

07-16129

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALFREDO GERALDO,
Appellant,
vs.
ATC/VANCOM, INC.; AND DUANE
DVORAK, INDIVIDUALLY AND AS AN
EMPLOYEE/AGENT OF ATC/VANCOM,
INC.,
Respondents.

No. 46103

FILED

JUL 24 2007

WANETTE M. BLOOM
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

ORDER AFFIRMING IN PART, REVERSING IN PART AND
REMANDING

This is an appeal from a district court judgment in a personal injury action and post-judgment orders denying a motion for a new trial, or in the alternative a motion for additur, and awarding attorney fees and costs. Eighth Judicial District Court, Clark County; David Wall, Judge.

The parties are familiar with the facts, and we do not recount them except as pertinent to this disposition.

The underlying case is a personal injury lawsuit stemming from an automobile accident. Appellant Alfredo Geraldo, the plaintiff below, filed this action in February 2001. The case proceeded to trial and the jury found in favor of Geraldo, awarding him \$151,000 in damages for medical expenses and incidental, but the jury awarded him nothing for pain and suffering. Geraldo then filed a motion for additur, and the district court ruled that respondent ATC/Vancom Inc. could pay an additional \$75,000 for pain and suffering or opt for a new trial limited to the issue of damages. Vancom opted for a new trial.

Before the second trial commenced, Vancom made two offers of judgment, one for \$50,001 and one for \$100,001. Geraldo rejected both

*ORDER
REVERSED
VACATED
4-24-08*