

IN THE SUPREME COURT OF THE STATE OF NEVADA

AARON MORGAN, INDIVIDUALLY,

Appellant,

vs.

DAVID E. LUJAN, INDIVIDUALLY;
AND HARVEST MANAGEMENT
SUB LLC, A FOREIGN LIMITED-
LIABILITY COMPANY,

Respondents.

No. 77753

Electronically Filed
Jan 31 2019 09:12 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**DOCKETING STATEMENT
CIVIL APPEALS**

GENERAL INFORMATION

All appellants not in proper person must complete this docketing statement. NRAP 14(a). The purpose of the docketing statement is to assist the Court in screening jurisdiction, classifying cases for en banc, panel, or expedited treatment, compiling statistical information and identifying parties and their counsel.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 26 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. *See KDI Sylvan Pools v. Workman*, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District Eighth Department XI
County Clark Judge Honorable Elizabeth Gonzalez
District Ct. Case No. A-15-718679-C

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

Attorney Micah S. Echols, Esq. and Thomas W. Stewart, Esq.
Telephone 702-382-0711
Firm Marquis Aurbach Coffing
Address 10001 Park Run Drive, Las Vegas, NV 89145

Attorney Benjamin P. Cloward, Esq. and Bryan A. Boyack, Esq.
Telephone 702-444-4444
Firm Richard Harris Law Firm
Address 801 South Fourth Street, Las Vegas, NV 89101

Client Aaron M. Morgan

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

Attorney Douglas J. Gardner, Esq.
Telephone 702-940-2222
Firm Rands, South & Gardner
Address 1055 Whitney Ranch Drive, Suite 220, Henderson, NV 89014
Client David E. Lujan

Attorney Dennis L. Kennedy, Esq.; Sarah E. Harmon, Esq.; Joshua P. Gilmore, Esq.; and Andrea M. Champion, Esq.
Telephone 702-562-8820
Firm Bailey Kennedy
Address 8984 Spanish Ridge Ave., Las Vegas, NV 89148
Client Harvest Management Sub LLC

4. **Nature of disposition below (check all that apply):**

- | | |
|---|---|
| <input type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal |
| <input checked="" type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of Jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify) |
| <input type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input checked="" type="checkbox"/> Other disposition (specify) |

- November 28, 2018 Order on Plaintiffs' Motion for Entry of Judgment (**Exhibit 3**).
- December 17, 2018 Judgment Upon the Jury Verdict (**Exhibit 4**).

5. **Does this appeal raise issues concerning any of the following:** N/A.

- ☐ Child Custody
☐ Venue
☐ Termination of parental rights

6. **Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

This case has not been the subject of a prior appeal or writ proceeding before this Court.

7. **Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (*e.g.*, bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

Morgan v. Lujan and Harvest Management Sub LLC (Eighth Judicial District Court Case No. A-15-718679-C)—the judgment upon the jury verdict was filed on December 17, 2018. This is the underlying case leading to this appeal.

8. **Nature of the action.** Briefly describe the nature of the action and the result below:

This case arises from an April 1, 2014 motor vehicle crash and the injuries sustained by Plaintiff, Aaron Morgan ("Morgan") in that crash. In his complaint, Morgan alleged three causes of action: (1) negligence against

Defendant, David E. Lujan (“Lujan”); (2) negligence per se against Lujan; and (3) vicarious liability/respondeat superior against Defendant, Harvest Management Sub LLC (“Harvest Management”). (**Exhibit 1**). The Defendants jointly answered the complaint and were jointly represented by the same counsel through both trials.

The case initially proceeded to trial in November, 2017. However, on the third day of the initial trial, the District Court declared a mistrial based on Defendants’ counsel’s misconduct. Following the mistrial, the case proceeded to a second trial in April, 2018. Throughout the litigation, all parties were aware that claims for damages were being pursued against both Defendants. Morgan’s claim for vicarious liability was not contested during trial. Harvest Management’s NRC 30(b)(6) witness contested primary liability, but never contested Harvest Management’s vicarious liability.

On the final day of trial, the District Court (Judge Linda Bell) sua sponte created a special verdict form that inadvertently included Lujan as the only Defendant in the caption. The District Court informed the parties of this omission, and the Defendants agreed they had no objection. Jury instructions were provided to the jury with the proper caption. The jury used those instructions to fill out the improperly-captioned special verdict form and render judgment in favor of Plaintiff—the jury found Defendants to be negligent and 100% at fault for the accident. As a result, the jury awarded Plaintiff \$2,980,000.

Following trial, Morgan moved the District Court (Judge Elizabeth Gonzalez) to enter its proposed judgment against both Defendants or to make an explicit finding that the omission of Harvest Management from the special verdict was inadvertent and to render judgment in favor of Morgan against both Defendants, jointly and severally. (**Exhibit 2**). The District Court denied Morgan’s motion, leaving the judgment only as to Lujan due to the improperly-captioned special verdict form. The order denying Morgan’s motion was filed on November 28, 2018, and the judgment upon jury verdict was filed on December 17, 2018. (**Exhibits 3 and 4**).

Due to the District Court’s interlocutory order on his motion for entry of judgment, Morgan has appealed from the judgment on jury verdict, but seeks review of the interlocutory order denying his motion for entry of judgment.

