

**DESERT RIDGE LEGAL GROUP**

THOMAS A. LARMORE, ESQ.

Nevada State Bar No.: 7415

[tlarmore@keyinsco.com](mailto:tlarmore@keyinsco.com)

3037 East Warm Springs Road, Suite 300

Las Vegas, Nevada 89120

Telephone: (702) 765-0976

Facsimile: (702) 765-0981

*Attorneys for Appellant*

Electronically Filed  
Dec 29 2021 12:04 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

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

PILAR ENRIQUE ARBALLO-OLIVAS,  
INDIVIDUALLY,

Appellant,

vs.

AMY MARIE AINSWORTH,

Respondent.

SUPREME COURT NO.: 83814  
District Court Case: A813843

**DOCKETING STATEMENT**

**CIVIL APPEALS**

**1. Judicial District:** 8<sup>th</sup> District of Nevada

County: Clark County

District Ct. Case No.: A-20-813843-C

Department: 19

Judge: Hon. Judge Kathy Hardcastle

**2. Attorney filing this docketing statement:**

Attorney: Thomas A. Larmore, Esq.

Telephone: (702) 765-0976

Firm: DESERT RIDGE LEGAL GROUP

Address: 3037 E. Warm Springs Rd., Suite 300, Las Vegas, NV 89120

Client(s): PILAR ENRIQUE ARBALLO-OLIVAS

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

**3. Attorney(s) representing respondent(s):**

Attorney: Bradley J. Myers, Esq., Michael C. Kane, Esq., Brandon A. Born, Esq.

Telephone: (702) 529-1011

Firm: THE702FIRM INJURY ATTORNEYS

Address: 400 South 7<sup>th</sup> Street, Suite 400, Las Vegas, NV 89101

Client(s): AMY MARIE AINSWORTH

///

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1 **10. Pending proceedings in this court raising the same or similar issues.** If you are aware of  
2 any proceedings presently pending before this court which raises the same or similar issues raised  
3 in this appeal, list the case name and docket numbers and identify the same or similar issue  
4 raised:

5 NONE.

6 **11. Constitutional issues.** If this appeal challenges the constitutionality of a statute, and the state,  
7 any state agency, or any officer or employee thereof is not a party to this appeal, have you  
8 notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS  
9 30.130?

10 ☐ NIA

11 ☐ Yes

12 ☐ No

13 If not, explain:

14 NOT APPLICABLE.

15 **12. Other issues.** Does this appeal involve any of the following issues?

16 ☐ Reversal of well-settled Nevada precedent (identify the case(s))

17 ☒ An issue arising under the United States and/or Nevada Constitutions

18 ☒ A substantial issue of first impression

19 ☐ An issue of public policy

20 ☐ An issue where en banc consideration is necessary to maintain uniformity of this court's  
21 decisions

22 ☐ A ballot question

23 If so, explain:

24 The right to a jury trial is guaranteed by the Nevada Constitution and the United States  
25 Constitution. The district court's ruling granting the Motion to Strike Trial de Novo is a violation  
26 of these rights.

27 **13. Assignment to the Court of Appeals or retention in the Supreme Court.** Briefly set forth  
28 whether the matter is presumptively retained by the Supreme Court or assigned to the Court of  
Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If  
appellant believes that the Supreme Court should retain the case despite its presumptive  
assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant  
retaining the case, and include an explanation of their importance or significance:

Appellant submits that this appeal is presumptively retained by the Nevada Supreme Court.  
Appellant believes this appeal raises constitutional issues. Appellant believes that this appeal  
raises matters of first impression under the common law (NRAP 17(a)(11)), and that the matters  
herein raised are of statewide public importance (NRAP 17(a)(11)).

1  
2 **14. Trial.** If this action proceeded to trial, how many days did the trial last?  
3 Was it a bench or jury trial?

4 NOT APPLICABLE.

5 **15. Judicial Disqualification.** Do you intend to file a motion to disqualify or have a justice  
6 recuse him/herself from participation in this appeal? If so, which Justice?

7  
8 Appellant does not intend to file such a motion.

