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WERNER ENTERPRISES, INC. and
NICOLAS FORCILLO

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DARLENE ISAAC; and HAROLD ROLAND
HOWMAN, JR.,

Plaintiffs,

vs.

NICOLAS FORCILLO, an individual,
WERNER ENTERPRISES, INC., a foreign
corporation, DOES I through X, inclusive;
and/or ROE CORPORATIONS I through X,
inclusive

Defendants.

CASE NO. 2:19-CV-01452-KJD-DJA

STIPULATION AND ORDER TO
WITHDRAW THE PARTIES’
MOTIONS IN LIMINE

(First Request)

The Parties, Plaintiffs Darlene Isaac and Harold Roland Howman, Jr. (“Plaintiffs”), and Defendants Werner Enterprises, Inc. and Nicolas Forcillo (“Defendants”), by and through their respective undersigned counsel of record, hereby stipulate to withdraw Defendants’ Motions in Limine Nos. 1-18 and Plaintiffs’ Motions in Limine Nos. 1-14, consistent with the stipulation to continue trial and submit this case to binding arbitration. On 11/08/22 the Parties filed a Stipulation to Continue Trial and Notice to the Court of Binding Arbitration [ECF No. 150] which included a statement the Parties intend to withdraw their respective Motions in Limine as a byproduct of the agreement to resolve the pending litigation by Binding Arbitration [ECF No.

150, Pg. 2:3-5]. That Stipulation was granted on 11/10/22 [ECF No. 152]. As such, the Parties are submitting this current Stipulation withdrawing the aforementioned Motions in Limine. The Motions in Limine by Defendants and Plaintiffs which are stipulated to be withdrawn are listed below as follows:

Defendants Werner Enterprises, Inc. and Nicolas Forcillo filed the following Motions in Limine:

1. Motion in Limine No. 1 to Strike and or Limit Opinions of Dr. Muir Relating to Plaintiff Harold Howman [ECF No. 112, filed 10/21/22];

2. Motion in Limine No. 2 to Strike and or Limit Opinions of Dr. Oliveri Relating to Plaintiff Darlene Isaac [ECF No. 108, filed 10/20/22];

3. Motion in Limine No. 3 to Strike and or Limit Opinions of Dr. Janda Relating to Plaintiff Darlene Isaac [ECF No. 113, filed 10/21/22];

4. Motion in Limine No. 4 to Strike or Limit the Opinions of Brian Jones Regarding the Accident Reconstruction, Accident Forces, and Biomechanical Opinions of Dr. Christopher Chen [ECF No. 109, filed 10/20/22];

5. Motion in Limine No. 5 to Strike and/or Limit Dr. Clauretie's Opinions Regarding Plaintiff Darlene Isaac's Costs and Future Loss of Household Services [ECF No. 114, filed 10/21/22];

6. Motion in Limine No. 6 to Limit or Exclude Multiple Opinions of Plaintiff Harold Howman's Vocational Rehabilitation Expert Delyn Porter [ECF No. 115, filed 10/21/22];

7. Motion in Limine No. 7 to Limit or Exclude Opinions of Plaintiff Darlene Isaac's Vocational Rehabilitation Expert Ira I. Spector [ECF No. 116, filed 10/27/22];

8. Motion in Limine No. 8 to Preclude or Limit the Opinions of Dr. Hogan [ECF No. 119, filed 10/27/22];

9. Motion in Limine No. 9 to Strike the Character Witnesses named by Plaintiffs in their FRCP 26 Disclosures [ECF No. 117, filed 10/27/22];

10. Motion in Limine No. 10 to Preclude Improper "Reptile" Theory Arguments that (1) Jury Should Apply "Safety Rules," (2) Defendants Failed to Take Responsibility for the

1 Accident, and (3) Jury Should Act as Conscience of the Community [ECF No. 118, filed
2 10/27/22]; and,

3 11. Motion in Limine No. 11 to Preclude Plaintiffs' Treating Physicians from
4 Testifying to Future Care and Limiting Plaintiffs' Treating Physicians to Their Medical
5 Treatment in Their Records [ECF No. 120, filed 10/27/22].