9. **Issues on appeal.** State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

- (1) Whether Judge Elizabeth Gonzalez should have transferred the case back to Judge Linda Bell for purposes of determining what happened at trial.
- (2) Whether the evidence presented at trial demonstrates that the jury's verdict is against both Lujan and Harvest Management.
- (3) Whether the District Court should have, alternatively, made a finding that the jury's verdict is against both Lujan and Harvest Management.

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

Morgan is not aware of any pending case raising the same or similar issues.

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

☒ N/A

☐ Yes

☐ No

If not, explain:

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

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

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

☒ A substantial issue of first impression

☐ An issue of public policy

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

☐ A ballot question

If so, explain: This case asks the Court to enforce the plain language of NRCP 49(a):

The court shall give to the jury such explanation and instruction concerning the matter thus submitted as may be necessary to enable

the jury to make its findings upon each issue. If in so doing the court omits any issue of fact raised by the pleadings or by the evidence, each party waives the right to a trial by jury of the issue so omitted unless before the jury retires the party demands its submission to the jury. As to an issue omitted without such demand the court may make a finding; or, if it fails to do so, it shall be deemed to have made a finding in accord with the judgment on the special verdict.

Morgan is not aware of any Nevada case law construing these provisions.

13. **Assignment to the Supreme Court of Appeals or retention in the Supreme Court.** Briefly set forth 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:

This case should be retained by the Supreme Court. The jury's verdict exceeds the \$250,000 threshold in a tort case, as outlined by NRAP 17(b)(5). As outlined in response to Question 12, this case also presents at least one issue of first impression, which is also of statewide importance. Thus, NRAP 17(a)(10) and (11) also support the Supreme Court retaining this appeal.

14. **Trial.** If this action proceeded to trial, how many days did the trial last?

The initial trial in November 2017 lasted 3 days before being declared a mistrial. The second trial in April 2018 lasted 6 days.

Was it a bench or jury trial? Jury.

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

N/A.

TIMELINESS OF NOTICE OF APPEAL

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

The Order on Plaintiffs' Motion for Entry of Judgment was filed on November 28, 2018. (**Exhibit 3**).

The Judgment Upon the Jury Verdict was filed on December 17, 2018. (**Exhibit 4**).

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

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

The Notice of Entry of the Order on Plaintiffs' Motion for Entry of Judgment was filed on November 28, 2018. (**Exhibit 3**).

The Notice of Entry of the Judgment Upon the Jury Verdict was filed on January 2, 2018. (**Exhibit 4**).

Was service by:

☐ Delivery

☒ Mail/electronic/fax

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

N/A.

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

☐ NRCP 50(b) Date of filing

☐ NRCP 52(b) Date of filing

☐ NRCP 59 Date of filing

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration 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

☐ Mail

19. **Date notice of appeal filed:** December 18, 2018.

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

NRAP 4(a).

SUBSTANTIVE APPEALABILITY

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

(a)

☒ NRAP 3A(b)(1)

☐ NRS 38.205

☐ NRAP 3A(b)(2)

☐ NRS 233B.150

☐ NRAP 3A(b)(3)

☐ NRS 703.376

☐ Other (specify)

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

NRAP 3A(b)(1) provides for an appeal of a final judgment.

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

(a) Parties:

Plaintiff: Aaron Morgan

Defendants: David E. Lujan and Harvest Management Sub LLC

(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:

N/A.

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

In his complaint, Morgan alleged three causes of action: (1) negligence against Defendant, David E. Lujan ("Lujan"); (2) negligence per se against Lujan; and (3) vicarious liability/ respondeat superior against Defendant, Harvest Management Sub LLC ("Harvest Management"). (**Exhibit 1**). Throughout the litigation, all parties were aware that claims for damages were being pursued against both Defendants. Morgan's claim for vicarious liability was not contested during trial. Harvest Management's NRCP 30(b)(6) witness contested primary liability, but never contested Harvest Management's vicarious liability.

On the final day of trial, the District Court (Judge Linda Bell) sua sponte created a special verdict form that inadvertently included Lujan as the only Defendant in the caption. The District Court informed the parties of this omission, and the Defendants agreed they had no objection. Jury instructions were provided to the jury with the proper caption. The jury used those instructions to fill out the improperly-captioned special verdict form and render judgment in favor of Plaintiff—the jury found Defendants to be negligent and 100% at fault for the accident. As a result, the jury awarded Plaintiff \$2,980,000.

Following trial, Morgan moved the District Court (Judge Elizabeth Gonzalez) to enter its proposed judgment against both Defendants or to make an explicit finding that the omission of Harvest Management from the special verdict was inadvertent and to render judgment in favor of Morgan against both Defendants, jointly and severally. (**Exhibit 2**). The District Court denied Morgan's motion, leaving the judgment only as to Lujan due to the improperly captioned special verdict form. The order denying Morgan's motion was filed on November 28, 2018, and the judgment upon jury verdict was filed on December 17, 2018. (**Exhibits 3 and 4**).

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?

☒ Yes

☐ No

25. If you answered “No” to question 24, complete the following:

(a) Specify the claims remaining pending below:

(b) Specify the parties remaining below:

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

☐ Yes

☐ No

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

☐ Yes

☐ No

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

N/A.