9  
10 **TIMELINESS OF NOTICE OF APPEAL**

11 **16. Date of entry of written judgment or order appealed from:**

12 If no written judgment or order was filed in the district court, explain the basis for seeking  
13 appellate review:

14 NOT APPLICABLE.

15 **17. Date written notice of entry of judgment or order was served:**

16 October 17, 2021.

17 Was service by:

- 18 ☐ Delivery  
19 ☒ Mail/electronic/fax

20 **18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP**  
21 **50(b), 52(b), or 59)**

22 (a) Specify the type of motion, the date and method of service of the motion, and the date  
23 of filing.

- 24 ☐ NRCP 50(b) Date of filing:  
25 ☐ NRCP 52(b) Date of filing:  
26 ☐ NRCP 59 Date of filing:

27 **NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration**  
28 **may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126**  
**Nev. \_\_\_, 245 P.3d 1190 (2010).**

(b) Date of entry of written order resolving tolling motion:

(c) Date written notice of entry of order resolving tolling motion was served:

Was service by:

- ☐ Delivery

1           ○ Mail

2 NOT APPLICABLE.

3

4 **9. Date notice of appeal filed:**

5           If more than one party has appealed from the judgment or order, list the date each notice  
6 of appeal was filed and identify by name the party filing the notice of appeal:

7 November 16, 2021.

8 **20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP**  
9 **4(a) or other.**

10 NRAP 4(a)(1).

11

12 **SUBSTANTIVE APPEALABILITY**

13 **21. Specify the statute or other authority granting this court jurisdiction to review the**  
14 **judgment or order appealed from:**

15 (a)

- |                                |                |
|--------------------------------|----------------|
| 15           X NRAP 3A(b)(1)   | ○ NRS 38.205   |
| 16           ○ NRAP 3A(b)(2)   | ○ NRS 233B.150 |
| 17           ○ NRAP 3A(b)(3)   | ○ NRS 703.376  |
| 18           ○ Other (specify) |                |

19

20 (b) Explain how each authority provides a basis for appeal from the judgment or order:

21

- 22           1. The order granting Plaintiff's Motion to Strike Defendant's Trial de Novo: NRAP  
23 3A(b)(1).

24 **22. List all parties involved in the action or consolidated actions in the district court:**

25 (a) Parties:

26 Amy Marie Ainsworth (Plaintiff/Respondent)

27 Pilar Enrique Arballo-Olivas (Defendant/Appellant)

28 (b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, e.g., formally dismissed, not served, or other:

1 NOT APPLICABLE.

2 **23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims,**  
3 **cross-claims, or third-party claims and the date of formal disposition of each claim.**

4 Complaint: Negligence

5  
6 24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the  
rights and liabilities of ALL the parties to the action or consolidated actions below?

7 ☒ Yes

8 ☐ No

9 **25. If you answered "No" to question 24, complete the following:**

10 (a) Specify the claims remaining pending below:

11 (b) Specify the parties remaining below:

12 NOT APPLICABLE

13  
14 (c) Did the district court certify the judgment or order appealed from as a final judgment  
pursuant to NRCP 54(b)?

15 ☐ Yes

16 ☐ No

17 NOT APPLICABLE

18  
19 (d) Did the district court make an express determination, pursuant to NRCP 54(b), that  
there is no just reason for delay and an express direction for the entry of judgment?

20 ☐ Yes

21 ☐ No

22 NOT APPLICABLE

23 **26. If you answered "No" to any part of question 25, explain the basis for seeking appellate**  
24 **review (e.g., order is independently appealable under NRAP 3A(b)).**

25 NOT APPLICABLE

26 ///

27 ///

28 ///

1 **27. Attach file-stamped copies of the following documents:**

- 2 • The latest-filed complaint, counterclaims, cross-claims, and third-party claims  
3 • Any tolling motion(s) and order(s) resolving tolling motion(s)  
4 • Orders of NRC 41(a) dismissals formally resolving each claim, counterclaims, cross  
5 claims and/or third-party claims asserted in the action or consolidated action below, even  
6 if not at issue on appeal  
7 • Any other order challenged on appeal  
8 • Notices of entry for each attached order

9 SEE ATTACHED.

10 **VERIFICATION**

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

15 Pilar Enrique Arballo-Olivas  
16 Name of appellant

Thomas A. Larmore, Esq.  
Name of counsel of record

17 December 29, 2021  
18 Date

\_\_\_\_\_  
Signature of counsel of record

19 Clark County, Nevada  
20 State and county where signed  
21  
22  
23  
24  
25  
26  
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1  
2  
3 **CERTIFICATE OF SERVICE**

