5, 2007, but did not come to light until after our publication deadline. Therefore, we have changed the trial's ending date to conform to our citation system. Case being tried on Plntf's appeal of Plntf's \$10,000 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 48, an unemployed Nevada resident, alleged Dfnt negligently executed a left turn, into Plntf's path, and caused collision. Dfnt, female, age 67, a retired Nevada resident, admitted negligence, but argued damages. Plntf alleged she sustained cervical and lumbar soft tissue injuries, with ongoing residual pain. Plntf called her treating physician, John A. Thompson, D.O., an orthopod, who testified Plntf's treatment was reasonable and necessary. Dfnt argued Plntf's treatment was excessive. Dfnt called Patrick J. Brandner, M.D., an orthopod, who was of the opinion Plntf had no evidence of a structural injury, and her complaints should have resolved within six weeks of incident. Prayer: In excess of \$10,000 compensatory damages; plus \$20,624 medical expenses. Dfnt made a \$15,001 pretrial offer of judgment, plus taxable costs (D). (Carrier: Safeco Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$20,624 for medical expenses, plus a fair and reasonable amount for past and future pain and suffering. Defense counsel argued \$6,400 was adequate compensation. One day trial. By stipulation, four jurors deliberated. Jury out one-plus hours. AWARDED PLNTF \$9,000 COMPENSATORY DAMAGES (REPRESENTING \$5,000 FOR MEDICAL EXPENSES, AND \$4,000 PAST PAIN AND SUFFERING). (Post-trial, Court granted Dfnt's motion for \$6,000 in attorney's fees, and \$28,189.56 in costs.)

3/29/07 - Judge ELIZABETH LA MACCHIA HALVERSON - CV A486617 - MOREJON (Luis Rojas of Stein & Rojas) v CALI (Valarie I. Fujii of Law Offices of Valarie I. Fujii & Associates) - PERSONAL INJURY - INTERSECTION - CONTROLLED - STOP SIGN. *Case being tried on Dfnt's appeal of Plntf's \$15,459.10 arbitration award.* Plntf, female, a Nevada resident, alleged that, while travelling southbound on Sandhill Road, at Rose lane, Dfnt negligently attempted to cross Sandhill Road, without stopping or yielding the right-of-way from a stop sign, and struck the rear passenger side of Plntf's vehicle. Dfnt, male, a Nevada resident, admitted negligence, but argued causation. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries; plus injuries to both knees. Plntf called Steven A. Holper, M.D., a physiatrist; and Robert Ostolaza, D.C. Dfnt argued impact was minimal, and Plntf was not injured. Prayer: In excess of \$10,000 compensatory damages; plus \$7,334.13 medical expenses. Plntf made a \$17,001 pretrial offer of judgment - Dfnt offered \$11,300 (P). (Carrier: Allstate Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$17,000. Defense counsel argued liability. Two day trial. Jury out less than one hour. AWARDED PLNTF \$12,500 COMPENSATORY DAMAGES (REPRESENTING \$7,334.13 IN MEDICAL EXPENSES, AND \$5,165.87 FOR PAIN AND SUFFERING). (Post-trial, Plntf filed motion for attorney's fees and costs.)

4/20/07 - Judge TIMOTHY C. WILLIAMS - CV A450726 - DIFORE (pro se) v DOBLE (Michael P. Golden of David L. Riddle & Associates) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$13,593.10 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, a Nevada resident, alleged Dfnt rear-ended a vehicle in which Plntf was a passenger. Dfnt, female, a Nevada resident, admitted negligence, but argued causation. Dfnt called Lyle Rawson Persch, an accident reconstructionist, who estimated the speed of Dfnt's vehicle, at time of impact, was between one and three miles-per-hour. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries. Plntf called her treating physician, Danielle Buda, D.C., who testified Plntf's treatment was reasonable and necessary, and her injuries resulted from the instant accident. Dfnt argued the impact was minimal, and Plntf could not have been injured. Prayer: In excess of \$10,000 compensatory damages; plus \$7,573.10 medical expenses. Plntf made a pretrial demand of \$13,593.10 - Dfnt refused to make an offer (D). (Carrier: Farmers Insurance.) During closing arguments, Plntf's counsel argued the impact caused Plntf's injuries. Defense counsel argued Plntf was not injured in the low-impact collision. One day trial. By stipulation, four jurors deliberated. Jury out ? hours. FOUND FOR DFNT.

4/17/07 - Judge J. CHARLES THOMPSON - CV
A502191 - HERRERA (Carl E. G. Arnold of Lerner
& Rowe, P.C.) v TILLMAN (Ronald M. Pehr, a sole
practitioner) - PERSONAL INJURY - REAREND.
*Case being tried on Dfnt's appeal of Plntf's \$11,000
arbitration award.* Plntf, male, age 28, a Nevada
resident, employed as a painter, alleged Dfnt rear-
ended non-party motorist's vehicle, and propelled it
into the rear of Plntf's stopped pickup truck. Dfnt,
female, age 23, a Nevada resident, employed as a
cashier, admitted negligence, but argued causation.
Plntf alleged he sustained cervical, thoracic, and
lumbar soft tissue injuries. Plntf called Obteen N.
Nassiri, D.C., who testified he treated Plntf for three
months, and his treatment was reasonable and
necessary. Dfnt called Eugene L. Appel, M.D., a
trauma surgeon, of San Diego, California, who was
of the opinion Plntf sustained a minor cervical soft
tissue injury, and the chiropractic regimen
administered was unreasonable and unnecessary.
Prayer: In excess of \$10,000 compensatory damages;
plus \$8,269 medical expenses. Plntf made a pretrial
demand of \$11,000 - Dfnt made a \$4,732.17 offer of
judgment (D). (Carrier: National General Insurance.)
Two day trial. Jury out less than one hour.
AWARDED PLNTF \$1,500 COMPENSATORY
DAMAGES. (Post-trial, Dfnt filed motion for costs
and fees.)

5/25/07 - pro tem Judge ROBERT E. GASTON - CV A504287 - MONTROYA (John S. Rogers, a sole practitioner) v MANIA (Phillip R. Emerson of Emerson & Manke, P.L.L.C.) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$2,250 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 57, a Nevada resident, employed as an immigration attorney, alleged she was rear-ended by Dfnt. Dfnt, female, a Nevada resident, denied liability, advancing the defense that Plntf caused the collision, by swerving into Dfnt's lane of travel. Dfnt alleged that, at the time of the collision, Plntf was eating a hamburger and was inattentive. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries. Dfnt argued impact was minor, and could not have caused Plntf's alleged injuries. Prayer: In excess of \$10,000 compensatory damages; plus an unspecified amount for medical expenses. Plntf made a pretrial demand of \$11,000 - Dfnt made a \$1,001 offer of judgment (D). (Carrier: Allstate Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out twenty-five minutes. FOUND FOR DFNT.

7/19/07 - pro tem Judge THOMAS J. TANKSLEY - CV A505747 - RASCON (John C. Funk of Potter Law Offices) v ROBERTS (Richard A. Englemann of Prince & Keating, L.L.P.) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$4,459.50 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 34, a Nevada resident, employed as a PBX operator, alleged that, while stopped, westbound on Flamingo Road, at its intersection with Pecos Road, she was rear-ended by Dfnt. Dfnt, female, age 37, a Nevada resident, employed as a dental hygienist, admitted negligence, but argued causation. Plntf alleged she sustained a cervical strain and sprain, with temporary paresthesia. Plntf called Larry J. Tarno, D.O., a general practitioner, who testified Plntf's two emergency department visits, plus two months of physical therapy, were causally related, reasonable, and necessary. Dfnt argued impact was minor, and did not cause injury. Dfnt called Matthew D. Mecham, M.S., an accident reconstructionist and biomechanical engineer, who testified the Delta V forces generated in the impact were 2.2 miles-per-hour, which was insufficient to cause injury. Prayer: In excess of \$10,000 compensatory damages; \$4,737 medical expenses; plus \$205 lost wages. Plntf made a pretrial demand of \$10,000 - Dfnt made a \$2,500 offer of judgment (D). (Carrier: ANPAC.) During closing arguments, Plntf's counsel argued Plntf's injuries were causally related, and her treatment was causally related, reasonable, and necessary. Plntf's counsel asked jury to award Plntf \$10,000. Defense counsel argued impact was minor, and did not cause Plntf's injuries. Defense counsel argued two emergency department visits, plus additional treatment was unreasonable. One day trial. Jury out thirty-five minutes. AWARDED PLNTF \$305 COMPENSATORY DAMAGES (REPRESENTING \$100 MEDICAL EXPENSES AND \$205 LOST WAGES.)

7/31/07 - Judge SUSAN HOLLAND JOHNSON -
CV A488335 - GALVEZ (Orlando DeCastroverde of
DeCastroverde Law Group) v BURGESS (Alina M.
Kilpatrick of Nevada General Insurance Company) -
PERSONAL INJURY - REAREND. *Case being
tried on Dfnt's appeal of Plntf's \$8,355 arbitration
award* Plntf, female, age 31, a Nevada resident,
employed as a housekeeper, alleged she was rear-
ended by Dfnt. Dfnt, male, a Nevada resident,
admitted negligence, but argued causation. Plntf
alleged she sustained cervical, thoracic, and lumbar
soft tissue injuries, which resolved two months post-
collision. Plntf called her treating physician, D.
Warren Dryer, D.C., who testified Plntf's injuries
were causally related, and her treatment was
reasonable and necessary. Dfnt argued Plntf was not
injured as she alleged, and her treatment was
excessive. Dfnt called Eugene L. Appel, M.D.,
B.M.E., M.M.E., a biomechanical trauma specialist,
of San Diego, California, who testified Plntf's
treatment was excessive. It was Dr. Appel's opinion
that only two physician office visits, plus four
physical therapy treatments, were reasonable.
Prayer: In excess of \$10,000 compensatory damages;
plus \$3,355 medical expenses (P). (Carrier: Nevada
General Insurance.) During closing arguments,
Plntf's counsel asked jury to award \$8,355. Defense
counsel suggested \$1,000 was adequate
compensation. Two day trial. Jury out one hour.
AWARDED PLNTF \$5,355 COMPENSATORY
DAMAGES.

Following is some additional information about a trial previously reported in the July 2007 issue of THE TRIAL REPORTER of Nevada. The additional information is in bold italic type.

6/5/07 - Judge ELIZABETH LaMACCHIA HALVERSON - CV A487993 - YANG (Benson Lee and Michael B. Lee of Benson Lee and Associates, Ltd.) v HAMMOND (Alexandra B. McLeod of Lewis and Associates, L.L.C.) - PERSONAL INJURY - **MULTIPLE-VEHICLE REAREND.** Case being tried on Dfnt's appeal of Plntf's \$14,187.19 (per P) or \$15,000 (per D) arbitration award, after reduction for ten percent comparative fault. Case also being tried on comparative fault. Plntf, male, age 29, a Nevada resident and student, alleged that, while stopped, he was rear-ended by Dfnt. Plntf also alleged the impact propelled his vehicle into another automobile. Plntf called the investigating police officer. Dfnt, male, a Nevada resident, who did not appear at trial, denied liability, advancing the defense that he rear-ended Plntf's vehicle after Plntf had struck the vehicle in front of him. Dfnt alleged the sensing and diagnostic module (black box) in Plntf's vehicle showed two frontal impacts. Dfnt called an eyewitness to support his position. Dfnt also called Brian K. Jones, an accident reconstructionist, who testified regarding retrieval and reading of crash data stored in the "black box". (State Farm Insurance was the insurer of the vehicle struck by Plntf, and sued both Plntf and Dfnt for recovery of the \$20,000 payment made to their insured. Cases were consolidated. Before trial, Dfnt settled with State Farm Insurance for \$11,000, and Plntf settled State Farm's claim for \$3,000.) Plntf alleged he sustained a cervical strain and sprain, and a lumbosacral injury, with secondary headaches and dizziness; plus facial lacerations, due to the deployment of the vehicle's airbag. Plntf called Teng C. Ong, M.D., a family practitioner, who testified regarding Plntf's injuries and treatment. Prayer: In excess of \$10,000 compensatory damages; \$4,790 medical expenses; plus \$3,007 property damage. Plntf made a \$9,500 pretrial offer of judgment - Dfnt offered \$7,500 (P & D). (Carrier: Liberty Mutual Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$3,007 for property damages, plus \$15,000 for pain and suffering. Two day trial. Jury

out four-plus hours. AWARDED PLNTF \$29,500 COMPENSATORY DAMAGES. (Found Plntf to be thirty percent at fault, and Dfnt to be seventy percent at fault; therefore, Plntf's award to be reduced to \$20,650.) (On July 16, 2007, Dfnt's post-trial motions for a new trial and/or remittitur were denied. Plntf's fees and costs pending.)

Following is some additional information about a trial previously reported in the July 2007 issue of THE TRIAL REPORTER of Nevada. The additional information is in bold italic type.

5/10/07 - Judge TIMOTHY C. WILLIAMS - CV A461943 - SHORES (Paul W. Vanderwerken, a sole practitioner) v MARCINIAK (Michael E. Rowe of Nevada General Insurance Company; and Ronald M. Pehr, a sole practitioner) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$37,000 arbitration award* Plntf, female, age 28, a Nevada resident, operating a 1988 Ford, alleged she was rear-ended by Dfnt. Dfnt, male, age 35, a Nevada resident, employed as a pipefitter, operating a 1999 Dodge, admitted negligence. ***Plntf alleged she sustained cervical and lumbar soft tissue injuries. Plntf also alleged she has residual lumbar pain.*** Plntf called David J. Oliveri, M.D., a physiatrist and pain management specialist, who testified Plntf's past and future medical expenses were causally related. Prayer: In excess of \$10,000 compensatory damages; \$17,166 medical expenses; plus \$51,000 future medical expenses. Prior to litigation, Plntf made a demand for \$15,000 - six months prior to trial, Dfnt made a \$15,000 offer of judgment (P). (Carrier: Nevada General Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$200,000. Two day trial. Jury out four hours. **AWARDED PLNTF \$144,166 COMPENSATORY DAMAGES (REPRESENTING \$17,166 PAST MEDICAL EXPENSES; \$51,000 FUTURE MEDICAL EXPENSES; \$25,000 PAST PAIN AND SUFFERING; AND \$51,000 FUTURE PAIN AND SUFFERING).**

8/1/07 - pro tem WILLIAM C. TURNER - CV
A503751 - KOLBO (Allen A. Cap of Cap & Kudler,
Attorneys at Law) v ELKINS (Dennis M. Prince of
Prince & Keating, L.L.P.) - PERSONAL INJURY -
REAREND. *This trial actually ended May 17, 2007,
but did not come to light until defense counsel
brought it to our attention. Therefore, we have
changed the trial's ending date to conform to our
citation system. Case being tried on Dfnt's appeal of
Plntf's \$34,209.47 arbitration award. Case also
being tried as a Shorttrial. Plntf, female, a Nevada
resident, alleged she was rear-ended by Dfnt, at the
intersection of Tropicana Avenue and Paradise Road.
Dfnt, female, a Nevada resident, admitted
negligence, but argued causation. Plntf alleged
cervical, thoracic, and lumbar soft tissue injuries,
with numbness/tingling into the left shoulder and
hand/fingers, plus secondary headaches. Plntf also
alleged she sustained injuries to the left hip, and
temporomandibular joint, with residual "popping".
Additionally, Plntf alleged she requires cervical
spinal surgery. Plntf used the medical reports of
Mark B. Kabins, M.D., an orthopod; and David J.
Oliveri, M.D., a physiatrist. Dfnt argued impact was
minor, and Plntf was not injured. Dfnt used the
medical report of Michael F. Karagiozis, D.O., a
psychiatrist and certified medical investigator, who
was of the opinion that Plntf's cervical complaints
were preexistent. Prayer: In excess of \$10,000
compensatory damages; \$13,557.63 medical
expenses; an unspecified amount for future medical
expenses; plus \$651.84 property damage. Dfnt made
a \$2,501 pretrial offer of judgment (D). (Carrier:
Unknown.) One day trial. Jury out ten minutes.
FOUND FOR DFNT.*

8/3/07 - Judge MICHAEL P. VILLANI - CV A489762 - DANG (John B. Shook of Shook & Stone, Chtd.) v KEARNEY (John T. Keating of Prince & Keating, L.L.P.) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$21,847.50 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, a Nevada resident and dentist, alleged she was rear-ended by Dfnt. Dfnt, male, a Nevada resident and student, admitted negligence, but argued causation. Plntf alleged she sustained cervical soft tissue injuries, with residual tightness/stiffness. Plntf used the medical report of Mitchell Kane, D.C. Dfnt argued impact was minor, and Plntf was not injured. Dfnt called Billy S. Cox, Jr., P.E., a biomechanical engineer, to support his position. Prayer: In excess of \$10,000 compensatory damages; \$4,928 medical expenses; \$3,400 lost wages; plus \$300 property damage. Plntf made a pretrial demand of \$21,847.50 - Dfnt offered \$2,500 (D). (Carrier: ANPAC.) During closing arguments, Plntf's counsel asked jury to award Plntf \$21,847.50. Defense counsel argued causation. One day trial. Jury out less than one hour. AWARD PLNTF \$5,756.30 COMPENSATORY DAMAGES.

8/23/07 - pro tem Judge BLAIR C. PARKER - CV A511746 - JELINEK (Donald C. Kudler of Cap & Kudler, Attorneys at Law) v SPROUT (Mark L. Gentile of Gentile Law Group) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$13,865.12 arbitration award, with a finding that Dfnt was one-hundred percent at fault.* Case also being tried as a Shorttrial. Additionally, case being tried on comparative fault. Plntf, male, alleged that, while travelling on I-215, at Jones Boulevard intersection, he was rear-ended by Dfnt. Dfnt, male, denied liability, advancing the defense that Plntf started from the traffic signal, then stopped for no apparent reason, which caused Dfnt to rear-end Plntf's vehicle. In the alternate, Dfnt argued Plntf was comparatively at fault. Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries; plus a closed head injury. Plntf used the deposition of Josephine D. Saludez, M.D., an internist, who was of the opinion that all of Plntf's treatment, including physical therapy, and chiropractic manipulation, was reasonable and causally related. Prayer: In excess of \$10,000 compensatory damages; plus \$8,475.18 medical expenses. Plntf made a pretrial demand of \$13,865.12 - Dfnt made a \$5,301 offer of judgment (D). (Carrier: Progressive Insurance.) During closing arguments, Plntf's counsel argued Dfnt was one-hundred percent at fault, and asked jury to award Plntf his specials, plus a fair and reasonable amount for pain and suffering. Defense counsel argued Plntf was comparatively at fault for an improper stop. Defense counsel suggested that only Plntf's ambulance and emergency treatment were causally related. One day trial. Jury out one-plus hours. AWARDED PLNTF \$4,230.75 COMPENSATORY DAMAGES. (Found Plntf to be fifty-one percent at fault, and Dfnt to be forty-nine percent at fault; therefore, Plntf's award to be reduced to \$2,073.07.)

9/11/07 - Judge JESSIE E. WALSH - CV A492586 - ANDERSON, BASS, PEREZ, and SMITH (Robert O. Kurth, Jr., a sole practitioner) v JACKSON (Dennis M. Prince of Prince & Keating, L.L.P.) - PERSONAL INJURY - MULTIPLE-VEHICLE REAREND. *Case being tried on Dfnt's appeal of Plntfs' combined \$41,061.95 arbitration award.* Plntf Anderson, female, age 32; Plntf Bass, male, age 36; Plntf Perez, female, age 41; and Plntf Smith, male, age 23; all Nevada residents, were in the second vehicle, and Dfnt was in the third vehicle, which were involved in a four-vehicle rearend collision. (NON-PARTY MOTORIST SETTLED BEFORE TRIAL FOR AN UNDISCLOSED AMOUNT.) Plntfs alleged they were rear-ended by Dfnt. Dfnt, male, age 54, a Nevada resident, denied liability, advancing the defense that a fifth motorist executed a sudden U-turn, from the left lane of southbound travel, which caused the four vehicles behind it to rear-end the vehicles in front of it. Dfnt argued he was not the proximate cause of Plntfs' injuries. Plntf Anderson alleged she sustained cervical, thoracic and lumbar soft tissue injuries, with secondary headaches, bilateral shoulder pain, and tinnitus in the left ear. Plntf Bass alleged he sustained cervical, thoracic, and lumbar soft tissue injuries. Plntf Perez alleged she sustained cervical, thoracic, and lumbar soft tissue injuries; plus an injury to the left knee. Plntf Smith alleged he sustained acute to moderate cervical and thoracic strains and sprains, with secondary muscle contraction headaches; a left elbow strain and sprain; plus an injury to the left knee. Plntfs planned to call Obteen N. Nassiri, D.C.; Gary J. LaTourette, M.D., an orthoped; Edward N. Fishman, D.O., a pain management specialist; Michael A. Baron, M.D., a radiologist; and Steven A. Holper, M.D., a physiatrist; all of whom were prepared to testify regarding Plntfs' injuries, treatment, and medical conditions. Dfnt planned to call Michael Karagiozis, D.O., a family practitioner, who was prepared to testify regarding his review of Plntfs' medical records. Prayer: In excess of \$10,000 compensatory damages; plus \$22,537 medical expenses (D). (Carrier: Allstate Insurance.) DURING SECOND DAY OF TRIAL, PLNTFS DISMISSED THEIR COMPLAINT WITH PREJUDICE. JURY EXCUSED.

9/14/07 - pro tem Judge PATRICK J. MURPHY -
CV A506112 - SAMUELS (Ronald J. Israel, a sole
practitioner) v DUBOIS (Michael P. Golden of
David L. Riddle & Associates) - PERSONAL
INJURY - AUTOMOTIVE COLLISION. *Case
being tried on Dfnt's appeal of Plntf's \$10,500
arbitration award.* Case also being tried as a
Shorttrial. Plntf, female, a Nevada resident, alleged
Dfnt's negligence caused collision. Plntf also alleged
she sustained soft tissue injuries. Prayer: In excess of
\$10,000 compensatory damages; plus \$3,537 medical
expenses. Plntf made a pretrial demand of \$10,500 -
Dfnt offered \$8,500 (P). (Carrier: Farmers
Insurance.) One day trial. Jury out thirty minutes.
AWARDED PLNTF \$10,500 COMPENSATORY
DAMAGES.

9/24/07 - Judge SUSAN HOLLAND JOHNSON - CV A488015 - GOLDSTEIN (Colin S. Bringhurst and M. Erik Ahlander of Henness & Haight) v KOVAL (Rebecca L. Mastrangelo of Rogers, Mastrangelo, Carvalho & Mitchell) - PERSONAL INJURY - REAREND. *Case being tried on Plntf's appeal (through her former attorney) of a \$19,299.23 arbitration award.* Case also being tried as a Shorttrial. Plntf, in her forties, an unemployed Nevada resident, alleged she was rear-ended by Dfnt. Dfnt, in her twenties, a Nevada resident and university student, employed as a physical therapist, admitted negligence, but argued causation. Plntf alleged she sustained cervical, thoracic, and lumbar strains and sprains, with secondary headaches. Plntf used the deposition of Mark L. Taylor, D.C., who was of the opinion Plntf's injuries were causally related. Dfnt argued impact was minor, and Plntf was not injured. Dfnt also argued Plntf's cervical, thoracic, and lumbar complaints were preexistent. Prayer: In excess of \$10,000 compensatory damages; plus \$10,032 medical expenses. Plntf made a pretrial demand of \$10,032 - Dfnt offered \$2,500 (P Ahlander & D). (Carrier: American National Property and Casualty Insurance.) During closing arguments, Plntf's counsel argued Plntf's treatment prior to the collision was different from the treatment administered for injuries she sustained in the instant collision. Plntf's counsel asked jury to award Plntf her medical expenses, plus \$14,000 for six months of pain and suffering. Defense counsel argued Plntf was not injured, in the minor collision. One day trial. Jury out less than one hour. FOUND FOR DFNT. (Post-trial, Dfnt filed motion for fees and costs.)

Following is a report of a trial about which we were unable to obtain complete details prior to our publication deadline for the September 2007 issue of THE TRIAL REPORTER of Nevada.

8/31/07 - pro tem Judge JAMES J. JACKSON - CV A428259 - ROTHMAN-BUCHBINDER (pro se) v GRINNELL (Erin Lee Truman of Truman & Associates) - PERSONAL INJURY - REAREND. Case being tried on Dfnt's appeal of Plntf's \$27,600.75 arbitration award. Case also being tried as a Shorttrial. Plntf, female, age 33, a Nevada resident, was stopped for a red light, in a westbound through lane of Spring Mountain Road, near the intersection of Arville Street. Plntf alleged that, when the traffic signal changed to green and traffic began to move forward, she was rear-ended by Dfnt, who was operating a Saturn. Dfnt, female, age 20, a Nevada resident, admitted negligence, but argued causation. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries, with secondary headaches. Dfnt argued Plntf was not injured in the minor collision. Prayer: In excess of \$10,000 compensatory damages; plus an unspecified amount for medical expenses. Plntf made a pretrial demand of \$27,600.75 - Dfnt made a \$5,001 offer of judgment. (Carrier: Allstate Insurance.) One day trial. Jury out ? hours. FOUND FOR DFNT.

10/29/07 - pro tem Judge JAMES J. JACKSON - CV A484904 - LAU (Brook M. Hammond of Hammond & Hammond, L.L.P.) v SAUCEDA (Ryan L. Dennett of Dennett & Winspear, L.L.P.) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$12,900 arbitration award.* Case also being tried as a Shorttrial. Plntf, male, age 26, a Nevada resident and student, alleged he was rear-ended by Dfnt. Dfnt, in his thirties, a Nevada resident, admitted negligence, but argued causation. Plntf alleged he sustained cervical and lumbar strains and sprains. Plntf also alleged that, as a result of his injuries, he had to drop one summer semester of his education, which delayed his earnings for four months. Dfnt argued Plntf's treatment was excessive. Dfnt also argued Plntf did not sustain lost earnings as a result of having dropped a college semester, two years earlier. Prayer: In excess of \$10,000 compensatory damages; \$4,926 medical expenses; plus \$12,000 lost wages. (\$1,300 property damage previously paid.) Plntf made a pretrial demand of \$12,900 - Dfnt offered \$9,000 (P Hammond). (Carrier: Progressive Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARDED PLNTF \$22,926.80
COMPENSATORY DAMAGES.

11/1/07 - pro tem Judge J. MITCHELL COBEAGA -
CV A520146 - LAPUZ (Eran Lagstein, of Law
Office of Eran Lagstein, of Los Angeles, California)
v TROIKE (John T. Keating of Prince & Keating,
L.L.P.) - PERSONAL INJURY - INTERSECTION -
CONTROLLED - STOP SIGN. *Case being tried on
Dfnt's appeal of Plntf's \$5,566.62 arbitration award.*
Case also being tried as a Shorttrial. Plntf, male, age
24, a Nevada resident and student, employed as a
retail clerk, alleged Dfnt failed to yield the right-of-
way from a stop sign, and caused collision. Dfnt,
female, age 28, a Nevada resident, employed as a
server, admitted negligence, but argued causation.
Plntf alleged he sustained cervical, thoracic, and
lumbar soft tissue injuries. Dfnt argued Plntf was not
injured in the minor collision. Prayer: In excess of
\$10,000 compensatory damages; \$3,530 medical
expenses; \$56 lost wages; plus \$510.52 property
damage. Plntf made a pretrial demand of \$6,500 -
Dfnt offered \$2,500 (D). (Carrier: ANPAC.) During
closing arguments, Plntf's counsel argued Plntf had
sustained soft tissue injuries, and should be
compensated. Defense counsel argued Plntf was not
injured. One day trial. By stipulation, four jurors
deliberated. Jury out one-plus hours. AWARDED
PLNTF \$446 COMPENSATORY DAMAGES.

11/5/07 - pro tem Judge JAMES G. ARMSTRONG - CV A492796 - FALEY (Jerry A. Wiese, II, of Williams & Wiese Law Offices) v NOYES (David H. Putney of Truman & Associates) - PERSONAL INJURY - AUTOMOTIVE COLLISION. *Case being tried on Dfnt's appeal of Plntf's \$6,300 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 35, a Nevada resident, employed as an automobile salesperson, alleged Dfnt's negligence caused collision. Dfnt, male, age 67, a Nevada resident, admitted negligence, but argued causation. Plntf alleged she sustained soft tissue injuries. Plntf used the medical report of Matthew Roach, D.C., who was of the opinion Plntf's injuries and treatment were causally related. Dfnt argued impact was minor, and Plntf was not injured. Dfnt also argued Plntf had had extensive prior chiropractic treatment. Prayer: In excess of \$10,000 compensatory damages; an unspecified amount for medical expenses; plus an unspecified amount for lost wages. Plntf made a pretrial demand of \$6,000 - Dfnt made a \$2,001 offer of judgment (D). (Carrier: Allstate Insurance.) During closing arguments, Plntf's counsel argued Plntf's preexistent condition made her more susceptible to injury, and asked jury to award Plntf \$6,000. Defense counsel argued the impact caused only \$300 to \$400 in property damage, and Plntf was not injured. One day trial. By stipulation, four jurors deliberated. Jury out fifteen minutes. AWARDING PLNTF \$0 COMPENSATORY DAMAGES.

11/16/07 - pro tem Judge JOHN M. SACCO - CV A481800 - HUANG (Mark R. Anderson of Fitzgibbons and Anderson) v DAVIS (Dennis M. Prince of Prince & Keating, L.L.P.) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$6,377.74 arbitration award.* Case also being tried as a Shorttrial. Plntf, male, age 49, a Nevada resident, employed as a cook, alleged he was rear-ended by Dfnt. Dfnt, female, age 21, a Nevada resident, employed as a waitress, denied liability, advancing the defense that Plntf executed a lane change, into Dfnt's lane of travel, and she was unable to avoid rear-ending Plntf's vehicle. Plntf used the report of Brian K. Jones, P.E., an accident reconstructionist, who was of the opinion the impact occurred at less than three miles-per-hour, and it was unlikely Plntf was injured. It was also Mr. Jones' opinion that Dfnt was not at fault. Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries. Plntf used the medical report of Sonny Ho, D.C., who was of the opinion that Plntf's injuries and treatment were causally related, reasonable, and necessary. Prayer: In excess of \$10,000 compensatory damages; an unspecified amount for medical expenses; plus an unspecified amount for property damage. Dfnt made a \$2,500 pretrial offer of judgment (D). (Carrier: Unknown.) One day trial. By stipulation, four jurors deliberated. Jury out ? hours. FOUND FOR DFNT.

11/30/07 - pro tem Judge PAUL R. KIRST - CV A521439 - OSTMARK (Marina E. Kolias, a sole practitioner) v HUTTON (Gina Gilbert Winspear of Dennett & Winspear, L.L.P.) - PERSONAL INJURY - FREEWAY MISHAP - THREE-VEHICLE COLLISION. *Case being tried on Dfnt's appeal of Plntf's \$9,099 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 35, employed as a Homebuilder Options Coordinator, operating a 2001 Chrysler Sebring, alleged that, while travelling southbound on U.S. 95, in the third travel lane, before the Rancho Drive exit ramp, Dfnt, operating a 2000 Ford F150 pickup truck, also travelling southbound, in the second travel lane, swerved into Plntf's path, which caused collision. Plntf also alleged that, as a result of the impact, her vehicle was propelled into the fourth travel lane, where it was rear-ended by non-party Torado, who was operating a 1985 BMW 528E. Dfnt, male, admitted negligence, but argued damages. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries; an injury to the right knee, with pain radiating to the ankle; plus an injury to the right elbow, with pain radiating into the wrist. Plntf used the medical report of her treating physician, Daniel Schultz, D.C., who was of the opinion that Plntf's medical treatment was reasonable, necessary, and causally related. Dfnt argued Plntf had a seven-month gap in treatment, and any treatment obtained after the gap was unrelated. Prayer: In excess of \$10,000 compensatory damages; plus \$4,277.38 medical expenses. Plntf made a pretrial demand of \$8,500 - Dfnt offered \$2,000 (P). (Carrier: State Farm Insurance.) During closing arguments, Plntf's counsel argued all of Plntf's medical treatment was reasonable, necessary, and causally related. Defense counsel argued Plntf was involved in a subsequent accident, and any treatment obtained seven months post-accident was unrelated and/or unreasonable. One day trial. By stipulation, four jurors deliberated. Jury out thirty minutes. AWARDED PLNTF \$1,160 COMPENSATORY DAMAGES.

12/20/07 - pro tem Judge HALINA N. JONES - CV A510085 - LORENZO-CASIMIRO (Farhan R. Naqvi of Lerner & Rowe, P.C.) v GONZALEZ (Michael P. Golden of David L. Riddle & Associates) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$12,500 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 47, a Nevada resident, employed as a house-to-house sales person, alleged she was rear-ended by Dfnt. Dfnt, female, age 29, a Nevada resident, employed as a telephone coordinator, admitted negligence, but argued causation. Plntf alleged she sustained cervical, thoracic, and lumbar strains and sprains. Plntf called Jeffrey S. Fine, D.C., who testified Plntf's treatment was reasonable. Dfnt argued impact was minor. Dfnt also argued Plntf was not injured and/or was overtreated. Dfnt called Mark A. Rubinstein, D.C., who was of the opinion Plntf required only twelve to fourteen treatments, not the thirty-four treatments administered. Prayer: In excess of \$10,000 compensatory damages; plus \$5,065 medical expenses. Plntf made a \$10,000 pretrial offer of judgment - Dfnt made a \$5,000 offer of judgment (D). (Carrier: Farmers Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARD \$5,000 PLNTF COMPENSATORY DAMAGES.

1/4/08 - pro tem MICHAEL A. KONING - CV
A515966 - MATHIS (Victor L. Miller, a sole
practitioner) v MARTINEZ (James J. Smedley of
Atkin, Winner & Sherrod, Ltd.) - PERSONAL
INJURY - REAREND. *Case being tried on Dfnt's
appeal of Plntf's \$9,825 arbitration award.* Case
also being tried as a Shorttrial. Plntf, in his fifties, a
Nevada resident, employed by a school district,
alleged he was rear-ended by Dfnt. Dfnt, in his
twenties, a Nevada resident, admitted negligence, but
argued causation. Plntf alleged he sustained cervical
and thoracic strains and sprains; plus soft tissue
injuries to the shoulder. Plntf used the medical report
of Joseph Bananto, D.C., who was of the opinion that
Plntf's injuries were causally related, and all
treatment was reasonable and necessary. Dfnt argued
Plntf's injuries were nominal, and Plntf's treatment
was excessive. Dfnt used the medical report of Bill
W. Timberlake, D.C., of Dallas, Texas, who
reviewed Plntf's medical records. It was Dr.
Timberlake's opinion that Plntf's treatment was
unreasonable and unnecessary. Prayer: In excess of
\$10,000 compensatory damages; \$3,700 medical
expenses; plus one week lost wages. Plntf made a
\$9,825 pretrial offer of judgment - Dfnt offered
\$4,500 (D). (Carrier: Young America Insurance.)
One day trial. By stipulation, four jurors deliberated.
Jury out one hour. AWARDED PLNTF \$5,000
COMPENSATORY DAMAGES.

1/4/08 - pro tem Judge J. MITCHELL COBEAGA - CV A502310 - HOLLOWAY (Allan P. Capps, a sole practitioner) v MICHAUD (Richard A. Englemann of Prince & Keating, L.L.P.) - PERSONAL INJURY - REAREND. *Case being tried on Plntf's appeal of a \$6,600 (per P) or \$6,556.20 (per D) arbitration award, with a finding that Plntf was fifty percent at fault.* Case also being tried as a Shorttrial. Additionally, case being tried on comparative fault. Plntf, male, age 32, a Nevada resident, employed as a truck driver, alleged Dfnt, who was travelling in the center lane, "slammed" on his brakes, then swerved into Plntf's lane of travel, which caused Plntf to rear-end Dfnt's vehicle. Dfnt, male, age 23, a Nevada visitor, a member of the U.S. Marine Corps, denied liability, advancing the defense that he did not "slam" on the brakes and swerve. Dfnt argued he braked to avoid a vehicle that executed a sudden stop at a traffic signal, then merged into Plntf's lane of travel. Plntf alleged he sustained cervical and lumbar soft tissue injuries, plus injuries to the knees and ankles. Plntf used the medical records of Kyle Magdaluyo, D.C.; and Mark D. Burroff, D.O., a family practitioner. Prayer: In excess of \$10,000 compensatory damages; plus \$5,117.40 medical expenses. Plntf made a \$9,985 pretrial offer of judgment - Dfnt offered \$6,600 (per P) or \$6,556.20 (per D) (P & D). (Carrier: Encompass Insurance.) Plntf's counsel argued Dfnt was one-hundred percent at fault, and asked jury to award Plntf \$20,000. Defense counsel argued liability (per P) or suggested \$6,556.20 was adequate compensation (per D). One day trial. By stipulation, four jurors deliberated. Jury out one-plus hours. AWARDED PLNTF \$10,000 COMPENSATORY DAMAGES. (Found Plntf to be thirty-eight percent at fault, and Dfnt to be sixty-two percent at fault; therefore, Plntf's award to be reduced to \$6,200.) (Post-trial, Dfnt filed motion for attorney's fees of \$3,000 and \$3,828.20 in costs.)