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

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

Exhibit	Document Description
1	Complaint (05/20/15)
2	Motion for Entry of Judgment Without Exhibits (filed 07/30/18)

Exhibit	Document Description
3	Notice of Entry with Order on Plaintiffs' Motion for Entry of Judgment (filed 11/28/18)
4	Notice of Entry with Judgment Upon the Jury Verdict (filed 01/02/19)

VERIFICATION

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

Aaron Morgan

Name of appellant

Micah S. Echols, Esq.; Thomas W. Stewart, Esq.; Benjamin P. Cloward, Esq.; and Bryan A. Boyack, Esq.

Name of counsel of record

January 30, 2019

Date

/s/ Micah S. Echols

Signature of counsel of record

Clark County, Nevada

State and county where signed

CERTIFICATE OF SERVICE

I certify that on the 30th day of January, 2018, I served a copy of this completed docketing statement upon all counsel of record:

☒ By electronic service according to the Master Service List:

Douglas Gardner
Joshua Gilmore
Andrea Champion
Dennis Kennedy
Sarah Harmon

☒ By mailing it by first class mail with sufficient postage prepaid to the following address(es):

Ara H. Shirinian, Esq.
10651 Capesthorpe Way
Las Vegas, NV 89135
Settlement Judge

Dated this 30th day of January, 2018.

/s/ Leah Dell

Signature

Exhibit 1

DISTRICT COURT CIVIL COVER SHEET

A-15-718679-C

County, Nevada

Case No.

VII

(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):

Aaron M. Morgan

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

David E. Lujan; Harvest Management Sub LLC.

Attorney (name/address/phone):

Adam W. Williams

Richard Harris Law Firm

801 S. 4th Street

Las Vegas, Nevada 89101

Attorney (name/address/phone):

II. Nature of Controversy (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input checked="" type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

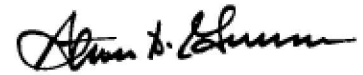
Business Court filings should be filed using the Business Court civil coversheet.

5/20/15

Date

Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

COMP
ADAM W. WILLIAMS, ESQ.
Nevada Bar No. 13617
RICHARD HARRIS LAW FIRM
801 South Fourth St.
Las Vegas, NV 89101
Tel. (702) 444-4444
Fax (702) 444-4455
Email Adam.Williams@richardharrislaw.com
Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

AARON M. MORGAN, individually

Plaintiff,

vs.

DAVID E. LUJAN, individually; HARVEST
MANAGEMENT SUB LLC; a Foreign Limited-
Liability Company; DOES 1 through 20; ROE
BUSINESS ENTITIES 1 through 20, inclusive
jointly and severally,

Defendants.

CASE NO.: A-15-718679-C
DEPT. NO.: VII

COMPLAINT

COMES NOW, Plaintiff AARON M. MORGAN, individually, by and through his attorney of record ADAM W. WILLIAMS, ESQ. of the RICHARD HARRIS LAW FIRM, and complains and alleges as follows:

JURISDICTION

1. That at all times relevant herein, Plaintiff AARON M. MORGAN (hereinafter referred to as "Plaintiff") is, a resident of Clark County, Nevada.
2. That at all times relevant herein, Defendant, DAVID E. LUJAN was, and is, a resident of Clark County, Nevada.

3. That at all times relevant herein, Defendant, HARVEST MANAGEMENT SUB LLC, was, and is, a foreign limited-liability Company licensed and actively conducting business in Clark County, Nevada
4. All the facts and circumstances that gave rise to the subject lawsuit occurred in Clark County, Nevada.
5. The identities of Defendant DOES 1 through 20, and ROE BUSINESS ENTITIES 1 through 20, are unknown at this time and are individuals, corporations, associations, partnerships, subsidiaries, holding companies, owners, predecessor or successor entities, joint venturers, parent corporations or related business entities of Defendants, inclusive, who were acting on behalf of or in concert with, or at the direction of Defendants and are responsible for the injurious activities of the other Defendants.
6. Plaintiff alleges that each named and Doe and Roe Defendant negligently, willfully, intentionally, recklessly, vicariously, or otherwise, caused, directed, allowed or set in motion the injurious events set forth herein.
7. Each named and Doe and Roe Defendant is legally responsible for the events and happenings stated in this Complaint, and thus proximately caused injury and damages to Plaintiff.
8. Plaintiff requests leave of the Court to amend this Complaint to specify the Doe and Roe Defendants when their identities become known.
9. On or about April 1, 2014, Defendants, were the owners, employers, family members and/or operators of a motor vehicle, while in the course and scope of employment and/or family purpose and/or other purpose, which was entrusted and/or driven in such a negligent and careless manner so as to cause a collision with the vehicle occupied by Plaintiff.

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FIRST CAUSE OF ACTION

Negligence Against Employee Defendant, DAVID E. LUJAN

10. Plaintiff incorporates paragraphs 1 through 9 of the Complaint as though said paragraphs were fully set forth herein.
11. Defendant DAVID E. LUJAN owed Plaintiff a duty of care. Defendant DAVID E. LUJAN breached that duty of care.
12. As a direct and proximate result of the negligence of Defendant, Plaintiff was seriously injured and caused to suffer great pain of body and mind, some of which conditions are permanent and disabling all to her general damage in an amount in excess of \$10,000.00.

SECOND CAUSE OF ACTION

Negligence Per Se Against Employee Defendant, DAVID E. LUJAN

13. Plaintiff incorporates paragraphs 1 through 12 of the Complaint as though said paragraphs were fully set forth herein.
14. The acts of Defendant DAVID E. LUJAN as described herein violated the traffic laws of the State of Nevada and Clark County, constituting negligence per se, and Plaintiff has been damaged as a direct and proximate result thereof in an amount in excess of \$10,000.00.

