



1 DENNIS M. PRINCE, ESQ.
 Nevada Bar No.: 5092
 2 TRACY A. EGLET, ESQ.
 Nevada Bar No.: 6419
 3 ERICA D. ENTSMINGER, ESQ.
 Nevada Bar No.: 7432
 4 **EGLET PRINCE**
 5 400 South Seventh Street, Suite 400, Box 1
 6 Ph.: (702) 450-5400
 Fx.: (702) 450-5451
 7 eservice@egletlaw.com
 8 *Attorneys for Plaintiff*

9 -and-

10 RYAN ANDERSON, ESQ.
 Nevada Bar No.: 11040
 11 JACQUELINE R. BRETTELL, ESQ.
 Nevada Bar No.: 12335
 12 **MORRIS ANDERSON**
 13 716 S. Jones Blvd.
 14 Las Vegas, Nevada 89107
 Tel: (702) 333-1111
 15 *Attorneys for Plaintiff*

17 **UNITED STATES DISTRICT COURT**
 18 **DISTRICT OF NEVADA**

20 CASE NO.: 2:13-cv-00464-APG-NJK

21 LAUREN CALVERT, individually,
 Plaintiff,
 22 vs.

STIPULATION AND ORDER
REGARDING PLAINTIFF'S
PRE-TRIAL MOTIONS IN LIMINE

23 DARLENE ELLIS AS SUCCESSOR IN
 24 INTEREST TO MICHAEL WAYNE ELLIS;
 EXPRESS DAILY; DAILY EXPRESS, INC.;
 25 DOE OWNER, I-V, DOE DRIVER, I-V, ROE
 26 EMPLOYER, AND ROE COMPANIES,
 inclusive,
 27 Defendants.

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1 IT IS HEREBY STIPULATED by and between the parties hereto in a good faith effort to
2 meet and confer, through their respective counsel of record, Plaintiff's counsel, DENNIS M.
3 PRINCE, ESQ., TRACY A. EGLET, ESQ., ERICA D. ENTSMINGER, ESQ., of the law firm
4 of EGLET PRINCE, and Defendants, EXPRESS DAILY and DAILY EXPRESS, INC., by and
5 through their attorneys of record, DOUGLAS B. MARCELLO, ESQ. of MARCELLO &
6 KIVISTO, LLC, and SCOTT A. FLINDERS, ESQ. of HUTCHISON & STEFFEN, LLC, on
7 December 18, 2015, that counsel in this matter have conferred and resolved several motions in
8 limine and will not introduce any evidence of or make any comment regarding the following at
9 trial:
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- 11 1. Any reference to medical examiners as "Independent" [Omnibus Motion Dkt. 190,
12 Subpart 7];
- 13 2. Any reference to Plaintiff's collateral sources of payment of medical bills from health
14 insurance and/or Medicare/Medicaid, specifically excluding "liens" as being subject
15 to this stipulation [Omnibus Motion Dkt 190, Subpart 9];
- 16 3. Any evidence or argument relating to a recovery by Plaintiff would or would not be
17 subject to taxation [Omnibus Motion Dkt. 190, Subpart 15];
- 18 4. Any offers of compromise, negotiations, settlement offers or demands [Omnibus
19 Motion Dkt. 190, Subpart 17];
- 20 5. Any reference to the filing of pre-trial motions unless there is a violation thereof
21 [Omnibus Motion Dkt. 190, Subpart 18];
- 22 6. Any reference to the subject incident as an "unavoidable accident" or "Act of God
23 [Omnibus Motion Dkt. 190, Subpart 21];"
- 24 7. In reliance upon Plaintiff's representation that she is no longer calling Mr. Sidlow as
25 a witness at trial, Defendants will not call Mr. Howden as a witness **unless** Plaintiff
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1 presents testimony, evidence, or argument as to Plaintiff not being able to perform
2 her profession as an attorney due to any conditions she claims to be attributable to the
3 accident in which event Defendants may introduce Mr. Howden's opinions at trial.
4 [Plaintiff's MIL No. 11, Dkt. 195]
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6 8. In reliance upon Plaintiff's representation that she will not be calling Mr. Sidlow as a
7 witness at trial, Defendants will not call Mr. Kirkendall as a witness at trial.
8 [Plaintiff's MIL No. 12, Dkt. 196]
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10 Furthermore, the parties hereby stipulate and agree that all counsel will advise their
11 respective clients and witnesses regarding the Court's rulings on any Motions in Limine.
12

13 DATED this 29th day of December, 2015.

DATED this 29th day of December, 2015.

14 **EGLET PRINCE**

MARCELLO & KIVISTO

15 /s/ Erica D. Entsminger
16 ERICA D. ENTSMINGER, ESQ.
17 Nevada Bar No.: 7432
18 400 South Seventh Street, Suite 400
19 Las Vegas, Nevada 89101
Attorneys for Plaintiff

/s/ Douglas Marcello
DOUGLAS B. MARCELLO, ESQ.
Pro Hac Vice
1200 Walnut Bottom Road, Suite 331
Carlisle, Pennsylvania 17015
Attorneys for Defendants

20 DATED this 29th day of December, 2015.

21 **HUTCHISON & STEFFEN, LLC**

22 /s/ Scott A. Flinders
23 SCOTT A. FLINDERS, ESQ.
24 Nevada Bar No.: 9154
25 10080 West Alta Drive, Suite 200
26 Las Vegas, Nevada 89145
Attorneys for Defendants

ORDER

1
2 PURSUANT TO THE STIPULATION OF THE PARTIES and for good cause
3 shown:

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5 IT IS HEREBY ORDERED, ADJUDGED AND DECREED Neither party or their
6 counsel may make reference to medical examiners as “Independent” [Omnibus Motion Dkt. 190,
7 Subpart 7];

8 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that neither party nor
9 their counsel shall make any reference to Plaintiff’s collateral sources of payment of medical
10 bills from health insurance and/or Medicare/Medicaid, specifically excluding “liens” as being
11 subject to this stipulation [Omnibus Motion Dkt 190, Subpart 9];

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13 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that neither party nor
14 their counsel shall present any evidence or argument relating to a recovery by Plaintiff would or
15 would not be subject to taxation [Omnibus Motion Dkt. 190, Subpart 15];

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17 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that neither party nor
18 their counsel shall reference any offers of compromise, negotiations, settlement offers or
19 demands [Omnibus Motion Dkt. 190, Subpart 17];

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21 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that neither party nor
22 their counsel shall make any reference to the filing of pre-trial motions unless there is a violation
23 thereof [Omnibus Motion Dkt. 190, Subpart 18];

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25 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that neither party nor
26 their counsel shall make any reference to the subject incident as an “unavoidable accident” or
27 “Act of God” [Omnibus Motion Dkt. 190, Subpart 21].

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED In reliance upon
Plaintiff’s representation that she is no longer calling Mr. Sidlow as a witness at trial, Defendants

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will not call Mr. Howden as a witness **unless** Plaintiff presents testimony, evidence, or argument as to Plaintiff not being able to perform her profession as an attorney due to any conditions she claims to be attributable to the accident in which event Defendants may introduce Mr. Howden's opinions at trial. [Plaintiff's MIL No. 11, Dkt. 195];

IT IS FURTHER ORDERED, ADJUDGED AND DECREED In reliance upon Plaintiff's representation that she will not be calling Mr. Sidlow as a witness at trial, Defendants will not call Mr. Kirkendall as a witness at trial. [Plaintiff's MIL No. 12, Dkt. 196];

IT IS SO ORDERED this 29th day of December, 2015.


UNITED STATES DISTRICT JUDGE