4 I **HEREBY CERTIFY** that on this 29<sup>th</sup> day of December, 2021, I served a true and  
5 Complete copy of the foregoing **DOCKETING STATEMENT** addressed to the parties below as  
6 follows:

7 ☐ by placing a true and correct copy of the same to be deposited for mailing in the U.S. Mail,  
8 enclosed in a sealed envelope upon which first class postage was fully prepaid; and /or

9 ☐ via facsimile; and or

10 ☐ by hand delivery to parties listed below; and or

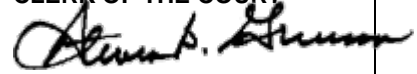
11 ☒ by electronic service via ODYSSEY through the District Court.

12  
13 Bradley J. Myers, Esq.  
14 Michael C. Kane, Esq.  
15 Brandon A. Born, Esq.  
16 THE702FIRM INJURY ATTORNEYS  
17 400 South 7<sup>th</sup> Street, #400  
18 Las Vegas, Nevada 89101  
19 Tel: (702) 776-3333  
20 Fax: (702) 505-9787  
21 [service@the702firm.com](mailto:service@the702firm.com)  
22 Attorneys for Respondent  
23  
24  
25  
26  
27  
28

/s/Luz T. Macias

**DESERT RIDGE LAGAL GROUP**





1 **NEO**  
2 MICHAEL C. KANE, ESQ. (10096)  
3 BRADLEY J. MYERS, ESQ. (8857)  
4 MARK A. ROUSE, ESQ. (12273)  
5 **THE702FIRM INJURY ATTORNEYS**  
6 400 South 7<sup>th</sup> Street, 4<sup>th</sup> Floor  
7 Las Vegas, Nevada 89101  
8 Telephone: (702) 776-3333  
9 Facsimile: (702) 505-9787  
10 E-Mail: [service@the702firm.com](mailto:service@the702firm.com)  
11 and  
12 ADAM S. KUTNER, ESQ. (4310)  
13 **ADAM S. KUTNER, P.C.**  
14 1137 South Rancho Drive, Suite 150-A  
15 Las Vegas, Nevada 89102  
16 Telephone: (702) 382-0000  
17 *Attorneys for Plaintiff*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

12 AMY MARIE AINSWORTH,

Case No. : A-20-813843-C

Dept. No.: 11

13 Plaintiff,

14 vs.

**NOTICE OF ENTRY OF ORDER**

15 PILAR ENRIQUE ARBALLO-OLIVAS,  
16 individually; DOES I through V, inclusive; and  
17 ROE CORPORATIONS I through V,  
18 inclusive,

Defendants.

19 PLEASE TAKE NOTICE that the above-entitled court entered an Order Granting  
20 Plaintiff's Motion to Strike Defendant's Trial De Novo.  
21

22 A copy of the Order is attached.

23 Dated this 12th day of October, 2021

**THE702FIRM INJURY ATTORNEYS**

/s/Mark Rouse

25 MARK A. ROUSE, ESQ. (12273)  
26 *Attorneys for Plaintiff*  
27  
28

**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b) and NEFCR 9, I hereby certify that I am an employee of  
THE702FIRM INJURY ATTORNEYS, and that on this **12th day of October, 2021**, I served a  
copy of the foregoing **NOTICE OF ENTRY OF ORDER** to all registered users pursuant to  
NEFCR 9 via the Court's Electronic Service System.

Storm Legal Group  
3057 E. Warm Springs Road, Ste 400  
Las Vegas, NV 89120  
*Attorneys for Defendant*

/s/Tammy Harless

THE702FIRM INJURY ATTORNEYS

**ORDR**

BRADLEY J. MYERS, ESQ. (8857)  
MICHAEL C. KANE, ESQ. (10096)  
BRANDON A. BORN, ESQ. (15181)  
**THE702FIRM INJURY ATTORNEYS**  
400 South 7<sup>th</sup> Street, #400  
Las Vegas, Nevada 89101  
Telephone: (702) 776-3333  
Facsimile: (702) 505-9787  
E-Mail: [service@the702firm.com](mailto:service@the702firm.com)  
*Attorneys for Plaintiff*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

AMY MARIE AINSWORTH,

Plaintiff,

vs.

PILAR ENRIQUE ARBALLO-OLIVAS,  
individually; DOES I through V, inclusive; and ROE  
CORPORATIONS I through V, inclusive,

Defendants.