THIRD CAUSE OF ACTION

**Vicarious Liability/Respondeat Superior Against Defendant
HARVEST MANAGEMENT SUB LLC.**

15. Plaintiff incorporates paragraphs 1 through 14 of the Complaint as though said paragraphs were fully set forth herein.
16. Plaintiff is informed and believes that DAVID E. LUJAN was employed as a driver for Defendant HARVEST MANAGEMENT SUB LLC.
17. At all times mentioned herein, Defendant HARVEST MANAGEMENT SUB LLC. was the owner of, or had custody and control of, the Vehicle.
18. That Defendant HARVEST MANAGEMENT SUB LLC. did entrust the Vehicle to the control of Defendant DAVID E. LUJAN.

- 1 19. That Defendant DAVID E. LUJAN was incompetent, inexperienced, or reckless in
- 2 the operation of the Vehicle.
- 3 20. That Defendant HARVEST MANAGEMENT SUB LLC. actually knew, or by the
- 4 exercise of reasonable care should have known, that Defendant DAVID E. LUJAN
- 5 was incompetent, inexperienced, or reckless in the operation of motor vehicles.
- 6 21. That Plaintiff was injured as a proximate consequence of the negligence and
- 7 incompetence of Defendant DAVID E. LUJAN, concurring with the negligent
- 8 entrustment of the Vehicle by Defendant HARVEST MANAGEMENT SUB LLC..
- 9 22. That as a direct and proximate cause of the negligent entrustment of the Vehicle by
- 10 Defendant HARVEST MANAGEMENT SUB LLC. to Defendant DAVID E.
- 11 LUJAN, Plaintiff has been damaged in an amount in excess of \$10,000.00.


12 **PRAYER FOR RELIEF**

13 WHEREFORE, Plaintiff prays for relief and judgment against Defendants as follows:

- 14 1. General damages in an amount in excess of \$10,000.00;
- 15 2. Special damages for medical and incidental expenses incurred and to be incurred;
- 16 3. Special damages for lost earnings and earning capacity;
- 17 4. Attorney's fees and costs off suit incurred herein; and
- 18 5. For such other and further relief as the Court may deem just and proper.
- 19

20 DATED this 20 day of May, 2015.

RICHARD HARRIS LAW FIRM

21
22
23 
24 ADAM W. WILLIAMS, ESQ.
25 Nevada Bar No. 13617
26 801 S. Fourth Street
27 Las Vegas, Nevada 89101
28 *Attorneys for Plaintiff*

IAFD

ADAM W. WILLIAMS, ESQ.

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Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

AARON M. MORGAN, individually

Plaintiff,

vs.

DAVID E. LUJAN, individually; HARVEST
MANAGEMENT SUB LLC; a Foreign Limited-
Liability Company; DOES 1 through 20; ROE
BUSINESS ENTITIES 1 through 20, inclusive
jointly and severally,

Defendants.

CASE NO.:

DEPT. NO.:

**INITIAL APPEARANCE FEE
DISCLOSURE**

Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted for parties appearing in the above entitled action as indicated below:

AARON M. MORGAN


\$270.00

TOTAL REMITTED:

\$270.00

DATED this 20 day of May, 2015.

RICHARD HARRIS LAW FIRM


ADAM W. WILLIAMS

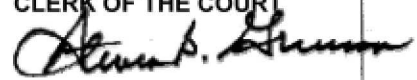
Nevada Bar No. 13617

801 S. Fourth Street

Las Vegas, Nevada 89101

Attorneys for Plaintiff

Exhibit 2

**Richard Harris Law Firm**

Benjamin P. Cloward, Esq.
Nevada Bar No. 11087
Bryan A. Boyack, Esq.
Nevada Bar No. 9980
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Marquis Aurbach Coffing

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mechols@maclaw.com
tstewart@maclaw.com

*Attorneys for Plaintiff, Aaron M. Morgan***DISTRICT COURT****CLARK COUNTY, NEVADA**

AARON M. MORGAN, individually,

Plaintiff,

vs.

DAVID E. LUJAN, individually; HARVEST
MANAGEMENT SUB LLC; a Foreign Limited-
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BUSINESS ENTITIES 1 through 20, inclusive
jointly and severally,

Defendants.

Case No.: A-15-718679-C

Dept. No.: XI

PLAINTIFF'S MOTION FOR ENTRY OF JUDGMENT

Plaintiff, Aaron M. Morgan, in this matter, by and through his attorneys of record,
Benjamin P. Cloward, Esq. and Bryan A. Boyack, Esq., of the Richard Harris Law Firm, and
Micah S. Echols, Esq. and Tom W. Stewart, Esq., of Marquis Aurbach Coffing, hereby files
Plaintiff's Motion for Entry of Judgment. This motion is made and based on the papers and

1 pleadings on file herein, the attached memorandum of points and authorities, and the oral
2 argument before the Court.

3 **NOTICE OF MOTION**

4 You and each of you, will please take notice that **PLAINTIFF'S MOTION FOR**
5 **ENTRY OF JUDGMENT** will come on regularly for hearing on the
6 04 day of Sept., 2018 at the hour of 9:00 A.m. or as soon thereafter as
7 counsel may be heard, in Department 11 in the above-referenced Court.

