

38 Trials Digest (TD) 08556, 1985 WL 728043 (Nev. Dist. Ct.) (Verdict and Settlement Summary)

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District Court of Nevada

Brett Grouse v. Helms Construction Company, W. Frank Morgan & State Department of Transportation

TOPIC:

Case Type: Motorcycle Accident/Single Vehicle

DOCKET NUMBER: 14010

STATE: Nevada

COUNTY: DOUGLAS

TRIAL: 3-18-85 to 3-23-1985

JUDGE: Hon. Lester Berkson

ATTORNEYS:

Plaintiff: ROBERT HERMAN, P-Carson City

Defendant: PHEN S. KENT & MICK IGLESIAS, (Vargas & Bartlett), D-Helms Construction-Reno DEL HARDY, (Office of the Attorney General), D-Department of Transportation-Reno ROBERT McQUAID, (Shamberger, Georgeson, McQuaid & Thompson), D-Morgan-Reno

SUMMARY:

Specials: Medical: \$49,000 (approx); Wage Loss: \$14,000 (approx); Future Wage Loss: Unspecified Amount
Demand: \$150,000; Suggested Verdict: None

Offer: \$75,000 (NRCP 68); Suggested Verdict: \$40,000

Verdict: Plaintiff

Vote: 8-0

Jury Out: 3 1/2 hrs.

Amount: \$160,000, with Plaintiff found 70% negligent, which, under Nevada law, bars recovery

Range: \$100,000-199,999

SYNOPSIS: This accident occurred at 1:00 p.m., on September 13, 1982, in clear weather, at Cave Rock Tunnel at Lake Tahoe. Plaintiff, a 26 year old prison guard, alleged he hit gravel as he left the tunnel, due to Defendant Helms Construction Company's negligence, and inadequate warnings and failure to barricade exposed guardrail posts. Defendants contended that the cause of the accident was Plaintiff's speed of 70 m.p.h.

INJURIES/DAMAGES: Plaintiff sustained extensive internal injuries, and a broken leg and hip joint.

EXPERTS:

MEDICAL TESTIMONY:

(Plaintiff):

Randy Watson, (Orthopedist-South Lake Tahoe), by deposition.

NON-MEDICAL EXPERT/WITNESS TESTIMONY:

(Plaintiff):

Lynn Manning, (Reconstruction-Reno), testified that the speed of the Plaintiff was 45 m.p.h., that the gravel caused the loss of control, and that the signing was inadequate.

Lucky Birch, (Motorcycle Expert-Reno), testified that the Plaintiff's speed was 45 m.p.h., and that the loss of control was caused by the gravel.

Howard Anderson, (Highway Construction and Safety-Carson City), testified that the signing and barricades were inadequate.

PRIMARY ISSUES: Cause of the loss of control, and the adequacy of job safety at the accident site.

COMMENTS: The State of Nevada was dismissed prior to trial, and W. Frank Morgan, the guardrail subcontractor, settled out before trial.

Plaintiff made Motion for New Trial after the Court awarded costs and attorneys fees to the Defendant, based on the NRCP 68 offer of judgment.

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DOUGLAS COUNTY, NEVADA

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