Case No. : A-20-813843-C

Dept. No.: 11

**ORDER GRANTING PLAINTIFF'S MOTION TO STRIKE  
DEFENDANT'S TRIAL DE NOVO**

Plaintiff's Motion to Strike the Defendant's Trial De Novo, filed on August 13, 2021, came on for hearing on September 14, 2021, before the Honorable Kathy Hardcastle ~~Elizabeth Gonzalez~~. Brandon A. Born, Esq. of the THE702FIRM appeared for and on behalf of Plaintiff AMY MARIE AINSWORTH. Defendant PILAR ENRIQUE ARBALLO-OLIVAS did not have counsel present at the hearing.

The Court having considered the papers and pleadings on file herein, hereby finds and orders as follows:

**I. FINDINGS OF FACT**

1) On April 17, 2020, Plaintiff filed a complaint against Defendant for negligence. The case was then placed into the Mandatory Court-annexed Arbitration Program. Martina

1 Shindelus, Esq. was appointed arbitrator on November 3, 2020.

2 2) On December 17, 2020, Plaintiff propounded interrogatories, requests for  
3 admission, and requests for production of documents to Defendant.

4 3) Defendant failed to provide responses to Plaintiff's interrogatories and requests for  
5 admission and Defendant's responses to requests for production of documents were authored by  
6 Defendant's counsel.

8 4) Defendant failed to appear at his properly noticed deposition on February 4, 2021.

9 5) Further, Defendant's counsel stated on the record of Defendant's February 4, 2021  
10 non-appearance that they were unable to locate Defendant and that Defendant was likely unaware  
11 of the deposition.

12 6) That, on May 18, 2021, Plaintiff filed her Motion for Summary Judgment based  
13 upon Defendant's failure to respond to Plaintiff's requests for admission.

14 7) That, on June 30, 2021, Plaintiff's Motion for Summary Judgment came on for  
15 hearing before the Honorable Crystal Eller and was granted in part on the issues of duty, breach,  
16 and causation.

17 8) That the Plaintiff was unable to elicit any testimony subject to cross-examination  
18 from Defendant during the arbitration proceedings because Defendant then failed to attend the  
19 arbitration hearing.

20 9) Arbitration in this matter convened on July 6, 2021, resulting in an award in favor  
21 of the Plaintiff in the amount of \$35,421.

22 10) On July 12, 2021, Plaintiff filed an Application for Attorney's Fees, Costs, and  
23 Prejudgment Interest. Defendant failed to timely oppose Plaintiff's Motion for Attorney's Fees  
24 and Costs.

25 11) On July 28, 2021, the Arbitrator granted Plaintiff fees in the amount of \$3,000.00,  
26 costs in the amount of \$1,407.89, and interest in the amount of \$1,966.59.

12) On August 10, 2021, Defendant filed a Request for a trial De Novo.

13) On August 13, 2021, Plaintiff filed a Motion to Strike Defendant's Trial De Novo.

14) Defendant filed an Opposition to Plaintiff's motion on August 27, 2021.

15) Plaintiff filed a reply in support of her Motion to Strike Defendant's Trial De Novo on September 4, 2021.

## II. CONCLUSIONS OF LAW

16) The Nevada Constitution provides litigant with the right to jury trial in civil proceedings, but states that the parties may waive that right "in all civil cases in the manner to be prescribed by law." Nev. Const. art. 1, § 3. One such method is the waiver provided in Nevada Arbitration Rule ("NAR") 22.

17) NAR 22 provides that "the failure of a party or an attorney to either prosecute or defend a case in good faith during the arbitration proceedings shall constitute a waiver of the right to trial de novo."

18) For the purposes of NAR 22, the Nevada Supreme Court has equated good faith with meaningful participation. *Gittings v. Hartz*, 116 Nev. 386, 390 (2000).

19) The important constitutional right to a jury trial is not waived simply because individuals disagree over the most effective way to represent a client at an arbitration proceeding. *Gittings*, 116 Nev. 1t 391.

20) The Court finds that this case is not a situation where Plaintiff merely disagrees with how the Defendant's counsel chose to represent the Defendant. Defendant's failure to answer written discovery, failure to appear for his properly noticed deposition, and failure to attend the arbitration hearing made it impossible for Plaintiff to examine Defendant and did not amount to good faith participation in the arbitration process.

