

IN THE SUPREME COURT OF THE STATE OF NEVADA

AMELIA MEYERS, AS GUARDIAN AD  
LITEM FOR MINOR SARAH HELD,  
Appellant,  
vs.  
REPUBLIC SILVER STATE DISPOSAL,  
INC.,  
Respondent.

No. 50899

**FILED**

**FEB 26 2010**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court judgment on a jury verdict in a tort action. Eighth Judicial District Court, Clark County; David B. Barker, Judge.

On appeal, Amelia Meyers contends that the district court abused its discretion by allowing Republic Silver State Disposal, Inc., to introduce collateral source evidence at trial; we disagree.<sup>1</sup>

Meyers asserts that the district court violated the collateral source rule by admitting an economist's testimony that social security benefits reduced Meyers's damages. The collateral source rule prohibits the jury from reducing the plaintiff's damages based on compensation from a source other than the defendant. Proctor v. Castelletti, 112 Nev. 88, 90 n.1, 911 P.2d 853, 854 n.1 (1996). In Proctor, this court adopted a

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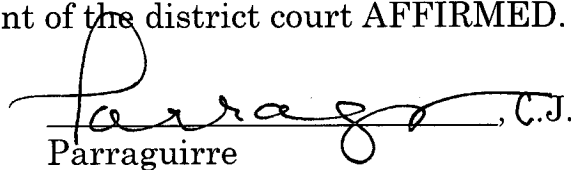
<sup>1</sup>Meyers also contends that the district court erred by (1) allowing an investigating detective to give expert opinion testimony regarding the cause of the accident, (2) prohibiting the investigating officer and Meyers's loss of support expert from testifying, and (3) instructing the jury on both proximate and legal cause. Finally, Meyers argues the cumulative effect of these errors warrants reversal. We conclude that these arguments are without merit.

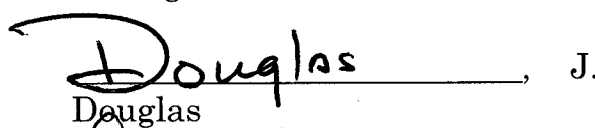
per se rule barring the admission of evidence that suggests that someone other than the defendant compensated the plaintiff for his or her injuries.

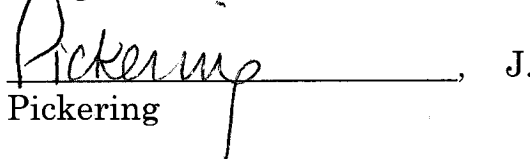
Id.

Here, Silver State violated the collateral source rule by eliciting evidence of Meyers's social security benefits and expert testimony that these benefits eliminated Meyers's economic damages. Although the district court erred in admitting this evidence, the error was harmless because the district court issued a curative instruction directing the jury "not to discuss or even consider whether or not the plaintiff was receiving social security benefits in any verdict you may render." NRCP 61; United Tungsten v. Corp. Svc., 76 Nev. 329, 331-32, 353 P.2d 452, 454 (1960) (This court must disregard any error or defect in the proceedings which does not affect the substantial rights of the parties.). This curative instruction minimized any potential prejudice. The parties failed to include all of the proffered instructions and jury verdict forms in the record, but this court presumes the jury followed the instructions. See e.g., Summers v. State, 122 Nev. 1326, 1333, 148 P.3d 778, 783 (2006). Furthermore, because the jury found for Silver State on the issue of liability, it never considered the issue of damages. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 C.J.  
Parraguirre

 J.  
Douglas

 J.  
Pickering

cc: Hon. David B. Barker, District Judge  
Neil Galatz, Settlement Judge  
Law Offices of Leslie Mark Stovall  
McNeil, Tropp, Braun, & Kennedy  
Eighth District Court Clerk