

1 *Attorney Info*

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DISTRICT COURT
ANY COUNTY, NEVADA

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CAPTION

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Case No. A 123456
Dept. No. X
Docket No. Z

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REPLY TO DEFENDANT'S OPPOSITION TO PLAINTIFFS' MOTION FOR PROTECTIVE ORDER AND MOTION FOR SANCTIONS

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Date of hearing: _____

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Time of hearing: _____

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COME NOW Plaintiffs, CAR CRASH VICTIM #1 and CAR CRASH VICTIM #2, (hereinafter "VICTIM #1" and VICTIM #2"), by and through their counsel, LEGAL LAW OFFICE, P.C., and hereby make this REPLY TO DEFENDANT'S OPPOSITION TO PLAINTIFFS' PROTECTIVE ORDER and MOTION FOR SANCTIONS.

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This Reply is based on all the pleadings and documents on file with the Court herein, the following memorandum of points and authorities, and upon such further and other oral and

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1 documented evidence as the Court may allow on said Motion.

2 DATED this 25th day of September, 1997.

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4 LEGAL LAW FIRM, P.C.

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7 By: ARTHUR M. ATTORNEY, ESQ.
8 Nevada Bar No. 000000
9 [Address]
10 Searchlight, Nevada 89000
11 ATTORNEYS FOR PLAINTIFFS

12 **MEMORANDUM OF POINTS AND AUTHORITIES**

13 Defendant ACCOUNTABLE SON, as personal representative of the Estate of I.M. Liable
14 (hereinafter "SON"), indicates that his counsel, WHO R.U. KIDDING, LLP, has had extensive
15 discussions with several jurors from the liability phase of this litigation, specifically Juror #1 and
16 Juror #2. Yet, it is interesting to note that he cannot provide affidavits from these jurors to support
17 his contention that the depositions only will be used "to gather objective facts regarding what
18 physically took place during the deliberation". See, Defendant's Opposition to Plaintiffs' Motion for
19 Protective Order and Motion for Sanctions, page 5, lines 21-22.

20 Given the fact that at least one of the former jurors in question no longer resides in this state¹
21 and will have to travel a great distance to attend the deposition, one would think that these jurors
22 would be more willing to provide SON's counsel with an affidavit. Nonetheless, SON has chosen
23 to haul these jurors into a law office for the purpose of giving sworn testimony. SONS's motives
24 seem rather suspect at best.

25 VICTIM #1 and VICTIM #2 reaffirm that any oral testimony these jurors can give lacks
26 relevance to the next phase of litigation, is well beyond the scope of discovery, and improper as it

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¹ Juror #1, formerly a resident of Pahrump, Nevada where she was served, now resides in Arizona.

1 can only be offered to impeach a verdict which these jurors rendered in favor of VICTIM #1 and
2 VICTIM #2. Further, VICTIM #1 and VICTIM #2 take exception to SON's statement that "[t]he
3 manner which the jury arrived at it's [sic] verdict is without question unusual".

4 In Kaltenborn v. Bakerink, 80 Nev. 16, 388 P.2d 572 (1964), the Nevada Supreme Court held
5 that a verdict awarding damages for alleged negligence was not objectionable on the ground of
6 misconduct of the jury, even if, in the course of discussion as to the amount of the verdict, jurors,
7 without binding themselves to abide by the result, determined the average of the different amounts
8 and subsequently arrived at a figure which all agreed. From conversations garnered from jurors after
9 the verdict was announced, counsel for VICTIM #1 and VICTIM #2 were able to ascertain that the
10 jurors indeed were able to discuss, and indeed did discuss, the average of the different amounts and
11 then arrived at a figure all could agree upon. Either counsel for SON does not remember the jurors'
12 methodology or he has conveniently forgotten.

13 WHEREAS, for the foregoing reasons, VICTIM #1 and VICTIM #2 respectfully request this
14 Honorable Court grant their MOTION FOR PROTECTIVE ORDER and MOTION FOR
15 SANCTIONS.

16 DATED this 25th day of September, 1997.

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18 LEGAL LAW FIRM, P.C.

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20
21 By: _____
22 ARTHUR M. ATTORNEY, ESQ.
23 Nevada Bar No. 000000
24 [Address]
25 Searchlight, Nevada 89000
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27 **STANDARD CERTIFICATE OF SERVICE**