8 Dated this day of July, 2018.

9
10 MARQUIS AURBACH COFFING

11 By _____
12 Micah S. Echols, Esq.
13 Nevada Bar No. 8437
14 Tom W. Stewart, Esq.
15 Nevada Bar No. 14280
16 10001 Park Run Drive
17 Las Vegas, Nevada 89145
18 *Attorneys for Plaintiff, Aaron M. Morgan*

19 **MEMORANDUM OF POINTS AND AUTHORITIES**

20 **I. INTRODUCTION**

21 On April 9, 2018, a Clark County jury rendered judgment in favor of Plaintiff, Aaron
22 Morgan ("Morgan"), and against Defendants, David Lujan ("Lujan") and Harvest Management
23 Sub LLC ("Harvest Management"), in the amount of \$2,980,980.00, plus pre- and post-judgment
24 interest.¹ It was undisputed during trial that Lujan was acting within the course and scope of his
25 employment with Harvest Management at the time of the traffic accident at the center of the
26 case. All evidence and testimony indicated Morgan sought relief from, and that judgment would
27 be entered against, both Defendants. However, the special verdict form prepared by the Court
28 (the "special verdict form") inadvertently omitted Harvest Management from the caption, despite
Harvest Management being listed on the pleadings and jury instructions upon which the jury

¹ See Special Verdict, attached as **Exhibit 1**.

1 relied when reaching the verdict itself. The Court acknowledged this omission, and Defendants
2 conceded they had no objection to it. Accordingly, Morgan respectfully requests this Court enter
3 judgment against both Defendants, in accordance with the jury instructions, pleadings,
4 testimony, and evidence, either by (a) simply entering the proposed judgment attached hereto or,
5 (b) by making an explicit finding that the judgment was rendered against both Defendants
6 pursuant to NRCP 49(a) and then entering judgment accordingly.²

7 **II. FACTUAL BACKGROUND**

8 On April 1, 2014, Morgan was driving his Ford Mustang north on McLeod Drive in the
9 right lane. Morgan approached the intersection with Tompkins Avenue. At that time, Lujan,
10 who was driving a shuttle bus owned by Harvest Management, entered the intersection driving
11 east from the Paradise Park driveway, and attempted to cross McLeod Drive heading east on
12 Tompkins Avenue. The front of Morgan's car struck the side of Defendants' bus in a major
13 collision resulting in total loss of Morgan's vehicle and serious bodily injuries. Morgan was
14 transported from the scene of the accident to Sunrise Hospital. The emergency room physicians
15 focused on potential head trauma and injuries to the cervical spine and to Morgan's wrists.
16 Morgan was eventually discharged with instructions to follow up with a primary care physician.
17 A week later, Morgan sought treatment for pain in his neck, lower-back, and both wrists.

18 Over the next two years, Morgan underwent a series of treatments and procedures for his
19 injuries—including bilateral medial branch block injections to his thoracic spine; injections to
20 ease the pain from his bilateral triangular fibrocartilage tears; left wrist arthroscope and
21 triangular fibrocartilage tendon repair with debridement, incurring approximately nearly
22 \$264,281.00 in medical expenses.

23 **III. PROCEDURAL HISTORY**

24 On May 5, 2015, Morgan filed a complaint for negligence and negligence per se against
25 Lujan and vicarious liability against Harvest Management. In jointly answering the complaint,
26 both Defendants were represented by the same counsel and both named in the caption.

27
28 ² See proposed Judgment Upon the Jury Verdict, attached as **Exhibit 2**.

1 After a lengthy discovery period, the case initially proceeded to trial in early November,
2 2017. During the initial trial, Lujan testified that he was employed by Montara Meadows, a local
3 entity under the purview of Harvest Management:

4 [Morgan's counsel]: All right. Mr. Lujan, at the time of the accident in April of
5 2014, were you employed with Montara Meadows?

6 [Lujan]: Yes.

7 [Morgan's counsel]: And what was your employment?

8 [Lujan]: I was the bus driver.

9 [Morgan's counsel]: Okay. And what is your understanding of the relationship
10 of Montara Meadows to Harvest Management?

11 [Lujan]: Harvest Management was our corporate office.

12 [Morgan's counsel]: Okay.

13 [Lujan]: Montara Meadows is just the local --

14 [Morgan's counsel]: Okay. All right. And this accident happened April 1,
15 2014, correct?

16 [Lujan]: Yes, sir.³

17 However, on the third day of the initial trial, the Court declared a mistrial based on
18 Defendants' counsel's misconduct.⁴

19 Following the mistrial, the case proceeded to a second trial the following April.
20 Vicarious liability was not contested during trial. Instead, Harvest Management's
21 NRCP 30(b)(6) representative contested primary liability—the representative claimed that either
22 Morgan or an unknown third party was primarily responsible for the accident—but did not
23 contest Harvest Management's own vicarious liability.⁵

24 ³ Transcript of Jury Trial, November 8, 2017, attached as **Exhibit 3**, at 109 (direct examination
25 of Lujan).

26 ⁴ See **Exhibit 3** at 166 (the Court granting Plaintiff's motion for mistrial); see also Court
27 Minutes, November 8, 2017, attached as **Exhibit 4**.

28 ⁵ See Transcript of Jury Trial, April 5, 2018, attached as **Exhibit 5**, at 165–78 (testimony of
Erica Janssen, NRCP 30(b)(6) witness for Harvest Management); Transcript of Jury Trial,
April 6, 2018, attached as **Exhibit 6**, at 4–15 (same).

