

PREMISES LIABILITY / NEGLIGENT ENTRUSTMENT

Plaintiff, individually and as Personal Representative of the Estate of Plaintiff v. Defendant Car Rental Company

Defense Verdict



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Plaintiff Counsel: The Law Offices of Jonathan C. Capp (Jonathan Capp)

Las Vegas, Nevada — Parachute Trial Counsel — Severe Brain Damage and Wrongful Death — \$27,987,922 Sought — DEFENSE VERDICT

Dan Santaniello, who leads the firm's Parachute Trial Counsel Team, and Junior Partner Angelise Petrillo, Esq., parachuted into the United States District Court, Las Vegas, Nevada, as lead trial counsel and obtained a complete defense verdict on 06/05/2023 in a catastrophic premises liability / negligent entrustment trial styled *Plaintiff, individually and as Personal Representative of the Estate of Plaintiff v. Defendant Car Rental Company*.

The lawsuit arose out of an accident that occurred on January 1, 2017 in Defendant's rental car return area at the Las Vegas McCarran International Airport CONRAC in Clark County. Plaintiff was severely brain damaged in the incident when she was run over by another vehicle. She was taken to the Sunrise hospital in Las Vegas, where she remained in critical condition until she was air lifted back to Sao Paulo, Brazil on January 19, 2017. She was thereafter hospitalized at the Sao Luis hospital in Sao Paulo and remained hospitalized for several months until she was discharged on October 4, 2017.

The accident caused the Plaintiff to no longer be able to control her limbs and bladder. Her brain mass shrunk nearly 50% in the first year. The initial life care plan from her economist and life care plan expert was \$16,025,090. She was bedridden with 24/7 attendant care, and eventually expired more than 3 years later due to complications with sepsis. Her husband was also struck, witnessed the accident, and made a negligent infliction of emotional distress claim, seeking damages for pain and suffering, grief, loss of consortium and past and future wages.

Nevada was a tricky venue with full-blown joint and several liability. The jury was instructed that it was to award 100% of the damages, even if the defendant was only 1% at fault, and not to consider the fault of the main tortfeasor (who had settled out and was not a party in the case), nor to make any reduction in damages due to any fault of the primary tortfeasor.

Over the course of two weeks, more than 25 witnesses were called to this trial, including 13 experts. On the liability issue, Plaintiff called a Human Factors Expert, an Accident Reconstruction Expert and a Traffic Engineering Expert, all of whom attempted to allege that the rental return area violated industry standards, which was a contributory cause to the accident. Defendant called two liability experts — an architect and industry expert — as rebuttal. Moreover, Plaintiffs also attempted to argue to the jury that the Defendant had an inadequate traffic management plan for the return of vehicles.

Damages: In terms of special damages, the Plaintiff had approximately \$2,786,925 in past medical specials, \$250,060 in lost wages, and a life care plan of \$16,025,090 (which was extinguished on her death). In Nevada, the decedent is entitled to pain and suffering and disfigurement, and plaintiff’s counsel requested \$12,000,000 for her alone in past pain, suffering, anguish, disability, disfigurement, and loss of enjoyment of life. The total damages requested by the Plaintiff were \$15,036,985.

The Plaintiff sought \$333,517 in medical specials, \$617,420 in lost wages and earning capacity, and \$12,000,000 in past pain, suffering, anguish, disability, disfigurement, and loss of enjoyment of life. As a participant in the accident, he was entitled to seek recovery for both pain and suffering witnessing the incident, as well as the loss of companionship and grief for the eventual death of his spouse. The total damages requested by the Plaintiff were \$12,950,937.

Trial Strategy: In total, all damages requested by both Plaintiffs combined were **\$27,987,922**. The Defense anchored the case at \$2,643,000, of which \$500,000 was suggested for non-economic damages for both plaintiffs. Dan Santaniello employed his proprietary **reverse-reptile strategy**, which he has presented on and spoken about in numerous conferences. *“My reverse-reptile strategy has been employed successfully with some of America’s largest corporations on sympathetic and catastrophic cases. It has enabled me to task jurors with the impossible job of setting aside sympathy and prejudice in deliberating tough cases, and ultimately obtain equal justice and fair treatment for corporations,”* said Dan Santaniello. *“We were clearly the deep pocket.”* The jury deliberated for two days, and at one point, told the Court they were deadlocked, but ultimately returned a complete defense verdict. For more information on this trial strategy, please reach out to Dan Santaniello directly.

Parachute Trial Counsel Team: Dan Santaniello leads the law firm’s high exposure and catastrophic Parachute Trial Counsel team. The team is available to co-counsel with primary defense counsel on catastrophic losses. We will advise our clients whether a case should be resolved, or has a realistic probability of winning on liability. The team is available to consult on cases in other states on a case-by-case basis. For further information on the Parachute Team, please contact [Daniel Santaniello](#).

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