1/18/08 - pro tem Judge DAVID A. STEPHENS -
CV A506301 - JONES (Michael I. Welker and
Daniel A. Schenck of Gallian, Wilcox, Welker &
Olson, L.C.) v ALLSTATE INSURANCE
COMPANY (John T. Keating of Prince & Keating,
L.L.P.) - PERSONAL INJURY. *Case being tried on
Dfnt's appeal of Plntf's \$30,000 arbitration award.*
Case also being tried as a Shorttrial. Plntf, male, age
38, a Nevada resident, employed as a truck driver,
was involved in an automobile accident. Plntf filed
claim with Dfnt carrier for injuries sustained in the
collision. Plntf alleged he sustained cervical disk
injuries, which required a cervical spinal fusion; plus
lumbar disk injuries, which will require future
surgical fusion. Plntf used the medical report of
Randal R. Peoples, M.D., a neurosurgeon, who was
of the opinion the cervical fusion performed was
causally related, but the future lumbar fusion was not
causally related. Plntf also used the medical report of
James C. Thomas, Jr., M.D., an orthopod, who was
of the opinion that the future lumbar fusion was
causally related. Dfnt argued Plntf sustained only
soft tissue injuries, as a result of the collision. Dfnt
used the medical report of Emily D. Hoff-Sullivan,
M.D., an orthopod, of St. Marys, Georgia; and Gary
E. Wyard, M.D., an orthopod, of Waconia,
Minnesota, who were of the opinion Plntf sustained
only minor soft tissue injuries. Prayer: In excess of
\$10,000 compensatory damages; plus \$93,405.38
medical expenses. Plntf made a pretrial demand of
\$30,000 - Dfnt offered \$5,000. One day trial. By
stipulation, four jurors deliberated. Jury out three-
plus hours. AWARDED PLNTF \$77,000
COMPENSATORY DAMAGES. (After offsets,
verdict reduced to zero damages.)

1/24/08 - pro tem Judge LANSFORD W. LEVITT -
CV A517818 - PIAZZA (Robert E. Marshall, a sole
practitioner) v LILLY (Keith B. Gibson of Nevada
General Insurance Company) - PERSONAL
INJURY - REAREND. *Case being tried on Dfnt's
appeal of Plntf's \$11,268.82 arbitration award.* Case
also being tried as a Shorttrial. Plntf, in her thirties, a
Nevada resident and homemaker, alleged that, while
stopped for a red light, southbound on Rainbow
Boulevard, at its intersection with Westcliff Drive,
she was rear-ended by Dfnt, male, a Nevada resident.
Plntf alleged she sustained cervical, thoracic, and
lumbar soft tissue injuries, with residual pain and
headaches; as well as ongoing emotional distress.
Prayer: In excess of \$10,000 compensatory damages;
plus approximately \$4,000 medical expenses. Plntf
made a pretrial demand of \$11,268.82 - Dfnt offered
\$5,500. (Carrier: Nevada General Insurance.) One
day trial. By stipulation, four jurors deliberated.
Jury out ? hours. AWARDED PLNTF \$11,268.82
COMPENSATORY DAMAGES. (Post-trial, Court
awarded Plntf \$3,000 in attorney's fees, \$1,604.82 in
costs and fees, plus \$1,887.68 pre-judgement
interest.)

1/25/08 - pro tem Judge MICHAEL A. KONING -
CV A517879 - LUU (Erick M. Ferran of Patti, Sgro
& Lewis) v BURGE (Richard S. Johnson of Safeco
Staff Counsel) - PERSONAL INJURY - PRIVATE
DRIVE/THOROUGHFARE - LEFT TURN
MISHAP. *Case being tried on Dfnt's appeal of
Plntf's \$16,000 arbitration award.* Case also being
tried as a Shorttrial. Plntf, female, age 42, a Nevada
resident, employed as a blackjack dealer, alleged
that, while travelling westbound on Russell Road,
west of Rainbow Boulevard, Dfnt negligently
executed a left turn from a private roadway, failed to
yield the right-of-way, and struck the passenger side
of Plntf's vehicle. Dfnt, male, age 24, a Nevada
visitor, employed by Boy Scouts of America, denied
liability, advancing the defense that Plntf negligently
executed a left turn, entered median, then entered
Dfnt's travel lane, and caused collision. Plntf alleged
she sustained cervical, thoracic, and lumbar soft
tissue injuries. Dfnt argued Plntf's injuries were not
causally related. Prayer: In excess of \$10,000
compensatory damages; in excess of \$10,000
punitive damages; \$8,280 medical expenses; \$600
lost wages; plus \$2,455 property damage. Dfnt made
a \$7,001 pretrial offer of judgment (D). (Carrier:
Safeco Insurance.) One day trial. By stipulation,
four jurors deliberated. Jury out two hours.
AWARDED PLNTF \$14,335 COMPENSATORY
DAMAGES.

2/8/08 - pro tem Judge DAVID A. STEPHENS - CV A479160 - PRICE (Matthew L. Dion of Weiss & Weiss, P.C.) v ZAMORA (Keith B. Gibson of Nevada General Insurance Company) - PERSONAL INJURY - INTERSECTION - CONTROLLED - STOP SIGN. *Case being tried on Dfnt's appeal of Plntf's \$18,000 arbitration award* Case also being tried as a Shorttrial. Plntf, female, age 28, an unemployed Nevada resident, was passenger in a vehicle, operated by non-party motorist. Plntf alleged Dfnt negligently failed to yield the right-of-way from a stop sign and caused collision. Dfnt, male, a Nevada resident, admitted negligence, but argued causation. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries; plus an injury to the knee. Plntf used the medical records of Charles D. Williams, M.D., a general practitioner, of Inglewood, California. Dfnt used the medical report of Eugene L. Appel, M.D., a biomechanical trauma specialist, of San Diego, California, who was of the opinion Plntf sustained only minor soft issue injuries, and her treatment was excessive. Prayer: In excess of \$10,000 compensatory damages; plus \$6,677.75 medical expenses. Plntf made a pretrial demand of \$14,400 - Dfnt offered \$7,500 (P). (Carrier: Nevada General Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$21,000. Defense counsel suggested \$5,000 was adequate compensation. One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARDED PLNTF \$18,000 COMPENSATORY DAMAGES. (Post-trial, Plntf filed motion for fees and costs.)

2/15/08 - pro tem Judge RICHARD A. PRATO - CV A518843 - GOOTT (Stephen M. Caruso of Caruso Law Offices) v BARBER (Yianna C. Reizakis of Truman & Associates) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$12,000 arbitration award.* Case also being tried as a Shorttrial. Plntf, in his late thirties, a Nevada resident, employed as a bellman, alleged he was rear-ended by Dfnt. Dfnt, in her early thirties, a Nevada resident and homemaker, admitted negligence, but argued causation. Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries. Plntf used the medical report of Steven A. Holper, M.D., a physiatrist, who was of the opinion Plntf's injuries were causally related, and his treatment was reasonable and necessary. Dfnt argued impact was minor, and Plntf was not injured. Dfnt used the medical report of Michael F. Karagiozis, D.O., a psychiatrist, who was of the opinion Plntf's medical treatment was excessive. Prayer: In excess of \$10,000 compensatory damages; plus \$4,128 medical expenses. Plntf made a \$7,999.99 pretrial offer of judgment - Dfnt made a \$3,500 offer of judgment (D). (Carrier: Allstate Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out one-plus hours. AWARDED PLNTF \$8,000 COMPENSATORY DAMAGES (REPRESENTING \$2,800 FOR MEDICAL EXPENSES, AND \$5,200 FOR PAIN AND SUFFERING).

2/21/08 - pro tem Judge BLAIR C. PARKER - CV A502364 - ADOLPHSEN (Romeo R. Perez, a sole practitioner) v KREINS (Phillip R. Emerson of Emerson & Manke, P.L.L.C.) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$7,908.97 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 42, a cashier, travelling northbound on Rainbow Boulevard, at its intersection with U.S. 95, stopped for red light, with Dfnt stopped directly behind Plntf's vehicle. Plntf alleged that, as the traffic signal changed from red to green, and parties began to move forward, a fire truck, travelling behind Plntf and Dfnt, activated its siren, and Plntf stopped, at which time she was rear-ended by Dfnt. Dfnt, female, denied liability, advancing the defense of sudden emergency. Dfnt argued Plntf executed a sudden stop, and Dfnt was unable to avoid collision. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries. Prayer: In excess of \$10,000 compensatory damages; \$4,505 medical expenses; plus \$2,040 lost wages. Dfnt made a \$3,601 pretrial offer of judgment (D). (Carrier: Allstate Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf her specials, plus \$20,000 for pain and suffering. Defense counsel argued impact was minor, and Plntf was not injured. One day trial. Jury out ten minutes. FOUND FOR DFNT.

2/29/08 - pro tem Judge LAURA M. PAYNE HUNT
- CV A515126 - IVANOVA (Steven J. Karen and
Clark Seegmiller, both sole practitioners) v
PALOMINO (Catherine F. Clein and Erin Lee
Truman of Truman & Associates) - PERSONAL
INJURY - REAREND. *Case being tried on Dfnt's
appeal of Plntf's \$7,030 arbitration award.* Case
also being tried as a Shorttrial. Plntf, female, age 22,
a Nevada resident, employed as a cocktail waitress,
alleged she was rear-ended by Dfnt. Dfnt, male, a
Nevada resident, did not contest liability. Plntf
alleged she sustained a cervical strain and sprain.
Plntf used the medical report of Benjamin S. Lurie,
D.C., who was of the opinion Plntf's injury was
causally related, and her treatment was reasonable
and necessary. Dfnt argued impact was minor, and
the forces generated were insufficient to cause injury.
Dfnt also argued the damage to his vehicle was
preexistent. Prayer: In excess of \$10,000
compensatory damages; plus \$4,030 medical
expenses. Plntf made a \$7,000 pretrial offer of
judgment - Dfnt offered \$2,000 (P Karen). (Carrier:
Allstate Insurance.) One day trial. By stipulation,
four jurors deliberated. Jury out thirty minutes.
AWARDED PLNTF \$7,030 COMPENSATORY
DAMAGES. (POST-TRIAL, MATTER SETTLED
FOR \$13,315.93.)

Following is some additional information about a trial previously reported in the February 2008 issue of THE TRIAL REPORTER of Nevada. The additional information is in bold italic type.

1/31/08 - *pro tem Judge STEVEN J. KAREN* - CV 471889 - SWEISS (Patrick J. Murphy of Law Offices of Patrick J. Murphy) v MELLO (David L. Riddle of David L. Riddle & Associates) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$37,642.38 arbitration award.* Case also being tried as a Shorttrial. Plntf, male, *age 54*, a Nevada visitor, *self-employed*, was traveling westbound in the right lane on Desert Inn Road, approximately twenty feet east of its intersection with Paradise Road. Plntf alleged that, as he stopped for a traffic signal that was cycling from yellow to red, he was rear-ended by Dfnt. Dfnt, male, a Nevada resident, *denied liability, advancing the defense that Plntf executed a sudden stop, and therefore, Dfnt could not stop. Plntf alleged he sustained cervical soft tissue injuries, plus a torn rotator cuff of the shoulder. Plntf used the medical report of Richard Cestkowski, D.O., a general practitioner, who was of the opinion that Plntf's injuries were causally related, and his treatment and expenses were reasonable. Dfnt used the medical report of Steven M. Sanders, M.D.; and Jerrold M. Sherman, M.D.; both orthopods, both of whom were of the opinion that Plntf's treatment was excessive.* Prayer: In excess of \$10,000 compensatory damages; an unspecified amount for medical expenses; plus an unspecified amount for lost wages. *Plntf made a pretrial demand of \$40,000 - Dfnt offered \$7,500 (P). (Carrier: Farmers Insurance.)* One day trial. By stipulation, four jurors deliberated. Jury out *one hour.* AWARDED PLNTF \$42,642.38 COMPENSATORY DAMAGES.

3/21/08 - pro tem Judge W. RANDOLPH PATTON -
CV A526200 - COTA (Erick M. Ferran of Patti, Sgro
& Lewis) v DEMILLE (Rebecca L. Mastrangelo of
Rogers, Mastrangelo, Carvalho & Mitchell) -
PERSONAL INJURY - PARKING LOT MISHAP.
*Case being tried on Dfnt's appeal of Plntf's \$11,391
arbitration award.* Case also being tried as a
Shorttrial. Plntf, female, age 48, a Nevada resident,
employed as an officer of a sign company, alleged
Dfnt backed into Plntf's vehicle in a parking lot, and
caused collision. Dfnt, male, age 72, a retired
Nevada resident, admitted negligence, but argued
causation. Plntf alleged she sustained cervical soft
tissue injuries, with secondary headaches, and
required chiropractic and acupuncture treatment.
Plntf's medical records in by stipulation. Dfnt argued
the low-impact collision could not have caused
injury. Prayer: In excess of \$10,000 compensatory
damages; plus \$7,619.02 medical expenses. Dfnt
made a \$2,500 pretrial offer of judgment (D).
(Carrier: ANPAC.) During closing arguments,
Plntf's counsel asked jury to award Plntf
approximately \$17,000. Defense counsel argued
Plntf was not injured. One day trial. By stipulation,
four jurors deliberated. Jury out ten minutes.
FOUND FOR DFNT. (Post-trial, Dfnt filed motion
for fees and costs.)

3/28/08 - pro tem Judge PHILIP J. DABNEY - CV A517304 - HARRON as Guardian Ad Litem for TWET-MEISTER (Matthew L. Dion of Weiss & Weiss, P.C.) v LICAUSI (Keith B. Gibson of Nevada General Insurance Company) - PERSONAL INJURY - INTERSECTION - UNCONTROLLED - U-TURN. *Case being tried on Dfnt's appeal of Plntf Twet-Meister's \$13,500 arbitration award.* Case also being tried as a Shorttrial. Plntf Twet-Meister, female, age 15, a Nevada resident and student, alleged Dfnt failed to yield the right-of-way, negligently executed a U-turn into Plntf Twet-Meister's path, and caused collision. Dfnt, male, a Nevada resident, admitted negligence, but argued damages. Plntf Twet-Meister alleged she sustained cervical, thoracic, and lumbar soft tissue injuries, with secondary headaches; plus an injury to the left ankle. Plntf Twet-Meister used the medical records of her treating physicians. Dfnt called Eugene L. Appel, M.D., a biomechanical trauma specialist, of San Diego, California, who was of the opinion that Plntf Twet-Meister's treatment was unreasonable and unnecessary. Prayer: In excess of \$10,000 compensatory damages; plus \$6,360.50 medical expenses. Plntf Twet-Meister made a \$13,500 pretrial offer of judgment - Dfnt offered \$9,200 (P). (Carrier: Nevada General Insurance.) During closing arguments, Plntf Twet-Meister's counsel asked jury to award Plntf Twet-Meister \$18,000. Defense counsel suggested \$5,000 was adequate compensation. One day trial. By stipulation, four jurors deliberated. Jury out less than one hour. AWARDED PLNTF TWET-MEISTER \$16,000 COMPENSATORY DAMAGES.

Following is a report of a trial about which we were unable to obtain complete details prior to our publication deadline for the March 2008 issue of THE TRIAL REPORTER of Nevada.

2/21/08 - pro tem Judge HOWARD ROITMAN - CV A523954 - BROWN (Samuel A. Harding of Bourgault & Harding Law Offices) v HOWARD (Catherine F. Clein of Truman & Associates) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's arbitration award.* Case also being tried as a Shorttrial. Plntf, male, age 30, an unemployed Nevada resident, operating a 2000 Ford Expedition, alleged he was rear-ended by Dfnt, male, a Nevada resident, who was operating a 2003 Kia Rio, at the intersection of Cheyenne Avenue and Losee Road. Plntf alleged he sustained a closed head injury, with concussion; a cervical strain and sprain; plus bilateral upper shoulder, hip, and lumbar pain. Prayer: In excess of \$10,000 compensatory damages; \$6,413.15 medical expenses. (Carrier: Allstate Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out ? hours. AWARDED PLNTF \$548.15 COMPENSATORY DAMAGES. (POST-TRIAL, MATTER SETTLED; PLNTF TO TAKE NOTHING FROM DFNT, PARTIES TO BEAR THEIR OWN COSTS AND ATTORNEY'S FEES.)

4/2/08 - Judge MARK R. DENTON - CV A484802 - BAKER (Orlando DeCastroverde and Alejandro J. DeCastroverde of DeCastroverde Law Group) v ALEXANDER (Ronald M. Pehr, a sole practitioner) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$5,027 arbitration award.* Plntf, female, age 38, a Nevada resident, employed as a payroll manager, alleged she was rear-ended by Dfnt. Dfnt, in her forties, a Nevada resident, admitted negligence. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries, with secondary headaches, which required treatment for three months. Plntf called her treating physician, Dean W. Dryer, D.C., who testified how a soft tissue injury occurs and why it is painful. It was Dr. Dryer's opinion that Plntf's injuries were causally related, and her treatment was reasonable and customary. Dfnt called Eugene L. Appel, M.D., a biomechanical trauma specialist, of San Diego, California, who was of the opinion that chiropractic treatment is not appropriate for soft tissue injuries sustained as a result of trauma from a motor vehicle accident. It was also Dr. Appel's opinion that one visit to a medical doctor, plus three to five physical therapy treatments, was appropriate. Prayer: In excess of \$10,000 compensatory damages; plus \$3,680.25 medical expenses. Dfnt made a \$4,353 pretrial offer of settlement (P Orlando DeCastroverde). (Carrier: Nevada General Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$3,680 for medical expenses, plus at least \$2,000 for pain and suffering. Defense counsel argued Plntf's treatment was excessive. Two day trial. Jury out less than one hour. AWARD \$7,680.25 COMPENSATORY DAMAGES (REPRESENTING \$3,680.25 PAST MEDICAL EXPENSES, AND \$4,000 PAST PAIN AND SUFFERING).

4/11/08 - pro tem Judge REBECCA L. MASTRANGELO - CV A520664 - BEGAY (Marina E. Kolias, a sole practitioner) v CHAVEZ (Jane M. Eberhardy of Kravitz, Schnitzer, Sloane, Johnson & Eberhardy, Chtd.) - PERSONAL INJURY - PEDESTRIAN/AUTO MISHAP - CROSSWALK. *Case being tried on Dfnt's appeal of Plntf's \$9,832.95 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 49, a Nevada resident and deaf Native American, alleged that, while crossing Valley View Boulevard, at the intersection of Sahara Avenue, in a crosswalk, with the signal light, Dfnt negligently executed a right turn onto northbound Valley View, and struck Plntf, knocking her to the ground. Dfnt, in her forties, a Nevada resident, argued Plntf was comparatively negligent, when she failed to watch for vehicles. Dfnt alleged Plntf walked into Dfnt's vehicle. Plntf alleged she sustained spinal and hip injuries, as well as abrasions and contusions. Plntf also alleged that, as a result of her injuries, she developed bursitis. Plntf called her treating physical therapist, Daniel M. Antonino, R.P.T., who testified regarding Plntf's post-accident therapy. Plntf used the report of Dale H. Boam, J.D., which discussed the deaf culture and difficulties in obtaining proper medical treatment. It was Mr. Boam's opinion that Plntf's gaps in treatment were attributable to her deafness and the fact that discrimination persists in critical areas such as health services. Plntf also used the medical report of Michael Karagiozis, D.O., a family practitioner, who was of the opinion Plntf's treatment was reasonable and necessary. Dfnt argued Plntf did not fall to the ground and was not injured. Dfnt also argued that the gaps in Plntf's medical treatment were unreasonable. Dfnt used the videotape deposition of Steven M. Sanders, M.D., an orthoped, who was of the opinion Plntf's treatment was unreasonable and unnecessary. It was also Dr. Sanders' opinion that only Plntf's initial visit to the emergency department was reasonable. Prayer: In excess of \$10,000 compensatory damages; plus \$12,517 medical expenses. Plntf made a pretrial demand of \$9,832.95, plus costs - Dfnt made a \$5,000 offer of judgment, which included costs (P). (Carrier: American Family Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out two-plus hours. AWARDING PLNTF \$11,455 COMPENSATORY DAMAGES. (Post-trial, Court

awarded Plntf \$1,937.20 in statutory interest, \$3,000 in attorney's fees, and \$5,155.53 in costs.)

4/18/08 - pro tem Judge WILLIAM C. TURNER -
CV A526990 - BUTLER (Darwin M. Rygg, III, of
Henness & Haight) v McCAWLEY (Rebecca L.
Mastrangelo of Rogers, Mastrangelo, Carvalho &
Mitchell) - PERSONAL INJURY - REAREND.
*Case being tried on Dfnt's appeal of Plntf's \$4,375
arbitration award, plus fees and costs.* Case also
being tried as a Shorttrial. Plntf, female, age 31, a
Nevada resident, employed as a social worker, was
back seat passenger in a vehicle that was rear-ended
by Dfnt. Dfnt, female, a Nevada resident, employed
by the Department of Motor Vehicles, admitted
negligence, but argued causation. Plntf alleged she
sustained cervical, thoracic, and lumbar soft tissue
injuries. Plntf's medical records in by stipulation.
Dfnt argued impact was minor, and Plntf was not
injured. Prayer: In excess of \$10,000 compensatory
damages; plus \$2,375 medical expenses. Plntf made
a \$4,375 pretrial offer of judgment - Dfnt made a
\$1,000 offer of judgment (D). (Carrier: ANPAC.)
During closing arguments, Plntf's counsel asked jury
to award Plntf her medical expenses, plus a fair and
reasonable amount for pain and suffering. Defense
counsel argued impact was minor, with no property
damage to either vehicle, and Plntf was not injured.
One day trial. By stipulation, four jurors deliberated.
Jury out thirty minutes. AWARDED PLNTF \$338
COMPENSATORY DAMAGES. (Post-trial, Court
awarded Dfnt \$5,342.48 in fees and costs.)

4/18/08 - pro tem Judge CRAIG A. HOPPE - CV A479781 - WYATT (Paul W. Vanderwerken, a sole practitioner) v MICHELS (Richard A. Englemann of Prince & Keating, L.L.P.) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$14,235.50 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 52, a Nevada resident, employed as a Keno runner, alleged she was rear-ended by Dfnt. Dfnt, male, age 40, a Nevada resident, employed as a construction worker, admitted negligence, but argued causation. Plntf alleged she sustained cervical and lumbar soft tissue injuries, with residual secondary headaches. Plntf also alleged she developed plantar fasciitis. Plntf used the medical report of Benjamin S. Lurie, D.C., who was of the opinion Plntf's spinal injuries were causally related. Plntf also used the medical report of Jodi Politz, D.P.M., who was of the opinion that Plntf's plantar fasciitis was causally related. Dfnt used the report of Brian K. Jones, P.E., an accident reconstructionist, who was of the opinion that the impact occurred at less than five miles-per-hour, and Plntf was not injured. Dfnt also used the medical report of Earl Jacobson, D.P.M., who was of the opinion Plntf's plantar fasciitis was not causally related. Prayer: In excess of \$10,000 compensatory damages; plus \$7,735.50 medical expenses. Plntf made a \$9,999 pretrial offer of judgment - Dfnt offered \$2,500 (D). (Carrier: ANPAC.) During closing arguments, Plntf's counsel asked jury to award Plntf \$7,735.50 for medical expenses, \$15,000 to \$20,000 for past pain and suffering, plus a fair and reasonable amount for future pain and suffering. Defense counsel argued impact was minor, and Plntf was not injured. One day trial. By stipulation, four jurors deliberated. Jury out one-plus hours. AWARDED PLNTF \$4,325.50 COMPENSATORY DAMAGES (REPRESENTING PAST MEDICAL EXPENSES).

4/29/08 - Judge VALERIE P. ADAIR - CV A499090
- THOMPSON (Brook M. Hammond and Richard T.
"Tyler" Hammond of Hammond & Hammond,
L.L.P.) v MURPHY (Phillip R. Emerson of Emerson
& Manke, P.L.L.C.) - PERSONAL INJURY -
REAREND. *Case being tried on Dfnt's appeal of
Plntf's \$19,500 arbitration award.* Plntf, in her
forties, a Nevada resident, who was in the course and
scope of her occupational duties as a delivery driver,
alleged she was rear-ended by Dfnt. Plntf also
alleged she did not understand workers'
compensation, and waited to see a physician because
she had no money to pay for treatment. Dfnt, in her
thirties, a Nevada resident, employed as a cashier,
admitted negligence, but argued causation. Plntf
alleged she sustained cervical and lumbar soft tissue
injuries, with numbness into the arm and hand; plus
an injury to the temporomandibular joint. Plntf also
alleged she has minor residual cervical pain, with
intermittent arm and hand numbness. Plntf called
Firooz Mashhood, M.D., a physiatrist, who testified
Plntf's myofascial pain syndrome was causally
related, and Plntf will require some future treatment.
Plntf also called Roger A. Russell, D.C., who
testified Plntf's myofascial pain syndrome and/or
facet involvement was causally related, and Plntf will
require future treatment for temporomandibular joint
dysfunction. Dfnt argued Plntf was not injured. Dfnt
alleged Plntf sought services of an attorney before
obtaining medical treatment. Dfnt called Michael
Karagiozis, D.O., a family practitioner, who testified
that only Plntf's emergency treatment and ambulance
expenses were causally related. It was Dr.
Karagiozis' opinion that Plntf's complaints were
related to preexistent conditions, which was
supported by the fact that Plntf did not seek treatment
until over three-and-one-half months, post-accident.
Prayer: In excess of \$10,000 compensatory damages;
\$10,284.51 medical expenses; \$2,700 future medical
expenses; \$400 lost wages; plus \$200 rental vehicle
expense. Plntf made a \$15,000 pretrial offer of
judgment - Dfnt offered \$9,000 (per P) or Dfnt made
a \$7,001 offer of judgment (per D) (P Brook
Hammond & D). (Carrier: Allstate Insurance.)
During closing arguments, Plntf's counsel asked jury
to award Plntf \$94,000. Defense counsel suggested
\$5,506.65 was adequate compensation. Five day
trial. Jury out three hours. AWARDED PLNTF
\$23,365.51 COMPENSATORY DAMAGES.

4/25/08 - pro tem Judge WILLIAM A. BRANNON -
CV A527864 - BAIRE (Romeo R. Perez, a sole
practitioner) v MILITELLO (Keith B. Gibson of
Nevada General Insurance Company) - PERSONAL
INJURY - LANE CHANGE MISHAP. *Case being
tried on Dfnt's appeal of Plntf's arbitration award*
Case also being tried as a Shorttrial. Plntf, male, a
Nevada resident, was passenger in a vehicle,
travelling northbound on Rainbow Boulevard. Plntf
alleged Dfnt, male, a Nevada resident, operating a
1995 Ford F150 pickup truck, also northbound on
Rainbow Boulevard, near Twain Avenue, negligently
executed an unsafe lane change into the left turn lane,
braked, rear-ended non-party motorist, then struck
the vehicle in which Plntf was a passenger. Plntf
alleged he sustained cervical, thoracic, and lumbar
soft tissue injuries. Prayer: In excess of \$10,000
compensatory damages; plus an unspecified amount
for medical expenses. (Carrier: Nevada General
Insurance.) One day trial. By stipulation, four jurors
deliberated. Jury out ? hours. AWARDED PLNTF
\$7,077 COMPENSATORY DAMAGES
(REPRESENTING \$4,577 FOR MEDICAL
EXPENSES, PLUS \$2,500 FOR PAIN AND
SUFFERING). (Post-trial, Court awarded Plntf
\$1,512.09 in costs.)

5/1/08 - pro tem Judge LANSFORD WILLIAM LEVITT - CV A505557 - RATLIFF and CRANE (Ihab T. Omar of Christensen Law Offices, Chtd.) v SALINAS (Keith B. Gibson of Nevada General Insurance Company) - PERSONAL INJURY - AUTOMOTIVE COLLISION. *Case being tried on Dfnt's appeal of Plntf Ratliff's \$7,000 arbitration award, and Plntf Crane's \$10,500 arbitration award.* Case also being tried as a Shorttrial. Plntf Ratliff, female, employed as a waitress, and Plntf Crane, male, employed as a cook, both Nevada residents, alleged Dfnt negligently caused collision. Dfnt, female, admitted negligence, but argued causation and damages. Plntfs alleged they sustained soft tissue injuries. Plntfs called Mark D. Burroff, D.O., a family practitioner. Dfnt called Eugene L. Appel, M.D., a biomechanical trauma specialist, of San Diego, California. Surveillance video shown to jury. Plntf Ratliff's Prayer: In excess of \$10,000 compensatory damages; \$2,785.56 medical expenses; plus \$329.60 lost wages. Plntf Crane's Prayer: In excess of \$10,000 compensatory damages; \$4,378.55 medical expenses; plus \$720 lost wages (D). (Carrier: Nevada General Insurance.) During closing arguments, Plntfs' counsel asked jury to award each Plntf their specials, plus \$5,000 for pain and suffering. Defense counsel argued Plntfs were not injured. One day trial. By stipulation, four jurors deliberated. Jury out one hour. FOUND FOR DFNT.

5/9/08 - pro tem Judge VICTOR L. MILLER - CV A522863 - SNYDER (Christopher D. Burk of Simon Law Offices) v PATEL (Eron Z. Cannon of McCormick, Barstow, Sheppard, Wayte & Carruth, L.L.P.) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf wife's \$13,250 arbitration award, and Plntf husband's \$12,250 arbitration award.* Case also being tried as a Shortrial. Plntfs, husband and wife, Nevada residents, alleged they were rear-ended by Dfnt. Dfnt, female, a Nevada resident, admitted negligence, but argued causation. Plntfs alleged they sustained cervical, thoracic, and lumbar soft tissue injuries, with nerve-related residuals. Plntfs also alleged their conditions are permanent, and they have ongoing impairments. Plntfs called Lance Poe, D.C. Dfnt called Eugene L. Appel, M.D., a biomechanical trauma specialist, of San Diego, California. Plntf wife's Prayer: In excess of \$10,000 compensatory damages; plus \$5,492.27 medical expenses. Plntf husband's Prayer: In excess of \$10,000 compensatory damages; plus \$5,857 medical expenses. Plntf wife made a pretrial demand of \$13,250 - Dfnt made an \$8,501 offer of judgment. Plntf husband made a pretrial demand of \$12,250 - Dfnt made an \$8,501 offer of judgment (D). (Carrier: AAA Nevada.) During closing arguments, Plntfs' counsel asked jury to award each Plntf their specials, plus three times their specials for pain and suffering. Defense counsel argued impact was minor, and Plntfs exaggerated their injuries. One day trial. By stipulation, four jurors deliberated. Jury out ? hours. AWARDED PLNTF WIFE \$4,493 COMPENSATORY DAMAGES (REPRESENTING \$3,743 FOR MEDICAL EXPENSES AND \$750 FOR PAIN AND SUFFERING); AWARDED PLNTF HUSBAND \$3,875 COMPENSATORY DAMAGES.

5/9/08 - pro tem Judge GARY L. MYERS - CV AS24338 - O'BRIEN (Lewis J. Gazda and Afshin Tadayon of Haire, Gazda & Tadayon, Ltd.) v DAVIS (Richard A. Englemann and Michael C. Kane of Prince & Keating, L.L.P.) - PERSONAL INJURY - PARKING LOT MISHAP. *Case being tried on Dfnt's appeal of Plntf's \$25,451.02 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 72, a retired Nevada resident, driving in a parking lot, alleged Dfnt negligently caused collision when he backed from a parking space. Dfnt, male, age 35, a Nevada resident, employed as a construction worker, denied liability, advancing the defense that Plntf's injuries were not caused by the minor accident. Dfnt called Matthew D. Mecham, M.S., an accident reconstructionist and biomechanical engineer, to support his position. Plntf alleged she sustained a hip injury, with residual leg and hip pain. Plntf called Mark D. Burroff, D.O., a family practitioner, who testified Plntf's injury was causally related, and her treatment was reasonable and customary. It was Dr. Burroff's opinion that Plntf will continue to experience pain for life. Prayer: In excess of \$10,000 compensatory damages; \$7,114.80 past medical expenses; an unspecified amount for future medical expenses; plus \$3,336.22 property damage. Plntf made a pretrial demand of \$25,451.02 - Dfnt made a \$5,001 offer of judgment (D Kane). (Carrier: ANPAC.) During closing arguments, Plntf's counsel asked jury to award Plntf \$7,114.80 for past medical expenses, a fair and reasonable amount for future medical expenses and past pain and suffering, plus \$580,000 for future pain and suffering. Defense counsel argued liability. One day trial. By stipulation, four jurors deliberated. Jury out twenty-five minutes. FOUND FOR DFNT.

5/15/08 - pro tem Judge ROY E. SMITH - CV
A520117 - TITAN INSURANCE COMPANY (Lisa
A. Taylor, a sole practitioner) v BEST (Damon A.
Schuetze of DeLanoy, Schuetze & McGaha, P.C.) -
PROPERTY DAMAGE - AUTOMOTIVE
COLLISION. *Case being tried on Dfnt's appeal of
Plntf's approximately \$15,000 arbitration award.*
Case also being tried as a Shorttrial. Plntf's insured
alleged Dfnt negligently pulled from a storage lane,
into his path, and caused collision. Dfnt, male,
denied liability, advancing the defense that Plntf's
insured had no knowledge of the collision. Dfnt
alleged Plntf's insured lied about his involvement in
the collision, in order to hide the fact that his brother,
an illegal immigrant, was operating the vehicle. Dfnt
also alleged driver was speeding, driving recklessly,
and caused collision. Parties stipulated to
approximately \$15,000 in damages. Prayer: In
excess of \$10,000 compensatory damages. Plntf
made a pretrial demand of \$14,077.22 - Dfnt made a
\$500 offer of judgment (D). (Carrier: American
Family Insurance.) One day trial. By stipulation,
four jurors deliberated. Jury out ? hours. FOUND
FOR DFNT.

5/9/08 - pro tem Judge JOHN L. THORNDAL - CV A515631 - PALMER (Mark R. Anderson of Fitzgibbons and Anderson) v RANSON (David L. Riddle of David L. Riddle & Associates) - PERSONAL INJURY - REAREND. *Case being tried on Plntf's appeal of an \$8,922.35 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, operating a 2001 Ford Ranger 4 X 4 supercab pickup truck, alleged that, while stopped for traffic, northbound on State Route 604, at mile marker CL32, she was rear-ended by Dfnt. Dfnt, female, denied liability. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries; plus an injury to the jaw, which resulted in temporomandibular joint dysfunction. Plntf also alleged her complaints are ongoing, and she will require further treatment. Dfnt argued Plntf's medical treatment and expenses were unreasonable and excessive. Prayer: In excess of \$10,000 compensatory damages; approximately \$5,000 past medical expenses; an unspecified amount for future medical expenses; an unspecified amount for lost wages; plus an unspecified amount for property damage. One day trial. By stipulation, four jurors deliberated. Jury out ? hours. AWARDED PLNTF \$24,000 COMPENSATORY DAMAGES.

5/16/08 - pro tem Judge BILL C. HAMMER - CV A525903 - ACOSTA (Scott R. Schreiber and Julie K. Smith of Law Offices of Scott R. Schreiber) v PARKS (Dennis M. Prince and Michael C. Kane of Prince & Keating, L.L.P.) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$5,000 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 21, a Nevada resident and student, alleged she was rear-ended by Dfnt. Dfnt, female, age 23, a Nevada resident, employed as a real estate agent, denied liability, advancing the defense that Plntf executed a sudden stop, and Dfnt was unable to avoid the collision. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries; plus injuries to the shoulders. Plntf called Roger A. Russell, D.C., who was of the opinion that Plntf's injuries were causally related, and her treatment was reasonable and necessary. Prayer: In excess of \$10,000 compensatory damages; plus \$2,408.50 medical expenses. Plntf made a pretrial demand of \$5,000 - Dfnt offered \$2,500 (D Kane). (Carrier: ANPAC.) During closing arguments, Plntf's counsel asked jury to award Plntf \$5,000 to \$8,000. Defense counsel argued liability. One day trial. By stipulation, four jurors deliberated. Jury out twenty-five minutes. FOUND FOR DFNT.