1 On the final day of trial, the Court *sua sponte* created a special verdict form that
2 inadvertently included Lujan as the only Defendant in the caption. The Court informed the
3 parties of this omission, and the Defendants explicitly agreed they had no objection:

4 THE COURT: Take a look and see if -- will you guys look at that verdict
5 form? I know it doesn't have the right caption. I know it's just the one we used
6 the last trial. See if that looks sort of okay.

7 [Defendants' counsel]: Yeah. That looks fine.

8 THE COURT: I don't know if it's right with what you're asking for for
9 damages, but it's just what we used in the last trial which was similar sort of.

10 At the end of the six-day jury trial, jury instructions were provided to the jury with the
11 proper caption.⁶ The jury used those instructions to fill-out the improperly-captioned special
12 verdict form and render judgment in favor of Plaintiff—the jury found Defendants to be
13 negligent and 100% at fault for the accident.⁷ As a result, the jury awarded Plaintiff \$2,980,000.⁸

14 IV. LEGAL ARGUMENT

15 This Court should enter the proposed Judgment on the Jury Verdict attached as
16 **Exhibit 2**—it provides that judgment was rendered against both Lujan and Harvest Management
17 because such a result conforms to the pleadings, evidence, and jury instructions upon which the
18 jury relied in reaching the special verdict.

19 In the alternative, the Court should make an explicit finding pursuant to NRCP 49(a) that
20 the special verdict was rendered against both Defendants and then enter judgment accordingly.
21 NRCP 49(a) provides, in certain circumstances, the Court may make a finding on an issue not
22 raised before a special verdict was rendered. Indeed, when a special verdict is used, “the court
23 may submit to the jury written questions susceptible of categorical or other brief
24 answer . . . which might properly be made under the pleadings and evidence.” NRCP 49(a).
25 Further, “[t]he court shall give to the jury such explanation and instruction concerning the matter

26 ⁶ See Jury Instructions cover page, attached as **Exhibit 7**, at 1.

27 ⁷ See **Exhibit 1**.

28 ⁸ *Id.*

1 thus submitted as may be necessary to enable the jury to make its findings upon each issue.” *Id.*
2 However, “[i]f in so doing the court omits any issue of fact raised by the pleadings or by the
3 evidence, each party waives the right to a trial by jury of the issue so omitted unless before the
4 jury retires the party demands its submission to the jury. *As to an issue omitted without such*
5 *demand the court may make a finding*; or, if it fails to do so, it shall be deemed to have made a
6 finding in accord with the judgment on the special verdict.” *Id.* (emphasis added).

7 Here, the record plainly supports judgment being rendered against both Defendants.
8 However, should the Court wish to clarify the issue for the record, the Court should make an
9 explicit finding that the omission of Harvest Management from the special verdict was
10 inadvertent and, as a result, that judgment was rendered in favor of Morgan and both against
11 Defendants, jointly and severally.

12 **V. CONCLUSION**

13 For the foregoing reasons, Plaintiff Aaron Morgan respectfully requests this Court enter
14 the proposed Judgment on the Jury Verdict attached as **Exhibit 2**. In the alternative, Plaintiff
15 requests this Court to make an explicit finding that judgment in this matter was rendered against
16 both Defendants and then enter judgment accordingly.

17 Dated this 30th day of July, 2018.

18 MARQUIS AURBACH COFFING

19
20 By /s/ Micah S. Echols

21 Micah S. Echols, Esq.

22 Nevada Bar No. 8437

23 Tom W. Stewart, Esq.

24 Nevada Bar No. 14280

25 10001 Park Run Drive

26 Las Vegas, Nevada 89145

27 Attorneys for Plaintiff, Aaron M. Morgan
28

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **PLAINTIFF'S MOTION FOR ENTRY OF JUDGMENT** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 30th day of July, 2018. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:⁹

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Dennis L. Kennedy	dkennedy@baileykennedy.com
Bailey Kennedy, LLP	bkfederaldownloads@baileykennedy.com
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Shannon Truscello	Shannon@richardharrislaw.com
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Lisa Richardson	lrichardson@rsglawfirm.com
<i>Attorneys for Defendant David E. Lujan</i>	

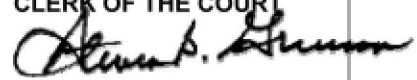
I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage prepaid, addressed to:

N/A

/s/ Leah Dell
Leah Dell, an employee of
Marquis Aurbach Coffing

⁹ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

Exhibit 3



1 **NEOJ**

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2 Nevada Bar No. 1462

SARAH E. HARMON

3 Nevada Bar No. 8106

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4 Nevada Bar No. 11576

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10 *Attorneys for Defendant*

11 HARVEST MANAGEMENT SUB LLC

12 DISTRICT COURT

13 CLARK COUNTY, NEVADA

14 AARON M. MORGAN, individually,

15 Plaintiff,

16 vs.