21) Therefore, the Court finds that Striking the Defendant's Trial De Novo and entering the Arbitration Award as final judgment in this matter is well within the Court's authority and

1 supported by NAR 22.

2 **ORDER**

3 ***A-20-813843-C***

4 The COURT hereby ORDERS, ADJUDGES, AND DECREES that Plaintiff's Motion to  
5 Strike Defendant's Trial De Novo is GRANTED for the aforementioned reasons.  
6

7  
8 Dated this 1st day of October, 2021

9 

10 

---

DISTRICT COURT JUDGE

11 **AAB 051 DBFA 2A2A**  
12 **Mark Gibbons**  
13 **District Court Judge**

14 Submitted by:

15 **THE702FIRM INJURY ATTORNEYS**

16 

17 **MICHAEL C. KANE, ESQ. (10096)**  
18 **BRADLEY J. MYERS, ESQ. (8857)**  
19 **BRANDON A. BORN, ESQ. (15181)**  
20 **400 S. 7<sup>th</sup> Street, Suite 400**  
**Las Vegas, Nevada 89101**  
21 *Attorneys for Plaintiff*

22 Approved as to form and content:  
23 **DESERT RIDGE LEGAL GROUP**

24 **No Response from Mr. Laramore (e-mails attached)**

25 

---

**THOMAS A. LARMORE, ESQ. (7415)**  
26 **3037 East Warm Springs Road, Suite 300**  
**Las Vegas, Nevada 89120**  
27 *Attorneys for Defendant*

28

**From:** [Tammy Harless](#)  
**To:** [Luz Macias](#); [tlarmore@keyinsco.com](mailto:tlarmore@keyinsco.com)  
**Cc:** [Brandon Born](#); [Mark Rouse](#)  
**Subject:** RE: Ainsworth v Arballo-Olivas - ORDER Granting Plaintiff's Motion to Strike Trial DeNovo  
**Date:** Thursday, September 23, 2021 4:35:00 PM  
**Attachments:** [image001.png](#)  
**Importance:** High

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Mr. Larmore,

I am following up for a third time regarding the draft order granting plaintiff's motion to strike trial denovo. We will be submitting to the court for approval on Friday 9/24/21.

Tammy J. Harless  
Paralegal to Mark A. Rouse, Esq.  
THE702FIRM Injury Attorneys  
400 S. 7<sup>th</sup> St. Fourth Floor  
Las Vegas, NV 89101  
Tel: 702-776-3333 (Option #1)  
Fax: 702-505-9787  
[tammy@the702firm.com](mailto:tammy@the702firm.com)  
[www.the702firm.com](http://www.the702firm.com)  
\*KANE, TEMPLE & MYERS, PLLC (Phoenix, Arizona)



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---

**From:** Tammy Harless  
**Sent:** Monday, September 20, 2021 2:08 PM  
**To:** Luz Macias <[LMacias@keyinsco.com](mailto:LMacias@keyinsco.com)>; [tlarmore@keyinsco.com](mailto:tlarmore@keyinsco.com)  
**Cc:** Brandon Born <[Brandon@the702firm.com](mailto:Brandon@the702firm.com)>  
**Subject:** RE: Ainsworth v Arballo-Olivas - ORDER Granting Plaintiff's Motion to Strike Trial DeNovo  
**Importance:** High

Mr. Larmore,

Did you have a chance to review the Order Granting Plaintiff's Motion to Strike Trial DeNovo?

Tammy J. Harless  
Paralegal to Mark A. Rouse, Esq.  
THE702FIRM Injury Attorneys  
400 S. 7<sup>th</sup> St. Fourth Floor  
Las Vegas, NV 89101  
Tel: 702-776-3333 (Option #1)  
Fax: 702-505-9787

[tammy@the702firm.com](mailto:tammy@the702firm.com)

[www.the702firm.com](http://www.the702firm.com)

\*KANE, TEMPLE & MYERS, PLLC (Phoenix, Arizona)



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---

**From:** Tammy Harless

**Sent:** Tuesday, September 14, 2021 1:59 PM

**To:** Luz Macias <[LMacias@keyinsco.com](mailto:LMacias@keyinsco.com)>; [tlarmore@keyinsco.com](mailto:tlarmore@keyinsco.com)

**Cc:** Brandon Born <[Brandon@the702firm.com](mailto:Brandon@the702firm.com)>

**Subject:** Ainsworth v Arballo-Olivas - ORDER Granting Plaintiff's Motion to Strike Trial DeNovo

**Importance:** High

Good afternoon,

Attached is the Order Granting Plaintiff's Motion to Strike Trial DeNovo.