5/30/08 - pro tem Judge ROBERT E. GASTON - CV A522988 - MURNANE and STONE (Gary S. Fink of Christensen Law Offices, L.L.C.) v GOMES (Michael P. Golden of David L. Riddle & Associates) - PERSONAL INJURY - AUTOMOTIVE COLLISION. *Case being tried on Dfnt's appeal of Plntfs' arbitration award.* Case also being tried as a Shorttrial. Plntf Murnane, female, a Nevada resident, was operating a 2005 Mercedes Benz C240, with passenger, Plntf Stone, male, also a Nevada resident. Plntfs alleged that, while travelling northbound on Buffalo Drive, near its intersection with Sahara Avenue, Dfnt, operating a 2001 Honda Accord, also travelling northbound on Buffalo Drive, negligently caused collision. Dfnt, female, a Nevada resident, denied liability, advancing the defense that non-party motorist's negligence caused collision. Plntf Murnane alleged she sustained a cervical strain and sprain, with pain radiating bilaterally into the shoulders; a thoracic strain and sprain; a lumbar strain and sprain, with muscle spasms; and contusions to the face, plus upper and lower limbs. Plntf Stone alleged he sustained cervical, thoracic, and lumbar strains and sprains, with secondary headaches, and muscle spasms; budging cervical disks at C-4, C-5; C-5, C-6; and C-6, C-7; plus tears of the cervical disks at C-4, C-5, and C-5, C-6. Plntf Stone also alleged his injuries are chronic, and permanent in nature. Dfnt argued Plntfs' complaints were related to their preexistent conditions. Plntf Murnane's Prayer: In excess of \$10,000 compensatory damages; \$8,705.55 past medical expenses; an unspecified amount for future medical expenses; plus an unspecified amount for past and future lost wages. Plntf Stone's Prayer: In excess of \$10,000 compensatory damages; \$5,248.50 past medical expenses; an unspecified amount for future medical expenses; plus an unspecified amount for past and future lost wages. Dfnt made a pretrial offer of judgment. (Carrier: Unknown.) One day trial. By stipulation, four jurors deliberated. Jury out ? hours. FOUND FOR DFNT. (Post-trial, Court awarded Dfnt \$3,000 in attorney's fees, plus \$2,380 in costs.) (Court denied Plntfs' motion for a new trial.)

6/13/08 - pro tem Judge MICHAEL A. KONING - CV A522113 - MAHAN (Matthew L. Dion of Weiss & Weiss, P.C.) v GONZALEZ (Erin Lee Truman of Truman & Associates) - PERSONAL INJURY - INTERSECTION - UNCONTROLLED - LEFT TURN MISHAP. *Prologue: Plntf was operating vehicle with passengers, non-parties Hayes and Longmires, female, both unemployed Nevada residents; non-party minor Mahan, female; and non-party minor Burns, a female. Non-parties all alleged they sustained soft tissue injuries. Non-party minor children also developed a sleep disorder. Arbitrator awarded Plntf \$14,600, non-party Hayes \$12,250, non-party Longmires \$5,750, non-party minor Mahan \$12,500, and non-party minor Burns \$550. FOUR NON-PARTY PASSENGERS SETTLED BEFORE TRIAL FOR \$13,000. Case being tried on Dfnt's appeal of Plntf's \$14,600 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, an unemployed Nevada resident, alleged Dfnt negligently attempted to pass her vehicle, as she began to execute a left turn into the Meadows Mall parking lot, and caused collision. Dfnt, female, denied liability, advancing the defense that Plntf executed a left turn from the curb lane, into the side of Dfnt's vehicle. Plntf alleged she sustained soft tissue injuries, with secondary headaches. Plntf used the medical reports of John G. Rose, D.C.; and Arsenio S. Angus, Jr., M.D., a family practitioner. Dfnt argued Plntf's symptoms were inconsistent, and her treatment was unreasonable. Prayer: In excess of \$10,000 compensatory damages; an unspecified amount for medical expenses; plus approximately \$1,800 property damage (D). (Carrier: Allstate Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out forty minutes. FOUND FOR DFNT.

6/27/08 - pro tem Judge REBECCA L. MASTRANGELO - CV A526660 - BROWN (Scott R. Schreiber of Law Offices of Scott R. Schreiber, P.C.) v SMITH (David H. Putney of Truman & Associates) - PERSONAL INJURY - PARKING LOT MISHAP. *Case being tried on Dfnt's appeal of Plntf's arbitration award* Case being tried as a Shorttrial. Plntf, in his mid-fifties, a Nevada resident, employed in debt collection, alleged that, as Dfnt backed from a parking space, the passenger side rear bumper of Dfnt's vehicle struck Plntf's vehicle. Dfnt, male, age 65, a retired Nevada resident, denied liability, advancing the defense of "no harm, no foul". Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries. Plntf used the medical reports of Firooz Mashhood, M.D., a physiatrist; and Douglas P. Manfra, D.C. Dfnt argued impact was minor, and Plntf was not injured. Prayer: In excess of \$10,000 compensatory damages; plus \$1,875 medical expenses. Plntf made a pretrial demand of \$3,500 - Dfnt refused to make an offer (D). (Carrier: Allstate Insurance.) During closing arguments, Plntf's counsel argued impact could cause injury, absent property damage. Defense counsel argued there was no visible damage to the vehicles, and Plntf was not injured. One day trial. By stipulation, four jurors deliberated. Jury out fifteen minutes. FOUND FOR DFNT.

7/3/08 - pro tem Judge JOHN H. PILKINGTON - CV A528924 - BERKMAN (Jeffrey D. Andrews of Bourgault & Harding Law Offices) v KASTAN (Keith B. Gibson of Nevada General Insurance Company) - PERSONAL INJURY - T-BONE MISHAP. *Case being tried on Dfnt's appeal of Plntf's \$11,500 arbitration award, plus \$3,000 in fees.* Case also being tried as a Shorttrial. Plntf, female, age 17, a Nevada resident and student, alleged Dfnt negligently struck the side of her vehicle. Plntf used the deposition of the investigating police officer. Dfnt, male, denied liability, advancing the defense that Plntf struck Dfnt's vehicle. Plntf sustained soft tissue injuries, plus emotional trauma. Plntf used the medical records of her treating physicians. Dfnt argued Plntf was faking her injuries, and failed to mitigate her damages. Surveillance film, taken fifteen days post-accident, was shown to jury. Prayer: In excess of \$10,000 compensatory damages; plus an unspecified amount for medical expenses. Pretrial negotiations resulted in no consideration being allowed for treatment costs; sole issue at trial was pain and suffering (P). (Carrier: Nevada General Insurance.) During closing arguments, Plntf's counsel argued Plntf's injuries were real and her treatment was reasonable. Plntf's counsel also argued Dfnt denied liability for three years, which prolonged Plntf's emotional trauma. Defense counsel argued Plntf was not injured. One day trial. By stipulation, four jurors deliberated. Jury out ? hours. AWARDED PLNTF \$12,900 COMPENSATORY DAMAGES. (Post-trial, Court awarded Plntf \$6,550 in costs, fees and interest.)

7/3/08 - pro tem Judge JOHN H. WRIGHT - CV A529174 - PEREZ (Eric H. Woods of Law Offices of Eric H. Woods; and Mark L. Zalaoras, a sole practitioner) v MICKLE (Jared P. Green of McCormick, Barstow, Sheppard, Wayte & Carruth, L.L.P.) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$5,140 arbitration award.* Case also being tried as a Shorttrial. Plntf, in his forties, a Nevada resident, employed as a day laborer, alleged that, while travelling on Nellis Boulevard, he was rear-ended by Dfnt, female, age 45, a Nevada resident and homemaker, admitted negligence, but argued causation. Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries. Plntf used the medical report of Alberto E. Achaval, D.C., who was of the opinion Plntf's injuries were causally related. Dfnt argued impact was minor, with minimal property damage. Dfnt used the report of Eugene L. Appel, M.D., a biomechanical trauma specialist, of San Diego, California, who was of the opinion that Plntf's treatment was excessive and unreasonable. Prayer: In excess of \$10,000 compensatory damages; plus \$2,640 medical expenses. Dfnt made a \$4,500 pretrial offer of judgment (D). (Carrier: AAA Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$9,000. Defense counsel argued Plntf's medical expenses were excessive and unreasonable. One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARDED PLNTF \$2,570 COMPENSATORY DAMAGES.

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IN THE SUPREME COURT OF THE STATE OF NEVADA

VERONICA JAZMIN CASTILLO, AN
INDIVIDUAL,

Appellant,

vs.

ARMANDO PONS-DIAZ, AN
INDIVIDUAL,

Respondent.

Supreme Court Case No. 82267

District Court Case No.A-19-789525-C

APPELLANT'S
APPENDIX VOLUME 3b

Appellant VERONICA JAZMIN CASTILLO submits the following Appellant's Appendix in the Appeal from the Eighth Judicial District Court of the State of Nevada in and for the County of Clark, Department 4, the Honorable Nadia Krall

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Veronica Jazmin Castillo

Appellant VERONICA JAZMIN CASTILLO, by and through her counsel of record, Desert Ridge Legal Group, hereby submit its Appellant's Appendix in compliance with Nevada Rules of Appellate Procedure 30(b)(4).

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The Appendix satisfies NRAP 30(c)(3) (2013), with each volume containing no more than 250 pages.

DATED: September 21st 2021.

/s/ Thomas A. Larmore

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of September 2021, I served a true and complete copy of the foregoing **APPELLANT'S APPENDIX VOLUME 3** **addressed** to the parties below as follows:

☒ [X] by placing a true and correct copy of the same to be deposited for mailing in the U.S. Mail, enclosed in a sealed envelope upon which first class postage was fully prepaid; and /or
☐ [] via facsimile; and or
☐ [] by hand delivery to parties listed below; and or
☒ [X] by electronic service via E Flex through the Supreme Court of the State of Nevada.

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7/11/08 - pro tem Judge RALPH J. ROHAY - CV A535423 - SPIVEY and MOSER (Eric Dobberstein, a sole practitioner) v SANCHEZ (David H. Putney of Truman & Associates) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf Spivey's \$7,500 arbitration award, and Plntf Moser's \$8,500 arbitration award.* Case also being tried as a Shorttrial. Plntfs, female, Nevada residents, alleged that, while stopped at a stop sign, they were rear-ended by Dfnt. Dfnt, male, a Nevada resident, admitted negligence, but argued causation. Plntfs alleged they sustained soft tissue injuries. Plntfs used the medical reports of James M. Anthony, D.O., a family practitioner; and Reuben F. Cervantez, R.P.T. Plntf Moser also used the medical records of her treating emergency physician. Dfnt argued Plntfs were not injured in the minor collision. Dfnt also argued Plntfs' complaints were related to preexistent conditions. Plntf Spivey's Prayer: In excess of \$10,000 compensatory damages; plus \$4,289 medical expenses. Plntf Moser's Prayer: In excess of \$10,000 compensatory damages; plus \$6,846 medical expenses. Plntfs also sought \$900 property damage. Plntfs each made a pretrial demand of approximately \$5,000 - Dfnt refused to make an offer (D). (Carrier: Allstate Insurance.) During closing arguments, Plntfs' counsel argued Plntfs' injuries were causally related. Defense counsel argued Plntfs had significant preexistent conditions from prior accidents, and the \$900 in property damage was the cost to repaint Plntfs' bumper cover. One day trial. By stipulation, four jurors deliberated. Jury out less than one hour. FOUND FOR DFNT.

7/17/08 - pro tem Judge GARY L. MYERS - CV A521663 - ELIJAH (David D. Boehrer of Richard Harris Law Firm) v LASKA (Phillip R. Emerson of Emerson & Manke, P.L.L.C.) - PERSONAL INJURY - LANE CHANGE MISHAP. *Case being tried on Dfnts' appeal of Plntf's \$19,500 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 19, a Nevada resident, alleged that, as Dfnt negligently changed lanes, the right side of Dfnt's vehicle struck the left side of Plntf's vehicle. Dfnt, male, a Nevada resident, admitted negligence, but argued causation. Plntf alleged she sustained cervical soft tissue injuries; plus an injury to the shoulder. Plntf used the medical report of her treating physician, Govind Koka, D.O., a family practitioner, who was of the opinion that Plntf's shoulder injury, which required physical therapy, was causally related. Plntf also used the report of her treating physical therapist, Donald W. Nobis, R.P.T. Dfnt argued Plntf's complaints were related to injuries sustained in a prior accident. Dfnt used the medical report of Michael Karagiozis, D.O., a family practitioner, who was of the opinion that Plntf's injuries were not causally related. Prayer: In excess of \$10,000 compensatory damages; an unspecified amount for medical expenses; plus an unspecified amount for lost wages. Plntf made a \$15,999.99 pretrial offer of judgment - Dfnt made a \$3,001 offer of judgment (D). (Carrier: Allstate Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out ? hours. AWARDED PLNTF \$0 COMPENSATORY DAMAGES.

7/31/08 - pro tem Judge JOHN J. GRAVES - CV
A527734 - SEPULVEDA (Kurtis J. Millington of
Glen J. Lerner & Associates) v KING (Michael P.
Golden of David L. Riddle & Associates) -
PERSONAL INJURY - REAREND. *Case being
tried on Dfnt's appeal of Plntf's \$16,324 arbitration
award.* Case also being tried as a Shorttrial. Plntf,
male, alleged Dfnt negligently took his foot off the
brake pedal, while stopped for the traffic signal, and
rear-ended Plntf's vehicle. Dfnt, male, denied
liability. Plntf alleged he sustained cervical and
lumbar soft tissue injuries, with residual upper
extremity radiculopathy. Prayer: In excess of
\$10,000 compensatory damages; plus \$8,324 medical
expenses. Plntf made a \$10,000 pretrial offer of
judgment - Dfnt made a \$1,000 offer of judgment
(D). (Carrier: Farmers Insurance.) During closing
arguments, Plntf's counsel asked jury to award Plntf
his specials, plus \$8,000 for pain and suffering.
Defense counsel argued liability. One day trial. By
stipulation, four jurors deliberated. Jury out one
hour. AWARDED PLNTF \$1,000
COMPENSATORY DAMAGES.

8/15/08 - pro tem Judge CHRISTOPHER M. YOUNG - CV A531295 - MORALES (Janelle C. LaVigne of Gage & Gage, L.L.P.) v WILLIAMS (Michael P. Golden of David L. Riddle & Associates) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$6,120 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, alleged she was rear-ended by Dfnt. Dfnt, male, denied liability. In the alternate, Dfnt argued impact was minor. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries. Dfnt argued Plntf was not injured. Prayer: In excess of \$10,000 compensatory damages; plus an unspecified amount for medical expenses. Plntf made a \$5,990 pretrial offer of judgment - Dfnt made a \$3,500 offer of judgment (P). (Carrier: State Farm Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARDED PLNTF \$6,940
COMPENSATORY DAMAGES.

8/28/08 - pro tem Judge BRUCE L. GALE - CV A518111 - GONZALES (Lewis J. Gazda and Afshin Tadayon of Gazda & Tadayon, Ltd.) v SABLAN (Michael C. Kane of Prince & Keating, L.L.P.) - PERSONAL INJURY - SIDESWIPE. *Case being tried on Dfnt's appeal of Plntf's \$11,356.50 arbitration award.* Case also being tried as a Shorttrial. Plntf, male, age 40, employed as a kitchen worker, alleged Dfnt negligently sideswiped Plntf's vehicle. Dfnt, female, age 50, employed as a mortgage broker, admitted negligence, but argued causation. Plntf alleged he sustained cervical soft tissue injuries, plus injuries to the shoulder and chest. Plntf used the medical report of Thomas A. Shang, M.D., a family practitioner, who was of the opinion Plntf's treatment was reasonable and necessary. Dfnt argued impact was minimal and could not have caused injury. Prayer: In excess of \$10,000 compensatory damages; plus \$4,856.50 medical expenses. Plntf made a \$6,499 pretrial offer of judgment - Dfnt made a \$2,500 offer of judgment (D). (Carrier: American National Property & Casualty Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$11,356.50. Defense counsel argued Plntf was not injured. One day trial. By stipulation, four jurors deliberated. Jury out one hour. FOUND FOR DFNT.

Following is a report of a trial about which we were unable to obtain complete details prior to our publication deadline for the May 2008 issue of THE TRIAL REPORTER of Nevada.

4/18/08 - pro tem Judge TROY E. PEYTON - CV A524038 - CAIN (Liborius I. Agwara, a sole practitioner) v THOMASULA (Michael A. McOsker of David L. Riddle & Associates) - PERSONAL INJURY - INFLECTION OF EMOTIONAL DISTRESS - BICYCLE MISHAP. *Case being tried on Dfnt's appeal of Plntf's arbitration award.* Case also being tried as a Shorttrial. Plntf, male, age 23, a Nevada resident, employed by a supermarket, alleged that, while riding his bicycle, southbound on Rainbow Boulevard, Dfnt negligently exited a private drive from a parking lot, onto northbound Rainbow Boulevard, and struck Plntf. Plntf also alleged Dfnt's vehicle dragged him and his bicycle into the street. Additionally, Plntf alleged his bicycle was totalled. Dfnt, male, a Nevada resident, denied liability, advancing the defense that Plntf and/or a non-party caused collision. Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries, with secondary headaches, and ongoing pain; rib abrasions, with pain; plus emotional trauma. Prayer: In excess of \$10,000 compensatory damages; an unspecified amount for medical expenses; plus an unspecified amount for property damage. One day trial. By stipulation, four jurors deliberated. Jury out one-plus hours. FOUND FOR DFNT.

9/5/08 - pro tem Judge GEORGE R. LYLES - CV A534000 - JIMENEZ and ROSALES (Eric H. Woods of Law Offices of Eric H. Woods; and Kurt K. Harris of Harris Merritt Chapman, Ltd.) v GYWNN (David H. Putney of Truman & Associates) - PERSONAL INJURY - BROADSIDE MISHAP. *Case being tried on Dfnt's appeal of Plntfs' \$37,000 arbitration award.* Case also being tried as a Shorttrial. Plntf Jimenez, male, age 52, Plntf mother Rosales, age 43, Plntf sons Rosales, ages 9 and 7, Plntf daughters Rosales, ages 16 and 12, all Nevada residents, alleged they were traveling in a vehicle when Dfnt negligently broadsided Plntfs' vehicle. Plntfs also alleged Plntf mother Rosales was operating the vehicle, with the other Plntfs as passengers. Dfnt, female, age 47, a Nevada resident, employed by a casino, denied liability, advancing the defense that Plntf Jimenez was actually driving and caused the collision. Dfnt alleged Plntf Jimenez was speeding in the curb lane. Dfnt also alleged she was waved across the first two travel lanes by motorists who were stopped for a red traffic signal. Additionally, Dfnt alleged that, as she crossed the curb lane, her vehicle was broadsided on the passenger door by Plntf Jimenez. Plntfs alleged they sustained soft tissue injuries. Plntfs used the medical report of Firooz Mashhood, M.D., a physiatrist. Prayer: In excess of \$10,000 compensatory damages; plus an unspecified amount for medical expenses. Plntfs made a pretrial demand of \$25,000 - Dfnt refused to make an offer (D). (Carrier: Allstate Insurance.) During closing arguments, Plntfs' counsel asked jury to award Plntfs \$37,000. Defense counsel argued Plntf Jimenez was operating the vehicle, and the four Plntf children were not in the vehicle, at the time of the collision. One day trial. By stipulation, four jurors deliberated. Jury out two-plus hours. AWARDED PLNTF MOTHER ROSALES, AND FOUR PLNTF CHILDREN ROSALES A TOTAL OF \$12,000 COMPENSATORY DAMAGES; AWARDED PLNTF JIMENEZ \$0 COMPENSATORY DAMAGES.

9/5/08 - pro tem Judge WILLIAM S. SKUPA - CV A532558 - THEPPRASIT (John E. Palermo of Aaron & Paternoster, Ltd.) v STECKLER (Jared P. Green of McCormick, Barstow, Sheppard, Wayte & Carruth, L.L.P.) - PERSONAL INJURY - SIDESWIPE MISHAP. *Case being tried on Dfnt's appeal of Plntf's \$7,500 arbitration award.* Case also being tried as a Shorttrial. Additionally, case being tried on comparative fault. Plntf, female, age 25, a Nevada visitor, employed as a ticket broker, alleged Dfnt exited a parking lot on Tropicana Avenue, crossed three travel lanes, and struck the front passenger side of Plntf's vehicle. Dfnt, female, age 17, a Nevada resident and student, argued her vision had been obstructed by a bus. Dfnt alleged Plntf was comparatively negligent. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries. Plntf used the depositions of Willie Mao, an acupuncturist; and Harry Balian, M.D., a family practitioner, of Pasadena, California, both of whom were of the opinion that Plntf's soft tissue injuries were causally related. Dfnt used the report of Eugene L. Appel, M.D., a biomechanical trauma specialist, of San Diego, California, who was of the opinion that Plntf's treatment was excessive and unreasonable. Prayer: In excess of \$10,000 compensatory damages; plus \$4,000 medical expenses. Plntf made a \$7,500 pretrial offer of judgment - Dfnt made a \$4,001 offer of judgment (D). (Carrier: AAA.) During closing arguments, Plntf's counsel asked jury to award Plntf \$10,000. Defense counsel argued comparative negligence. One day trial. By stipulation, four jurors deliberated. Jury out three hours. AWARDED PLNTF \$2,000 COMPENSATORY DAMAGES. (Found Plntf to be twenty-five percent at fault and Dfnt to be seventy-five percent at fault; therefore, Plntf's award to be reduced to \$1,500.)

9/25/08 - pro tem Judge JAMES J. JACKSON - CV A529632 - VIGIL (Kristian A. Johnson, a sole practitioner) v YATES (Rebecca L. Mastrangelo of Rogers, Mastrangelo, Carvalho & Mitchell) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$7,965 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 32, a Nevada resident, employed as a hotel dispatcher, alleged she was rear-ended by Dfnt. Dfnt, female, age 56, a Nevada resident, employed as a school district secretary, admitted negligence, but argued causation. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries, which required chiropractic treatment for several months. Plntf used the medical reports of her treating physician and chiropractor. Dfnt argued the collision caused no visible damage to either vehicle, and generated insufficient force to cause injury. Prayer: In excess of \$10,000 compensatory damages; plus an unspecified amount for medical expenses. Plntf made a pretrial demand of \$5,000 - Dfnt made a \$2,500 offer of judgment (D). (Carrier: ANPAC.) One day trial. By stipulation, four jurors deliberated. Jury out fifteen minutes. FOUND FOR DFNT. (Post-trial, Dfnt filed motion for fees and costs.)

Following is a report of a trial about which we were unable to obtain complete details prior to our publication deadline for the August 2008 issue of THE TRIAL REPORTER of Nevada.

7/18/08 - pro tem Judge FRANCIS J. MORTON - CV A521225 - AIKMAN-SASO (David L. Phillips, a sole practitioner) v GUST (Phillip R. Emerson of Emerson & Manke, P.L.L.C.) - PERSONAL INJURY - INTERSECTION - CONTROLLED. *Case being tried on Plntf's appeal of a \$12,000 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 56, a Nevada resident, employed as a salesperson, alleged Dfnt negligently caused collision. Dfnt, male, age 23, a Nevada resident, admitted negligence, but argued causation. Plntf alleged she sustained soft tissue injuries, and developed an anxiety disorder related to driving. Plntf used the medical report of Steven A. Holper, M.D., a physiatrist, who was of the opinion Plntf's soft tissue injuries were causally related. Plntf also used the report of Daniel T. Shiode, Ph.D., a neuropsychologist, who was of the opinion that Plntf's anxiety disorder was causally related. Dfnt argued Plntf's injuries were inconsistent with the forces generated in the collision. Dfnt used the report of Mark J. Rosen, M.D., an orthopod, who was of the opinion that Plntf's soft tissue injuries were not causally related. Prayer: In excess of \$10,000 compensatory damages; an unspecified amount for medical expenses; plus an unspecified amount for lost wages. Plntf made a pretrial demand of \$100,000 - Dfnt made a \$12,001 offer of judgment (D). (Carrier: Allstate Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out ? hours. AWARDED PLNTF \$18,276 COMPENSATORY DAMAGES.

9/29/08 - pro tem Judge JAMES SHIELDS BEASLEY - CV 07-00667 - SANDOVAL and JOLON (Kevin R. Karp, a sole practitioner) v GILLENS (Justin H. Pfrehm of Georgeson & Angaran, Chtd.) - PERSONAL INJURY - REAREND. Case being tried on Dfnt's appeal of Plntf Otto Sandoval's \$3,915 arbitration award, Plntf Brian Sandoval's \$3,610 arbitration award, Plntf Otto D. Sandoval's \$436 arbitration award, Plntf Flor Jolon's \$6,560 arbitration award, and Plntf Erwin Jolon's \$3,610 arbitration award. Case also being tried as a Shorttrial. Plntf Otto Sandoval, male, age 35, was operating a 1991 Honda sedan, with passengers, Plntf Bryan Sandoval, male, age 11, Plntf Otto D. Sandoval, male, age 1, Plntf Flor Jolon, female, age 34, and Plntf Erwin Jolon, male age 14. Plntf Otto Sandoval alleged that, while stopped for a red light, in the far right turn lane of Oddie Boulevard, at its intersection with Sullivan Lane, Plntfs' vehicle was rear-ended by Dfnt, who was operating a 1995 Chevrolet Malibu rental vehicle. Dfnt, female, age 72, a Nevada resident, admitted negligence, but argued impact was minor. Plntf Otto Sandoval alleged he sustained cervical, thoracic, and lumbar strains and sprains, with radiating pain and numbness into the right arm. Plntf Bryan Sandoval alleged he sustained cervical, thoracic, and lumbar strains and sprains, with residual bilateral pain. Plntf Otto D. Sandoval alleged he sustained a cervical strain and sprain. Plntf Flor Jolon alleged she sustained cervical, thoracic, and lumbar strains and sprains, plus an injury to the left shoulder, with severe pain bilaterally, and limited range of motion. Plntf Erwin Jolon alleged he sustained cervical, thoracic, and lumbar strains and sprains. Plntfs used the medical reports of their treating physician, Eric Osgood, D.C. Dfnt argued Plntfs were not injured in the minor collision. In the alternate, Dfnt argued Plntfs' treatment was excessive, unreasonable, and unnecessary. Plntf Otto Sandoval's Prayer: In excess of \$10,000 compensatory damages; plus \$3,915 medical expenses for twenty-six chiropractic treatments. Plntf Bryan Sandoval's Prayer: In excess of \$10,000 compensatory damages; plus \$3,610 medical expenses for twenty-five chiropractic treatments. Plntf Otto D. Sandoval's Prayer: In excess of \$10,000 compensatory damages; plus \$436 medical expenses for eight chiropractic treatments. Plntf Flor Jolon's Prayer: In excess of \$10,000

compensatory damages; plus \$6,560 medical expenses for thirty chiropractic treatments. Plntf Erwin Jolon's Prayer: In excess of \$10,000 compensatory damages; plus \$3,610 medical expenses for twenty-four chiropractic treatments (D). (Carrier: U.S.A.A.) During closing arguments, Plntfs' counsel argued Plntfs were all injured in the collision, even though it was a low-speed impact, and Plntfs followed the recommendations of their chiropractor and appeared for treatment for the duration recommended. Defense counsel argued the evidence showed that the accident was only a minor, low-impact rear-end "bump", not an impact of such severity that it could have caused Plntfs' injuries. In the alternate, defense counsel argued Plntfs' two-plus months of chiropractic treatment was unreasonable and unnecessary. One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARDED PLNTF OTTO SANDOVAL \$3,915 COMPENSATORY DAMAGES; AWARDED PLNTF BRIAN SANDOVAL \$3,610 COMPENSATORY DAMAGES; AWARDED PLNTF OTTO D. SANDOVAL \$436 COMPENSATORY DAMAGES; AWARDED PLNTF FLOR JOLON \$6,560 COMPENSATORY DAMAGES; AND AWARDED PLNTF ERWIN JOLON \$3,610 COMPENSATORY DAMAGES (REPRESENTING PAST MEDICAL EXPENSES FOR EACH PLNTF).

10/10/08 - Judge JOHN S. McGROARTY - CV A528804 - BROADBENT (Matthew R. Vannah of Vannah & Vannah; and James A. Oronoz of Draskovich & Oronoz) v RODRIGUEZ (Kurt K. Harris of Harris Merritt Chapman, Ltd.) - PERSONAL INJURY - MULTIPLE-VEHICLE REAREND. *Case being tried on Dfnt's appeal of Plntf's \$45,719 arbitration award.* Plntf, male, age 35, a Nevada resident, employed as a restaurant manager, alleged he was rear-ended by non-party motorist, who was rear-ended by Dfnt, which propelled non-party motorist's vehicle into the rear of Plntf's vehicle a second time. Dfnt, male, age 16, a Nevada resident and student, denied liability, advancing the defense that Plntf was rear-ended by non-party motorist first, and Plntf's injuries were related to the first impact. Dfnt called Steven R. Winne, an accident reconstructionist, who was of the opinion that Plntf changed his statements regarding the collision from his initial report, and his testimony was not reliable. Plntf alleged he sustained a bulging cervical disk at C-5, with residual ongoing pain. Plntf also alleged he faces the potential of disk disruption. Plntf called Raimundo F. Leon, M.D., a pain management specialist, who testified Plntf has a permanent impairment, and will require future pain treatment. Dfnt called Jerrold M. Sherman, M.D., an orthoped, who was of the opinion that Plntf's spine was normal. In the alternate, Dr. Sherman testified Plntf's complaints were related to his preexistent condition. Prayer: In excess of \$10,000 compensatory damages; an unspecified amount for past and future medical expenses; plus an unspecified amount for future lost wages. Plntf made a pretrial demand of \$48,000 - Dfnt offered \$15,000 policy limits (D). (Carrier: Financial Indemnity Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$93,000. Defense counsel argued non-party motorist was liable. Four day trial. Jury out two-plus hours. AWARDED PLNTF \$45,719 COMPENSATORY DAMAGES (REPRESENTING \$18,219 PAST MEDICAL EXPENSES AND \$27,500 PAST PAIN AND SUFFERING).

Following is some additional information about a trial previously reported in the September 2008 issue of THE TRIAL REPORTER of Nevada. The additional information is in bold italic type.

\$145 FOR MEDICAL EXPENSES AND \$140 FOR PAIN AND SUFFERING).

8/7/08 - pro tem Judge PATRICK J. MURPHY - CV A534790 - OBESO and TREJO (Herbert L. Michel, Jr., of Your Legal Power) v PHILLIPS (David H. Putney of Truman & Associates) - PERSONAL INJURY - PARKING LOT MISHAP. *Case being tried on Dfnt's appeal of Plntf Obeso's \$12,000 arbitration award, and Plntf Trejo's \$9,000 arbitration award.* Case also being tried as a Shorttrial. Plntf Obeso, female, age 42, employed as a laundry worker, and Plntf Trejo, male, age 20, employed as a laborer, alleged Dfnt negligently broadsided Plntfs' vehicle, in a gas station parking lot. Dfnt, in her forties, employed as a minister, argued impact was minor. Dfnt argued Plntfs' vehicle had preexistent damage. Dfnt used the report of Brian K. Jones, P.E., an accident reconstructionist, who was of the opinion that all of the damage to Plntfs' vehicle could not have been caused in the instant collision. It was also Mr. Jones' opinion that, based on his review of photographs of both vehicles, the damage to Plntf's vehicle could not have been sustained as the result of one impact, and that Dfnt's vehicle could not have caused the alleged damage to Plntf's vehicle because the elevations were inconsistent. *Plntfs alleged they sustained soft tissue injuries, which required treatment for three to four months.* Plntfs used the medical report of Firooz Mashhood, M.D., a physiatrist. Dfnt argued Plntfs were not injured, and Plntfs' complaints were related to their preexistent conditions. Plntf Obeso's Prayer: In excess of \$10,000 compensatory damages; \$4,400 medical expenses; plus \$2,400 property damage. Plntf Trejo's Prayer: In excess of \$10,000 compensatory damages; plus \$2,300 medical expenses. Each Plntf made a pretrial demand of \$7,500 - Dfnt offered \$2,500 (D). (Carrier: Allstate Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out one-plus hours. AWARDED PLNTF OBESO \$545 COMPENSATORY DAMAGES (REPRESENTING \$400 FOR MEDICAL EXPENSES AND PAIN AND SUFFERING, PLUS \$145 PROPERTY DAMAGE); AWARDED PLNTF TREJO \$285 COMPENSATORY DAMAGES (REPRESENTING

Following is a report of a trial about which we were unable to obtain complete details prior to our publication deadline for the September 2008 issue of THE TRIAL REPORTER of Nevada.

8/28/08 - pro tem Judge VICKI L. DRISCOLL - CV A538835 - CROUCH (Nikki D. Wilson of Kung & Wilson) v ORTIZ (Keith B. Gibson of Nevada General Insurance Company) - PERSONAL INJURY - REAREND. Case being tried on Dfnt's appeal of Plntf's arbitration award. Case also being tried as a Shorttrial. Plntf, male, a Nevada resident, was operating a 1997 Chevrolet Monte Carlo, travelling on the Sahara Avenue off-ramp from I-15. Plntf alleged that, while stopped at the end of the off-ramp, waiting for cross traffic to clear, he was rear-ended by Dfnt, female, a Nevada resident. Plntf alleged he sustained soft tissue injuries. Dfnt used the medical records of Eugene L. Appel, M.D., a general surgeon, of San Diego, California. Prayer: In excess of \$10,000 compensatory damages; plus an unspecified amount for medical expenses. Dfnt made a \$2,601.16 offer of judgment. (Carrier: Nevada General Insurance.) One day trial. By stipulation, four jurors deliberated. AWARDED PLNTF \$914.29 COMPENSATORY DAMAGES. (Post-trial, Court awarded Plntf \$85.39 prejudgment interest, and awarded Dfnt \$1,534.27 in costs.)

11/7/08 - pro tem Judge ROBERT J. ARNESON - CV A515667 - LAWSON (Andrew M. Leavitt of Law Offices of Andrew M. Leavitt) v WELSH (Blair C. Parker of Parker & Edwards) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$28,511 arbitration award.* Case also being tried as a Shorttrial. Additionally, case being tried on comparative fault. Plntf, female, age 67, a Nevada resident, employed as a real estate broker, alleged she was rear-ended by Dfnt. Dfnt, male, a Nevada resident, denied liability, advancing the defense that Plntf pulled into Dfnt's path, and he was unable to avoid the collision. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries. Plntf used the medical reports of Anthony L. Pollard, D.O., a general practitioner; and Michelle F. Underwood, R.P.T. Prayer: In excess of \$10,000 compensatory damages; plus \$7,825 medical expenses. Plntf made an \$18,000 pretrial offer of judgment - Dfnt made a \$13,000 offer of judgment (P). (Carrier: American Family Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$28,511. Defense counsel argued liability. One day trial. By stipulation, four jurors deliberated. Jury out three hours. AWARDED PLNTF \$33,446 COMPENSATORY DAMAGES. (Found Plntf to be twenty percent at fault and Dfnt to be eighty percent at fault; therefore, Plntf's award to be reduced to \$26,756.80.)