17 DAVID E. LUJAN, individually; HARVEST
18 MANAGEMENT SUB LLC; a Foreign-Limited-
19 Liability Company; DOES 1 through 20; ROE
BUSINESS ENTITIES 1 through 20, inclusive
jointly and severally,

20 Defendants.

Case No. A-15-718679-C
Dept. No. XI

21
22 **NOTICE OF ENTRY OF ORDER ON PLAINTIFF'S**
23 **MOTION FOR ENTRY OF JUDGMENT**

24 PLEASE TAKE NOTICE that an Order on Plaintiff's Motion for Entry of Judgment was
25 entered on November 28, 2018.

26 ///

27 ///

28 ///

1 A true and correct copy is attached hereto.

2 DATED this 28th day of November, 2018.

3 BAILEY ♦ KENNEDY

4
5 By: /s/ Sarah E. Harmon

6 DENNIS L. KENNEDY

7 SARAH E. HARMON

8 JOSHUA P. GILMORE

9 ANDREA M. CHAMPION

10 *Attorneys for Defendants*

11 HARVEST MANAGEMENT SUB LLC
12
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CERTIFICATE OF SERVICE

I certify that I am an employee of BAILEY ♦ KENNEDY and that on the 28th day of November, 2018, service of the foregoing **NOTICE OF ENTRY OF ORDER ON PLAINTIFF'S MOTION FOR ENTRY OF JUDGMENT** was made by mandatory electronic service through the Eighth Judicial District Court's electronic filing system and/or by depositing a true and correct copy in the U.S. Mail, first class postage prepaid, and addressed to the following at their last known address:

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and

MICAH S. ECHOLS
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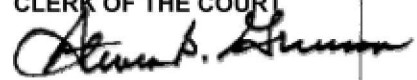
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ORDR

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Attorneys for Defendant

HARVEST MANAGEMENT SUB LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

AARON M. MORGAN, individually,

Plaintiff,

vs.

DAVID E. LUJAN, individually; HARVEST
MANAGEMENT SUB LLC; a Foreign-Limited-
Liability Company; DOES 1 through 20; ROE
BUSINESS ENTITIES 1 through 20, inclusive
jointly and severally,

Defendants.

Case No. A-15-718679-C

Dept. No. ~~XX~~ XI

PLEASE NOTE
DEPT. CHANGE

**ORDER ON PLAINTIFFS' MOTION FOR
ENTRY OF JUDGMENT**

Date of Hearing: November 6, 2018

Time of Hearing: 9:00 A.M.

On November 6, 2018, at 9:00 a.m., the Motion for Entry of Judgment came before the Court. Tom W. Stewart of Marquis Aurbach Coffing P.C. and Bryan A. Boyack of Richard Harris Law Firm appeared on behalf of Plaintiff Aaron Morgan and Dennis L. Kennedy, Sarah E. Harmon, and Andrea M. Champion of Bailey❖Kennedy appeared on behalf of Defendant Harvest Management Sub LLC.

///

1 The Court, having examined the briefs of the parties, the records and documents on file, and
2 having heard argument of counsel, and for good cause appearing,


3 HEREBY ORDERS that the Motion for Entry of Judgment shall be, and hereby is,
4 **DENIED.**

5 DATED this 26 day of November, 2018.

6
7 
8 DISTRICT COURT JUDGE

9 Respectfully submitted by:

10 BAILEY ♦ KENNEDY, LLP

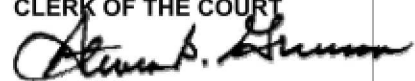
11 By: 
12 DENNIS L. KENNEDY
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15 ANDREA M. CHAMPION
16 8984 Spanish Ridge Avenue
17 Las Vegas, Nevada 89148
18 *Attorneys for Defendant Harvest Management*
19 *Sub LLC*

Approved as to form and content by:

MARQUIS AURBACH COFFING P.C.

By: 
MICAH S. ECHOLS
TOM W. STEWART
1001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Plaintiff Aaron Morgan

Exhibit 4

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*Attorneys for Plaintiff, Aaron Morgan***DISTRICT COURT****CLARK COUNTY, NEVADA**

AARON M. MORGAN, individually,

Plaintiff,

vs.

DAVID E. LUJAN, individually; HARVEST
MANAGEMENT SUB LLC; a Foreign Limited-
Liability Company; DOES 1 through 20; ROE
BUSINESS ENTITIES 1 through 20, inclusive
jointly and severally,

Defendants.

Case No.: A-15-718679-C

Dept. No.: XI

NOTICE OF ENTRY OF JUDGMENT

1 Please take notice that the Judgment Upon Jury Verdict was filed in the above-captioned
2 matter on December 17, 2018. A copy of the Judgment Upon Jury Verdict is attached hereto as
3 **Exhibit 1.**

4 Dated this 2nd day of January, 2019.

5
6 MARQUIS AURBACH COFFING

7
8 By /s/ Micah S. Echols
9 Micah S. Echols, Esq.
10 Nevada Bar No. 8437
11 Tom W. Stewart, Esq.
12 Nevada Bar No. 14280
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14 Las Vegas, Nevada 89145
15 *Attorneys for Plaintiff, Aaron Morgan*
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing **NOTICE OF ENTRY OF JUDGMENT** was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 2nd day of January, 2019. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹

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Dennis L. Kennedy	dkennedy@baileykennedy.com
Bailey Kennedy, LLP	bkfederaldownloads@baileykennedy.com
<i>Attorneys for Defendant Harvest Management Sub, LLC</i>	

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<i>Attorneys for Defendant David E. Lujan</i>	

/s/ Leah Dell

Leah Dell, an employee of
Marquis Aurbach Coffing

¹ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

Exhibit 1

Steven D. Grierson

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tstewart@maclaw.com

Attorneys for Plaintiff, Aaron M. Morgan

DISTRICT COURT
CLARK COUNTY, NEVADA

AARON M. MORGAN, individually,
Plaintiff,
vs.

