

JVR No. 1604260024, 2016 WL 1639802 (Nev.Dist.Ct.) (Verdict and Settlement Summary)

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District Court of Nevada, Eighth Judicial District Clark County.

B.D., PRO AMI v. LAMPLIGHT VILLAGE AT CENTENNIAL SPRINGS HOMEOWNERS ASSOCIATION

14-A-706284-C

DATE OF INCIDENT: July 25, 2013

DATE OF TRIAL/SETTLEMENT: March 30, 2016

TOPIC:

LIABILITY:

General: Premises

Specific: Fall: Condominium Complex

SUMMARY

Outcome: Settlement

Total: \$1,950,000

HIGH AMOUNT: \$0

LOW AMOUNT: \$0

EXPERT-WITNESSES:

ATTORNEY:

Plaintiff: Robert W. Cottle, The Cottle Firm, Las Vegas, NV

Plaintiff: David A. Tanner, Tanner Law Firm Ltd., Las Vegas, NV

Plaintiff: Neal K. Hyman, Law Offices of Neal Hyman, Las Vegas, NV

JUDGE: Timothy C. Williams

RANGE AMOUNT: \$1,000,000 - 1,999,999

STATE: Nevada

COUNTY: Clark

PRIMARY INJURY: Replacement: Hip

Bone Set; Dislocation: Hip; Medical-Related: Unnecessary Surgery

SUMMARY

PLAINTIFF:

Sex: F

Age: Minor, 11

DEFENDANT:

Sex: O

Organization Type: Lamplight Village at Centennial Springs Homeowners Association

DAMAGES:

Total Compensatory Award: \$1,950,000

Punitive Damages: \$0

Hedonic Damages: \$0

Property Damages: \$0

Interest: \$0

Other Damages: \$0

Loss of Services: \$0

Comparative Negligence Percentage: 0

FACTS:

B.D., an 11-year-old girl, reportedly suffered a hip displacement requiring multiple surgeries and leaving her with a limp; the need for a total hip replacement at the age of about 25, which will require stunting her growth and other invasive and high-risk procedures; and the need for surgery to have children, to ensure both legs are the same length and for removal of hardware when she was using a non-motorized kick scooter on a concrete walkway adjacent to the common area park within premises owned by defendant Lamplight Village at Centennial Springs Homeowners Association and encountered a section of concrete that had been damaged by tree roots, forcing her to plant her foot down on the concrete. The minor, through her father, Thomas Dudley, alleged the defendant was on notice about the dangerous condition but failed to properly maintain, clean, repair and/or inspect the property, and/or implement safety procedures and failed to warn the plaintiff about the dangerous and unsafe condition or correct it. The defendant agreed to settle the plaintiff's claims. Of the settlement, \$900,000 was to be used to purchase an annuity with an expected payout of \$4,623,099 and a guaranteed payout of \$1,076,898.

Jury Verdict Research

COURT: District (state)