11/21/08 - pro tem Judge J. MITCHELL COBEAGA
- CV A536288 - McNEELEE (Robert E. Marshall,
a sole practitioner) v REYES (Kurt K. Harris and
Kerry J. Doyle of Harris Merritt Chapman, Ltd.) -
PERSONAL INJURY - REAREND. *Case being
tried on Dfnt's appeal of Plntf's \$16,855.50
arbitration award.* Case also being tried as a
Shortrial. Additionally, case being tried on
comparative fault. Plntf, female, age 36, a Nevada
resident and homemaker, alleged she was rear-ended
by Dfnt. Dfnt, male, age 40, a Nevada resident,
employed as a landscaper, admitted negligence, but
argued causation and comparative fault. Dfnt alleged
Plntf's vehicle extended into his lane of travel, and
contact was incidental. (Dfnt planned to use the
report of Robert W. Lillywhite, an accident
reconstructionist, but was precluded from doing so.)
Plntf alleged she sustained cervical, thoracic, and
lumbar soft tissue injuries. Plntf used the medical
records of R. Christopher Bunker, D.C. Dfnt used
the report of Roger A. Russell, D.C., who was of the
opinion there were inconsistencies in Plntf's
treatment and records. It was also Dr. Russell's
opinion that Plntf was overtreated and the MRI
performed was not causally related. Prayer: In
excess of \$10,000 compensatory damages; plus
\$6,855.50 medical expenses. Plntf made a pretrial
demand of \$15,000 - Dfnt made a \$4,500 offer of
judgment (D Harris). (Carrier: Unitrin Insurance and
Financial Indemnity.) During closing arguments,
Plntf's counsel asked jury to award Plntf \$16,855.50.
Defense counsel suggested \$2,500 was adequate
compensation. One day trial. By stipulation, four
jurors deliberated. Jury out one hour. AWARDED
PLNTF \$3,750 COMPENSATORY DAMAGES.
(Found Plntf to be thirty-seven-and-one-
half percent at fault and Dfnt to be sixty-two-and-
one-half percent at fault; therefore, Plntf's award to
be reduced to \$2,343.75.)

12/4/08 - pro tem Judge JOHN L. THORNDAL - CV A497940 - LE and PHAM (Liza M. Velazco of Law Offices of Brian D. Nettles, Ltd.) v DOW (Steven M. Goldstein of Arneson & Associates) - PERSONAL INJURY - REAREND. *This is a retrial; first trial ended in a mistrial, on September 4, 2008, before pro tem Judge John L. Thorndal. Case being tried on Dfnt's appeal of Plntf Le's \$4,300 arbitration award.* Case also being tried as a Shorttrial. Plntf Le, female, age 33, a homemaker, was operating a vehicle, with passengers, her sons, Plntf Philip Pham, and Plntf Thomas Pham, both minors, all Nevada residents. Plntfs, travelling northbound on Industrial Road, alleged that, while stopped to execute a right turn onto Sahara Avenue, Plntfs' vehicle was rear-ended by Dfnt. Dfnt, female, a Nevada resident, admitted negligence, but argued causation. Plntf Le alleged she sustained cervical, thoracic, and lumbar soft tissue injuries, with secondary headaches; plus an injury to the chest. Plntf sons alleged they sustained cervical soft tissue injuries, with secondary headaches and incontinence. Plntfs used the medical reports of Maria C. Tinberg, D.C.; and Dzung Vu Tran, M.D., an internist; both of whom were of the opinion that, to a reasonable degree of medical probability, all three Plntfs' injuries were causally related. Dfnt argued impact was minor, and Plntfs were not injured. Dfnt used the medical report of David J. Oliveri, M.D., a physiatrist, who was of the opinion there was no causal relationship between the minor impact and Plntfs' alleged injuries. Plntf Le's Prayer: In excess of \$10,000 compensatory damages; \$2,986.60 medical expenses. Plntf Thomas Pham's Prayer: In excess of \$10,000 compensatory damages; plus in excess of \$1,151 medical expenses. Plntf Philip Pham's Prayer: In excess of \$10,000 compensatory damages; plus in excess of \$1,145 medical expenses. Plntf Le made a \$4,199 pretrial offer of judgment; each Plntf son made a \$1,999 pretrial offer of judgment - Dfnt made a \$301 offer of judgment (per P) or a \$501 offer of judgment to each Plntf (per D) (P & D.) (Carrier: CSAA.) During closing arguments, Plntfs' counsel asked jury to award Plntfs their medical expenses, plus a fair and reasonable amount for pain and suffering. Defense counsel argued the impact was minor, and Plntfs were not injured. One day trial. By stipulation, four jurors deliberated. Jury out less than one hour. FOUND FOR DFNT.

12/12/08 - pro tem Judge BRIAN K. TERRY - CV A540807 - RAI (Bradley L. Kenny of Craig P. Kenny & Associates) v TUPOUMALOHI (Kurt K. Harris and James J. Reese of Harris Merritt Chapman, Ltd.) - PERSONAL INJURY - RIGHT TURN MISHAP. *Case being tried on Dfnt's appeal of Plntf's \$16,209.77 arbitration award.* Case also being tried as a Shorttrial. Plntf, male, age 37, a Nevada resident, employed as a convenience store manager, alleged Dfnt negligently executed a right turn, from the left turn lane, into Plntf's path, and caused collision. Dfnt, male, age 40, an unemployed Nevada visitor, admitted negligence, but argued causation. Dfnt alleged that, as he changed lanes, Plntf sped up and struck the right rear of Dfnt's vehicle with the left front of Plntf's vehicle. Plntf alleged he sustained cervical and lumbar soft tissue injuries; a closed head injury; plus injuries to the hip, leg, side, and arm. Plntf used the medical records of his treating physicians. Dfnt used the medical report of Roger A. Russell, D.C., who was of the opinion that Plntf's alleged injuries were not consistent with the impact, and Plntf's treatment was excessive. Prayer: In excess of \$10,000 compensatory damages; \$5,909.77 medical expenses; plus \$300 lost wages. Plntf made a \$15,000 pretrial offer of judgment - Dfnt offered \$4,500 (D Harris). (Carrier: Financial Indemnity Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$16,209.77. Defense counsel argued impact was minor. One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARD ED PLNTF \$7,709.77 COMPENSATORY DAMAGES.

1/8/09 - pro tem Judge BLAIR C. PARKER - CV A530757 - MARCINIAK (Scott E. Chapman of Harris Merritt Chapman, Ltd.) v SAVANNAH (Keith B. Gibson of Nevada General Insurance Company) - PERSONAL INJURY - SIDESWIPE - FREEWAY MISHAP. *Case being tried on Dfnt's appeal of Plntf's \$5,073.60 arbitration award.* Case also being tried as a Shorttrial. Additionally, case being tried on comparative fault. Plntf, male, age 28, employed as a bellman, alleged that, while travelling on the freeway, Dfnt negligently sideswiped Plntf's vehicle. Dfnt, male, age 26, employed as a laborer, denied liability, advancing the defense that Plntf was speeding, when he had a tire blowout, which caused collision. Plntf alleged he sustained thoracic and lumbar soft tissue injuries. Plntf called Robin Huhn, D.C., who was of the opinion Plntf's injuries were causally related. Dfnt called Eugene L. Appel, M.D., a biomechanical trauma specialist, of San Diego, California, who was of the opinion that Plntf's injuries and treatment were causally related, with only slight overtreatment. Prayer: In excess of \$10,000 compensatory damages; \$3,545 medical expenses; \$766.80 lost wages; \$6,398.12 property damage; plus \$4,000 for loss of use of vehicle. Plntf made a pretrial demand of \$10,000 - Dfnt made a \$750 offer of judgment (P). (Carrier: Nevada General Insurance.) During closing arguments, Plntf's counsel argued Dfnt was liable for Plntf's blown tire, which caused the collision. Defense counsel argued the collision was no one's fault. In the alternate, defense counsel argued Plntf was over fifty percent at fault. One day trial. By stipulation, four jurors deliberated. AWARDED PLNTF \$9,583.60 COMPENSATORY DAMAGES. (Found Plntf to be twenty-five percent at fault, and Dfnt to be seventy-five percent at fault; therefore, Plntf's award to be reduced to \$7,187.70.)

1/15/09 - pro tem Judge CHERYL A. WINGATE -
CV A535293 - DONALDSON (Jennifer R. Lane of
Brenske & Christensen) v AVERY (Boone L.
Cragun of Riddle & McOske) - PERSONAL
INJURY - MULTIPLE-VEHICLE REAR-END.
*Case being tried on Dfnt's appeal of Plntf's
\$12,702.13 arbitration award.* Case also being tried
as a Shorttrial. Plntf, female, age 28, a Nevada
resident, employed as an exhibit designer, operating a
pickup truck, alleged Dfnt rear-ended a vehicle,
propelling it into the rear of Plntf's vehicle. Dfnt,
male, a Nevada resident, admitted negligence. Plntf
alleged she sustained cervical soft tissue injuries,
with secondary headaches. Plntf also alleged she
developed a sleep disorder. Prayer: In excess of
\$10,000 compensatory damages; plus \$2,030.13
medical expenses. Dfnt made an \$8,000 pretrial
offer of judgment (P). (Carrier: Farmers Insurance.)
One day trial. By stipulation, four jurors deliberated.
Jury out one hour. AWARDED PLNTF \$10,007.86
COMPENSATORY DAMAGES.

1/22/09 - pro tem Judge PETER M. ANGULO - CV A541722 - ANNALORA (John B. Greene of Nettles Law Firm) v FALCO (Eron Z. Cannon of McCormick, Barstow, Sheppard, Wayte & Carruth, L.L.P.) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$26,273 arbitration award.* Case also being tried as a Shorttrial. Plntf, male, age 31, a Nevada resident, employed as a personal trainer, alleged that, as he was stopped on the exit ramp of I-215, at Stephanie Street, he was rear-ended by Dfnt. Dfnt, female, age 22, a Nevada resident and student, employed as a restaurant hostess, admitted negligence, but argued causation. Dfnt used the report of William N. Morrison, an accident reconstructionist, who was of the opinion that the property damage to Plntf's vehicle was preexistent. Plntf alleged he sustained a Grade II separation of the acromioclavicular joint of the shoulder; plus cervical, thoracic, and lumbar soft tissue injuries. Plntf called Joseph E. Morian, R.P.T., who was of the opinion Plntf's injuries were causally related. Plntf used the depositions of Michael J. Crovetti, D.O., an orthopod; and Nickolas Karajohn, M.D., a family practitioner; both of whom were of the opinion that Plntf's injuries were causally related. Dfnt called Richard M. Dix, M.D., an orthopod, who was of the opinion that Plntf was not injured in the collision. It was also Dr. Dix's opinion that the collision could not have caused Plntf's alleged injuries, based on the damage to the vehicles. Prayer: In excess of \$10,000 compensatory damages; plus \$17,273 medical expenses. Plntf made a \$24,099 pretrial offer of judgment - Dfnt made a \$17,234 offer of judgment (D). (Carrier: AAA Nevada Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$45,000. Defense counsel argued Plntf was not injured in the instant collision. One day trial. By stipulation, four jurors deliberated. Jury out less than thirty minutes. FOUND FOR DFNT.

2/19/09 - pro tem Judge MICHAEL A. KONING -
CV A531450 - BALAJADIA (Jonathan R. Hicks of
Snell & Wilmer, L.L.P.) v BLACKFORD (James W.
Howard of The Howard Law Firm) - PERSONAL
INJURY - REAREND. *Case being tried on Dfnt's
appeal of Plntf's \$9,350 arbitration award.* Case
also being tried as a Shorttrial. Plntf, male, alleged
that, while stopped at a stop sign, he was rear-ended
by Dfnt. Dfnt, female, admitted negligence, but
argued causation. Plntf alleged he sustained soft
tissue injuries. Plntf used the medical report of
Donald W. Nobis, R.P.T., who was of the opinion
that Plntf's injuries were causally related, and his
treatment was reasonable and necessary. Dfnt argued
impact was minor, and generated insufficient force to
cause injury. Prayer: In excess of \$10,000
compensatory damages; plus \$9,000 medical
expenses. Dfnt made a \$3,001 pretrial offer of
judgment (D). (Carrier: Allstate Insurance.) One
day trial. By stipulation, four jurors deliberated.
Jury out one hour. FOUND FOR DFNT.

2/26/09 - pro tem Judge CHERYL A. WINGATE - CV A541176 - DEMARCHIS (Kurtis J. Millington and Porter C. Allred of The Powell Litigation Group) v MAHNESMITH (Kurt K. Harris and James J. Reese of Harris Merritt Chapman, Ltd.) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntfs' \$20,521.40 arbitration award.* Case also being tried as a Shorttrial. Plntf husband, age 48, employed as a diesel mechanic, and Plntf wife, age 46, both Nevada residents, alleged they were rear-ended by Dfnt. Dfnt, male, age 44, a Nevada resident, employed as a meat cutter, admitted negligence, but argued impact was minor, as Dfnt had rolled into Plntfs' vehicle. Plntf husband alleged he sustained an exacerbation of a preexistent lumbar condition, which required surgical intervention; plus cervical soft tissue injuries. Plntf wife alleged she sustained cervical, thoracic, and lumbar soft tissue injuries, with residual temporomandibular joint dysfunction. Plntfs used the medical records of their treating physicians. Dfnt argued Plntf husband's complaints were preexistent, and Plntf wife's complaints were not proven. Dfnt used the medical report of Jess L. Askeroth, D.C. Prayer: In excess of \$10,000 compensatory damages; plus an unspecified amount for medical expenses. Dfnt made a \$7,500 pretrial offer of settlement (D Harris). (Carrier: Financial Indemnity.) During closing arguments, Plntfs' counsel asked jury to award Plntfs \$20,521.40. Defense counsel argued Plntf husband should take nothing, and \$2,500 for Plntf wife was adequate compensation. One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARDED PLNTFS \$11,491 COMPENSATORY DAMAGES.

2/5/09 - Judge JAMES E. WILSON, JR. - CV 2008-00019 - WILLIAMS-TOLBERT (Charles M. Kilpatrick and Angela D. Bullentini of Kilpatrick, Johnston & Adler) v GONZALEZ (Karl H. Smith of Riddle & McOsker) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$7,385.50 arbitration award.* Plntf, female, age 57, employed as a warehouse packer, alleged she was rear-ended by Dfnt. Dfnt, female, age 23, employed as a warehouse worker, admitted negligence, but argued causation. Dfnt argued that the forces generated in the collision were insufficient to cause injury. Dfnt called John Droge, M.S. a biomechanical engineer, to support her position. Plntf alleged she sustained cervical and lumbar strains and sprains, with secondary headaches, and required five months of chiropractic treatment. Plntf called Thomas H. Dudley, D.C. Dfnt argued Plntf was overtreated. Dfnt called Bill J. Bailey, D.C. Prayer: In excess of \$10,000 compensatory damages; \$5,210 medical expenses; plus \$57 lost wages. Plntf made a pretrial demand of \$7,500 - Dfnt made a \$4,165 offer of judgment (D). (Carrier: Farmers Insurance.) During closing arguments, Plntf's counsel argued Plntf had a preexistent cervical condition that made her more susceptible to injury, even from a low-speed collision. Plntf's counsel also argued Plntf's medical expenses were reasonable and necessary. Defense counsel argued Plntf could not have been injured as a result of the forces generated in the low-speed collision. In the alternate, defense counsel argued that, if Plntf was injured, and her injuries were limited to one month of treatment, her treatment was excessive. One day trial. Jury out less than one hour. AWARDED PLNTF \$2,600 COMPENSATORY DAMAGES. UNANIMOUSLY.

3/5/09 - pro tem Judge GLORIA J. STURMAN - CV A546527 - COTA (Bradley L. Kenny of Craig P. Kenny & Associates) v GOC-ONG (Boone L. Cragun of Riddle & McOsker) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$10,200 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 35, a Nevada resident, alleged she was rear-ended by Dfnt. Dfnt, in his thirties, a Nevada resident, admitted negligence, but argued causation. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries. Dfnt argued impact was minor, and caused either minor or no injuries. Dfnt also argued Plntf's treatment was excessive. Dfnt used the medical report of Dean E. Ward, D.C., who was of the opinion Plntf sustained only minor injuries, at most, which should have resolved after six to eight treatments. Prayer: In excess of \$10,000 compensatory damages; plus \$6,864.56 medical expenses. Plntf made a pretrial demand of \$10,200 - Dfnt made a \$2,460 offer of judgment (D). (Carrier: Farmers Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARDED PLNTF \$10,200 COMPENSATORY DAMAGES.

3/6/09 - pro tem Judge ARA H. SHIRINIAN - CV A551075 - BOUMELHEM (Christopher D. Burk of Simon Law Offices) v MALCO ENTERPRISES OF NEVADA, INC., dba BUDGET RENT-A-CAR (Robert J. Cardwell of Tharpe & Howell) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$30,000 arbitration award.* Case also being tried as a Shorttrial. Plntf, in his fifties, a Nevada resident, employed as a taxicab driver, alleged he was rear-ended by Dfnt's driver. Dfnt admitted negligence, but argued causation. Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries; plus bulging discs. Plntf used the medical reports of Lance Poe, D.C.; and Theodore M. Thorp, M.D., a family practitioner and physiatrist. Prayer: In excess of \$10,000 compensatory damages; \$8,391 medical expenses; plus an unspecified amount for lost wages. Plntf made a \$22,000 pretrial offer of judgment - Dfnt made a \$500 offer of judgment (P). (Dfnt self-insured.) One day trial. By stipulation, four jurors deliberated. Jury out ? hours. AWARDED PLNTF \$19,391 COMPENSATORY DAMAGES (REPRESENTING \$8,391 MEDICAL EXPENSES, \$1,000 LOST WAGES, \$6,000 PAST PAIN AND SUFFERING, AND \$4,000 FUTURE PAIN AND SUFFERING.)

3/26/09 - pro tem Judge BILL C. HAMMER - CV A548247 - GRAHAM (J. Scott Murphy of Allen & Murphy, P.A., of Orlando, Florida) v HARRAH'S IMPERIAL PALACE CORPORATION (Douglas J. Gardner of Rands, South & Gardner) - PERSONAL INJURY - PREMISES LIABILITY - BUSINESS INVITEE - SLIP/TRIP AND FALL. *Case being tried on Dfnt's appeal of Plntf's \$13,000 arbitration award.* Case also being tried as a Shorttrial. Plntf, male, age 56, a Nevada visitor and self-employed video technician, alleged that, while at Dfnt hotel and casino, he slipped/tripped and fell on a bottle that was on the floor. Plntf also alleged Dfnt's inspections of the premises were inadequate. Dfnt denied liability, advancing the defense that its inspection policies and procedures were adequate. Dfnt alleged Plntf caused his own fall. Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries; plus an ankle injury. Plntf used the videotape deposition of Abraham Chambley, M.D. Dfnt argued Plntf's complaints were unrelated. Prayer: In excess of \$10,000 compensatory damages; an unspecified amount for medical expenses; plus an unspecified amount for lost earnings. Plntf made a pretrial demand of \$50,000 - Dfnt refused to make an offer (D). (Dfnt self-insured.) One day trial. By stipulation, four jurors deliberated. Jury out forty minutes. FOUND FOR DFNT.

3/26/09 - pro tem Judge JAMES G. ARMSTRONG -
CV A537788 - OWENS (Alison M. Brasier of The
Powell Litigation Group) v ANDERSON (Imran
Anwar of Rogers, Mastrangelo, Carvalho &
Mitchell) - PERSONAL INJURY - HEAD-ON
COLLISION. *Case being tried on Dfnt's appeal of
Plntf's arbitration award.* Case also being tried as a
Shorttrial. Plntf, male, a Nevada resident, age 35,
employed as a truck driver, was operating a 1999
Nissan, travelling eastbound on Paris Avenue. Plntf
alleged Dfnt negligently pulled into Plntf's path, and
collided head-on with Plntf's vehicle. Dfnt, male, a
Nevada resident, denied liability. Plntf alleged he
sustained cervical, thoracic, and lumbar soft tissue
injuries, with residual limited range of motion of the
cervical spine, which necessitated trigger point
injections. Plntf also alleged he sustained an injury
to the right shoulder, with radiating numbness into
the arm and fingers, which required physical therapy.
Prayer: In excess of \$10,000 compensatory damages;
an unspecified amount for past and future medical
expenses; plus an unspecified amount for past and
future lost wages. Dfnt made a \$7,500 pretrial offer
of judgment. (Carrier: State Farm Insurance.) One
day trial. By stipulation, four jurors deliberated.
Jury out ? hours. FOUND FOR DFNT. (Post-trial,
Court awarded Dfnt \$4,290.94 in costs.)

Following is some additional information about a trial previously reported in the February 2009 issue of THE TRIAL REPORTER of Nevada. The additional information is in bold italic type.

1/29/09 - pro tem Judge PAUL R. KIRST - CV A527449 - ROSEN (Kevin R. Hanesen of The Powell Litigation Group) v N-M VENTURES, L.L.C. (Lewis W. Brandon, Jr., of Moran & Associates) - PERSONAL INJURY - PREMISES LIABILITY - BUSINESS INVITEE - *TRIP AND FALL. Case being tried on Dfnt's appeal of Plntf's \$26,506 arbitration award.* Case also being tried as a Shorttrial. Additionally, case being tried on comparative fault. Plntf, female, *age 75*, a Nevada resident, alleged that, while *attending an employee Christmas party with her son*, she *tripped and fell off the stage area at Dfnt's lounge*, as a result of poor lighting. Plntf also alleged Dfnt knew, or should have known, of the dangerous condition. Additionally, Plntf alleged Dfnt failed to warn patrons. *Plntf called John E. Baker, Ph.D., P.E., a lighting expert, who testified that the low light levels, a lack of visual aids, as well as the flashing lights in the area caused a substantial distraction, and Plntf was unable to see the elevation change.* Dfnt denied liability. In the alternate, Dfnt argued Plntf was comparatively at fault. *Dfnt called David A. Elliott, P.E., an accident reconstructionist and biomechanist, who testified regarding Dfnt's compliance with applicable building codes, as well as the appropriateness of the elevation and subject stage area that conformed with applicable building codes. Dfnt also called Don L. Gifford, an electrical expert, who testified regarding the appropriate lighting condition at the time of the incident, and standards set forth in the Illuminating Engineering Society of North America Handbook and Guidelines. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries, which required chiropractic and physical therapy treatments, as well as injections for pain. Plntf called Mark C. Handelman, M.D., an internist.* Prayer: In excess of \$10,000 compensatory damages; plus \$11,506 medical expenses. *Plntf made a pretrial demand of \$26,506 - Dfnt offered \$13,000 (D).* (Carrier: Insurance Designers of Maryland/The Agency.) *During closing arguments, Plntf's counsel asked jury to award Plntf \$50,000. Defense*

counsel argued the condition was open and obvious, and Plntf had been in the area three times prior to the fall. One day trial. By stipulation, four jurors deliberated. Jury out *two* hours. AWARDED PLNTF \$28,750 COMPENSATORY DAMAGES. (Found Plntf to be fifty percent at fault, and Dfnt to be fifty percent at fault; therefore, Plntf's award to be reduced to \$14,375.)

3/30/09 - pro tem Judge JAMES SHIELDS BEASLEY - CV 08-00577 - CRAWFORD (Joseph Dita, III, a sole practitioner) v GOODMAN (Karl H. Smith of Riddle & McOsker) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$39,767.71 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 55, a disabled Nevada resident, alleged she was rear-ended by Dfnt. Dfnt, male, age 38, a Nevada resident, employed as a college instructor, admitted negligence, but argued causation. Plntf alleged she sustained cervical, thoracic, and lumbar strains and sprains, with secondary migraine-type headaches. Plntf used the videotape deposition of Randy J. Mantz, D.C. Dfnt argued Plntf reached her pre-collision condition three-and-one-half months post-accident. Dfnt also argued there was no medical evidence suggesting that Plntf's migraine-style headaches occurred or were causally related. Dfnt called Stephen D. Dow, M.D., an orthopod. Prayer: In excess of \$10,000 compensatory damages; plus \$9,168 medical expenses. Plntf made a pretrial demand of \$39,767.71 - Dfnt made a \$16,000 offer of judgment (P & D). (Carrier: Farmers Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out two hours. AWARDED PLNTF \$14,890.71 COMPENSATORY DAMAGES. (Post-trial, Court awarded Plntf \$3,000 in fees, plus \$3,285.48 in costs.)

4/2/09 - pro tem Judge ERIC DOBBERSTEIN - CV
A549946 - HAMLIN (Brian D. Nettles of Nettles
Law Firm) v LAVELL (Michael P. Golden of Riddle
& McOske) - PERSONAL INJURY - REAREND.
*Case being tried on Dfnt's appeal of Plntf's
\$15,741.91 arbitration award.* Case also being tried
as a Shorttrial. Plntf, female, age 34, a Nevada
resident, employed as a nurse, alleged that, while
stopped for a stop sign, she was rear-ended by Dfnt.
Dfnt, female, a Nevada resident, admitted
negligence, but argued causation. Plntf alleged she
sustained cervical, thoracic, and lumbar strains and
sprains. Dfnt argued Plntf's vehicle sustained only
\$355 in property damage, and Plntf was not injured
in the low-impact collision. Plntf used the medical
reports of Greg Fihn, D.O., a family practitioner;
Russell K. Bouldin, R.P.T.; and Mathew R. Smith,
R.P.T. Prayer: In excess of \$10,000 compensatory
damages; \$3,179 medical expenses; plus \$3,626 lost
wages. Plntf made a \$9,999 pretrial offer of
judgment - Dfnt refused to make an offer (P).
(Carrier: Farmers Insurance.) During closing
arguments, Plntf's counsel asked jury to award Plntf
her specials, plus a fair and reasonable amount for
pain and suffering. Defense counsel argued Plntf
was not injured, and should take nothing. One day
trial. By stipulation, four jurors deliberated. Jury out
three-plus hours. AWARDED PLNTF \$6,000
COMPENSATORY DAMAGES (REPRESENTING
\$3,180 MEDICAL EXPENSES, AND \$2,820 LOST
WAGES.) (POST-TRIAL, COURT GRANTED
PLNTF'S MOTION FOR ADDITUR IN THE
AMOUNT OF \$3,000 FOR PAIN AND
SUFFERING.) (Post-trial, Plntf filed motion for
costs, interest and attorney's fees.)

4/17/09 - pro tem Judge FRANCIS J. MORTON -
CV A544468 - DICUS (Allan P. Capps of George T.
Bochanis, Ltd.) v McGIRL (Michael E. Rowe of
Riddle & McOsker) - PERSONAL INJURY -
BICYCLE/AUTO MISHAP. *Case being tried on
Dfnt's appeal of Plntf's \$5,500 arbitration award.*
Case also being tried as a Shorttrial. Additionally,
case being tried on comparative fault. Plntf, male,
age 16, a Nevada resident and student, employed
part-time, alleged that, while riding a bicycle, he was
negligently struck by a vehicle operated by Dfnt.
Plntf also alleged Dfnt failed to keep a proper
lookout, and should have remained stopped until
Plntf had passed. Dfnt, female, age 30, a Nevada
resident, employed as a manicurist, denied liability,
advancing the defense that Plntf was riding his
bicycle on the opposite side of the roadway, against
the flow of traffic, and did not stop his bicycle before
riding into the intersection. Plntf alleged he
sustained cervical, thoracic, and lumbar strains and
sprains. Plntf used the medical records of Michael S.
Kelsey, D.C., who was of the opinion Plntf's
complaints had resolved after three months of
chiropractic treatment. Prayer: In excess of \$10,000
compensatory damages; \$1,926.86 medical expenses;
plus \$176 lost wages. Plntf made a pretrial demand
of \$5,500 - Dfnt made a \$2,500 offer of judgment
(P). (Carrier: Farmers Insurance.) During closing
arguments, Plntf's counsel asked jury to award Plntf
\$15,000. Defense counsel argued liability. One day
trial. By stipulation, four jurors deliberated. Jury out
one-plus hours. AWARDED PLNTF \$5,102
COMPENSATORY DAMAGES. (Found Plntf to be
twenty-five percent at fault, and Dfnt to be seventy-
five percent at fault; therefore, Plntf's award to be
reduced to \$3,826.50.) (Post-trial, Court awarded
Plntf \$3,000 in attorney's fees, \$2,292.05 in costs,
and \$334.65 interest.)

4/24/09 - pro tem Judge CHARLES C. LOBELLO -
CV A555924 - PACE-HENNING (David A. Tanner
of Mainor Eglet Cottle, L.L.P.) v BRUNO (Steven
Goldstein of Arneson & Associates) - PERSONAL
INJURY - REAREND. *Case being tried on Dfnt's
appeal of Plntf's \$3,780 arbitration award.* Case
also being tried as a Shorttrial. Plntf, female, age 48,
a Nevada resident, employed in advertising,
operating a 2007 Saturn, southbound on Grand
Central Parkway, alleged that, while stopped at
Charleston Boulevard, to yield for traffic, as she
attempted to execute a right turn, Dfnt negligently
rear-ended Plntf's vehicle. Dfnt, male, a Nevada
resident, employed as a cook, denied liability. Plntf
alleged she sustained a cervical strain and sprain,
which required three months of chiropractic
treatment. Prayer: In excess of \$10,000
compensatory damages; plus an unspecified amount
for medical expenses (P). (Carrier: CSAA.) One day
trial. By stipulation, four jurors deliberated. Jury out
? hours. AWARDED PLNTF \$5,000
COMPENSATORY DAMAGES (REPRESENTING
\$1,285 MEDICAL EXPENSES, AND \$3,715 FOR
PAIN AND SUFFERING).

4/24/09 - pro tem Judge PAUL R. KIRST - CV A537448 - MAESTAS (Donald C. Kudler, of Cap & Kudler, Attorneys at Law) v PITA (David H. Putney of Truman & Associates) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$11,052.50 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 25, a Nevada resident, employed as a reading teacher, alleged she was rear-ended by Dfnt. Plntf also alleged that impact caused a bookcase in the back seat of her vehicle to be pushed over the front seat and strike her on the back of the head. Dfnt, female, age 71, a retired Nevada resident, admitted negligence, but argued impact could not have caused injury. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries. Plntf used the medical reports of Nianjun Tang, M.D., a pain management specialist and physiatrist; and Joseph Bananto, D.C. Dfnt argued Plntf's preexistent scoliosis and spinal condition were symptomatic for six months prior to the accident. Dfnt used the medical report of Firooz Mashhood, M.D., a physiatrist. Prayer: In excess of \$10,000 compensatory damages; \$4,500 medical expenses; plus \$277.06 property damage. Plntf made a pretrial demand of \$23,000 - Dfnt offered \$6,100 (D). (Carrier: Allstate Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out one-plus hours. AWARDED PLNTF \$0 COMPENSATORY DAMAGES.

5/7/09 - pro tem Judge REBECCA L. MASTRANGELO - CV A554627 - BUTLER (Thomas F. Christensen of Christensen Law Offices, L.L.C.) v GRAFF (David H. Putney of Truman & Associates) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$22,421 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, alleged she was rear-ended by Dfnt, after Dfnt had been struck from behind. Dfnt, female, denied liability. Plntf alleged she sustained multiple soft tissue injuries, with residual pain. Prayer: In excess of \$10,000 compensatory damages; \$24,000 past medical expenses; an unspecified amount for future medical expenses; plus \$800 property damage. Dfnt made a \$1,000 offer of settlement (D). (Carrier: Allstate Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out ten minutes. FOUND FOR DFNT.

5/8/09 - pro tem Judge DOROTHY J. KYLE - CV A520904 - DORIA (Steven M. Baker of Benson, Bertoldo, Baker & Carter, Chtd.) v BOWEN (Anthony L. Ashby of Riddle & McOsker) - PERSONAL INJURY - LEFT TURN MISHAP. *Case being tried on Dfnt's appeal of Plntf's \$26,602.96 arbitration award.* Case also being tried as a Shorttrial. Plntf son, age 9, a minor Nevada resident, was passenger in a 2004 Dodge Durango, operated by his mother, travelling eastbound on Craig Road, near Ferrell Street. Plntf alleged Dfnt, female, a Nevada resident, operating a 1998 Mercury, westbound in the left turn lane on Craig Road, failed to yield the right-of-way, negligently executed a left turn into Plntf's path, and caused collision. Plntf son alleged he sustained soft tissue injuries. Prayer: In excess of \$10,000 compensatory damages; plus an unspecified amount for medical expenses. (Carrier: Farmers Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out ? hours. AWARDED PLNTF SON \$30,000 COMPENSATORY DAMAGES (REPRESENTING \$10,000 PAST MEDICAL EXPENSES; \$12,500 PAST PAIN AND SUFFERING; AND \$7,500 FUTURE PAIN AND SUFFERING). (Post-trial, Court awarded Plntf \$3,000 in attorney's fees, \$3,067.25 in costs, and \$2,386.40 prejudgment interest.)

5/15/09 - pro tem Judge JOHN J. GRAVES, JR. -
CV A541386 - CHINCHILLA (Michael H. Hamilton
of Law Offices of Michael H. Hamilton &
Associates) v NAWID (Anthony L. Ashby of Riddle
& McOsker) - PERSONAL INJURY - T-BONE
MISHAP. *Case being tried on Dfnt's appeal of
Plntf's \$12,500 arbitration award.* Case also being
tried as a Shorttrial. Plntf, male, age 32, a Nevada
resident, employed as a construction worker,
operating a 1999 Toyota Corolla, alleged that, while
travelling on the main travel lane inside non-party
Sierra Mobile Home Park, Dfnt, operating a 1996
Dodge Ram pickup truck, struck the left front of
Plntf's vehicle. Dfnt, female, a Nevada resident,
denied liability. Plntf alleged he sustained cervical,
thoracic, and lumbar soft tissue injuries. Prayer: In
excess of \$10,000 compensatory damages; an
unspecified amount for medical expenses; plus an
unspecified amount for lost wages. (Carrier: Farmers
Insurance.) One day trial. By stipulation, four jurors
deliberated. Jury out ? hours. FOUND FOR DFNT.
(Post-trial, Court awarded Dfnt \$3,000 attorney's fees
and \$4,267.05 in costs.)

5/21/09- pro tem Judge RONALD J. ISRAEL - CV A536220 - GANTT (Thomas F. Christensen of Christensen Law Offices, L.L.C.) v PEACOCK (Eric R. Chandler of Riddle & McOsker) - PERSONAL INJURY - INTERSECTION - LEFT TURN MISHAP. *Case being tried on Plntfs' appeal of Plntf husband's \$6,500 arbitration award, and Plntf wife's \$8,500 arbitration award, with a finding that Dfnt was eighty percent at fault and Plntf husband was twenty percent at fault.* Case being also tried as a Shorttrial. Plntf husband, age 48, a Nevada visitor, a self-employed attorney, was operating a 2005 Nissan Altima, with passenger, Plntf wife, age 46, also a Nevada visitor, eastbound on Buccaneer Boulevard, near its intersection with Las Vegas Boulevard. Plntfs alleged oncoming Dfnt, operating a 1992 Chevrolet Blazer, negligently executed a left turn into Plntfs' path and caused collision. Dfnt, male, a Nevada resident, admitted negligence. Plntf husband alleged he sustained cervical and lumbar strains and sprains, with secondary headaches, and pain radiating from the left buttock to the lumbar region. Plntf wife alleged she sustained cervical, thoracic, and lumbar strains and sprains; cervical spine straightening; bilateral thigh pain; right foot pain; pelvic pain; plus extremity weakness. Prayer: In excess of \$10,000 compensatory damages; an unspecified amount for medical expenses; plus an unspecified amount for lost wages. (Carrier: Farmers Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out ? hours. AWARDED PLNTF HUSBAND \$10,000 COMPENSATORY DAMAGES, AND AWARDED PLNTF WIFE \$15,000 COMPENSATORY DAMAGES. (Post-trial, Court awarded Plntf husband \$3,000 in attorney's fees, \$3,321.83 in costs, plus \$1,136.02 interest; and awarded Plntf \$3,000 in attorney's fees, \$2,446.83 in costs, plus \$1,704.03 interest.)

6/4/09 - pro tem Judge LANSFORD WILLIAM LEVITT - CV A558016 - MAYERS (Anjuli B. Woods of Dixon, Truman, Fisher & Clifford, P.C.) v REGE (Michael P. Golden of Riddle & McOsker) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$8,150 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 40, a Nevada resident, alleged she was rear-ended by Dfnt. Dfnt, female, age 35, a Nevada resident, employed as a medical physician, admitted negligence, but argued causation. Plntf alleged she sustained cervical, thoracic, and lumbar strains and sprains. Plntf called Gerard A. Bozman, D.C., who testified regarding Plntf's injuries and the need for treatment. Dfnt argued Plntf was not injured. Prayer: In excess of \$10,000 compensatory damages; plus \$4,288.95 medical expenses. Plntf made a pretrial demand of \$17,000 - Dfnt made a \$1,234 offer of judgment (P & D). (Carrier: Farmers Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARDED PLNTF \$3,050 COMPENSATORY DAMAGES.

