

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Marquis Aurbach Coffing
Craig R. Anderson, Esq.
Nevada Bar No. 6882
Micah S. Echols, Esq.
Nevada Bar No. 8437
10001 Park Run Drive
Las Vegas, Nevada 89145
Telephone: (702) 382-0711
Facsimile: (702) 382-5816
canderson@maclaw.com
mechols@maclaw.com
Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SCOTT RAY ASHER; KIMBERLY ASHER,

Plaintiffs,

Case No.: 2:08-cv-00914-RCJ-RJJ

vs.

OFFICER. R. ORTH, P#6475; OFFICER G.
MCGHIE, P#2883 and OFFICER J. DESTITO,
P#4056,

Defendants.

JUDGMENT UPON JURY VERDICT

This case, having been tried before a jury on February 4, 5, 6, and 7, 2013, and the jury unanimously deciding that Defendants Gordon McGhie, Joseph Destito, and Robert Orth had probable cause to both arrest Scott Asher and search his residence based upon the facts presented, the Court now enters Judgment upon the jury verdict.

All of Plaintiffs' claims against all the Defendants in this action have previously been resolved by written order, with the exception of Scott Asher's 42 U.S.C. § 1983 claim alleging Fourth Amendment violations, as well as the alternative claim for attorney fees under 42 U.S.C. § 1988. The Court also specifically held that Plaintiff Kimberly Asher was a party to this case through the duration of trial for the purpose of potentially recovering damages, depending upon the measure of damages, if any, awarded by the jury.

Because the jury has found that Defendants McGhie, Destito, and Orth acted with probable cause for both the arrest and the search of the Asher's residence, the 42 U.S.C. § 1983

MARQUIS AURBACH COFFING

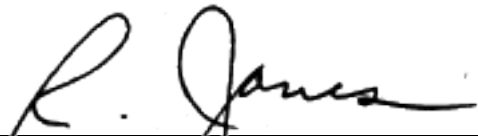
10001 Park Run Drive
Las Vegas, Nevada 89145
(702) 382-0711 FAX: (702) 382-5816

1 claim is dismissed and resolved in favor of Defendants. Since Plaintiffs did not prevail on their
2 42 U.S.C. § 1983 claim, Plaintiff's 42 U.S.C. § 1988 claim is also hereby dismissed.

3 Any claim or request for damages made by Plaintiffs Scott Asher and Kimberly Asher
4 that has not previously been specifically itemized in a written order against any of the parties in
5 this action is hereby dismissed.

6 IT IS SO ORDERED.

7 Dated this 11th day of March, 2013.

8
9 
10 _____
11 Honorable Robert C. Jones,
12 Chief Judge, United States District Court,
13 District of Nevada

12 Submitted by:

13 MARQUIS AURBACH COFFING

14
15 By: /s/ Micah S. Echols
16 Craig R. Anderson, Esq.
17 Nevada Bar No. 6882
18 Micah S. Echols, Esq.
19 Nevada Bar No. 8437
20 10001 Park Run Drive
21 Las Vegas, Nevada 89145
22 Attorneys for Defendants
23
24
25
26
27
28