If no changes are needed, please reply confirming we have permission to affix Mr. Larmore's e-signature.

Sincerely,

Tammy J. Harless  
Paralegal to Mark A. Rouse, Esq.  
THE702FIRM Injury Attorneys  
400 S. 7<sup>th</sup> St. Fourth Floor  
Las Vegas, NV 89101  
Tel: 702-776-3333 (Option #1)



Fax: 702-505-9787

[tammy@the702firm.com](mailto:tammy@the702firm.com)

[www.the702firm.com](http://www.the702firm.com)

\*KANE, TEMPLE & MYERS, PLLC (Phoenix, Arizona)



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1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

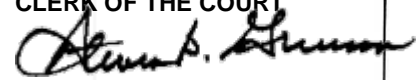
4  
5  
6 Amy Ainsworth, Plaintiff(s) CASE NO: A-20-813843-C  
7 vs. DEPT. NO. Department 11  
8 Pilar Arballo-Olivas,  
9 Defendant(s)

10  
11 **AUTOMATED CERTIFICATE OF SERVICE**

12 This automated certificate of service was generated by the Eighth Judicial District  
13 Court. The foregoing Order was served via the court's electronic eFile system to all  
recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 10/1/2021

15 Mark Rouse mark@the702firm.com  
16 Tammy Harless tammy@the702firm.com  
17 John Jimenez jjimenez@adamskutner.com  
18 Venessa Patino vpatino@adamskutner.com  
19 Martina Shindelus MARTINA\_SHINDELUS@progressive.com  
20 Leslie Salas lsalas@keyinsco.com  
21 Service 702 service@the702firm.com  
22 Jeri Roth jlroth@keyinsco.com  
23 Thomas Larmore tlarmore@keyinsco.com  
24 Vianey Lazalde Vianey@the702firm.com  
25 Luz Macias lmacias@keyinsco.com  
26  
27  
28



1 **COMP**

2 **ADAM S. KUTNER, P.C.**

3 **ADAM S. KUTNER, ESQ.**

4 Nevada Bar No. 004310

5 1137 South Rancho Drive, Suite 150-A

6 Las Vegas, Nevada 89102

7 (702) 382-0000

8 Attorneys for Plaintiff

CASE NO: A-20-813843-C

Department 2

9 **DISTRICT COURT**

10 **CLARK COUNTY, NEVADA**

11 AMY MARIE AINSWORTH,  
12 individually,

Plaintiff,

13 vs.

14 PILAR ENRIQUE ARBALLO-OLIVAS,  
15 individually, DOES I through V, inclusive,  
16 and ROE CORPORATIONS  
I through V, inclusive,

Defendant.

CASE NO.:

DEPT NO.:

**COMPLAINT**

17 COMES NOW, Plaintiff, AMY MARIE AINSWORTH, by and through her attorney,  
18 ADAM S. KUTNER, ESQ., of the law offices of ADAM S. KUTNER, P.C., and for her causes of  
19

20 **FIRST CAUSE OF ACTION**

21 **NEGLIGENCE**

22 I.

23 That Plaintiff, AMY MARIE AINSWORTH, is and at all times mentioned herein, was a  
24 resident of Clark County, State of Nevada.  
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1 II.

2 That Defendant PILAR ENRIQUE ARBALLO-OLIVAS, based upon information and belief,  
3 is and at all times mentioned herein, was a resident of Clark County, State of Nevada.  
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5 III.

6 That at all times relevant herein, Defendants designated as DOES I through V and ROE  
7 CORPORATIONS I through V, in their true capacities, whether individual, corporate, associate or  
8 otherwise of the Defendants named herein are unknown to Plaintiff who, therefore, sues said  
9 Defendants by said fictitious names; Plaintiff is informed and believes and thereon alleges that each  
10 of the Defendants designated as a DOES I through V and ROE CORPORATIONS I through V are  
11 responsible in some manner for the events and happenings referred to herein, and caused damages  
12 proximately to Plaintiff as herein alleged, and Plaintiff will ask leave of this court to amend this  
13 Complaint to insert the true names and capacities of DOES I through V and ROE CORPORATIONS  
14 I through V, when the same have been ascertained and to join such Defendants in this action.  
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17 IV.