6/12/09 - pro tem Judge JAY EARL SMITH - CV A546299 - MIHOS (James L. Edwards of Parker & Edwards) v A NLV CAB COMPANY (James H. Randall of Hutchison & Steffen, P.C.) - PERSONAL INJURY - PARKING LOT MISHAP. *Case being tried on Dfnt's appeal of Plntf's \$25,408.38 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, a Nevada visitor, alleged Dfnt's driver stopped Dfnt's taxicab directly above "one-way" road spikes, in non-party Hertz's parking lot at non-party McCarran Airport, then negligently instructed her to exit Dfnt's vehicle, without warning her of the spikes. Plntf alleged that, when she exited the vehicle, she stepped directly onto the spikes, which caused her to fall forward. Dfnt denied liability. Plntf alleged the spikes punctured the top of her foot, causing a laceration with hemorrhaging. Plntf also alleged the sutures required to close the laceration became infected. Additionally, Plntf alleged she sustained a sprained ankle. Plntf also alleged she has residual numbness in the toes, and permanent scarring. Prayer: In excess of \$10,000 compensatory damages; \$6,950 medical expenses; plus an unspecified amount for lost wages. (Carrier: Unknown.) One day trial. By stipulation, four jurors deliberated. Jury out ? hours. FOUND FOR DFNT.

6/19/09 - pro tem Judge MICHAEL C. MILLS - CV A557379 - SCOTT (Jerry A. Wiese, II, of Williams & Wiese Law Offices) v VICARS (Michael P. Golden of Riddle & McOske) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf Kimberly Scott's \$12,000 arbitration award, and Plntf Kaulani Scott's \$10,000 arbitration award.* Case also being tried as a Shorttrial. Plntfs, Nevada residents, operating a Lincoln Navigator, travelling northbound on Stephanie Street, alleged they were rear-ended by Dfnt. Dfnt, male, a Nevada resident, operating a Ford Explorer, admitted negligence, but argued damages. Plntfs alleged they sustained soft tissue injuries. Plntf Kimberly Scott's Prayer: In excess of \$10,000 compensatory damages; plus \$4,345 medical expenses. Plntf Kaulani Scott's Prayer: In excess of \$10,000 compensatory damages; plus \$3,420 medical expenses. (Carrier: Farmers Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out ? hours. AWARDED PLNTF KIMBERLY SCOTT \$4,345 COMPENSATORY DAMAGES, AND AWARDED PLNTF KAULANI SCOTT \$3,420 COMPENSATORY DAMAGES.

6/29/09 - pro tem Judge LANCE R. VAN LYDEGRAF - CV 08-00951 - RODRIGUEZ (Patrick T. Kinney of Kinney & Levinson) v VALLES (Karl H. Smith of Riddle & McOsker) - PERSONAL INJURY - INTERSECTION - CONTROLLED - TRAFFIC SIGNAL. *Case being tried on Dfnt's appeal of Plntf's \$11,426 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 44, a hair stylist, alleged Dfnt negligently ran red light at Kietzke Lane and Peckham Lane, and caused collision. Plntf also alleged she entered the intersection on a green light. Dfnt, female, age 18, unemployed, denied liability, advancing the defense that Plntf ran red light and caused collision. Dfnt alleged that, when she was within thirty-five feet of the intersection, her traffic signal turned green and she proceeded into the intersection. Dfnt also alleged oncoming traffic had also begun to enter the intersection. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries, with secondary headaches; plus an injury to the right hand and wrist. Plntf used the medical records of P. Abel Aguilar, M.D., a physiatrist. Dfnt argued Plntf's medical expenses were unreasonable. Prayer: In excess of \$10,000 compensatory damages; plus \$7,426 medical expenses. Plntf made a pretrial demand of \$15,000 - Dfnt made a \$7,900 offer of judgment (D). (Carrier: Farmers Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out forty-five minutes. FOUND FOR DFNT.

7/10/09 - pro tem Judge JOSEPH F. KYLE - CV A552261 - DIXON (Michael A. Kristof of The Powell Litigation Group) v SOLANO (Kerry J. Doyle and Kurt K. Harris of Harris Merritt Chapman, Ltd.) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 38, disabled, alleged that, while stopped southbound on Eastern Avenue, at its intersection with Fremont Street, she was rear-ended by Dfnt. Dfnt, male, age 28, a construction worker, admitted negligence, but argued causation. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries, with bilateral lower extremity pain; plus a strain of the shoulder. Dfnt argued impact was minor and Plntf was not injured. Dfnt also argued Plntf's complaints were related to her preexistent diabetes and other health problems. Dfnt used the medical report of Jerrold M. Sherman, M.D., an orthopod. Prayer: In excess of \$10,000 compensatory damages; plus an unspecified amount for medical expenses. Plntf made a pretrial demand for policy limits - Dfnt made a \$5,000 offer of judgment (D Doyle). (Carrier: Unitrin Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$30,000. Defense counsel argued Plntf should take nothing. One day trial. By stipulation, four jurors deliberated. Jury out less than thirty minutes. FOUND FOR DFNT.

7/20/09 - pro tem Judge LAURENCE PETER DIGESTI - CV 08-00874 - [CASTILLO-VIVEROS and CASTILLO-QUINTERO (Michael E. Sullivan of Robison, Belaustegui, Sharp & Low, P.C.; and Peter A. Tomaino, a sole practitioner) v QUINTERO (Karl H. Smith of Riddle & McOsker)]; and QUINTERO (Karl H. Smith of Riddle & McOsker) v CASTILLO-VIVEROS and CASTILLO-QUINTERO (Jessica R. Mann of McCormick, Barstow, Sheppard, Wayte & Carruth, L.L.P.) - PERSONAL INJURY - SIDESWIPE MISHAP. *Case being tried on Dfnt's appeal of Plntfs' \$14,000 arbitration award.* Case also being tried as a Shorttrial. Plntf Castillo-Viveros, male, age 22, an unlicensed driver, employed as a laborer, operating Plntf Castillo-Quintero's vehicle, alleged he was travelling in the right lane on Mill Street. Plntf Castillo-Viveros also alleged Dfnt negligently exited a minimart parking lot and sideswiped Plntfs' vehicle. Plntf Castillo-Viveros also alleged Dfnt admitted liability at the scene, did not want the police involved, smelled of alcohol, and attempted to leave the area. Dfnt, male, age 23, an automotive detailer, denied liability, advancing the defense that he had merged completely into the right lane when Plntf negligently executed a lane change and caused collision. Plntf Castillo-Viveros alleged he sustained soft tissue injuries. Plntf Castillo-Viveros used the medical reports of Jeffrey P. Daso, D.C.; and Robert G. Berry, Jr., M.D., a physiatrist. Dfnt used the medical report of Bill J. Bailey, D.C. Plntf Castillo-Viveros's Prayer: In excess of \$10,000 compensatory damages; plus \$7,412 medical expenses. Plntf Castillo-Quintero's Prayer: \$3,125 property damage. Plntfs made a pretrial demand of \$18,000 - Dfnt made an \$8,608.44 offer of judgment (D). (Carrier: Mid-Century Insurance.) During closing arguments, Plntfs' counsel asked jury to award Plntf Castillo-Viveros \$17,412 to \$21,412; and award Plntf Castillo-Quintero \$3,215 property damage, plus \$900 to \$1,800 for loss of usc. Defense counsel argued liability. One day trial. By stipulation, four jurors deliberated. Jury out one hour. FOUND FOR DFNT.

8/27/09 - pro tem Judge JANET TROST - CV A555417 - CASILLAS (Orlando DeCastroverde of DeCastroverde Law Group) v SCHRADER (Stephen H. Rogers of Rogers, Mastrangelo, Carvalho & Mitchell) - PERSONAL INJURY - RIGHT TURN MISHAP. *Case being tried on Dfnt's appeal of Plntf's arbitration award* Case also being tried as a Shortrial. Plntf, male, age 47, a Nevada resident, alleged that, while travelling westbound on Chicago Avenue, Dfnt, traveling in the adjacent travel lane, negligently executed a right turn into Plntf's path, and caused collision. Dfnt, male, a Nevada resident, denied liability. Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries. Prayer: In excess of \$10,000 compensatory damages; plus an unspecified amount for medical expenses. (Carrier: American Family Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out ? hours. AWARDDED PLNTF \$0 COMPENSATORY DAMAGES.

10/9/09 - pro tem Judge JANET TROST - CV A559602 - FLORES (Benjamin P. Cloward of Richard Harris Law Firm) v APPLEBYARD (Michael A. McOsker of Riddle & McOsker) - PERSONAL INJURY - INTERSECTION - CONTROLLED - TRAFFIC SIGNAL. *Case being tried on Dfnt's appeal of Plntf's \$15,755.22 arbitration award, with a finding that Plntf was thirty-three percent at fault.* Case also being tried as a Shorttrial. Plntf, male, a dishwasher, alleged Dfnt ran red light, which caused Plntf to swerve and collide with a third vehicle to his right. Dfnt, male, a Nevada resident, who did not appear at trial, denied liability, advancing the defense that Plntf caused the collision. Non-party motorist testified Dfnt ran red light, but Plntf, an unlicensed driver, overreacted when he swerved into non-party motorist's vehicle. Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries. Plntf used the medical report of Theodore M. Thorp, M.D., a family practitioner. Prayer: In excess of \$10,000 compensatory damages; plus \$5,155 medical expenses. Plntf made a pretrial demand of \$11,000 - Dfnt made a \$6,500 offer of judgment (D). (Carrier: Farmers Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$10,556. Defense counsel suggested \$3,000, with a finding that Plntf was fifty percent at fault, was adequate compensation. One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARDED PLNTF \$6,310 COMPENSATORY DAMAGES. (Found Plntf to be fifty percent at fault and Dfnt to be fifty percent at fault; therefore, Plntf's award to be reduced to \$3,155.)

10/19/09 - pro tem Judge WILLIAM G. COBB - CV 08-02588 - PASHALES (Robert E. Dickey, a sole practitioner) v LIGHTFOOT (Karl H. Smith of Riddle & McOske) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$18,000 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 24, a student, alleged she was rear-ended by Dfnt. Dfnt, male, age 32, a firefighter, admitted negligence, but argued causation. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissues injuries, which required seven months of chiropractic treatment. Plntf used the medical report of Eric Osgood, D.C. Dfnt argued impact was minor to moderate. Dfnt used the medical report of Bill J. Bailey, D.C., who was of the opinion that only one month of chiropractic treatment was necessary, and Plntf did not benefit from additional treatment. Prayer: In excess of \$10,000 compensatory damages; plus \$8,133.60 medical expenses. Plntf made an \$18,000 pretrial offer of judgment - Dfnt made a \$9,500 offer of judgment (D). (Carrier: Farmers Insurance Exchange.) During closing arguments, Plntf's counsel asked jury to award Plntf her medical expenses, \$3,600 for lost tuition, plus a fair and reasonable amount for pain and suffering, for a total of \$24,000. Defense counsel suggested \$6,800 was adequate compensation. One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARD \$9,000 PLNTF COMPENSATORY DAMAGES.

8/10/09 - pro tem Judge JACK G. ANGARAN - CV
08-01128 - SAHAGUN (Robert E. Dickey, Jr., a sole
practitioner) v CASTRO (David M. Zaniel of Ranalli
& Zaniel, L.L.C.) - PERSONAL INJURY -
REAREND. *Case being tried on Dfnt's appeal of
Plntf's \$13,535.50 arbitration award.* Case also
being tried as a Shorttrial. Plntf, female, age 25, a
Nevada resident, employed by the Juvenile Court,
alleged she was rear-ended by Dfnt, female, age 60,
who was employed by a culinary union as a
supervisor. Plntf alleged she sustained cervical,
thoracic, and lumbar soft tissue injuries. Prayer: In
excess of \$10,000 compensatory damages; plus an
unspecified amount for medical expenses. (Carrier:
AAA.) One day trial. By stipulation, four jurors
deliberated. Jury out ? hours. AWARDED PLNTF
\$8,000 COMPENSATORY DAMAGES.

Following is some additional information about a trial previously reported in the November 2009 issue of THE TRIAL REPORTER of Nevada. The additional information is in bold italic type.

10/26/09 - pro tem Judge HOWARD ROITMAN - CV A553596 - BROWN and JONES (Afshin Tadayon and Lewis J. Gazda of Gazda & Tadayon, Ltd.) v KING-HONG (James J. Reese of Harris Merritt Chapman, Ltd.; and Eric R. Chandler of Riddle & McOske) - PERSONAL INJURY - PARKING LOT MISHAP. *Case being tried on Dfnt's appeal of Plntf mother's \$22,354 arbitration award and Plntf daughter's \$3,948 arbitration award.* Case also being tried as a Shorttrial. Plntf mother Brown, age 25, an unemployed Nevada resident, operating a vehicle with passenger, Plntf minor daughter Jones, age 4, also a Nevada resident, alleged that, while travelling in a parking lot, at the northwest corner of Flamingo Road and Pecos Road, Dfnt, who was operating a 2007 Hyundai Elantra, failed to yield the right-of-way, negligently executed a left turn into Plntfs' path, and right front of Dfnt's vehicle impacted driver's side of Plntfs' vehicle. Dfnt, female, *age 21*, a Nevada resident, employed as a limousine dispatcher, *who failed to appear at trial*, denied liability. *Dfnt argued impact was minor, and Plntf mother was at fault for talking on her cellular telephone while driving in the parking lot. (Dfnt planned to use the report of Robert W. Lillywhite, an accident reconstructionist, but was precluded from doing so.)* Plntf mother alleged she sustained cervical, thoracic, and lumbar soft tissue injuries, with residual headaches. Plntf daughter alleged she sustained an injury to the forearm, with residual pain. *Plntfs called Thomas Shang, M.D., a family practitioner. Dfnt argued Plntfs' treatment was excessive, and Plntf mother's complaints were related to her preexistent condition. Dfnt used the medical report of Jerrold M. Sherman, M.D., an orthopod, who was of the opinion that Plntfs did not require treatment. Dfnt also used the medical report of Patrick J. Brandner, M.D., an orthopod, who was of the opinion Plntfs had no objective findings of injury. Plntf mother's Prayer: In excess of \$10,000 compensatory damages; plus \$10,226 for medical expenses. Plntf daughter's Prayer: In excess of \$10,000 compensatory damages; plus \$2,194 medical expenses. Plntf mother made a*

pretrial demand of \$22,354 - Dfnt made an \$11,177 offer of judgment. Plntf daughter made a pretrial demand of \$3,948 - Dfnt made a \$3,184 offer of judgment (D Reese). (Carrier: Farmers and Financial Indemnity.) One day trial. By stipulation, four jurors deliberated. Jury out three hours. AWARDED PLNTF MOTHER BROWN \$20,452 COMPENSATORY DAMAGES, AND AWARDED PLNTF DAUGHTER JONES \$2,194 COMPENSATORY DAMAGES.

11/9/09 - pro tem Judge DOUGLAS K. FERMOILE
- CV 08-02580 - LEEDS (Shelly T. O'Neill of
Demetras & O'Neill) v HYBARGER (Karl H. Smith
of Riddle & McOske) - PERSONAL INJURY -
SIDESWIPE MISHAP. *Case being tried on Dfnt's
appeal of Plntf's \$12,283.48 arbitration award.* Case
also being tried as a Shorttrial. Plntf, female, age 29,
a student, alleged Dfnt negligently caused collision.
Dfnt, female, age 40, employed as a stagehand,
argued comparative fault. Plntf alleged she sustained
cervical, thoracic, and lumbar strains and sprains,
which required treatment for nine-and-one-half
months. Plntf used the medical report of E. Gary
Starr, M.D., a physiatrist. Dfnt argued accident was
minor. Dfnt used the medical reports of Dennis J.
Brown, M.D., an internist; and Todd L. Eekhoff, P.T.
Prayer: In excess of \$10,000 compensatory damages;
plus \$6,283.48 medical expenses. Plntf made a
\$16,283.48 pretrial offer of judgment - Dfnt made an
\$8,000 offer of judgment (D). (Carrier: Farmers
Insurance Exchange.) During closing arguments,
Plntf's counsel asked jury to award Plntf \$25,132.
Defense counsel argued accident was minor, and
Plntf's treatment was unnecessary. In the alternate,
defense counsel argued that, at most, Plntf would
have required only six weeks of treatment, and
suggested \$6,300 was adequate compensation. One
day trial. By stipulation, four jurors deliberated.
Jury out thirty minutes. AWARDED PLNTF
\$9,283.40 COMPENSATORY DAMAGES.
UNANIMOUSLY.

12/18/09 - pro tem Judge BLAIR C. PARKER - CV
A559104 - LONG (Glen J. Lerner of Glen J. Lerner
& Associates; and Michael A. Kristof of The Powell
Litigation Group) v DMK CONCRETE, INC.; and
RAMIREZ-LUJAN (Josh C. Aicklen and Paul A.
Shpirt of Lewis, Brisbois, Bisgaard & Smith, L.L.P.)
- PERSONAL INJURY - FALLING OBJECT -
DEBRIS ON ROADWAY - SINGLE-VEHICLE
MISHAP. *Case being tried on Dfnts' appeal of
Plntf's \$27,000 arbitration award.* Case also being
tried as Shorttrial. Plntf, male, age 60, a Nevada
resident, employed as a used automobile salesman,
alleged that, while he was travelling behind Dfnt
Ramirez-Lujan, male, a Nevada resident, who was in
the course and scope of his occupational duties,
operating Dfnt DMK's concrete truck, the truck's lift
gate opened and spilled debris onto the roadway,
which caused Plntf to brake and stop sharply. Dfnts
denied liability, advancing the defense that Plntf did
not stop, did not brake quickly, and did not make any
emergency maneuvers. Dfnts alleged Plntf drove
over the debris, then parked on the side of the
roadway. Plntf alleged he sustained cervical,
thoracic, and lumbar soft tissue injuries; plus an
abrasion to the chest. Prayer: In excess of \$10,000
compensatory damages; plus \$18,364.55 medical
expenses. Plntf made a pretrial demand of \$27,000 -
Dfnts offered \$2,500 (D Shpirt). (Carrier:
Nationwide Insurance.) During closing arguments,
Plntf's counsel asked jury to award Plntf \$18,364.55
for medical expenses, plus a fair and reasonable
amount for pain and suffering. Defense counsel
argued the debris did not cause Plntf's alleged
injuries. One day trial. By stipulation, four jurors
deliberated. Jury out less than fifteen minutes.
FOUND FOR DFNTS.

12/18/09 - pro tem Judge TROY E. PEYTON - CV A560916 - PEREZ, SANCHEZ, and JIMENEZ (Bruce D. Tingey of Tingey & Tingey Law Firm) v SHEWMAN (Catherine F. Clein of Bruzas & Associates) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf Perez's \$13,995 arbitration award, Plntf Sanchez's \$10,711 arbitration award, and Plntf Jimenez's \$24,804 arbitration award.* Case also being tried as a Shorttrial. Plntfs, all female, employed as housekeepers, alleged they were rear-ended by Dfnt. Dfnt, male, a Nevada resident, admitted negligence, but argued causation. Plntfs alleged they sustained cervical, thoracic, and lumbar soft tissue injuries. Dfnt argued Plntfs were not injured. Prayer: In excess of \$10,000 compensatory damages; plus an unspecified amount for medical expenses. Plntf Perez made a pretrial demand of \$13,995, Plntf Sanchez made a pretrial demand of \$10,711, and Plntf Jimenez made a pretrial demand of \$24,804 - Dfnt made a \$1,501 offer of judgment to each Plntf (D). (Carrier: Allstate Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out one hour. FOUND FOR DFNT.

Following is some additional information about a trial previously reported in the January 2010 issue of THE TRIAL REPORTER of Nevada. The additional information is in bold italic type.

12/11/09 - pro tem Judge THOMAS J. TANKSLEY - CV A556699 - CABALLERO (Colin S. Bringhurst of Henness & Haight) v HADDAD (Nickolas A. Amon of Bruzas & Associates) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf mother's \$12,990 arbitration award, and Plntf daughter's \$110 arbitration award.* Case also being tried as a Shorttrial. Plntf mother, a Nevada resident, *age 41*, was operating a vehicle with passenger, Plntf minor daughter, *age 3*. Plntfs alleged that, while travelling westbound on Oquendo Road, they were rear-ended by Dfnt, female, a Nevada resident, *age 21, admitted negligence, but argued impact was minor. Dfnt alleged her vehicle rolled into the rear of Plntf's vehicle, after she took her foot off the brake pedal. Plntf mother alleged she sustained cervical, thoracic, and lumbar soft tissue injuries. Plntf daughter alleged she developed sleeping difficulties. Plntfs used the medical report of their treating physician, George A. Ritter, D.C., who was of the opinion that Plntfs' injuries were causally related. Dfnt argued Plntfs were not injured. Dfnt used the medical report of Michael Karagiozis, D.O., a family practitioner, who performed an independent medical examination. It was Dr. Karagiozis' opinion that Plntf mother required only eight weeks of treatment.* Prayer: In excess of \$10,000 compensatory damages; plus an unspecified amount for medical expenses. *Plntf mother made a pretrial demand of \$11,990 - Dfnt offered \$7,000 (P) (Carrier: Deerbrook Insurance.) During closing arguments, Plntfs' counsel argued Plntfs' medical treatment was reasonable and necessary, and asked jury to award Plntf mother \$12,990, and award Plntf daughter \$110. Defense counsel argued Plntfs' treatment was excessive, unnecessary, and unreasonable, and suggested Plntfs should take nothing.* One day trial. By stipulation, four jurors deliberated. Jury out *one-plus* hours. AWARDED PLNTF MOTHER \$10,490 COMPENSATORY DAMAGES (REPRESENTING \$5,490 FOR MEDICAL EXPENSES AND \$5,000 FOR PAIN AND SUFFERING; AND AWARDED PLNTF

DAUGHTER \$325 COMPENSATORY DAMAGES FOR MEDICAL EXPENSES. *(Post-trial, Court awarded Plntf mother \$3,000 in attorney's fees, \$1,978.40 in costs, and \$807.23 in prejudgment interest. Court also awarded Plntf daughter \$25.01 in prejudgment interest.)*

1/22/10 - pro tem Judge CRAIG A. HOPPE - CV A556302 - PONCE-GUILLEN (Victor L. Miller, a sole practitioner) v HERNANDEZ (Kurt K. Harris and Conor M. Slife of Harris Merritt Chapman, Ltd.) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$18,160 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 27, a Nevada resident, employed as a hotel receptionist, operating a vehicle on Desert Inn Road, east of Cambridge Street, alleged she was rear-ended by Dfnt. Dfnt, male, age 54, a Nevada resident, employed in the construction industry, admitted negligence, but argued causation. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries, which required four months of chiropractic treatment. Plntf called her treating physician, Obteen N. Nassiri, D.C., who was of the opinion that Plntf's injuries and complaints were causally related, and all treatment and expenses were reasonable and necessary. Dfnt argued that, at most, Plntf sustained an aggravation of her preexistent condition, and she received treatment which was not required by the evidence. Dfnt called Roger A. Russell, D.C., who was of the opinion that Dr. Nassiri's diagnosis was not supported by the physical evidence, and, in some cases, contradicted the evidence. It was also Dr. Russell's opinion that it was possible Plntf did not sustain injury, but, even if she was injured, her medical expenses should have been significantly less. Prayer: In excess of \$10,000 compensatory damages; plus \$6,160 medical expenses. Plntf made a pretrial demand of \$18,160 - Dfnt offered \$2,500 (D Slife). (Carrier: Financial Indemnity Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out forty-five minutes. AWARD PLNTF \$5,420 COMPENSATORY DAMAGES (REPRESENTING \$2,420 MEDICAL EXPENSES AND \$3,000 FOR PAIN AND SUFFERING).

1/28/10 - pro tem Judge FRANCIS J. MORTON - CV A560229 - ZUEHLSDORF (Michelle D. Mullins, a sole practitioner) v POWELL (Jared P. Green of McCormick, Barstow, Sheppard, Wayte & Carruth, L.L.P.) - PERSONAL INJURY - PARKING LOT MISHAP. *Case being tried on Dfnt's appeal of Plntf husband's \$7,500 arbitration award, and Plntf wife's \$7,500 arbitration award.* Case also being tried as a Shorttrial. Plntfs, husband and wife, in their thirties, Nevada residents, employed in the gaming industry, alleged Dfnt negligently placed her vehicle in reverse, in the Tropicana Casino parking lot, and struck Plntfs' vehicle. Dfnt, female, age 80, a retired Nevada resident, admitted negligence, but argued impact occurred at less than two miles-per-hour, and Plntfs were not injured. Plntfs alleged they sustained cervical, thoracic, and lumbar soft tissue injuries. Plntfs used the medical report of David D. Moon, D.O., a general practitioner and pain management specialist, who was of the opinion that Plntfs' complaints were causally related. Dfnt used the medical report of Eugene L. Appel, M.D., a biomechanical trauma specialist, of San Diego, California, who was of the opinion that the forces generated in the collision were insufficient to cause injury. Prayer: In excess of \$10,000 compensatory damages; plus \$15,000 medical expenses. Dfnt made a \$10,202 pretrial offer of judgment (D). (Carrier: AAA.) One day trial. By stipulation, four jurors deliberated. Jury out one hour. FOUND FOR DFNT.

1/29/10 - pro tem Judge TROY E. PEYTON - CV A573711 - JORDAN (Leon R. Symanski of Craig P. Kenny & Associates) v VARUOLA (Robert J. Arneson of Arneson & Associates) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$5,485.94 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 24, an unemployed Nevada resident, alleged she was rear-ended by Dfnt. Dfnt, male, age 35, a Nevada resident, employed as a gaffer, admitted negligence, but argued causation. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries. Plntf used the medical reports of Stephen B. Shaw, D.C.; and Raymond P. Nicholl, M.D., a general practitioner; both of whom were of the opinion that Plntf's injuries were causally related. Dfnt argued impact was minor, and Plntf was not injured. Prayer: In excess of \$10,000 compensatory damages; plus \$3,974.74 medical expenses. Plntf made a pretrial demand of \$9,000 - Dfnt made a \$1,001 offer of judgment (P). (Carrier: AAA.) One day trial. By stipulation, four jurors deliberated. Jury out thirty minutes. AWARDDED PLNTF \$3,974.70 COMPENSATORY DAMAGES. (Post-trial, Court awarded Plntf \$151.29 in pre-judgment interest, plus \$844.12 in costs.)

2/19/10 - pro tem Judge JOSEPH F. KYLE - CV
A559991 - HUNTER (Jerome R. Bowen, a sole
practitioner) v NEVADA CHECKER CAB
CORPORATION dba YELLOW CHECKER STAR
TRANSPORTATION; and OUARGLI (James S.
Savett of Yellow Checker Star Cab Corporation) -
PERSONAL INJURY - INTERSECTION -
CONTROLLED - TRAFFIC SIGNAL - RIGHT
TURN MISHAP. *Case being tried on Dfnts' appeal
of Plntf's \$26,000 arbitration award.* Case also
being tried as a Shortrial. Plntf, male, age 36, a
Nevada resident, employed as a shuttle bus operator,
was travelling eastbound on Spring Mountain Road,
in the right travel lane, just west of Mel Torme Way.
Plntf alleged Dfnt Ouargli, male, a Nevada resident,
who was in the course and scope of his occupational
duties, operating a taxicab for Dfnt Yellow Checker
Star, travelling northbound on Mel Torme Way,
failed to yield the right-of-way, executed a right turn,
on a red traffic signal, into Plntf's path, and caused
collision. Plntf alleged he sustained cervical,
thoracic, and lumbar soft tissue injuries; plus an
injury to the shoulder. Plntf also alleged his injuries
are permanent and will require future treatment.
Prayer: In excess of \$10,000 compensatory damages;
plus \$14,000 medical expenses. Plntf made a
\$29,999 pretrial offer of judgment - Dfnts refused to
make an offer. (Dfnts self-insured.) One day trial.
By stipulation, four jurors deliberated. Jury out ?
hours. AWARDER PLNTF \$105,000
COMPENSATORY DAMAGES. (Pursuant to
Nevada Shortrial Rule 26, Plntf to recover \$50,000
from Dfnts, plus costs and prejudgment interest.)

2/19/10 - pro tem Judge TROY E. PEYTON - CV A563866 - CERVANTES (Orlando DeCastroverde and Alejandro DeCastroverde of DeCastroverde Law Group) v CONSOLIDATED MECHANICAL CONTRACTORS, INC.; and DAUGHERTY (Eric R. Chandler of Riddle & McOsker) - PERSONAL INJURY - LANE CHANGE. *Case being tried on Dfnt's appeal of Plntf's \$16,500 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 30, a Nevada resident and homemaker, alleged Dfnt Daugherty, male, a Nevada resident, who had been parked against the curb, while in the course and scope of his occupational duties for Dfnt Consolidated Mechanical Contractors, negligently pulled out into Plntf's path and caused collision. Dfnts admitted negligence, but argued causation. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries. Plntf also alleged her ongoing complaints were causally related, and the treatment she received was reasonable and necessary. Dfnts argued the impact was minor, and could not have caused Plntf's alleged injuries. Dfnts called Dean E. Ward, D.C., who testified Plntf's treatment was excessive and unreasonable. Prayer: In excess of \$10,000 compensatory damages; plus \$10,126.65 medical expenses. Dfnts made an \$8,813 offer of settlement (P Orlando DeCastroverde). (Carrier: Farmers Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$16,500. Defense counsel suggested \$4,000 was adequate compensation. One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARDED PLNTF \$16,500.65 COMPENSATORY DAMAGES.

2/26/10 - pro tem Judge RICHARD A. PRATO - CV
A558223 - LANDERO (Victor L. Miller, a sole
practitioner) v SERIO (Nicholas A. Amon of Bruzas
& Associates) - PERSONAL INJURY - REAREND.
*Case being tried on Dfnt's appeal of Plntf's
arbitration award.* Case also being tried as a
Shorttrial. Plntf, female, a Nevada resident, travelling
westbound on Las Vegas Boulevard, alleged she was
rear-ended by Dfnt, male, age 22, a Nevada resident
and student. Plntf alleged she sustained cervical,
thoracic, and lumbar soft tissue injuries. Prayer: In
excess of \$10,000 compensatory damages; plus an
unspecified amount for medical expenses. (Carrier:
Allstate Insurance.) One day trial. By stipulation,
four jurors deliberated. Jury out ? hours.
AWARDED PLNTF \$0 COMPENSATORY
DAMAGES.

3/4/10 - pro tem Judge THOMAS F. CHRISTENSEN - CV A567292 - TURNER (Eric A. Daly, a sole practitioner) v CONNITE (Robert L. Cardwell of Menekshe, Cardwell & Ruiz) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$11,000 arbitration award and Plntf spouse's \$1,000 arbitration award for loss of consortium.* Case also being tried as a Shorttrial. Plntf, male, age 45, a Nevada resident, employed as a runner for a legal delivery service, alleged he was rear-ended by Dfnt. Plntf used the report of Brian K. Jones, P.E., an accident reconstructionist. Dfnt, male, age 32, an unemployed Nevada resident admitted negligence, but argued causation. Dfnt argued impact was minor. Dfnt used the report of John Farley, Ph.D., a physicist. Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries; plus an injury to the left shoulder. Prayer: In excess of \$10,000 compensatory damages; \$3,844.46 medical expenses; plus \$7,350.44 prejudgment interest, fees and costs. Plntf's spouse made claim for loss of consortium. Plntf made a \$10,500 pretrial offer of judgment - Dfnt refused to make an offer (P). (Carrier: Budget Rent-A-Car.) During closing arguments, Plntf's counsel asked jury to award Plntf \$11,000, and award Plntf's spouse \$1,000 for loss of consortium. Defense counsel argued causation. One day trial. By stipulation, four jurors deliberated. Jury out one-plus hours. AWARDED PLNTF \$3,844.46 COMPENSATORY DAMAGES.

3/10/10 - Judge MARK R. DENTON - CV A523389
- HOWARD (Michael A. McOsker of Craig P. Kenny & Associates) v HERNANDEZ (Joseph J. Purdy, a sole practitioner) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$13,900 arbitration award* Plntf, female, age 25, a realtor, who was eight months pregnant, alleged that, while stopped, she was rear-ended by Dfnt. Plntf also alleged Dfnt was speeding and failed to keep a proper lookout. Dfnt, male, age 26, a Nevada resident, employed as a retail department manager, denied liability, advancing the defense that Plntf failed to yield the right-of-way when she entered the roadway from a private drive, and created a sudden emergency. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries. Dfnt argued that only \$2,000 of Plntf's medical expenses were reasonable. Prayer: In excess of \$10,000 compensatory damages; plus \$6,900 medical expenses. Plntf made a pretrial demand of \$13,900 - Dfnt made a \$3,000 offer of judgment (D). (Carrier: Benchmark Insurance.) During closing arguments, Plntf's counsel argued Dfnt was one-hundred percent at fault, and asked jury to award Plntf \$13,900. Defense counsel argued Plntf was contributorily negligent, and \$2,000 was a reasonable amount for medical expenses. Two day trial. Jury out fifteen minutes. FOUND FOR DFNT.

3/19/10 - pro tem Judge CHRISTOPHER R. McCULLOUGH - CV A569197 - SAMSON (Bradley L. Kenny of Craig P. Kenny & Associates) v MONARREZ (Justin J. Zarcone of Atkin, Winner & Sherrod, Ltd.) - PERSONAL INJURY - LANE CHANGE. *Case being tried on Dfnt's appeal of Plntf's arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 36, a Nevada resident, employed as a nurse, alleged that, while travelling northbound on U.S. 95, north of State Route 604, in the first travel lane, Dfnt, who was travelling in the second travel lane, negligently executed a lane change, into Plntf's path, which caused Plntf to swerve onto the left shoulder, collide with the median, then into Dfnt's vehicle, spin counter-clockwise, and collide with Dfnt's vehicle a second time. Dfnt, male, age 20, a Nevada resident, employed as an electrician, denied liability. Plntf alleged she sustained a closed head injury, plus soft tissue injuries. Prayer: In excess of \$10,000 compensatory damages; plus \$9,500 medical expenses. (Carrier: American Access Casualty Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out ? hours. FOUND FOR DFNT.

3/25/10 - pro tem Judge BRUCE L. GALE - CV A540183 - FLORES-PAGADUAN (William B. Palmer, II, a sole practitioner) v HILDERSCHEID (Steven M. Goldstein of Arneson & Associates) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$9,955 arbitration award.* Case also being tried as a Shorttrial. Additionally, case being tried on comparative fault. Plntf, female, age 39, a homemaker, alleged she was rear-ended by Dfnt. Plntf also alleged non-party motorist, who was never identified, rear-ended Dfnt's vehicle, which then struck Plntf's vehicle a second time. Dfnt, in his fifties, a musician, now deceased, admitted negligence, but argued causation and comparative fault of non-party motorist. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries. Plntf used the medical report of Michael S. Kelsey, D.C., who was of the opinion that Plntf's injuries were causally related, and her treatment was reasonable and necessary. Dfnt argued impact was minor. Prayer: In excess of \$10,000 compensatory damages; plus \$3,955 medical expenses. Plntf made a pretrial demand of \$7,700 - Dfnt offered \$3,956 (D). (Carrier: CSAA.) During closing arguments, Plntf's counsel asked jury to award Plntf \$9,955. Defense counsel argued causation. One day trial. By stipulation, four jurors deliberated. Jury out two hours. AWARDED PLNTF \$4,000 COMPENSATORY DAMAGES (Found Dfnt to be fifty percent and non-party motorist to be fifty percent at fault; therefore, Plntf to recover \$2,000 from Dfnt.)

Following is some additional information about a trial previously reported in the March 2010 issue of THE TRIAL REPORTER of Nevada. The additional information is in bold italic type.

