

✓ Allison, Mackenzie et als.
PO Box 646
CC NU 89702

1 Case No. 93-00531A
2 Dept. No. 1

3
4 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
5 IN AND FOR CARSON CITY
6 K. KENNARD

7 DONNA BRADLEY,
8 Plaintiff,

9 vs.

JUDGEMENT ON JURY VERDICT

10 ANNIE DEHL, and
11 DOES I-V,
12 Defendants.

13 A jury trial was held on this matter on January 10, 1995.
14 Plaintiff was represented by Edward Bernard. ANNIE DEHL
15 ("Defendant") was represented by George Allison.

16 After trial, the jury rendered its verdict in favor of
17 Defendant.

18 Defendant made a motion to recover \$17,792.50 in fees
19 pursuant to NRCP 68, as it offered a Proof of Judgement in the
20 amount of \$7,000 after arbitration, but before trial. Plaintiff
21 opposed the motion. The Court agrees that Plaintiff's claim and
22 rejection of the Offer of Judgement were in good faith.

23 Defendant also made a motion to recover \$11,972.44 in costs
24 pursuant to NRS 18.020(3). Plaintiff opposed some of the costs.
25 The Court will grant Defendant's claim for costs with the
26 following exceptions:

- 27 1) Expert fees for G.W. "Jerry" Barnes will be limited to
28 what he testified he was charging. Barnes said he was

1 charging Defendant \$50 per hour for six hours. Thus,
2 Defendant is limited to \$300 for his services.

3 2) Both parties agree the Lexis fee of \$193.92 should not
4 be recovered. The Court agrees.

5 3) The Court will not revoke its previous order awarding
6 pre-arbitration and arbitration costs to Plaintiff. Thus,
7 the fees totaling \$2,022.50 set by Plaintiff in its Motion
8 to Retax Costs filed January 25, 1995 will be excluded from
9 Defendants award.

10 4) Finally, Arbitration fees are not recoverable by
11 Defendant as they were incurred prior to a Trial De Novo
12 being granted by this court. These fees include 1/2 of the
13 \$627.00 arbitrator's fee and a \$500 witness fee for Robert
14 Turner.

15 The Court notes Plaintiff's objection to costs of expert
16 witnesses who did not testify at trial, but agrees with Defendant
17 that the correct interpretation of Bergman v. Boyce, 109
18 Adv.Op.No.113, does not require an expert witness to testify at
19 trial for her fees to be awardable.

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1 THEREFORE, IT IS ORDERED that:

2 1. Judgement is entered in favor of Defendant, ANNIE DEHL,
3 and against Plaintiff, DONNA BRADLEY, as to all claims and causes
4 of action alleged in Plaintiff's Complaint filed with this Court
5 on April 16, 1993.

6 2. It is further ordered that Defendant shall recover
7 against Plaintiff her taxable costs in the amount of \$7462.77.

8 Dated this 13 day of February, 1995

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10 *Michael R. Griffith*
11

12 District Judge

13 cc: Michael Pintar
14 Edward Bernard

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24 REQUESTED BY

25 *Allison Mackenzie et al*
26 IN OFFICIAL RECORDS OF
27 DOUGLAS CO., NEVADA

CERTIFIED COPY

The document to which this certificate is attached
is a full, true and correct copy of the original on file
and of record in my office.

SEAL

28 '95 FEB 17 P1 59

Date: Feb. 16, 1995
ALAN SLOVER, City Clerk and Clerk of the First
Judicial District Court and the State of Nevada, in
and for Carson City

LINDA SLATER
RECORDER

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By Alloa Deputy

\$ 9.00 PAID K DEPUTY

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