18 On or about April 22, 2018 Plaintiff AMY MARIE AINSWORTH was the properly  
19 restrained driver of a 2009 Dodge Ram, traveling eastbound on Charleston Boulevard, at its  
20 intersection with Lamb Boulevard in Clark County, Nevada. At that same time and place,  
21 Defendant PILAR ENRIQUE ARBALLO-OLIVAS was driving his 2001 Ford F-150, traveling  
22 westbound on Charleston Boulevard approaching the intersection of Lamb Boulevard, failing to use  
23 due care, failing to observe vehicles in lawful possession of the intersection, disregarding a traffic  
24 control device, entering the intersection on a red traffic signal, causing the front of Defendant's  
25 vehicle to impact the left rear side of non-involved party Jimmy Lee Prices' 2000 Kia Sportage. This  
26 in turn pushed the left rear of Jimmy's vehicle into non-involved party William Aparicio-Morales'  
27  
28

1 2013 Nissan Rouge and ultimately propelled the front of Williams' vehicle to impact with the front  
2 left tire of Plaintiff's vehicle. Plaintiff AMY MARIE AINSWORTH sustained substantive injuries  
3 as a result of this collision.  
4

5 V.

6 Defendant was operating the vehicle in a negligent, careless, reckless and wanton manner  
7 causing a collision between the vehicles. That by reason of the Defendant's negligent acts and as  
8 a direct and proximate result thereof, Plaintiff sustained great pain of body and mind, and mental  
9 stress and anxiety, all or some of which conditions may be permanent and disabling in nature, all to  
10 Plaintiff's damage in an amount in excess of Fifteen Thousand Dollars and No Cents (\$15,000.00).  
11

12 VI.

13 That by reason of the Defendant's negligent acts and as a direct and proximate result thereof,  
14 Plaintiff has incurred expenses for medical care and treatment and expenses incidental thereto, all  
15 to Plaintiff's damage, the present amount of which is unknown; such expenses will continue in the  
16 future, all to Plaintiff's damage in a presently unascertainable amount. In this regard, Plaintiff prays  
17 for leave of Court to insert all said damages herein when the same have been fully ascertained.  
18

19 VII.

20 That by reason of the Defendant's negligent acts and as a direct and proximate result thereof,  
21 Plaintiff, who was a well and able-bodied individual; as a direct and proximate result of the  
22 negligence, carelessness, recklessness and wantonness of said Defendants, and each of them, has  
23 been absent from employment which has resulted in a loss of earning capacity, all to Plaintiff's  
24 damage in an amount in unknown at the present time. When the amount of said damages is  
25 ascertained, Plaintiff will make known said damages to this Court and all Defendants.  
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VIII.

That by reason of the Defendant's negligent acts and as a direct and proximate result thereof, Plaintiff's vehicle was wrecked and damaged; said Plaintiff also lost the use of said vehicle during the time in which the same was repaired, and incurred rental expenses, all to Plaintiff's damage in a sum unknown at the present time, but when the same is ascertained, Plaintiff will seek leave of the Court to amend this Complaint accordingly to show such damages.

IX.

That as a further direct and proximate result of the negligence and carelessness of Defendant, Plaintiff has been caused to retain ADAM S. KUTNER, ESQ., in order to prosecute this matter and is entitled to reasonable attorney's fees and costs of suit herein.

**WHEREFORE**, Plaintiff AMY MARIE AINSWORTH, reserving the right to amend this Complaint at the time of trial to include all items of damages not yet ascertained, prays for judgment against the Defendants, and each of them, as follows:

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1 **FIRST CAUSE OF ACTION:**

- 2 1. For general damages in excess of Fifteen Thousand Dollars and No Cents  
3 (\$15,000.00);  
4  
5 2. For special damages in excess of Fifteen Thousand Dollars and No Cents  
6 (\$15,000.00);  
7  
8 3. For reasonable attorney's fees and costs of suit herein; and  
9  
10 4. For such other and further relief as the Court deems proper.

11 DATED: April 17, 2020

12 ADAM S. KUTNER, P.C.

13  #13447

14 ADAM S. KUTNER, ESQ.  
15 Nevada Bar No. 004310  
16 1137 South Rancho Drive, Suite 150-A  
17 Las Vegas, Nevada 89102  
18 Attorney for Plaintiff  
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