2/11/10 - pro tem Judge GLORIA J. STURMAN - CV A574764 - AGAR (Allan P. Capps of George T. Bochanis, Ltd.) v EPHRIAM (Scott E. Chapman and Conor M. Slife of Harris Merritt Chapman, Ltd.) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$11,900 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 55, an unemployed Nevada resident, alleged *she was a passenger in a courtesy van, which* was rear-ended by Dfnt. Dfnt, male, age 33, a Nevada resident, employed as a trash truck driver, admitted negligence, but argued causation. *Dfnt argued there was no visible damage to the vehicles; the damage to Plntf's vehicle was \$326.75, and the damage to Dfnt's vehicle was \$689.86.* Plntf alleged she sustained an aggravation of her preexistent lumbar condition, with secondary hip and sacroiliac joint pain and numbness into the lower extremities. *Plntf used the medical records of Frank P. Silver, M.D., an orthoped; Vanessa S. Godin, M.D., a neurologist; and Kyle Magdaluyo, D.C.* Dfnt argued impact was minor, and could not cause injury. Dfnt also argued Plntf had a permanent preexistent disability of the lumbar spine, from an injury three years earlier, due to a slip-and-fall. Dfnt used the medical records of Roger A. Russell, D.C., who was of the opinion Plntf had sustained an aggravation of her preexistent condition, but argued Plntf's chiropractor overcharged, and the MRI performed was unnecessary. Prayer: In excess of \$10,000 compensatory damages; plus \$8,147.75 medical expenses. Plntf made a pretrial demand of ***\$10,000 - Dfnt offered \$2,500 (per P) or Plntf made a pretrial demand of \$12,500 - Dfnt offered \$5,000 (per D) (P & D Slife).*** (Carrier: Financial Indemnity Insurance.) During closing arguments, Plntf's counsel argued Plntf's treatment was reasonable and necessary, and asked jury to award Plntf \$30,000. Defense counsel argued that the minimal damage to the vehicles did not support Plntf's alleged physical injuries. One day trial. By stipulation, four jurors deliberated. Jury out forty minutes. AWARD ***ED PLNTF \$9,714.08 COMPENSATORY DAMAGES (REPRESENTING \$6,130.75 MEDICAL EXPENSES AND \$3,583.33***

FOR PAIN AND SUFFERING). (Post-trial, Court awarded Plntf \$3,000 in attorney's fees; \$1,639.34 in costs, and \$623.16 prejudgment interest.)

4/8/10 - pro tem Judge MICHAEL C. MILLS - CV
A572963 - SMITH (Afshin Tadayon and Lewis J.
Gazda of Gazda & Tadayon, Ltd.) v CHRISTOF
(Michael E. Rowe of Riddle & McOsker) -
PERSONAL INJURY - MULTIPLE-VEHICLE
REAREND - FREEWAY MISHAP. *Case being
tried on Dfnt's appeal of Plntf's \$21,500 arbitration
award* Case also being tried as a Shorttrial. Plntf,
female, a Nevada resident, employed by the City of
Las Vegas, alleged that, while stopped in heavy
traffic, on Interstate 15, near the Charleston
Boulevard exit, she was rear-ended by Dfnt. Plntf
also alleged the impact propelled her vehicle into the
vehicle in front of her. Dfnt, male, a Nevada
resident, admitted negligence, but argued causation.
Plntf alleged she sustained cervical, thoracic, and
lumbar soft tissue injuries; plus injuries to the
shoulder and wrist. Dfnt used the medical report of
Curtis W. Poindexter, M.D., a physiatrist. Prayer: In
excess of \$10,000 compensatory damages; plus
\$8,800 medical expenses (Mills). (Carrier: Farmers
Insurance.) During closing arguments, Plntf's
counsel asked jury to award Plntf \$21,500. Defense
counsel argued Plntf's shoulder complaints were
related to preexistent shoulder surgery, and her
medical expenses were excessive. One day trial. By
stipulation, four jurors deliberated. Jury out less than
one hour. AWARDED PLNTF \$12,500
COMPENSATORY DAMAGES.

4/8/10 - pro tem Judge HOWARD ROITMAN - CV A569401 - WALKER and THOMPSON (Michael A. McOsker of Craig P. Kenny & Associates) v LENAHA (Justin J. Zarcone of Atkin, Winner & Sherrod, Ltd.) - PERSONAL INJURY - INTERSECTION - CONTROLLED - STOP SIGN. *Case being tried on Dfnt's appeal of Plntf Walker's \$12,831 arbitration award, and Plntf Thompson's \$6,025 arbitration award.* Case also being tried as a Shorttrial. Plntf Walker, age 49, and Plntf Thompson, age 39, female, unemployed Nevada residents, alleged Dfnt negligently ran stop sign and caused collision, which spun Plntfs' vehicle around. Plntfs also alleged Dfnt left the scene, then returned. Dfnt, in his thirties, a Nevada resident, did not appear at arbitration hearing or at trial. Plntfs alleged they sustained cervical, thoracic, and lumbar soft tissue injuries. Plntfs' medical records in by stipulation. Plntf Walker's Prayer: In excess of \$10,000 compensatory damages; plus \$4,828 medical expenses. Plntf Thompson's Prayer: In excess of \$10,000 compensatory damages; plus \$2,025 medical expenses. Plntf Walker made a pretrial demand of \$7,500 - Dfnt offered \$1,500. Plntf Thompson made a pretrial demand of \$4,500 - Dfnt refused to make an offer (P). (Carrier: American Access Casualty Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf Walker \$10,991, and award Plntf Thompson \$7,025. One day trial. By stipulation, four jurors deliberated. Jury out thirty minutes. AWARDDED PLNTF WALKER \$8,548 COMPENSATORY DAMAGES, AND AWARDDED PLNTF THOMPSON \$7,025 COMPENSATORY DAMAGES.

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4/15/10 - pro tem Judge PETER M. ANGULO - CV
A576828 - MELTON (John P. Aldrich of Black &
Lobello) v SEILER (James W. Howard, Jr., a sole
practitioner) - PERSONAL INJURY -
AUTOMOTIVE MISHAP. *Case being tried on
Dfnt's appeal of Plntf's \$8,720 arbitration award.*
Case also being tried as a Shorttrial. Plntf, in her
thirties, a Nevada resident, employed at a bank,
alleged Dfnt negligently caused collision. Dfnt, in
his seventies, a Nevada resident, employed as a
security guard, now deceased from unrelated causes,
admitted negligence, but argued causation. Plntf
alleged she sustained soft tissue injuries. Dfnt
argued impact was too minor to cause injury. Prayer:
In excess of \$10,000 compensatory damages; plus
\$4,345 medical expenses. Plntf made a \$6,501
pretrial offer of judgment - Dfnt made a \$501 offer of
judgment (D). (Carrier: Allstate Insurance.) During
closing arguments, Plntf's counsel asked jury to
award Plntf her specials, plus a fair and reasonable
amount for pain and suffering. Defense counsel
argued Plntf was not injured. One day trial. By
stipulation, four jurors deliberated. Jury out twenty
minutes. FOUND FOR DFNT.

APP000685

4/16/10 - pro tem Judge BLAIR C. PARKER - CV A548650 - DAPAT, SANDOVAL, and METALLALOU (Eric L. Marshall of Law Offices of Fassett & Cardoza) v HOLT (Kelly M. Smith of Atkin, Winner & Sherrod, Ltd.) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf Dapat's \$12,500 arbitration award, Plntf Sandoval's \$12,100 arbitration award, and Plntf Metallaloui's \$19,000 arbitration award.* Case also being tried as a Shorttrial. Plntf Dapat, female, age 23, and Plntf Metallaloui, female, age 31, Nevada residents, both employed as a hostess/servers; and Sandoval, male, age 23, a Nevada resident, also employed as a server, alleged that, as Plntfs' vehicle began to accelerate into the intersection on a green light, they were rear-ended by Dfnt. Dfnt, female, a Nevada resident, employed as a phlebotomist, denied liability, advancing the defense that Plntfs' vehicle suddenly merged into Dfnt's path, then stopped, which resulted in the collision. Plntfs alleged they sustained cervical, thoracic, and lumbar soft tissue injuries. Plntfs used the medical records of Arminas Wagner, D.C.; and Steven A. Holper, M.D., a physiatrist. Plntf Dapat also used the medical records of Gary J. LaTourette, M.D., an orthoped. Plntf Dapat's Prayer: In excess of \$10,000 compensatory damages; plus \$7,396.60 stipulated medical expenses. Plntf Sandoval's Prayer: In excess of \$10,000 compensatory damages; plus \$6,715.88 stipulated medical expenses. Plntf Metallaloui's Prayer: In excess of \$10,000 compensatory damages; plus \$10,310.90 stipulated medical expenses. Plntf Dapat made a \$17,500 pretrial offer of judgment, Plntf Sandoval made a \$14,500 pretrial offer of judgment, and Plntf Metallaloui made a \$23,000 pretrial offer of judgment - Dfnt refused to make an offer (D). (Carrier: Unknown.) During closing arguments, Plntfs' counsel asked jury to award Plntfs their stipulated medical expenses, plus a fair and reasonable amount for pain and suffering. Defense counsel argued liability. One day trial. By stipulation, four jurors deliberated. Jury out ? hours. FOUND FOR DFNT.

4/29/10 - pro tem Judge TROY E. PEYTON CV
A565059 and CV A566082 consolidated - ABELL
(T. Louis Palazzo, a sole practitioner) v TING
(Catherine F. Clein of Bruzas & Associates) -
PERSONAL INJURY - LANE CHANGE. *Case
being tried on Dfnt's appeal of Plntf's arbitration
award.* Case also being tried as a Shorttrial. Plntf,
female, a Nevada resident, travelling northbound on
Fort Apache Boulevard, alleged Dfnt negligently
executed a lane change into Plntf's path, and caused
collision. Dfnt, male, Nevada resident, denied
liability, advancing the defense that Plntf negligently
executed a right turn into Dfnt's path, which caused
collision. Plntf sustained unspecified injuries.
Prayer: In excess of \$10,000 compensatory damages;
plus an unspecified amount for medical expenses.
(Carrier Unknown.) One day trial. By stipulation,
four jurors deliberated. Jury out ? hours. FOUND
FOR DFNT.

5/13/10 - pro tem Judge WILLIAM R. KILLIP, JR. - CV A570812 - PALMA (Benjamin P. Cloward of Richard Harris Law Firm) v SANCHEZ-CASTANEDA (Matthew J. Douglas of Atkin, Winner & Sherrod, Ltd.); and AMERICAN ACCESS CASUALTY COMPANY, as Intervenor (Thomas E. Winner of Atkin, Winner & Sherrod, Ltd.) - PERSONAL INJURY - INTERSECTION - UNCONTROLLED - LEFT TURN MISHAP. *Case being tried on Dfnt's appeal of Plntf's \$7,890.20 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, a Nevada resident, operating a 2004 Toyota Sequoia, was travelling westbound on Cactus Avenue. Plntf alleged Dfnt, operating a 2000 GMC 1500 pickup truck, travelling southbound on Polaris Avenue, negligently executed a left turn into Plntf's path, and caused collision. Plntf also alleged the impact caused her vehicle to rotate clockwise and slide northwest off the right side of the roadway. Additionally, Plntf alleged her vehicle had rotated approximately one-hundred-sixty degrees when it crashed through the decorative block wall of a residence. Dfnt, male, a Nevada resident, denied liability, advancing the defense that the stop sign previously at the intersection had been removed. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries. Dfnt argued Plntf did not seek treatment until twelve days post-accident, and her complaints were unrelated. Prayer: In excess of \$10,000 compensatory damages; \$3,945.10 medical expenses; plus \$14,000 property damage (D). (Carrier: American Access Casualty Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$32,000. Defense counsel argued liability and causation. One day trial. By stipulation, four jurors deliberated. Jury out one-plus hours. AWARDED PLNTF \$8,945.10 COMPENSATORY DAMAGES (REPRESENTING \$3,945.10 MEDICAL EXPENSES AND \$5,000 FOR PAIN AND SUFFERING).

5/21/10 - pro tem Judge CHRISTOPHER R. McCULLOUGH - CV A576986 - FERREIRO (Alejandro DeCastroverde of DeCastroverde Law Group) v SANTOS (Boone L. Cragun of Riddle & McOsker) - PERSONAL INJURY - SIDESWIPE MISHAP. *Case being tried on Dfnt's appeal of Plntf husband's \$11,000 arbitration award, and Plntf wife's \$12,000 arbitration award.* Case also being tried as a Shorttrial. Plntfs, husband and wife, in their late sixties, Nevada residents, alleged Dfnt negligently sideswiped Plntfs' vehicle. Dfnt, female, age 30, a Nevada visitor, employed as a medical billing clerk, admitted negligence, but argued impact was minor. Dfnt called David M. Sonne, an accident reconstructionist, who testified the vehicles were parallel at time of impact, which occurred at less than three miles-per-hour. Plntfs alleged they sustained cervical, thoracic, and lumber soft tissue injuries. Dfnt argued Plntfs were not injured. Plntf husband's Prayer: In excess of \$10,000 compensatory damages; plus \$4,689 medical expenses. Plntf wife's Prayer: In excess of \$10,000 compensatory damages; plus \$5,042 medical expenses. Plntf husband made a \$6,999 pretrial offer of judgment; Plntf wife made a \$6,649 pretrial offer of judgment - Dfnt refused to make an offer (D). (Carrier: Farmers Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARDED PLNTF HUSBAND \$2,573 COMPENSATORY DAMAGES, AND AWARDED PLNTF WIFE \$2,832 COMPENSATORY DAMAGES.

5/26/10 - Judge KENNETH C. CORY - CV
A490272 - DELUCA (Imanuel B. Arin and Matthew
W. Hoffmann of Arin & Associates, P.C.) v
HURTADO (Phillip R. Emerson of Emerson &
Manke, P.L.L.C.); and CHAMBERS (Gregory A.
Miles of Royal, Jones, Miles, Dunkley & Wilson) -
PERSONAL INJURY - REAREND - NEGLIGENT
ENTRUSTMENT. *Case being tried on Dfnts'*
appeal of Plntf's arbitration award. Plntf, female, a
Nevada resident, operating a 1995 Hyundai, was
travelling southbound on Commerce Street. Plntf
alleged that, while stopped for a red traffic signal,
near Craig Road, she was rear-ended by Dfnt
Hurtado, operating a 1996 Honda Accord, owned by
Dfnt Chambers. Plntf also alleged Dfnt Chambers
negligently entrusted the vehicle to Dfnt Hurtado.
Dfnt Hurtado, male, a Nevada resident, denied
liability, advancing the defense of an unavoidable
accident outside Dfnt Hurtado's control. Dfnt
Chambers, female, a Nevada resident, denied
liability. Plntf alleged she sustained cervical,
thoracic, and lumbar soft tissue injuries. Dfnts
argued impact was minor, and Plntf was not injured.
Prayer: In excess of \$10,000 compensatory damages;
plus an unspecified amount for medical expenses.
(Carrier: Unknown.) DURING SECOND DAY OF
TRIAL, COURT GRANTED PLNTF'S MOTION
FOR MISTRIAL. JURY EXCUSED. (Trial reset
for August 2010.)

6/3/10 - pro tem Judge MICHAEL C. MILLS - CV A561960 - SANTANA (Boyd B. Moss of Henness & Haight) v QIYUAN (David H. Putney of Bruzas & Associates) - PERSONAL INJURY - REAREND - FREEWAY COLLISION. *Case being tried on Dfnt's appeal of Plntf's \$15,379.26 arbitration award.* Case also being tried as a Shorttrial. Additionally, case being tried on comparative fault. Plntf, female, age 18, a Nevada resident and student, alleged Dfnt pulled into Plntf's path/lane, on the freeway, then suddenly slowed, which caused Plntf to rear-end Dfnt's vehicle. Dfnt, male, a Nevada resident, denied liability, advancing the defense that Plntf should have "backed off", was following too closely, and caused collision. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries. Prayer: In excess of \$10,000 compensatory damages; plus \$6,879.26 medical expenses. Plntf made a \$15,000 offer of judgment (per P) or Plntf made a pretrial demand of \$15,379.26 (per Mills) - Dfnt made a \$7,001 offer of judgment (per P) (P & Mills). (Carrier: Allstate Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$15,379.26. Defense counsel argued Plntf's negligence was greater than Dfnt's. One day trial. By stipulation, four jurors deliberated. Jury out less than one hour. AWARDED PLNTF \$15,379.26 COMPENSATORY DAMAGES. (Found Plntf to be fifty percent at fault and Dfnt to be fifty percent at fault; therefore, Plntf's award to be reduced to \$7,689.63.) (Post-trial, Court awarded Plntf \$6,322.88 in fees, costs, and interest.)

6/17/10 - pro tem Judge ROBERT A. GOLDSTEIN -
CV A566790 - ARIAS (Adam S. Kutner, a sole
practitioner; and Eric L. Marshall of Law Offices of
Fassett & Cardoza) v SWEARINGEN (Robert L.
Cardwell of Menekshe, Cardwell & Ruiz) -
PERSONAL INJURY - REAREND -
THOROUGHFARE/PRIVATE DRIVE MISHAP.
*Case being tried on Dfnt's appeal of Plntf's
arbitration award.* Case also being tried as a
Shortrial. Plntf, male, a Nevada resident, was
operating a 2006 Ford Taurus, westbound on Desert
Inn Road, travelling in the rightmost through travel
lane. Plntf alleged that, as he slowed to turn into a
private drive, east of Eastern Avenue, with his right
turn signal activated, he was rear-ended by Dfnt, who
was operating a 2002 Dodge Ram 1500 pickup truck.
Plntf also alleged the impact propelled his vehicle
through landscaping in the parking lot. Dfnt, male, a
Nevada resident, argued Plntf was comparatively
negligent. Plntf sustained unspecified injuries.
Prayer: In excess of \$10,000 compensatory damages;
an unspecified amount for medical expenses; plus an
unspecified amount for lost wages. (Carrier:
Unknown.) One day trial. By stipulation, four jurors
deliberated. Jury out ? hours. AWARDED PLNTF
\$7,000 COMPENSATORY DAMAGES.

7/8/10 - pro tem Judge MICHAEL A. KONING - CV
A571533 - KLISURIC (Craig M. Murphy of Murphy
& Murphy Law Offices) v DUKE (Michael P.
Golden of David L. Riddle & Associates) -
PERSONAL INJURY - REAREND. *Case being
tried on Dfnt's appeal of Plntf's arbitration award.*
Case also being tried as a Shorttrial. Plntf, male, age
41, a Nevada resident, employed as a casino porter,
alleged he was rear-ended by Dfnt. Dfnt, female, age
24, admitted negligence, but argued causation. Plntf
alleged he sustained cervical and shoulder injuries.
Prayer: In excess of \$10,000 compensatory damages;
plus \$7,168 medical expenses. (Carrier: Farmers
Insurance.) One day trial. By stipulation, four jurors
deliberated. Jury out ? hours. AWARDED PLNTF
\$2,000 COMPENSATORY DAMAGES. (Post-trial,
Court denied Plntf's motion for new trial.)

7/9/10 - pro tem Judge BRIAN K. BERMAN - CV A578102 - TALLEDO (Adam S. Kutner, a sole practitioner; and Eric L. Marshall of Law Offices of Fassett & Cardoza) v MADERA and OLIVAREZ (Ruth L. Cohen of Atkin, Winner & Sherrod, Ltd.) - PERSONAL INJURY - INTERSECTION - CONTROLLED - STOP SIGN - LEFT TURN MISHAP. *Case being tried on Dfnts' appeal of Plntf's arbitration award.* Case also being tried as a Shorttrial. Plntf, male, age 41, a Nevada resident, was operating a 2005 GMC Canyon, travelling northbound on Nellis Boulevard, in the left most of three travel lanes, approaching its intersection with Plata Del Sol Drive. Plntf alleged Dfnt Madera, operating a 1994 Honda Accord, owned by Dfnt Olivarez, failed to yield the right-of-way, executed a left turn into Plntf's path, and caused collision. Plntf also alleged impact propelled his vehicle into the median. Additionally, Plntf alleged Dfnt Olivarez negligently entrusted his vehicle to Dfnt Madera. Dfnt Madera, female, a Nevada resident, and Dfnt Olivarez, male, also a Nevada resident, denied liability. Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries; a left rib cage contusion; blunt trauma to the head; left trapezius/scapula myalgia; and an injury to the left shoulder. Prayer: In excess of \$10,000 compensatory damages; plus \$13,373.64 medical expenses. (Carrier: Progressive Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out ? hours. AWARDED PLNTF \$20,000 COMPENSATORY DAMAGES.

7/9/10 - pro tem Judge JOHN L. THORNDAL - CV
A559111 - DAMPIER (Lewis J. Gazda of Gazda &
Tadayon, Ltd.; and Chad M. Golightly of Law
Offices of Chad M. Golightly) v SCHOETER
(Martina L. Jaccarino of David L. Riddle &
Associates) - PERSONAL INJURY - REAREND.
*Case being tried on Dfnt's appeal of Plntf's \$22,000
arbitration award.* Case also being tried as a
Shorttrial. Plntf, male, age 23, a Nevada resident,
employed as a fast food employee, alleged that, while
travelling northbound on Interstate 15, near its
interchange with Charleston Boulevard, he was rear-
ended by Dfnt, female, age 22, also a Nevada
resident, employed as a restaurant employee. Plntf
alleged he sustained cervical, thoracic, and lumbar
soft tissue injuries. Prayer: In excess of \$10,000
compensatory damages; plus \$5,866 medical
expenses. Plntf made a \$12,866 pretrial offer of
judgment - Dfnt made a \$7,666 offer of judgment
(D). (Carrier: Farmers Insurance.) One day trial. By
stipulation, four jurors deliberated. Jury out ? hours.
AWARDED PLNTF \$12,000 COMPENSATORY
DAMAGES.

7/16/10 - pro tem Judge JAY EARL SMITH - CV A580257 - LEE (Marcus D. Risman, a sole practitioner) v CAIN (Robert J. Arneson of Arneson & Associates) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$10,576.80 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, age 37, a Nevada resident, employed in art marketing and an operator of art galleries, alleged that, while stopped for a red traffic signal, she was rear-ended by Dfnt. Dfnt, male, age 43, a Nevada resident, admitted negligence, but argued causation. Plntf alleged she sustained cervical, thoracic, and lumbar strains and sprains, with acute traumatic trapezius myositis, with radiculopathy into the upper extremities; plus a contusion to the head, without loss of consciousness. Dfnt argued impact was minor, and could not have caused Plntf's alleged injuries. Prayer: In excess of \$10,000 compensatory damages; \$6,576 medical expenses; plus \$689.28 property damage. Plntf made a pretrial demand of \$9,000 - Dfnt made a \$501 offer of judgment (P). (Carrier: California State Automobile Association.) One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARD \$5,716 PLNTF COMPENSATORY DAMAGES.

7/23/10 - pro tem Judge BLAIR C. PARKER - CV
A571773 - VALENCIA (Michael H. Hamilton, a
sole practitioner) v SCOTT (Anthony L. Ashby of
David L. Riddle & Associates) - PERSONAL
INJURY - PRIVATE DRIVE/THOROUGHFARE
MISHAP. *Case being tried on Dfnt's appeal of
Plntf's \$8,885 arbitration award.* Case also being
tried as a Shorttrial. Plntf, male, a Nevada resident,
was a passenger in a 2000 Honda Accord, operated
by non-party Silva, male, a Nevada resident. Plntf
alleged Dfnt, operating a 2003 Infiniti G35,
negligently exited a private drive and collided with
Plntf's vehicle. Plntf sustained unspecified injuries.
(Carrier: Unknown.) Prayer: In excess of \$10,000
compensatory damages; plus an unspecified amount
for medical expenses. One day trial. By stipulation,
four jurors deliberated. Jury out ? hours. FOUND
FOR DFNT.

7/30/10 - pro tem Judge BEVERLY J. SALHANICK
- CV A578303 - NAVAR and DELGADO (Craig W.
Drummond of Simon & Associates) v MARTINEZ
(Michael E. Rowe of David L. Riddle & Associates)
- PERSONAL INJURY - REAREND -
INTERSTATE FREEWAY OFF-RAMP MISHAP.
*Case being tried on Dfnt's appeal of Plntf Navar's
\$11,032 arbitration award and Plntf Delgado's
\$12,792.20 arbitration award.* Case also being tried
as a Shorttrial. Plntf Navar, female, age 33, a Nevada
resident, employed as a housekeeper, was operating a
vehicle with passenger, Plntf Delgado, female, age
20, a Nevada resident and student. Plntfs alleged
that, as they were exiting an off-ramp of I-95, they
were rear-ended by Dfnt. Dfnt, male, admitted
negligence, but argued causation. Plntfs alleged they
sustained lumbar soft tissue injuries, with secondary
headaches. Plntfs used the medical records of their
treating physicians. Dfnt argued Plntfs' damages
were minimal, and their medical expenses were
excessive. Prayer: In excess of \$10,000
compensatory damages; plus over \$10,000 medical
expenses. (Carrier: Farmers Insurance.) One day
trial. By stipulation, four jurors deliberated. Jury out
thirty minutes. AWARDING PLNTF NAVAR
\$10,040 COMPENSATORY DAMAGES
(REPRESENTING \$5,040 FOR MEDICAL
EXPENSES AND \$5,000 FOR PAIN AND
SUFFERING); AND AWARDING PLNTF
DELGADO \$11,880.20 COMPENSATORY
DAMAGES (REPRESENTING \$6,880.20 FOR
MEDICAL EXPENSES AND \$5,000 FOR PAIN
AND SUFFERING).

7/19/10 - pro tem Judge LANCE R. VAN
LYDEGRAF - CV 09-00031 - AGUILAR (Herbert J.
Santos, Jr., a sole practitioner) v CODY (Brent H.
Harsh of Thorndal, Armstrong, Delk, Balkenbush &
Eisinger) - PERSONAL INJURY - REAREND.
*Case being tried on Dfnt's appeal of Plntf's
\$6,646.50 arbitration award.* Case also being tried
as a Shorttrial. Plntf, female, age 20, a Nevada
resident, employed as a manager, alleged that, while
stopped for a stop sign, she was rear-ended by Dfnt.
Dfnt, male, age 71, a retired Nevada resident,
admitted negligence, but argued causation. Plntf
alleged she sustained cervical, thoracic, and lumbar
soft tissue injuries, with secondary headaches. Plntf
used the medical report of Rick Hutchison, D.C.,
who was of the opinion that Plntf's treatment was
causally related and necessary. Dfnt argued impact
was minor, and Plntf's treatment was excessive.
Prayer: In excess of \$10,000 compensatory damages;
plus \$2,426.50 medical expenses. Plntf made a
\$6,645.50 pretrial offer of judgment - Dfnt made a
\$4,511 offer of judgment (D). (Carrier: Farmers
Insurance.) One day trial. By stipulation, four jurors
deliberated. Jury out two hours. AWARDED
PLNTF \$560.50 COMPENSATORY DAMAGES.

8/6/10 - pro tem Judge HOWARD ROITMAN - CV A557793 and CV A573117 consolidated - PALMA (Orlando DeCastroverde and Alejandro DeCastroverde of DeCastroverde Law Group) v MONTENEGRO-GARCIA (Jessica R. Mann of McCormick, Barstow, Sheppard, Wayte & Carruth, L.L.P.) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$18,191 arbitration award.* Case also being tried as a Shorttrial. Plntf, male, age 38, a Nevada resident, employed as a cook, alleged he was rear-ended by Dfnt. Dfnt, male, a Nevada resident, admitted negligence, but argued causation. Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries; a herniated lumbar disk; plus an injury to the knee. Plntf used the medical reports of Stephen B. Andracki, M.D., a pain management specialist; and Elroy Francis, D.C.; both of whom were of the opinion Plntf's injuries were causally related, and his treatment was reasonable. Dfnt argued impact was minor, with only \$900 in property damage to Plntf's vehicle, and Plntf's complaints were unrelated. Dfnt also argued Plntf's treatment was excessive. Dfnt used the medical report of Eugene L. Appel, M.D., a biomechanical trauma specialist, of San Diego, California. Prayer: In excess of \$10,000 compensatory damages; plus \$12,295 medical expenses. Plntf made a pretrial demand of \$14,000 - Dfnt made an \$8,001 offer of judgment (P Orlando DeCastroverde). (Carrier: United Automobile Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARDED PLNTF \$30,645 COMPENSATORY DAMAGES.

8/12/10 - pro tem Judge ELIZABETH J. FOLEY -
CV A576815 - FALVEY (Kurtis J. Millington of
Glen J. Lerner & Associates) v MARTIN (Conor M.
Slife and Scott E. Chapman of Harris Merritt
Chapman, Ltd.) - PERSONAL INJURY -
REAREND. *Case being tried on Dfnt's appeal of
Plntf's \$18,000 arbitration award.* Case also being
tried as a Shorttrial. Plntf, female, age 27, a Nevada
resident, employed as a medical assistant, alleged she
was rear-ended by Dfnt. Dfnt, male, age 62, a
disabled Nevada resident, admitted negligence, but
argued causation. Plntf alleged she sustained
cervical, thoracic, and lumbar soft tissue injuries,
which required four months of chiropractic treatment,
MRIs, and care for pain management. Plntf used the
depositions of Jennifer Kaldy, D.C.; and Alain S.
Coppel, M.D., a pain management specialist. Dfnt
argued impact was minor, with no damage to the
vehicles, and Plntf was not injured. Dfnt also argued
Plntf's treatment and expenses were unreasonable and
unnecessary. Dfnt called Curtis W. Poindexter,
M.D., a physiatrist. Prayer: In excess of \$10,000
compensatory damages; plus \$12,920.24 medical
expenses. Plntf made a \$15,000 pretrial offer of
judgment - Dfnt made an \$8,000 offer of judgment
(D Slife). (Carrier: Financial Indemnity Insurance.)
One day trial. By stipulation, four jurors deliberated.
Jury out ? hours. AWARDED PLNTF \$1,867
COMPENSATORY DAMAGES.

8/13/10 - pro tem Judge JOSEPH F. KYLE - CV
A580113 - WINN (Eric R. Blank, a sole practitioner)
v FIGUEROA-MAGANA and FIGUEROA-
ROMERO (Jessica R. Mann of McCormick,
Barstow, Sheppard, Wayte & Carruth, L.L.P.) -
PERSONAL INJURY - REAREND. *Case being
tried on Dfnts' appeal of Plntf's arbitration award.*
Case also being tried as a Shorttrial. Plntf, female, a
Nevada resident, was passenger in a vehicle that was
stopped in the turn lane at East Desert Inn Road,
where it intersects with Oneida Way. Plntf alleged
Dfnt Figueroa-Romero, operating a 2000 Ford,
negligently rear-ended Plntf's vehicle. Plntf also
alleged Dfnt Figueroa-Magana negligently entrusted
the vehicle to Dfnt Figueroa-Romero. Plntf sustained
unspecified injuries. Prayer: In excess of \$10,000
compensatory damages; plus \$12,000 medical
expenses. (Carrier: Unknown.) One day trial. By
stipulation, four jurors deliberated. Jury out ? hours.
AWARDED PLNTF \$12,144.70
COMPENSATORY DAMAGES (REPRESENTING
MEDICAL EXPENSES).

8/19/10 - pro tem Judge J. MITCHELL COBEAGA -
CV A561804 - BONE (Victor L. Miller, a sole
practitioner) v BONCA (Marisa C. Guarino and
Kevin P. King of Hall, Jaffe & Clayton, L.L.P.) -
PERSONAL INJURY - INTERSECTION -
UNCONTROLLED - LEFT TURN MISHAP. *Case
being tried on Plntf's appeal of Plntf's \$18,980.82
arbitration award, with a finding that Plntf was fifty
percent at fault.* Case also being tried as a Shorttrial.
Plntf, in her fifties, a Nevada resident, employed as a
bookkeeper, alleged that, while she was travelling in
the right travel lane, Dfnt negligently executed a left
turn, across stopped traffic, into Plntf's path and
caused collision. Dfnt, female, age 20, a Nevada
resident and university student, denied liability,
advancing the defense that she came to a complete
stop in the left turn lane, and, when all three lanes of
traffic stopped, she was waved forward. Dfnt alleged
she turned and had crossed three travel lanes when
she was struck by Plntf's vehicle as she entered the
shoulder. Dfnt also alleged Plntf was passing the
stopped vehicles on the right shoulder. Dfnt called
Kenneth A. Solomon, Ph.D., P.E., an accident
reconstructionist and biomechanist, who was of the
opinion that Plntf was travelling on the shoulder at
time of impact. It was also Dr. Solomon's opinion
that the damage to the vehicles did not support Plntf's
position she had stopped before impact. Plntf alleged
she sustained cervical, thoracic, and lumbar soft
tissue injuries. Plntf's medical records in by
stipulation. Prayer: In excess of \$10,000
compensatory damages; \$11,618.16 medical
epxneses; plus an unspecified amount for past and
future lost wages. Dfnt made a \$9,490.41 pretrial
offer of settlement (D Guarino). (Carrier: State Farm
Insurance.) During closing arguments, Plntf's
counsel argued Dfnt was one-hundred percent at
fault, and asked jury to award Plntf her medical
expenses, plus \$23,236.32 for pain and suffering.
Defense counsel argued liability. In the alternate,
defense counsel argued Plntf was fifty percent
comparatively at fault. Defense counsel suggested an
award of Plntf's medical expenses, plus a minimal
amount for pain and suffering, was adequate
compensation. One day trial. By stipulation, four
jurors deliberated. Jury out less than one hour.
FOUND FOR DFNT.

8/26/10 - pro tem Judge NANCY L. ALLF - CV
A571767 - FISHER (Robert E. Marshall, a sole
practitioner) v ROUNDY (George Michael C.
Ranalli of Ranalli & Zaniel, L.L.C.) - PERSONAL
INJURY - REAREND. *Case being tried on Dfnt's
appeal of Plntf's \$14,000 arbitration award.* Case
also being tried as a Shorttrial. Plntf, female, age 62,
a Nevada resident, employed as a nurse, alleged she
was rear-ended by Dfnt. Dfnt, female, age 37, a
Nevada resident, employed as a teacher, admitted
negligence, but argued causation and damages. Plntf
alleged she sustained cervical, thoracic, and lumbar
soft tissue injuries. Plntf also alleged she has
residual gait and lifting limitations. Plntf used the
medical report of Andrew J. Rhodes, M.D., a
neurosurgeon, who was of the opinion that Plntf's
complaints were causally related. Dfnt argued
impact was minor, with no damage to Dfnt's vehicle
and only \$400 of cosmetic damage to Plntf's vehicle.
Prayer: In excess of \$10,000 compensatory damages;
plus an unspecified amount for medical expenses.
Plntf made a pretrial demand of \$14,000 - Dfnt
offered \$3,500 (D). (Carrier: Mercury Insurance.)
One day trial. By stipulation, four jurors deliberated.
Jury out forty-five minutes. AWARDED PLNTF
\$721 COMPENSATORY DAMAGES.

8/26/10 - pro tem Judge JOHN L. THORNDAL - CV A584366 - BLUMENTHAL (William H. Gamage of Gamage & Gamage) v ZURITA (Randall Tindall of David L. Riddle & Associates) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$29,883.69 arbitration award, with a finding that Plntf was forty-nine percent at fault.* Case also being tried as a Shorttrial. Plntf, male, age 57, an unemployed Nevada resident, alleged that, while travelling eastbound on Flamingo Road, in the third travel lane, he was rear-ended by Dfnt. Dfnt, male, age 20, a Nevada resident, employed as a landscaper, denied liability, advancing the defense that Plntf was backing his vehicle in the bus lane, when he backed into Dfnt's vehicle, as Dfnt was stopped waiting to execute a turn onto Cameron Street. Plntf alleged he sustained a bulging disk; plus a detached retina; with secondary double vision and migraine headaches. Plntf used the medical records of his treating physician. Prayer: In excess of \$10,000 compensatory damages; approximately \$9,000 medical expenses; plus approximately \$2,000 property damage. Plntf made a pretrial demand of \$11,000 - Dfnt made a \$500 offer of judgment, plus costs and interest (D). (Carrier: Farmers Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out one-plus hours. FOUND FOR DFNT.

8/27/10 - pro tem Judge NANCY L. ALLF - CV
A582432 - LEWIS (John V. Spilotro of Spilotro &
Kulla, Chtd.) v REYES (Michael E. Rowe of Riddle
& McOske) - PERSONAL INJURY -
AUTOMOTIVE MISHAP. *Case being tried on
Plntf's appeal of Plntf's arbitration award.* Case also
being tried as a Shorttrial. Plntf, male, a Nevada
resident, alleged that, while travelling southbound on
Pecos Road, Dfnt, male, a Nevada resident,
negligently caused collision. Plntf sustained
unspecified injuries. Prayer: In excess of \$10,000
compensatory damages; an unspecified amount for
medical expenses; plus an unspecified amount for
lost wages. (Carrier: Farmers Insurance.) One day
trial. By stipulation, four jurors deliberated. Jury out
? hours. FOUND FOR DFNT.