6 12. Motion in Limine No. 12 to Exclude Plaintiffs' Computer Animation [ECF No.
7 124, filed 11/01/22];

8 13. Motion in Limine No. 13 to Preclude the Testimony of Veronica Barnett [ECF
9 No. 123, filed 11/01/22];

10 14. Motion in Limine No. 14 to Preclude Testimony or Opinion That Any Optical
11 Condition of Plaintiff Darlene Isaac was Caused by the Subject Accident [ECF no. 126, filed
12 11/01/22];

13 15. Motion in Limine No. 15 to Preclude Evidence or Testimony Regarding Plaintiff
14 Harold Howman's Military History [ECF No. 127, filed 11/02/22];

15 16. Motion in Limine No. 16 to Preclude Argument or Testimony Regarding
16 Intoxication as a Factor in the Accident [ECF No. 130, filed 11/02/22];

17 17. Motion in Limine No. 17 to Preclude Reference to Plaintiff Darlene Isaac's Social
18 Security Administration Ruling [ECF No. 132, filed 11/04/22]; and,

19 18. Motion in Limine No. 18 to Preclude Discussion of Any Workers Compensation
20 Claim by Either Plaintiff Beyond the Potential Nevada Jury Instruction Contained in NRS
21 616C.215 [ECF No. 134, filed 11/04/22].

22 **Plaintiffs Darlene Isaac and Harold Ronald Howman, Jr. filed the following**
23 **Motions in Limine:**

24 1. Motion in Limine No. 1 Regarding the Absence of Pre-Incident Medical Records
25 [ECF No. 135, filed 11/07/22];

26 2. Motion in Limine No. 2 Preclude Comments and Queries About Hypothetical
27 Medical Conditions [ECF No. 136, filed 11/07/22];

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1 3. Motion in Limine No. 3 to Preclude Defendant from Making Low Impact
2 Arguments [ECF No. 137, filed 11/07/22];

3 4. Motion in Limine No. 4 to Preclude Prior Arrests or Convictions [ECF No. 138,
4 filed 11/07/22];

5 5. Motion in Limine No. 5 to Preclude Prior and Subsequent Unrelated Settlements
6 and/or Injuries [ECF No. 139, filed 11/07/22];

7 6. Motion in Limine No. 6 to Preclude Reference to Employment Termination [ECF
8 No. 140, filed 11/07/22];

9 7. Motion in Limine No. 7 to Preclude Reference of Plaintiff's Narcotic Pain
10 Medication, Substance, Drug Use, and Abuse [ECF No. 141, filed 11/07/22];

11 8. Motion in Limine No. 8 to Preclude Defense Experts from Commenting Upon
12 Plaintiff's Credibility [ECF 142, filed 11/07/22];

13 9. Motion in Limine No. 9 Exclude Evidence Regarding Plaintiff's Pre-Existing
14 Conditions or Injuries [ECF No. 143, filed 11/07/22];

15 10. Motion in Limine No. 10 Limit Opinion of Dr. Dukarm [ECF No. 144, filed
16 11/07/22];

17 11. Motion in Limine No. 11 to Preclude Testimony Regarding Stopwatch Test [ECF
18 No. 145, filed 11/07/22];

19 12. Motion in Limine No. 12 to Preclude Introduction of Collateral Source
20 Information [ECF No. 146, filed 11/07/22];

21 13. Motion in Limine No. 13 Limit Opinions of Dr. Simpson [ECF No. 148, filed
22 11/07/22]; and,

23 14. Motion in Limine No. 14 to Preclude Introduction of Evidence of Rebecca
24 Howman's Social Security Disability Benefits [ECF No. 147, filed 11/07/22].

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1 The parties submit this Stipulation to Withdraw the Parties' Motions in Limine in good
2 faith and not to delay this litigated proceeding; and, ask this Honorable Court to grant this
3 Stipulation.

4 Dated this 15th day of November 2022.

Dated this 15th day of November 2022.

5 H&P LAW

THORNDAL ARMSTRONG DELK
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7 /s/ Marjorie L. Hauf, Esq.

/s/ Michael C. Hetey, Esq.

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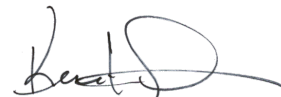
WERNER ENTERPRISES, INC. and

13 HAROLD ROLAND HOWMAN, JR.

NICOLAS FORCILLO

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18 **ORDER**

19 IT IS SO ORDERED.

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21 UNITED STATES DISTRICT JUDGE
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