CASE NO.: A-15-718679-C
Dept. No.: XI

DAVID E. LUJAN, individually; HARVEST
MANAGEMENT SUB LLC; a Foreign Limited-
Liability Company; DOES 1 through 20; ROE
BUSINESS ENTITIES 1 through 20, inclusive
jointly and severally,
Defendants.

JUDGMENT UPON THE JURY VERDICT

JUDGMENT UPON THE JURY VERDICT

This action came on for trial before the Court and the jury, the Honorable Linda Marie Bell, District Court Judge, presiding,¹ and the issues having been duly tried and the jury having duly rendered its verdict.²

IT IS ORDERED AND ADJUDGED that PLAINTIFF, AARON M. MORGAN, have a recovery against DEFENDANT, DAVID E. LUJAN, for the following sums:

Past Medical Expenses	\$208,480.00
Future Medical Expenses	+\$1,156,500.00
Past Pain and Suffering	+\$116,000.00
Future Pain and Suffering	+\$1,500,000.00
Total Damages	\$2,980,980.00

IT IS FURTHER ORDERED AND ADJUDGED that AARON M. MORGAN's past damages of \$324,480 shall bear Pre-Judgment interest in accordance with *Lee v. Ball*, 121 Nev. 391, 116 P.3d 64 (2005) and NRS 17.130 at the rate of 5.00% per annum plus 2% from the date of service of the Summons and Complaint on May 28, 2015, through the entry of the Special Verdict on April 9, 2018:

PRE-JUDGMENT INTEREST ON PAST DAMAGES:

05/28/15 through 04/09/18 = **\$65,402.72**

[(1,051 days) at (prime rate (5.00%) plus 2 percent = 7.00%) on \$324,480 past damages]

[Pre-Judgment Interest is approximately \$62.23 per day]

PLAINTIFF'S TOTAL JUDGMENT

Plaintiff's total judgment is as follows:

Total Damages:	\$2,980,980.00
Prejudgment Interest:	\$65,402.72
TOTAL JUDGMENT	\$3,046,382.72

¹ This case was reassigned to the Honorable Elizabeth Gonzalez, District Court Judge, in July 2018.

² See Special Verdict filed on April 9, 2018, attached as **Exhibit 1**.

Now, THEREFORE, Judgment Upon the Jury Verdict in favor of the Plaintiff is as follows:

PLAINTIFF, AARON M. MORGAN, is hereby awarded \$3,046,382.72 against DEFENDANT, DAVID E. LUJAN, which shall bear post-judgment interest at the adjustable legal rate from the date of the entry of judgment until fully satisfied. Post-judgment interest at the current 7.00% rate accrues interest at the rate of \$584.24 per day.

Dated this 13 day of Dec., 2018.


HONORABLE ELIZABETH GONZALEZ
DISTRICT COURT JUDGE
DEPARTMENT 11

Respectfully Submitted by:

Dated this 12TH day of December, 2018.

MARQUIS AURBACH COFFING

By 

Micah S. Echols, Esq.
Nevada Bar No. 8437
Tom W. Stewart, Esq.
Nevada Bar No. 14280
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Plaintiff, Aaron M. Morgan

[CASE NO. A-15-718679-C—JUDGMENT UPON THE JURY VERDICT]

Exhibit 1

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

APR -9 2018

BY: *Jam Brown*
JAM. BROWN, DEPUTY

DISTRICT COURT

CLARK COUNTY, NEVADA

CASE NO: A-15-718679-C

DEPT. NO: VII

AARON MORGAN,

Plaintiff,

vs.

DAVID LUJAN,

Defendant.

SPECIAL VERDICT

We, the jury in the above-entitled action, find the following special verdict on the questions submitted to us:

QUESTION NO. 1: Was Defendant negligent?

ANSWER: Yes ☒ No ☐

If you answered no, stop here. Please sign and return this verdict.

If you answered yes, please answer question no. 2.

QUESTION NO.2: Was Plaintiff negligent?

ANSWER: Yes ☐ No ☒

If you answered yes, please answer question no. 3.

If you answered no, please skip to question no. 4.

///

A-15-718679-C
SJV
Special Jury Verdict
4738215



1 **QUESTION NO. 3:** What percentage of fault do you assign to each party?

2 Defendant: 100

3 Plaintiff: 0

4 Total: 100%

5 Please answer question 4 without regard to your answer to question 3.

6 **QUESTION NO. 4:** What amount do you assess as the total amount of Plaintiff's damages?

7 (Please do not reduce damages based on your answer to question 3, if you answered question 3.

8 The Court will perform this task.)

9	Past Medical Expenses	\$ <u>208,480.</u> <u>00</u>
10	Future Medical Expenses	\$ <u>1,156,500.</u> <u>00</u>
11	Past Pain and Suffering	\$ <u>116,000.</u> <u>00</u>
12	Future Pain and Suffering	\$ <u>1,500,000.</u> <u>00</u>
13		
14	TOTAL	\$ <u>2,980,980.</u> <u>00</u>

15

16 DATED this 9th day of April, 2018.

17

18 Arthur J. St. Laurent

19 FOREPERSON

20 ARTHUR J. ST. LAURENT

21

22

23

24

25

26

27

28