9/3/10 - pro tem Judge SALVATORE GUGINO -
CV A585149 - CLARK (Afshin Tadayon of Gazda
& Tadayon, Ltd.; and Chad M. Golightly of Law
Offices of Chad M. Golightly) v DIXON (Michael P.
Golden of David L. Riddle & Associates) -
PERSONAL INJURY - INTERSECTION -
CONTROLLED - TRAFFIC SIGNAL. *Case being
tried on Dfnt's appeal of Plntf's arbitration award*
Case also being tried as a Shorttrial. Plntf, male, a
Nevada resident, travelling northbound on Concord
Street, passing Lake Mead Boulevard, on a green
traffic signal, alleged westbound Dfnt negligently ran
red light, and caused collision. Plntf sustained
unspecified injuries. Prayer: In excess of \$10,000
compensatory damages; plus an unspecified amount
for medical expenses. (Carrier: Farmers Insurance.)
One day trial. By stipulation, four jurors deliberated.
Jury out two-plus hours. AWARDED PLNTF
\$15,054.90 COMPENSATORY DAMAGES.

9/3/10 - pro tem Judge RALPH J. ROHAY - CV
A568527 - CHORNEY (pro se) v A-CAB
COMPANY, NEVADA STAR CAB COMPANY
dba STAR CAB COMPANY, and WELLS (Albert
O. "Bert" Mitchell of Rogers, Mastrangelo, Carvalho
& Mitchell) - PERSONAL INJURY - TAXICAB -
WHEELCHAIR MISHAP. *Case being tried on
Plntf's appeal of Plntf's \$5,000 arbitration award.*
Case also being tried as a Shorttrial. Plntf, male, age
71, a retired Nevada visitor, was passenger in a
taxicab, owned by Dfnt A-Cab Company and/or Dfnt
Nevada Star Cab Company, and operated by Dfnt
Wells. Plntf alleged Dfnt Wells, who was in the
course and scope of his occupational duties, executed
a sudden stop, which caused the wheelchair of
another passenger to slide and impact the back of
Plntf's seat. Plntf also alleged Dfnt Wells failed to
properly secure the wheelchair. Plntf alleged he
sustained cervical, thoracic, and lumbar soft tissue
injuries. Plntf called his treating physician, Tadeusz
Szytkowsky, D.Ac., an acupuncturist, of Providence,
Rhode Island, who testified via video conference.
Prayer: In excess of \$10,000 compensatory damages;
plus an unspecified amount for medical expenses.
(Carrier: American Country Insurance.) One day
trial. By stipulation, four jurors deliberated. Jury out
? hours. FOUND FOR DFNTS.

9/10/10 - pro tem Judge PETER M. ANGULO - CV A578946 - FRANCO (Kevin J. Snyder, a sole practitioner) v MENDOLA (Algimantas J. Bruzas of Bruzas & Associates) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's arbitration award.* Case also being tried as a Shorttrial. Plntf, male, a Nevada resident, was operating a 2006 Toyota Corolla, travelling eastbound on Tropicana Avenue, just west of its intersection with Koval Lane. Plntf alleged that, while stopped in traffic, he was rear-ended by Dfnt, who was operating a 2003 Jeep Wrangler. Dfnt, male, a Nevada resident, denied liability, advancing the defense that the motorist in front of Plntf executed a sudden stop, which resulted in both Plntf and Dfnt being forced to stop. Dfnt alleged impact was minor. Plntf alleged he sustained a cervical strain and sprain, plus an injury to the shoulder, with residual muscle spasms. Dfnt argued Plntf was not injured. Prayer: In excess of \$10,000 compensatory damages; plus \$3,519 medical expenses. (Carrier: Allstate Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out one-plus hours. AWARDED PLNTF \$550 COMPENSATORY DAMAGES (REPRESENTING \$50 FOR MEDICAL EXPENSES AND \$500 FOR PAIN AND SUFFERING).

9/14/10 - Judge VALERIE P. ADAIR - CV A533649
- AVILES (Orlando DeCastroverde and Alejandro DeCastroverde of DeCastroverde Law Group) v GARCIA-ROBLES (John R. Hawley of Brady, Vorwerck, Ryder & Caspino, P.C.) - PERSONAL INJURY - LANE CHANGE. *Case being tried on Dfnt's appeal of Plntf's \$19,284.51 arbitration award.* Plntf, male, age 43, a Nevada resident, employed as a factory worker, alleged Dfnt negligently executed an unsafe lane change, and caused collision. Dfnt, male, a Nevada resident, admitted negligence, but argued causation. Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries; plus an injury to his leg. Plntf called Henri Wetselaar, M.D., a family practitioner; and Russell Anderson, D.C., of Tehachapi, California; both of whom testified Plntf's injuries were causally related, and his treatment was reasonable and necessary. Dfnt called Eugene L. Appel, M.D., a biomechanical trauma specialist, of San Diego, California, who was of the opinion that Plntf's treatment was excessive. It was also Dr. Appel's opinion that Plntf's complaints should have resolved within two physician visits and no more than eight physical therapy treatments. Prayer: In excess of \$10,000 compensatory damages; plus \$12,560.26 medical expenses. Dfnt made a \$15,000 pretrial offer of settlement (P O. DeCastroverde). (Carrier: Benchmark Insurance.) Two day trial. Jury out one-plus hours. AWARDED PLNTF \$19,284.51 COMPENSATORY DAMAGES (REPRESENTING \$12,560.26 FOR MEDICAL EXPENSES AND \$6,724.25 FOR PAIN AND SUFFERING).

9/16/10 - pro tem Judge CRAIG B. FRIEDBERG -
CV A560910 - YODER (William R. Brenske of
Brenske & Christensen) v CIMINO (David H.
Putney of Bruzas & Associates) - PERSONAL
INJURY - REAREND. *Case being tried on Dfnt's
appeal of Plntf's \$7,364.51 arbitration award.* Case
also being tried as a Shorttrial. Plntf, male, a Nevada
resident, alleged he was rear-ended by Dfnt. Dfnt, in
her eighties, now deceased from unrelated causes,
admitted negligence, but argued causation. Plntf
alleged he sustained cervical, thoracic, and lumbar
soft tissue injuries, which required chiropractic
treatment. Dfnt argued impact was minor and Plntf
was not injured. Prayer: In excess of \$10,000
compensatory damages; \$3,910 medical expenses;
plus \$954.51 property damage. Dfnt made a \$101
pretrial offer of judgment (P). (Carrier: GEICO.)
One day trial. By stipulation, four jurors deliberated.
Jury out ? hours. AWARDED PLNTF \$6,910
COMPENSATORY DAMAGES.

9/24/10 - pro tem Judge GLORIA J. STURMAN - CV A584861 - WAGNER (Jason W. Barrus of Baker Law Offices) v SABIJON (Catherine F. Clein of Bruzas & Associates) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf's \$14,000 arbitration award.* Case also being tried as a Shorttrial. Plntf, female, a Nevada resident, employed as a bakery manager, alleged she was rear-ended by Dfnt. Dfnt, female, a Nevada resident, employed as a retail clerk, admitted negligence, but argued causation. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries. Dfnt called Firooz Mashhood, M.D., a physiatrist, who was of the opinion that Plntf's treatment was excessive. It was also Dr. Mashhood's opinion that Plntf should have recovered within two to three weeks with six to nine treatments. Additionally, it was Dr. Mashhood's opinion that all of Plntf's treatment was passive and palliative only. Prayer: In excess of \$10,000 compensatory damages; plus \$7,500 medical expenses. Plntf made a pretrial demand of \$13,500 - Dfnt offered \$4,800 (D). (Carrier: Allstate Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$25,000. Defense counsel suggested \$2,600 was adequate compensation. One day trial. By stipulation, four jurors deliberated. Jury out thirty minutes. AWARD \$2,500 PLNTF COMPENSATORY DAMAGES.

10/8/10 - pro tem Judge BLAIR C PARKER - CV
A545758 - FISCHER (pro se) v CALVA (Imran
Anwar of Rogers, Mastrangelo, Carvalho &
Mitchell) - PERSONAL INJURY -
INTERSECTION - CONTROLLED - TRAFFIC
SIGNAL - LEFT TURN. *Case being tried on Dfnt's
appeal of Plntf's \$6,875 arbitration award.* Case
also being tried as a Shorttrial. Additionally, case
being tried on comparative fault. Plntf, female, a
Nevada resident, alleged Dfnt ran red light and
negligently executed a left turn into Plntf's path, as
Plntf proceeded through the intersection on a green
traffic signal. Dfnt, male, a Nevada resident, denied
liability, advancing the defense that Plntf failed to
yield the right-of-way and T-boned Dfnt's vehicle, as
Dfnt executed a left turn on a green traffic signal.
Plntf alleged she sustained cervical, thoracic, and
lumbar soft tissue injuries. Prayer: In excess of
\$10,000 compensatory damages; \$3,550 medical
expenses; plus \$3,750 lost wages. Plntf made a
pretrial demand for policy limits - Dfnt made a
\$6,500 offer of judgment (D). (Carrier: Young
America Insurance.) During closing arguments, Plntf
asked jury to award Plntf her medical expenses, plus
a fair and reasonable amount for pain and suffering.
Defense counsel argued liability. In the alternate,
defense counsel suggested a minimal amount was
adequate compensation. One day trial. By
stipulation, four jurors deliberated. Jury out ? hours.
AWARDED PLNTF \$2,550 COMPENSATORY
DAMAGES. (Found Plntf to be forty percent at fault
and Dfnt to be sixty percent at fault; therefore, Plntf's
award to be reduced to \$1,530.) (Post-trial, Court
awarded Dfnt \$1,262 in fees and costs.)

10/8/10 - pro tem Judge DAVID LIEBRADER - CV A584898 - GUZMAN-GALICA and GARCIA-CASTILLO (Byron F.L. Browne of McCormick, Barstow, Sheppard, Wayte & Carruth, L.L.P.) v AARVIG (Lewis J. Gazda and Afshin Tadayon of Gazda & Tadayon, Ltd.) - PERSONAL INJURY - PARKING LOT MISHAP. *Case being tried on Dfnt's appeal of Plntf Guzman-Galica's \$8,000 arbitration award and Plntf Garcia-Castillo's \$8,000 arbitration award.* Case also being tried as a Shorttrial. Plntf Guzman-Galica, male, age 41, a Nevada resident, a self-employed air condition technician, and Plntf Garcia-Castillo, male, age 48, a Nevada resident, employed as a busboy, alleged Dfnt negligently caused collision in a parking lot. Dfnt, in his late forties, a Nevada resident, employed as a pit boss, admitted negligence, but argued causation. Plntfs alleged they sustained soft tissue injuries. Plntfs used the medical reports of Gary J. LaTourette, M.D., an orthoped; and Ron Cheney, D.C. Dfnt argued impact was minor, with no objective evidence of injury. Dfnt used the medical report of Eugene L. Appel, M.D., a biomechanical trauma specialist, of San Diego, California. Plntf Guzman-Galica's Prayer: In excess of \$10,000 compensatory damages; plus \$3,416 medical expenses. Plntf Garcia-Castillo's Prayer: In excess of \$10,000 compensatory damages; plus \$3,531 medical expenses. Each Plntf made a pretrial demand of \$8,000 - Dfnt made a \$5,000 offer of judgment to each Plntf (P). (Carrier: AAA of Nevada.) During closing arguments, Plntfs' counsel asked jury to award each Plntf their arbitration award, plus a fair and reasonable amount for pain and suffering, considering the protracted length of litigation. Defense counsel argued Plntfs were not injured. One day trial. By stipulation, four jurors deliberated. Jury out two hours. FOUND FOR DFNT.

10/8/10 - pro tem Judge E. PAUL RICHITT, JR. -
CV A590288 - LEVERETT (Shoshana Kunin-
Leavitt of Richard Harris Law Firm) v CARRERA
(Allen M. Young of David L. Riddle & Associates) -
PERSONAL INJURY - PEDESTRIAN MISHAP.
*Case being tried on Dfnt's appeal of Plntf's \$14,695
arbitration award.* Case also being tried as a
Shorttrial. Plntf, male, age 55, a Nevada resident,
alleged Dfnt negligently ran over Plntf's foot while
Plntf was walking on the sidewalk. Dfnt, male, a
Nevada resident and physician, denied liability,
advancing the defense that Plntf should have yielded
to Dfnt. Plntf alleged he sustained injuries to the
knee and foot. Plntf used the medical reports of his
treating physicians. Dfnt argued Plntf was not
injured. Prayer: In excess of \$10,000 compensatory
damages; plus \$11,102.40 medical expenses. Dfnt
made a \$7,962.09 pretrial offer of judgment (P).
(Carrier: Farmers Insurance.) One day trial. By
stipulation, four jurors deliberated. Jury out one-plus
hours. AWARDED PLNTF \$25,530
COMPENSATORY DAMAGES.

10/28/10 - pro tem Judge CHRISTOPHER M. YOUNG - CV A576920 - SOLOMON (Lane S. Kay and Kenneth K. Liu, both sole practitioners) v SOLOMON (Matthew J. Douglas of Atkin, Winner & Sherrod, Ltd.) - PERSONAL INJURY - INTERSECTION - UNCONTROLLED - LEFT TURN. *Case being tried on Dfnt's appeal of Plntf Tatiana Solomon's \$15,000 arbitration award and Plntf Brandon Solomon's \$7,500 arbitration award.* Case also being tried as a Shorttrial. Additionally, case being tried on comparative fault. Plntf Tatiana Solomon, female, age 20, a Nevada resident, employed as a receptionist, was operating a vehicle with passenger, Plntf Brandon Solomon, male, age 15, a high school student. Plntfs alleged Dfnt (no relation) negligently executed a left turn into Plntfs' path, in the intersection, and caused collision. Dfnt, male, age 26, a Nevada resident, a part-time student and window washer, argued Plntf Tatiana Solomon was speeding and was comparatively at fault. Dfnt alleged a police patrol vehicle had followed his vehicle for two-and-one-half miles and, as he was preparing to execute a left turn, the police officer turned on his high beam lights, which prevented Dfnt from seeing Plntfs' vehicle. Plntfs alleged they sustained cervical, thoracic, and lumbar soft tissue injuries. Plntfs used the medical reports of Nianjun "Sally" Tang, M.D., a physiatrist; and Joseph Bananto, D.C.; both of whom were of the opinion that Plntfs' injuries and treatment were causally related. Dfnt used the medical report of Anthony B. Serfustini, M.D., an orthoped, who was of the opinion that Plntf Tatiana Solomon's injuries and treatment were causally related, reasonable, and necessary with the exception of the last month of treatment. Plntf Tatiana Solomon's Prayer: In excess of \$10,000 compensatory damages; plus \$5,390.08 medical expenses. Plntf Brandon Solomon's Prayer: In excess of \$10,000 compensatory damages; plus \$2,750 medical expenses. Plntf Tatiana Solomon made a \$10,000 pretrial offer of judgment - Dfnt made a \$6,000 offer of judgment. After arbitration hearing, Dfnt offered \$7,000 total (P Kay). (Carrier: American Access Insurance.) During closing arguments, Plntfs' counsel asked jury to award Plntf Tatiana Solomon \$15,000 and award Plntf Brandon Solomon \$7,500. Defense counsel argued Plntf Tatiana was more than fifty percent responsible for the accident. One day trial. By stipulation, four

jurors deliberated. Jury out one hour. AWARDED
PLNTF TATIANA SOLOMON \$13,855
COMPENSATORY DAMAGES, AND AWARDED
PLNTF BRANDON SOLOMON \$7,454
COMPENSATORY DAMAGES. (Found Dfnt to be
one-hundred percent at fault.)

11/4/10 - pro tem Judge JOHN J. GRAVES, JR. - CV A572785 - GARCIA (Joseph L. Benson, II, of Benson & Bingham, L.L.C.) v FRAGASSI (Michael P. Golden of David L. Riddle & Associates) - PERSONAL INJURY - REAREND. *Case being tried on Dfnt's appeal of Plntf Cesar Garcia's \$26,933.50 arbitration award, and Plntf Jacqueline Garcia's \$17,081.50 arbitration award.* Case also being tried as a Shorttrial. Plntf Cesar Garcia, male, age 27, a tile setter, and Plntf Jacqueline Garcia, female, age 28, a business owner, both Nevada visitors from Alaska, were operating a rental vehicle. Plntfs alleged that, while stopped at a green traffic signal for non-party emergency vehicle, they were rear-ended by Dfnt. Dfnt, female, a Nevada resident, admitted negligence, but argued causation. Dfnt argued impact occurred at less than five miles-per-hour. Plntf Cesar Garcia alleged he sustained cervical, thoracic, and lumbar soft tissue injuries, with secondary headaches. Plntf Jacqueline Garcia alleged she sustained cervical, thoracic, and lumbar soft tissue injuries; plus an injury to the hip. Plntfs' medical records entered into evidence. Dfnt argued Plntfs were not injured, and they waited seven days before seeking treatment. Dfnt used the medical report of Curtis W. Poindexter, M.D., a physiatrist, who was of the opinion that Plntfs' treatment, which included X-rays and MRIs, was unnecessary, and their medical expenses incurred in Alaska were not customary. Plntf Cesar Garcia's Prayer: In excess of \$10,000 compensatory damages; plus \$12,663 medical expenses. Plntf Jacqueline Garcia's Prayer: In excess of \$10,000 compensatory damages; plus \$6,966.50 medical expenses. Plntf Cesar Garcia made a pretrial demand for \$26,933 - Dfnt offered \$14,949; Plntf Jacqueline Garcia made a pretrial demand for \$17,081 - Dfnt offered \$9,200.50 (P). (Carrier: Farmers Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out two hours. AWARDER PLNTF CESAR GARCIA \$19,798 COMPENSATORY DAMAGES, AND AWARDER PLNTF JACQUELINE GARCIA \$12,023.75 COMPENSATORY DAMAGES. (Post-trial, Court awarded Plntfs \$4,267.41 in costs, plus \$2,725.10 in interest. Plntfs' counsel filed motion for \$6,000 in attorney's fees.)

11/5/10 - pro tem Judge ROBERT J. ARNESON -
CV A575383 - STRICKLAND and KANDIL (Jason
C. Barron, a sole practitioner) v WICKARD
(Catherine F. Clein of Bruzas & Associates) -
PERSONAL INJURY - REAREND. *Case being
tried on Dfnt's appeal of Plntf Strickland's
\$18,304.73 arbitration award and Plntf Kandil's
\$22,022.12 arbitration award. Case also being tried
as a Shorttrial. Plntfs alleged they were rear-ended by
Dfnt. Dfnt denied liability, advancing the defense
that Plntf Strickland was the proximate cause of the
accident. Plntfs sustained unspecified injuries.
Prayer: In excess of \$10,000 compensatory damages;
plus an unspecified amount for medical expenses.
Dfnt made a \$6,001 pretrial offer of judgment to
Plntf Strickland, and an \$8,001 pretrial offer of
judgment to Plntf Kandil (D). (Carrier: Allstate
Insurance.) During closing arguments, Plntfs'
counsel asked jury to award each Plntf \$25,000.
Defense counsel argued Plntfs should take nothing.
One day trial. By stipulation, four jurors deliberated.
Jury out ten minutes. FOUND FOR DFNT.*

11/18/10 - pro tem Judge BRUCE L. GALE - CV
A585950 - PILLMAN (Scott Michael Cantor of
Graziadei & Cantor, Ltd.) v A NLV CAB
COMPANY and TSHEHAY (Albert O. "Bert"
Mitchell of Rogers, Mastrangelo, Carvalho &
Mitchell) - PERSONAL INJURY - PARKING LOT
MISHAP. *Case being tried on Dfnts' appeal of
Plntf's arbitration award.* Case also being tried as a
Shorttrial. Plntf, male, a Nevada resident, was
operating a 1996 Mitsubishi Mirage. Plntf alleged
that, as he entered the parking lot of a gas station, at
or near the intersection of Tropicana Avenue and
Koval Lane, Dfnt Tshehay, male, a Nevada resident,
who was in the course and scope of his occupational
duties as a taxicab driver for Dfnt A NLV Cab
Company, operating a 2003 Chrysler Minivan taxi,
negligently backed his taxi, at a rapid speed, which
caused the taxi's rear bumper to strike the front
bumper of Plntf's vehicle. Plntf sustained
unspecified injuries. Prayer: In excess of \$10,000
compensatory damages; \$18,984.25 for past medical
expenses; plus an unspecified amount for future
medical expenses. One day trial. By stipulation,
four jurors deliberated. Jury out ? hours.
AWARDED PLNTF \$50,544.25
COMPENSATORY DAMAGES (REPRESENTING
\$18,984.25 MEDICAL EXPENSES, \$16,560 LOST
WAGES, \$10,000 PAST PAIN AND SUFFERING,
AND \$5,000 FUTURE PAIN AND SUFFERING).

12/2/10 - pro tem Judge BRIAN K. TERRY - CV A572231 - OTANEZ and BRAVO (Orlando DeCastroverde of DeCastroverde Law Group) v ARTEAGA (Samuel R. Kern of Atin, Winner & Sherrod, Ltd.) - PERSONAL INJURY - PROPERTY DAMAGE - MOBILE TRAVEL TRAILER MISHAP. Case being tried on Dfnt's appeal of Plntfs' \$12,329.98 arbitration award. Case also being tried as a Shorttrial. Plntfs husband and wife, Plntf son, age 10, and Plntf daughter, age six months, all Nevada residents, alleged Dfnt negligently drove his truck into Plntfs' rented mobile travel trailer. Dfnt, male, a Nevada resident, admitted negligence, but argued causation. Plntf mother alleged she sustained cervical, thoracic, and lumbar soft tissue injuries. Plntf son, age 10, alleged he developed an anxiety disorder. Plntfs used the medical records of Thomas Vaughn, Jr., D.C. Dfnt argued Plntfs were not injured, and their personal belongings were not destroyed. Prayer: In excess of \$10,000 compensatory damages; \$3,934.98 medical expenses; plus \$10,000 property damage (P). (Carrier: American Access Insurance.) During closing arguments, Plntfs' counsel argued Dfnt was responsible for damage to Plntfs' personal property inside the rented mobile travel trailer. Defense counsel argued Plntfs failed to provide evidence that their personal property was destroyed. One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARD \$9,744.98 PLNTFS COMPENSATORY DAMAGES.

1/20/11 - pro tem Judge JOHN L. THORNDAL - CV
A590318 - MARTINEZ (Amy B. Honodel of Chasey
Honodel; and Gary D. Thompson, a sole practitioner)
v SALAS (Nelson L. Cohen and Troy A. Clark of
Bremer Whyte, Brown & O'Meara, L.L.P.) -
PERSONAL INJURY - ASSAULT AND
BATTERY - ROAD RAGE. Case being tried on
Dfnt's appeal of Plntf's \$50,000 arbitration award.

Case also being tried as a Shorttrial. Additionally,
case being tried on comparative fault. Plntf, in his
sixties, a Nevada resident, alleged that, after Plntf
had rear-ended Dfnt's vehicle, Dfnt became angry
and physically attacked Plntf. Plntf also alleged he
did not agree to fight with Dfnt. Additionally, Plntf
alleged Dfnt used excessive force. Dfnt, in his
forties, a Nevada resident, employed as a restaurant
manager, denied liability, advancing the defense that
Plntf started the fight and Dfnt only acted in self-
defense. Dfnt alleged Plntf was comparatively at
fault. Plntf sustained a fractured jaw/mandible, with
residual crooked bite alignment. Plntf's jaw was
wired closed for one month. Prayer: In excess of
\$10,000 compensatory damages; in excess of
\$10,000 punitive damages (per D); \$18,448.96
medical expenses; plus an unspecified amount for
lost wages (per D). Plntf made a \$25,000 pretrial
offer of judgment (per P) or Plntf made a demand of
\$50,000 (per D) - Dfnt made a \$2,300 offer of
judgment (P Honodel & D Clark). (Carrier:
American Family Insurance.) During closing
arguments, Plntf's counsel asked jury to award Plntf
\$50,000. Defense counsel argued liability. One day
trial. By stipulation, four jurors deliberated. Jury out
one-plus hours. AWARDED PLNTF \$9,224.48
COMPENSATORY DAMAGES. (Found Plntf to be
fifty percent at fault and found Dfnt to be fifty
percent at fault; therefore, Plntf's award to be reduced
to \$4,612.24.)

Following is some additional information about a trial previously reported in the January 2011 issue of THE TRIAL REPORTER of Nevada. The additional information is in bold italic type.

12/17/10 - pro tem Judge ALAN L. SACHS - CV A592084 - SCHEFFLER (Robert A. Groesbeck of The Groesbeck Group, Ltd.) v MARQUEZ (Boone L. Cragun of David L. Riddle & Associates) - PERSONAL INJURY - MULTIPLE-VEHICLE REAREND - FREEWAY MISHAP. Case being tried on Dfnt's appeal of Plntf's \$5,150 arbitration award. Case also being tried as a Shorttrial. Plntf, *in his thirties*, a Nevada resident, *employed as a chief financial officer*, operating a 2005 Ford F250 pickup truck, was travelling westbound on the 215 beltway, near its intersection with Eastern Avenue. Plntf alleged that, as he slowed for traffic, he was rear-ended by Dfnt, who was operating a 2007 Nissan Armada. Plntf also alleged the impact propelled his vehicle into the vehicle in front of him. Dfnt, *in her forties*, a Nevada resident, *argued causation*. Plntf alleged he sustained *soft tissue injuries*. Prayer: In excess of \$10,000 compensatory damages; plus \$3,050 medical expenses. *Plntf made a pretrial demand of \$8,000 - Dfnt offered \$4,418 (D).* (Carrier: Farmers Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out *one hour*. AWARDED PLNTF \$11,550 COMPENSATORY DAMAGES.

2/18/11 - pro tem Judge MICHAEL C. MILLS - CV A601600 - ROSTEN (Colin S. Bringhurst of Henness & Haight) v ROBINSON (Boone L. Cragun of David L. Riddle & Associates) - PERSONAL INJURY - REAREND. Case being tried on Dfnt's appeal of Plntf mother's \$11,716.13 arbitration award and Plntf daughter's \$4,357 arbitration award. Case also being tried as a Shorttrial. Plntf mother, in her forties, a homemaker, was operating vehicle with passenger, Plntf daughter, age 6, a student, both Nevada residents, travelling southbound on Rancho Drive. Plntfs alleged that, while stopped for a traffic signal, at the intersection with Airport Drive, they were rear-ended by Dfnt. Dfnt, female, age 28, a Nevada resident, employed as a sales consultant, admitted negligence, but argued causation. Plntfs alleged they sustained cervical, thoracic, and lumbar soft tissue injuries. Dfnt argued Plntfs' medical treatment and expenses were unreasonable and unnecessary. Plntf mother's Prayer: In excess of \$10,000 compensatory damages; plus \$5,696 (per P) or \$5,716.13 (per D) medical expenses. Plntf daughter's Prayer: In excess of \$10,000 compensatory damages; plus \$2,357 medical expenses. Plntf mother made a \$10,710 pretrial offer of judgment - Dfnt offered \$6,500 (per P) or \$7,000 (per D); Plntf daughter made a \$5,350 pretrial offer of judgment - Dfnt offered \$3,450 (per P) or \$3,500 (per D) (Mills, P & D). (Carrier: Farmers Insurance.) During closing arguments, Plntfs' counsel asked jury to award Plntf mother \$15,446 (per P) or \$15,500 (per D) and award Plntf daughter \$6,857 (per P) or \$8,000 (per D). Defense counsel suggested \$2,500 to Plntf mother and \$1,000 to Plntf daughter was adequate compensation. One day trial. By stipulation, four jurors deliberated. Jury out less than one hour. AWARDED PLNTF MOTHER \$12,052.13 COMPENSATORY DAMAGES, AND AWARDED PLNTF DAUGHTER \$3,357 COMPENSATORY DAMAGES. (Post-trial, Court awarded each Plntf \$3,000 in fees, costs, and interest.)

Following is some additional information about a trial previously reported in the February 2011 issue of THE TRIAL REPORTER of Nevada. The additional information is in bold italic type.

10/15/10 - pro tem Judge REBECCA L. MASTRANGELO - CV A584377 - POTOCHAN (Bruce D. Tingey of Tingey & Tingey Law Firm) v WHITE (David H. Putney of Bruzas & Associates) - PERSONAL INJURY - REAREND - MOTORCYCLE MISHAP. *Case being tried on Dfnt's appeal of Plntf's \$16,023.34 arbitration award, plus \$3,010.20 in attorney's fees, costs and interest.* Case also being tried as a Shorttrial. Plntf, male, a Nevada resident, *age 46, employed as a highway maintenance worker*, was operating a 1997 Harley Davidson Softail Fat Boy motorcycle, travelling westbound on Vegas Drive. Plntf alleged that, while stopped for a red traffic signal at the intersection of Rancho Drive, he was rear-ended by Dfnt. Dfnt, female, a Nevada resident, *denied liability, advancing the defense that Plntf rolled backward into Dfnt's vehicle. Dfnt alleged Plntf switched motorcycles after the collision occurred because she believed the motorcycle to be different, and the damage to Plntf's motorcycle could not have occurred from its contact with Dfnt's vehicle.* Plntf alleged he sustained *cervical, thoracic, and lumbar soft tissue injuries; plus an injury to the left shoulder.* Prayer: In excess of \$10,000 compensatory damages; *\$9,988.08* medical expenses; *\$772* lost wages; *\$2,492.84* property damage; *plus \$258.50 out-of-pocket expenses.* *Plntf made a pretrial demand of \$19,033.54 - Dfnt made a \$1,000 offer of judgment (P.)* (Carrier: Allstate Insurance.) *During closing arguments, Plntf's counsel asked jury to award Plntf \$9,988.08 for medical expenses, \$772 for lost wages, \$2,492.84 for property damage, an unspecified amount for loss of vehicle use, an unspecified amount for cost of transportation for medical treatment, and an unspecified amount for pain and suffering. Defense counsel argued liability, and also argued that Plntf's claim had no value.* One day trial. By stipulation, four jurors deliberated. Jury out *one* hour. AWARDED PLNTF \$13,502.92 COMPENSATORY DAMAGES (REPRESENTING *\$9,988.08 MEDICAL EXPENSES, \$772 LOST WAGES; \$2,492.84 PROPERTY DAMAGE, \$150 FOR LOSS OF USE,*

AND \$100 FOR COST OF TRANSPORTATION FOR MEDICAL TREATMENT). (Post-trial, Court awarded Plntf \$3,000 in attorney's fees, \$1,893.72 in costs, and \$1,006.64 interest.)

2/14/11 - pro tem Judge GRAHAM A. GALLOWAY
- CV 07-02495 - JIMENEZ (Eric A. Stovall of
Gamboa & Stovall); and GUEVARA (Josh C.
Aicklen of Lewis, Brisbois, Bisgaard & Smith,
L.L.P.) v REISEL (Brent H. Harsh of David L.
Riddle & Associates) - PERSONAL INJURY -
INTERSECTION - CONTROLLED - TRAFFIC
SIGNAL - LEFT TURN MISHAP. Case being tried
on Dfnt's appeal of Plntfs' arbitration awards. Case
also being tried as a Shorttrial. Plntf Laura Guevara,
female, age 16, a Nevada resident and student,
alleged that, as she executed a left turn, on a solid
green light, in very heavy snow and icy conditions,
Dfnt was speeding and caused collision. Plntf Laura
Guevara called an independent eyewitness who
testified Dfnt was travelling at a high rate of speed.
Dfnt, male, age 46, a Nevada resident, employed as
an engineer, denied liability, advancing the defense
that Plntf Laura Guevara failed to yield the right-of-
way to Dfnt, when she executed an improper left turn
into Dfnt's path. Plntf Jimenez's Prayer: In excess of
\$10,000 compensatory damages; plus \$8,063.86
medical expenses. Plntf Laura Guevara's Prayer: In
excess of \$10,000 compensatory damages; plus
\$3,289 medical expenses. Plntf Erick Guevara's
Prayer: In excess of \$10,000 compensatory damages;
plus \$3,596.28 medical expenses (P Aicklen).
(Carrier: Farmers Insurance.) One day trial. By
stipulation, four jurors deliberated. Jury out ? hours.
AWARDED PLNTF JIMENEZ \$18,036.86
COMPENSATORY DAMAGES; AWARDED
PLNTF LAURA GUEVARA \$6,289
COMPENSATORY DAMAGES; AND AWARDED
PLNTF ERICK GUEVARA \$6,596.28
COMPENSATORY DAMAGES.

3/4/11 - pro tem Judge BRIAN K. TERRY - CV A594922 - VEGA-GOMEZ (Orlando DeCastroverde and Alejandro DeCastroverde of DeCastroverde Law Group) v BOWERS (Michael E. Rowe of David L. Riddle & Associates) - PERSONAL INJURY - REAREND. Case being tried on Dfnt's appeal of Plntf's \$6,150 arbitration award. Case also being tried as a Shorttrial. Plntf, male, age 45, a Nevada resident, employed as a dishwasher, alleged he was rear-ended by Dfnt. Dfnt, female, age 70, a retired Nevada resident, admitted negligence, but argued causation. Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries, with secondary headaches; plus an injury to the right shoulder. Plntf used the medical reports of Neel Khurana, D.C.; and Steven A. Holper, M.D., a physiatrist; both of whom were of the opinion that Plntf's injuries were causally related and his treatment was reasonable and necessary. Dfnt argued impact was minor, and Plntf's injuries and treatment were excessive. Prayer: In excess of \$10,000 compensatory damages; plus \$3,596 medical expenses. Plntf made a \$3,499 pretrial offer of judgment - Dfnt made a \$500 offer of judgment (P Orlando DeCastroverde). (Carrier: Farmers Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARDED PLNTF \$4,596 COMPENSATORY DAMAGES.

3/10/11 - pro tem Judge ROBERT K. DORSEY - CV
A600803 - CAMPOS (Andrew D. Taylor of
Frederickson, Mazeika & Grant) v CARNER (Bonne
L. Cragun of David L. Riddle & Associates) -
PERSONAL INJURY - T-BONE MISHAP. Case
being tried on Dfnt's appeal of Plntf's \$13,209.69
arbitration award. Case also being tried as a
Shortrial. Plntf, male, alleged Dfnt negligently T-
boned Plntf's vehicle. Dfnt, female, admitted
negligence, but argued causation. Plntf sustained
unspecified injuries. Dfnt argued Plntf was not
injured. Prayer: In excess of \$10,000 compensatory
damages; plus \$5,709.69 medical expenses. Plntf
made a \$10,500 pretrial offer of judgment - Dfnt
offered \$6,696.90 (D). (Carrier: Farmers Insurance.)
One day trial. By stipulation, four jurors deliberated.
Jury out one hour. AWARDED PLNTF \$9,459.69
COMPENSATORY DAMAGES.

3/10/11 - pro tem Judge LAURA PAYNE HUNT -
CV A586568 - VALDERRAMA and AQUINO
(Afshin Tadayon and Lewis J. Gazda of Gazda &
Tadayon, Ltd.) v GUERRERO (Byron F.L. Browne
of McCormick, Barstow, Sheppard, Wayte &
Carruth, L.L.P.) - PERSONAL INJURY -
REAREND. Case being tried on Dfnt's appeal of
Plntf Valderrama's \$12,160 arbitration award and
Plntf Aquino's \$13,601.50 arbitration award. Case
also being tried as a Shorttrial. Plntfs, both male,
Nevada residents, alleged they were rear-ended by
Dfnt. Dfnt, male, a Nevada resident, admitted
negligence, but argued causation. Plntfs sustained
unspecified injuries. Plntfs used the medical report
of their treating physicians. Dfnt argued Plntfs were
not injured. Dfnt used the report of Eugene L.
Appel, M.D., a biomechanical trauma specialist, of
San Diego, California. Plntf Valderrama's Prayer: In
excess of \$10,000 compensatory damages; plus
\$4,160 medical expenses. Plntf Aquino's Prayer: In
excess of \$10,000 compensatory damages; plus
\$4,601.50 medical expenses. Plntf Valderrama made
a pretrial demand of \$12,160 - Dfnt made a \$5,000
offer of judgment. Plntf Aquino made a pretrial
demand of \$13,601.50 - Dfnt made a \$5,500 offer of
judgment (D). (Carrier: Infinity Insurance.) One day
trial. By stipulation, four jurors deliberated. Jury out
three hours. FOUND FOR DFNT.

3/17/11 - pro tem Judge PETER M. ANGULO - CV A595146 - GOKCEKIAN (James J. Ream, a sole practitioner) v CORONA (Kelly M. Smith of Atkin, Winner & Sherrod, Ltd.) - PERSONAL INJURY - REAREND. Case being tried on Dfnt's appeal of Plntf's \$25,000 arbitration award. Case also being tried as a Shorttrial. Plntf, male, age 44, a Nevada resident, employed as a retail assistant manager, alleged that, while stopped for traffic on Maryland Parkway, he was rear-ended by Dfnt. Dfnt, male, age 40, a Nevada resident, admitted negligence, but argued causation. Plntf alleged he sustained cervical and lumbar strains and sprains, with an annular tear at L-4, L-5; injuries to the shoulders, including trauma to the left and right trapezius muscles; plus an aggravation of his preexistent conditions. Plntf used the medical report of his treating physician, Steven A. Holper, M.D., a physiatrist, who was of the opinion that Plntf's injuries were causally related. Dfnt argued Plntf's complaints were related to his preexistent condition. Dfnt argued only \$8,600 of Plntf's medical expenses was causally related. Dfnt used the medical report of Anthony B. Serfustini, M.D., an orthoped, who was of the opinion that Plntf did not sustain any injury attributable to the instant accident. It was also Dr. Serfustini's opinion that Plntf's medical records did not evidence any treatment over and above the already established and continuing pain management care that Dr. Holper was providing. Additionally, it was Dr. Serfustini's opinion that Plntf's treatment was excessive, and that reasonable treatment would have included six to twelve therapy sessions, two to three medical evaluations, cervical and lumbar spine X-rays for screening purposes, and a home exercise program. Prayer: In excess of \$10,000 compensatory damages; plus \$10,942 (per P) or \$11,242 (per D) medical expenses. Plntf made a \$9,999 pretrial offer of judgment - Dfnt offered \$3,000 (per P) (P & D). (Carrier: American Access Casualty Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$25,000. Defense counsel argued Plntf was not injured. One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARDED PLNTF \$15,600 COMPENSATORY DAMAGES (REPRESENTING \$8,600 FOR MEDICAL EXPENSES AND \$7,000 FOR PAIN AND SUFFERING).

3/24/11 - pro tem Judge LARRY C. JOHNS - CV
A590748 - SLEDGE (Eric L. Marshall of Law
Offices of Fassett & Cardoza) v YBARRA (Matthew
J. Douglas of Atkin, Winner & Sherrod, Ltd.) -
PERSONAL INJURY - INTERSECTION -
CONTROLLED - AUTOMOTIVE MISHAP. Case
being tried on Dfnt's appeal of Plntf's \$17,968.03
arbitration award. Case also being tried as a
Shortrial. Plntf, male, alleged Dfnt negligently
caused collision. Dfnt, male, admitted negligence.
Plntf sustained unspecified injuries. Prayer: In
excess of \$10,000 compensatory damages; plus
\$13,900 medical expenses. Plntf made a \$17,500
pretrial offer of judgment - Dfnt refused to make an
offer (D). (Carrier: American Access Insurance.)
One day trial. By stipulation, four jurors deliberated.
Jury out one-plus hours. AWARDED PLNTF
\$13,568.03 COMPENSATORY DAMAGES.

3/25/11 - pro tem Judge TROY E. PEYTON - CV A598950 - TEBBS (Brandon J. Squires of The Powell Litigation Group) v DIAZ-CHAVEZ (Kelly M. Smith of Atkin, Winner & Sherrod, Ltd.) - PERSONAL INJURY - INTERSECTION - UNCONTROLLED - LEFT TURN MISHAP. Case being tried on Dfnt's appeal of Plntf's \$16,664.93 arbitration award. Case also being tried as a Shorttrial. Plntf, female, age 52, an unemployed Nevada resident, was operating a "Chevrolet Classic", travelling westbound on Washington Avenue. Plntf alleged oncoming Dfnt, who was operating a Ford F150 pickup truck, merged into the center turn lane, and negligently executed a left turn into Plntf's path, causing collision. Dfnt, female, age 39, a self-employed Nevada resident, argued Plntf was contributorily negligent. Dfnt alleged she had stopped and allowed at least two vehicles to pass before beginning her turn. Dfnt argued she had essentially completed the left turn when the front right portion of Plntf's vehicle struck the rear of Dfnt's truck. Plntf alleged she sustained a cervical strain and sprain, with possible cervical facet syndrome. Plntf also alleged she will require future cervical facet injections, at a cost of \$13,416. Plntf used the medical reports of her treating physicians, Kathleen D. Smith, M.D., a family practitioner; and David R. Lanzkowsky, M.D., a pain management specialist; both of whom were of the opinion that Plntf's injuries were causally related. Dfnt argued Plntf did not seek treatment until fifteen days post-accident. Prayer: In excess of \$10,000 compensatory damages; \$7,281.30 past medical expenses; \$13,416 future medical expenses; plus \$3,207.39 property damage (D). (Carrier: American Access Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out ? hours. AWARDED PLNTF \$3,207.39 PROPERTY DAMAGE. (Found Plntf to be fifty percent at fault and Dfnt to be fifty percent at fault; therefore, Plntf's award to be reduced to \$1,603.69.)

3/14/11 - pro tem Judge DOUGLAS KEITH FERMOILE - CV 10-00344 - SPILLMAN (Peter A. Tomaino, a sole practitioner; and Michael E. Sullivan of Robison, Belaustegui, Sharp & Low, P.C.) v PENROSE (Karl H. Smith of David L. Riddle & Associates) - PERSONAL INJURY - REAREND. Case being tried on Dfnt's appeal of Plntf's \$15,628 arbitration award. Case also being tried as a Shorttrial. Plntf, male, age 25, a disk jockey, alleged he was rear-ended by Dfnt. Dfnt, female, age 24, a retail assistant manager, admitted negligence, but argued causation. Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries, with ongoing residual lumbar pain. Plntf also alleged that the three-week delay in seeking chiropractic treatment was because he could not afford to pay for medical care. Plntf used the medical reports of Timothy J. Allen, D.C.; and Robert G. Berry, Jr., M.D., a physiatrist. Dfnt argued impact was minor and Plntf was not injured. Dfnt also argued that the forces generated in the accident did not coincide with Plntf's alleged severe pain complaints. Additionally, Dfnt argued that the photographs, delay in treatment, and exaggeration of complaints all demonstrated that something else was motivating Plntf's personal injury claim. Plntf used the medical report of E. Gary Starr, M.D., a physiatrist. Prayer: In excess of \$10,000 compensatory damages; plus \$7,628 medical expenses. Plntf made a pretrial demand of \$15,628 - Dfnt made an \$11,000 offer of judgment (D). (Carrier: Farmers Insurance Exchange.) One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARDED PLNTF \$2,127 COMPENSATORY DAMAGES.

4/8/11 - pro tem Judge DAVID W. HUSTON - CV
A576803 - DEGSSISSO (Robert J. Grasso of Birardi
& Grasso, Ltd.) v GO (Paul R. Kirst of Bruzas &
Associates) - PERSONAL INJURY - LANE
CHANGE - SIDESWIPE MISHAP. Case being
tried on Dfnt's appeal of Plntf's \$10,086 arbitration
award. Case also being tried as a Shorttrial. Plntf,
male, age 53, a Nevada resident, employed as a
taxicab driver, alleged Dfnt negligently executed an
unsafe lane change and sideswiped Plntf's vehicle.
Dfnt, female, age 21, a Nevada resident, employed as
a clerk, denied liability, advancing the defense that
Plntf negligently executed an unsafe lane change and
sideswiped Dfnt's vehicle. Plntf alleged he sustained
cervical, thoracic, and lumbar soft tissue injuries.
Plntf used the medical report of Sean M. Dunleavy,
D.C. Prayer: In excess of \$10,000 compensatory
damages; \$3,786 medical expenses; plus \$1,300 lost
wages. Plntf made an \$8,999.99 pretrial offer of
judgment - Dfnt made a \$6,001 offer of judgment
(D). (Carrier: Allstate Insurance.) During closing
arguments, Plntf's counsel argued the in-cab video
showed Dfnt executed an unsafe lane change. Plntf's
counsel asked jury to award Plntf \$10,086. Defense
counsel argued liability. One day trial. By
stipulation, four jurors deliberated. Jury out ? hours.
FOUND FOR DFNT.

4/14/11 - pro tem Judge PAT J. FITZGIBBONS CV
A579060 - MONTENEGRO (Bradley L. Kenny of
Craig P. Kenny & Associates; and Gary A. Pulliam
of American Family Insurance) v RAMIREZ
(Martina L. Jaccarino of David L. Riddle &
Associates) - PERSONAL INJURY - SIDESWIPE
MISHAP. Case being tried on Dfnt's appeal of
Plntf's \$16,165.34 arbitration award. Case also
being tried as a Shorttrial. Plntf, female, age 44,
employed as a waitress, alleged Dfnt negligently
crossed center line and sideswiped Plntf's vehicle.
Dfnt, female, denied liability, advancing the defense
that Plntf crossed center line and sideswiped Dfnt's
vehicle. Plntf alleged she sustained cervical,
thoracic, and lumbar soft tissue injuries; plus a closed
head injury. Prayer: In excess of \$10,000
compensatory damages; \$5,765.34 medical expenses;
plus \$1,748 property damage. Plntf made a \$10,999
pretrial offer of judgment - Dfnt offered \$250 (D).
(Carrier: Farmers Insurance.) One day trial. By
stipulation, four jurors deliberated. Jury out ? hours.
FOUND FOR DFNT.

4/28/11 - pro tem Judge CRAIG A. HOPPE - CV A592790 - SOWAH (David A. Tanner, a sole practitioner) v WOOLARD (Mark L. Gentile, a sole practitioner) - PERSONAL INJURY - REAREND. Case being tried on Dfnt's appeal of Plntf's undisclosed arbitration award. Case also being tried as a Shorttrial. Plntf husband, employed in university facilities maintenance, and Plntf wife, employed as a nurse, in their mid-forties, Nevada visitors, alleged that, while stopped on the northbound I-15/Charleston Boulevard interchange ramp, south of Charleston Boulevard, they were rear-ended by Dfnt, in his late twenties, a Nevada resident, employed as a website designer. Plntfs alleged they sustained cervical, thoracic, and lumbar soft tissue injuries, which required chiropractic treatment. Plntf husband's Prayer: In excess of \$10,000 compensatory damages; plus over \$1,500 medical expenses. Plntf wife's Prayer: In excess of \$10,000 compensatory damages; plus over \$2,000 medical expenses. (Carrier: Unknown.) One day trial. By stipulation, four jurors deliberated. AWARDED PLNTFS \$1,805 COMPENSATORY DAMAGES.

4/11/11 - pro tem Judge LAWRENCE PETER DIGESTI - CV 10-00947 - FLORES-DIAZ (Peter A. Tomaino, a sole practitioner; and Michael E. Sullivan of Robison, Belaustegui, Sharp & Low, P.C.) v SNODGRASS and AKHTAR (Karl H. Smith of David L. Riddle & Associates) - PERSONAL INJURY - INTERSECTION - CONTROLLED. Case being tried on Dfnts' appeal of Plntf Carmen Flores-Diaz's \$7,139.51 arbitration award, and Plntf Veronica Flores-Diaz's \$7,316.75 arbitration award. Case also being tried as a Shorttrial. Plntf Carmen Flores-Diaz, female, age 28, was operating a vehicle with passenger, Plntf Veronica Flores-Diaz, female, age 39, both Nevada residents, employed as hospital clerks. Plntfs alleged Dfnt Snodgrass, operating a vehicle owned by Dfnt Akhtar, negligently caused collision. Dfnt Snodgrass, female, age 20, a Nevada resident and student, admitted negligence, but argued damages. Plntfs alleged they sustained cervical, thoracic, and lumbar soft tissue injuries. Plntfs used the medical report of Mitchell S. Boltz, D.C. Dfnts argued Plntfs' complaints did not justify a large award. Plntf Carmen Flores-Diaz's Prayer: In excess of \$10,000 compensatory damages; plus \$4,204.50 medical expenses. Plntf Veronica Flores-Diaz's Prayer: In excess of \$10,000 compensatory damages; plus \$4,316.75 medical expenses. Plntf Veronica Flores-Diaz made a pretrial demand of \$7,316.75 - Dfnts made a \$4,573.50 offer of judgment (D). (Carrier: Farmers Insurance Exchange.) During closing arguments, Plntfs' counsel asked jury to award Plntfs the arbitration awards. Defense counsel argued the arbitrator's awards were unreasonable. One day trial. By stipulation, four jurors deliberated. Jury out forty-five minutes. AWARDED EACH PLNTF \$5,450 COMPENSATORY DAMAGES (REPRESENTING \$3,450 MEDICAL EXPENSES AND \$2,000 FOR PAIN AND SUFFERING).

5/6/11 - pro tem Judge RALPH J. ROHAY - CV A597414 - ROSSETTI (James R. Nance of Cohen, Johnson & Day) v MARTINEZ-ROJAS (Allen M. Young of David L. Riddle & Associates) - PERSONAL INJURY - REAREND. Case being tried on Dfnt's appeal of Plntf's \$8,149 arbitration award. Case also being tried as a Shorttrial. Plntf, female, a Nevada resident, alleged she was rear-ended by Dfnt. Dfnt, male, a Nevada resident, admitted negligence, but argued causation. Plntf alleged she sustained soft tissue injuries. Plntf used the medical report of Leslie C. Jacobs, M.D., an internist. Dfnt argued his vehicle rolled into Plntf's vehicle and impact was minor. Prayer: In excess of \$10,000 compensatory damages; plus \$5,849 medical expenses. Plntf made an \$11,999.99 pretrial offer of judgment - Dfnt refused to make an offer (D). (Carrier: Farmers Insurance.) During closing arguments, Plntf's counsel argued Plntf's injuries were causally related. Defense counsel argued Plntf was not injured in the collision. One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARDED PLNTF \$4,338 COMPENSATORY DAMAGES.

5/6/11 - pro tem Judge JOHN L. THORNDAL - CV
A588548 - BRUCE (Jonathan R. Hicks of Snell &
Wilmer, L.L.P.) v FOOSE (David H. Putney and
Nickolas A. Amon of Bruzas & Associates) -
PERSONAL INJURY - REAREND. Case being
tried on Dfnt's appeal of Plntf's undisclosed
arbitration award. Case also being tried as a
Shorttrial. Plntf, male, a Nevada resident, alleged
that, while stopped for heavy traffic congestion,
northbound on US 95, he was rear-ended by Dfnt,
male, a Nevada resident. Plntf sustained unspecified
injuries. Prayer: In excess of \$10,000 compensatory
damages; plus an unspecified amount for medical
expenses. (Carrier: Unknown.) One day trial. By
stipulation, four jurors deliberated. Jury out ? hours.
FOUND FOR DFNT.

5/13/11 - pro tem Judge ROBERT J. ARNESON - CV A581867 - KOMES (David M. Moore of Edward M. Bernstein & Associates) v SANCHEZ (Melanie J. Muldowney of Bell and Young, Ltd.) - PERSONAL INJURY - PARKING GARAGE MISHAP. Case being tried on Dfnt's appeal of Plntf's \$25,372.19 arbitration award. Case also being tried as a Shorttrial. Additionally, case being tried on comparative fault. Plntf, female, age 55, a Nevada resident, employed as a casino dealer, alleged Dfnt negligently pulled from a parking space in a parking garage and ran into her vehicle. Dfnt, male, age 51, a Nevada visitor, employed in information technology, denied liability, advancing the defense that Plntf was inattentive and speeding, and was comparatively at fault. Plntf alleged she sustained an injury to the right elbow, with cubital tunnel nerve damage, which required surgical intervention. Plntf used the medical report of Gary J. LaTourette, M.D., an orthopod, who was of the opinion that all of Plntf's medical expenses were causally related. Dfnt called Anthony B. Serfustini, M.D., an orthopod, who was of the opinion that Plntf had sustained only a strain and sprain, and the surgery performed was related to Plntf's preexistent degenerative condition. Prayer: In excess of \$10,000 compensatory damages; \$24,442.36 medical expenses; plus \$1,033 lost wages. Plntf made a pretrial demand of \$25,372.19 - Dfnt offered \$12,000 (P & D). (Carrier: Shelter Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARDED PLNTF \$6,562 COMPENSATORY DAMAGES (REPRESENTING \$5,529 FOR MEDICAL EXPENSES AND \$1,033 FOR LOST WAGES). (Found Plntf to be forty percent at fault, and Dfnt to be sixty percent at fault; therefore, Plntf's award to be reduced to \$3937.20.)

5/12/11 - pro tem Judge MICHAEL A. KONING -
CV A583068 - GOMES (Scott R. Pettitt of Royal,
Jones, Miles, Dunkley & Wilson) v MERRILL
(James W. Howard, Jr., of The Howard Law Firm) -
PERSONAL INJURY - AUTOMOTIVE MISHAP.

Case being tried on Dfnt's appeal of Plntf's
undisclosed arbitration award.

Case also being tried
as a Shorttrial. Plntf, male, a Nevada resident, alleged
that, while stopped for a red light at Frank Sinatra
Drive, Dfnt, male, a Nevada resident, negligently
caused collision. Plntf sustained unspecified injuries.
Prayer: In excess of \$10,000 compensatory damages;
plus an unspecified amount for medical expenses.
(Carrier: Unknown). One day trial. By stipulation,
four jurors deliberated. Jury out ? hours. FOUND
FOR DFNT. (Post-trial, Court awarded Dfnt
\$1,357.58 for costs.)

5/19/11 - pro tem Judge JOHN H. WRIGHT - CV A590740 - TOBIN (Robert M. Ebinger, a sole practitioner) v AYALA (Sarah A. Smith of R.S. & Associates) - PERSONAL INJURY - REAREND. Case being tried on Dfnt's appeal of Plntf's \$11,560 arbitration award. Case also being tried as a Shorttrial. Plntf, female, age 31, a Nevada resident, employed as an apprentice electrician, alleged she was rear-ended by Dfnt. Dfnt, male, age 37, employed as a construction worker, admitted negligence, but argued causation. Plntf alleged she sustained cervical, thoracic, and lumbar strains and sprains. Plntf used the medical report of Brian Gamett, D.C. Dfnt argued impact was minor and Plntf was not injured. Dfnt also argued Plntf's work absences were unrelated to her alleged injuries. Prayer: In excess of \$10,000 compensatory damages; \$4,257.68 medical expenses; plus \$1,560 lost wages. Plntf made a pretrial demand of \$7,250 (per P) or \$13,000 (per D) - Dfnt offered \$1,800 (per P) or \$3,000 (per D) (P & D). (Carrier: American Access Casualty Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$11,560. Defense counsel argued causation and damages. One day trial. By stipulation, four jurors deliberated. Jury out one-plus hours. AWARDED PLNTF \$8,000 COMPENSATORY DAMAGES. (Post-trial, Court awarded Plntf \$7,611.67 in attorney's fees, costs, and interest.)

5/20/11 - pro tem Judge JAY EARL SMITH - CV A577121 - SHAFFER (Ralph E. Porter of Porter & Terry, L.L.C.) v DIBETTA (Joel L. Barber of Law Offices of Kenneth E. Goates) - PERSONAL INJURY - REAREND - "ROAD RAGE". Case being tried on Dfnt's appeal of Plntf's \$13,500 arbitration award. Case also being tried as a Shorttrial. Plntf, in her early twenties, a Nevada resident, employed as a preschool teacher, alleged that, while travelling to her uncle's funeral, she pulled in front of Dfnt's vehicle, near the intersection of Lake East Drive and Starboard Drive. Plntf also alleged Dfnt became upset, and began ramming the rear and sides of Plntf's vehicle. Additionally, Plntf alleged that, when she stopped, Dfnt spit on her vehicle's window. Dfnt, in his early sixties, a Nevada resident, employed as a tax preparer, denied liability, advancing the defense that there was no contact between the vehicles. Dfnt alleged Plntf had attempted to make Dfnt collide with Plntf's vehicle several times, but he was able to avoid contact. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries. Plntf called her treating physician, Benjamin S. Lurie, D.C., who testified Plntf's treatment was reasonable, necessary, and casually related. Dfnt called John E. Herr, M.D., an orthoped, who testified that, if there was no impact, there could be no injury. Dr. Herr also testified that, even if there was impact, Plntf's complaints were more likely related to a subsequent incident which occurred one week after the instant accident. Prayer: In excess of \$10,000 compensatory damages; in excess of \$10,000 punitive damages; plus \$4,350 medical expenses. Plntf made a \$12,500 pretrial offer of judgment - Dfnt made a \$6,000 offer of judgment (P). (Carrier: Nationwide Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf her medical specials, a reasonable amount for pain and suffering, plus punitive damages to deter future road rage. Defense counsel argued that, since there was no contact between the vehicles, Plntf was not injured. One day trial. By stipulation, four jurors deliberated. Jury out ? hours. AWARDED PLNTF \$8,500 COMPENSATORY DAMAGES, AND AWARDED PLNTF \$1,000 PUNITIVE DAMAGES.

5/27/11 - pro tem Judge CANDACE C. CARLYON -
CV A595322 - KNABEL (Terry L. Wike of Wike
Law Offices) v MERCADO (Randall W. Tindall of
David L. Riddle & Associates) - PERSONAL
INJURY - THOROUGHFARE/PRIVATE DRIVE
MISHAP. Case being tried on Dfnt's appeal of
Plntf's \$11,500 arbitration award. Case also being
tried as a Shorttrial. Additionally, case being tried on
comparative fault. Plntf, male, age 57 a Nevada
resident, employed as a casino dealer, alleged that,
while he was travelling on Twain Avenue, Dfnt
negligently pulled from a parking lot at the northeast
corner of Twain Avenue and Decatur Boulevard, into
Plntf's path, and caused collision. Dfnt, male, age 40,
a Nevada resident, argued Plntf was comparatively at
fault. Plntf alleged he sustained cervical, thoracic,
and lumbar soft tissue injuries. Prayer: In excess of
\$10,000 compensatory damages; plus \$5,849 medical
expenses. (Carrier: Farmers Insurance.) One day
trial. By stipulation, four jurors deliberated. Jury out
? hours. AWARDED PLNTF \$8,837
COMPENSATORY DAMAGES. (Found Dfnt to be
one-hundred percent at fault.)

5/27/11 - pro tem Judge CRAIG B. FRIEDBERG - CV A590551 - VASQUEZ (Orlando DeCastroverde and Alejandro DeCastroverde of DeCastroverde Law Group) v GUTIERREZ-QUEZADA (Yianna C. Reizakis of R.S. & Associates) - PERSONAL INJURY - REAREND. Case being tried on Dfnt's appeal of Plntf's \$8,810 arbitration award. Case also being tried as a Shorttrial. Plntf, male, age 29, a Nevada visitor, employed as a welder, alleged that, as he sat in a parked vehicle, he was rear-ended by Dfnt. Dfnt, male, age 22, a Nevada resident, admitted negligence, but argued causation. Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries. Plntf used the medical records of his treating physicians, Aaron M. Jorgensen, D.C.; and Carmen Espitia, M.D., a family practitioner. Dfnt argued Plntf exaggerated his injuries, and had several gaps in treatment. Prayer: In excess of \$10,000 compensatory damages; \$4,049 medical expenses; plus \$2,300 property damage. Plntf made a pretrial demand of \$5,715 (per P) or \$8,810 (per D) - Dfnt made a \$1,001 offer of judgment (per P) or Dfnt refused to make an offer (per D) (P Orlando DeCastroverde & D). (Carrier: American Access Casualty.) During closing arguments, Plntf's counsel argued Plntf's injuries, as well as the treatment administered, were causally related. Defense counsel argued causation. One day trial. By stipulation, four jurors deliberated. Jury out one-plus hours. FOUND FOR DFNT.

Following is some additional information about a trial previously reported in the May 2011 issue of THE TRIAL REPORTER of Nevada. The additional information is in bold italic type.

4/29/11 - pro tem Judge JOSEPH F. KYLE - CV A592962 - VARGAS (***Michael A. McOsker*** of Craig P. Kenny & Associates) v MUNIZ-MARTINEZ (***Sarah A. Smith of R.S. Associates***) - PERSONAL INJURY - THOROUGHFARE/PRIVATE DRIVE MISHAP - LEFT TURN. ***Case being tried on Dfnt's appeal of Plntf's \$7,000 arbitration award, with a finding that Dfnt was one-hundred percent at fault.*** Case also being tried as a Shorttrial. Additionally, case being tried on comparative fault. Plntf, female, ***age 25***, a Nevada resident, ***employed as a bank teller/loan officer***, was travelling westbound, in the center turn lane on Desert Inn Road, east of the Sandhill Road intersection. Plntf alleged Dfnt negligently exited a private drive from the north curb, failed to yield the right-of-way to westbound motorists, executed a left turn into Plntf's path, which caused collision. Dfnt, female, a Nevada resident, ***and homemaker, alleged three lanes of traffic had stopped to allow her to cross and enter the center lane. Dfnt also alleged that, in an attempt to circumvent the stopped traffic, Plntf was travelling in the center lane, was speeding, and struck Dfnt's vehicle.*** Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries. Prayer: In excess of \$10,000 compensatory damages; ***plus \$2,344.33 medical expenses. Plntf made a pretrial demand of \$15,000 - Dfnt offered \$4,000 (D).*** (Carrier: ***American Access Casualty Insurance.***) One day trial. By stipulation, four jurors deliberated. Jury out ***less than one hour.*** AWARDED PLNTF \$5,109.68 COMPENSATORY DAMAGES (REPRESENTING \$2,045.50 MEDICAL EXPENSES, \$564.18 RENTAL EXPENSES, AND \$2,5000 FOR PAIN AND SUFFERING). (Found Plntf to be twenty percent at fault and Dfnt to be eighty percent at fault; therefore, Plntf's award to be reduced to \$4,087.74.)

5/23/11 - pro tem Judge THOMAS P. BEKO - CV 10-00834 - HILLIN (William R. Kendall, a sole practitioner) v CARCAMO-CANO (Karl H. Smith of David L. Riddle & Associates) - PERSONAL INJURY - REAREND. Case being tried on Dfnt's appeal of Plntf's \$5,250 arbitration award. Case also being tried as a Shorttrial. Plntf, female, age 22, a student, alleged that, while stopped at a traffic signal, she was rear-ended by Dfnt. Dfnt, male, age 34, a laborer, admitted negligence, but argued causation. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries. Plntf used the medical report of Daniel Barlow, D.C. Dfnt argued impact was minor. Dfnt also argued Plntf had a gap in treatment and failed to mitigate her damages. Prayer: In excess of \$10,000 compensatory damages; plus \$3,050 medical expenses. Plntf made a pretrial demand of \$8,750 - Dfnt made a \$1,780 offer of judgment (D). (Carrier: Farmers Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out one-plus hours. AWARDED PLNTF \$4,050 COMPENSATORY DAMAGES (REPRESENTING \$3,050 FOR MEDICAL EXPENSES AND \$1,000 FOR PAIN AND SUFFERING).

6/10/11 - pro tem Judge CHRISTOPHER M. YOUNG - CV A598027 - HERNANDEZ and COVARRUBIAS (Orlando DeCastroverde of DeCastroverde Law Group) v HUNGERFORD (Boone L. Cragun of David L. Riddle & Associates) - PERSONAL INJURY - REAREND. Case being tried on Dfnt's appeal of Plntf Hernandez's \$7,015 arbitration award, and Plntf Covarrubias' \$6,636 arbitration award. Case also being tried as a Shorttrial. Plntf Hernandez, male, was operating a vehicle, westbound on Lake Mead Boulevard, with passenger Plntf Covarrubias, female, both Nevada residents. Plntfs alleged that, while stopped for a traffic signal at the intersection with Civic Center Drive, they were rear-ended by Dfnt. Dfnt, female, a Nevada resident, admitted negligence, but argued causation. Plntfs alleged they sustained cervical, thoracic, and lumbar soft tissue injuries. Plntf Hernandez's Prayer: In excess of \$10,000 compensatory damages; plus \$7,015 medical expenses. Plntf Covarrubias' Prayer: In excess of \$10,000 compensatory damages; plus \$6,836 medical expenses. (Carrier: Farmers Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out ? hours. AWARDED PLNTF HERNANDEZ \$6,836 COMPENSATORY DAMAGES (REPRESENTING \$4,836 MEDICAL EXPENSES AND \$2,000 FOR PAIN AND SUFFERING); AND AWARDED PLNTF COVARRUBIAS \$6,215 COMPENSATORY DAMAGES (REPRESENTING \$5,015 MEDICAL EXPENSES AND \$1,200 FOR PAIN AND SUFFERING).

6/17/11 - pro tem Judge DAVID H. PUTNEY - CV
A569750 - McGill (Stephen K. Lewis and Patti,
Sgro & Lewis) v STREHLOW (Imran Anwar of
Rogers, Mastrangelo, Carvalho & Mitchell) -
PERSONAL INJURY - INTERSECTION -
CONTROLLED - TRAFFIC SIGNAL - T-BONE
MISHAP. Case being tried on Dfnt's appeal of
Plntf's \$30,294.97 arbitration award, with a finding
that Plntf was twenty percent at fault. Case also
being tried as a Shorttrial. Plntf, female, age 44, a
Nevada resident, employed by the District Court
Diversionary Program, was travelling southbound on
Jones Boulevard. Plntf alleged Dfnt, westbound on
Lone Mountain Road, negligently ran red light and
T-boned Plntf's vehicle. Dfnt, male, age 16, a
Nevada resident and student, employed part-time at a
car wash, denied liability, advancing the defense that
Plntf ran red light and pulled into Dfnt's path. Dfnt
alleged Plntf was using her cellular telephone at the
time of the accident. Plntf alleged she sustained
cervical, thoracic, and lumbar soft tissue injuries.
Prayer: In excess of \$10,000 compensatory damages;
\$9,235.53 medical expenses; plus \$6,059.44 property
damage. Plntf made a pretrial demand of \$30,000 -
Dfnt made a \$7,501 offer of judgment (D). (Carrier:
State Farm Insurance.) One day trial. By stipulation,
four jurors deliberated. Jury out fifteen minutes.
FOUND FOR DFNT.

6/17/11 - pro tem Judge JANET TROST - CV A580044 - WRIGHT (William B. Palmer of Palmer & Associates, P.C.) v SMITH (Kumen L. Taylor of Hutchison & Steffen, L.L.C.) - PERSONAL INJURY - REAREND. Case being tried on Dfnt's appeal of Plntf's \$32,000 arbitration award. Case also being tried as a Shorttrial. Plntf, male, age 61, a Nevada resident, employed as an appliance repairman, alleged he was rear-ended by Dfnt. Dfnt, female, age 40, a Nevada resident and homemaker, admitted negligence, but argued causation. Plntf alleged he sustained cervical, thoracic, and lumbar soft tissue injuries; plus injuries to the shoulders. Plntf used the medical report of Michael D. Di Gregorio, M.D., a physiatrist. Dfnt used the medical report of Joseph J. Schifini, M.D., an orthopod and pain management specialist. Prayer: In excess of \$10,000 compensatory damages; plus \$10,861.63 medical expenses. Plntf made a pretrial demand of \$32,000 - Dfnt offered \$22,500 (D). (Carrier: ANPAC.) During closing arguments, Plntf's counsel asked jury to award Plntf \$32,000. Defense counsel suggested \$10,000 to \$16,000 was adequate compensation. One day trial. By stipulation, four jurors deliberated. Jury out thirty minutes. AWARDED PLNTF \$7,947 COMPENSATORY DAMAGES.

6/22/11 - pro tem Judge S. WOLFE THOMPSON - CV A583265 - ESTANILLA (Colin S. Bringhurst of Henness & Haight) v POSNIK (David H. Putney of Bruzas & Associates) - PERSONAL INJURY - REAREND. Case being tried on Dfnt's appeal of Plntf husband's \$5,500 arbitration award and Plntf wife's \$17,210 arbitration award. Case also being tried as a Shorttrial. Plntf husband, age 29, and Plntf wife, age 26, Nevada residents, alleged they were rear-ended by Dfnt. Dfnt, male, a Nevada resident, admitted negligence, but argued causation. Plntf husband alleged he sustained thoracic and lumbar soft tissue injuries. Plntf wife alleged she sustained injuries to the cervical, thoracic, and lumbar spine, with some residual pain. Dfnt called Richard M. Dix, M.D., an orthopod, who was of the opinion that Plntf wife's complaints should have resolved within four to six weeks post-accident. Plntf husband's Prayer: In excess of \$10,000 compensatory damages; plus \$2,765 medical expenses. Plntf wife's Prayer: In excess of \$10,000 compensatory damages; plus \$16,462.50 medical expenses (P). (Carrier: Allstate Insurance.) During closing arguments, Plntfs' counsel asked jury to award Plntf husband a minimum of \$5,500 and award Plntf wife \$30,212.50. Defense counsel argued Plntfs were not injured. One day trial. By stipulation, four jurors deliberated. Jury out less than one hour. AWARDED PLNTF HUSBAND \$8,000 COMPENSATORY DAMAGES, AND AWARDED PLNTF WIFE \$30,000 COMPENSATORY DAMAGES.

Following is a report of a trial about which we were unable to obtain complete details prior to our publication deadline for the June 2011 issue of THE TRIAL REPORTER of Nevada.

5/6/11 - pro tem Judge BRIAN K. BERMAN - CV A575017 - PASTRAN (Dowon S. Kang of Law Offices of Peter L. Flangas) v WILLIAMS (Anthony L. Ashby of David L. Riddle & Associates) - PERSONAL INJURY - MULTIPLE-VEHICLE REAREND. Case being tried on Dfnt's appeal of Plntf's \$9,300 arbitration award. Case also being tried as a Shorttrial. Plntf, in her fifties, a Nevada resident, employed as a house cleaner, was travelling northbound on Las Vegas Boulevard. Plntf alleged that, while stopped for a traffic signal, at Harmon Avenue, Dfnt, who was third vehicle behind Plntf's vehicle, rear-ended the vehicle in front of him, which caused a chain-reaction collision into Plntf's vehicle. Plntf called John R. Howell, an accident reconstructionist, who testified Plntf's vehicle was struck as a result of Dfnt colliding with non-party motorist. Dfnt, in his forties, a Nevada visitor, employed as a Texas state trooper, denied liability, advancing the defense that the property damage to Plntf's vehicle was inconsistent with a chain-reaction collision. Dfnt alleged he "tapped" non-party motorist's vehicle after it had already rear-ended the vehicle in front of it. Dfnt used the report of Scott N. Macdonald, P.E., an accident reconstructionist, who was of the opinion that two collisions occurred, and the first collision resulted in contact with Plntf's vehicle. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries. Prayer: In excess of \$10,000 compensatory damages; \$4,649.58 medical expenses; plus \$2,256.42 property damage. Plntf made a \$7,500 pretrial offer of judgment - Dfnt made a \$2,501 offer of judgment (D). (Carrier: Farmers Insurance.) One day trial. By stipulation, four jurors deliberated. Jury out 7 hours. FOUND FOR DFNT. (Post-trial, Dfnt filed motion for \$3,000 in attorney's fees, plus \$965 in costs.)

6/21/11 - pro tem Judge DOUGLAS KEITH FERMOILE - CV 10-02106 - BARTLETT (Peter A. Tomaino and Paul A. Kapitz, both sole practitioners) v HENDRIX (Brent H. Harsh of David L. Riddle & Associates) - PERSONAL INJURY - REAREND. Case being tried on Dfnt's appeal of Plntf's \$7,962.25 arbitration award. Case also being tried as a Shorttrial. Plntf, female, age 37, employed as a secretary, alleged she was rear-ended by Dfnt. Dfnt, female, age 40, a nurse, admitted negligence, but argued causation. Plntf alleged she sustained cervical, thoracic, and lumbar soft tissue injuries; plus an injury to the shoulder. Plntf used the medical report of Mitchell Boltz, D.C. Dfnt argued Plntf was overtreated. Prayer: In excess of \$10,000 compensatory damages; plus \$3,015 medical expenses. Plntf made a pretrial demand of \$11,000 - Dfnt made a \$3,700 offer of judgment (D). (Carrier: Farmers Insurance.) During closing arguments, Plntf's counsel asked jury to award Plntf \$8,000. Defense counsel argued causation. One day trial. By stipulation, four jurors deliberated. Jury out one hour. AWARDDED PLNTF \$5,112.25 COMPENSATORY DAMAGES (REPRESENTING \$2,612.25 FOR MEDICAL EXPENSES AND \$2,500 FOR PAIN AND SUFFERING).
