

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSHUA R. OTERO AND CONSTANCE
SABER,
Appellants,
vs.
DALE DETWILER,
Respondent.

No. 52381

FILED

ORDER OF AFFIRMANCE

JUN 04 2009
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

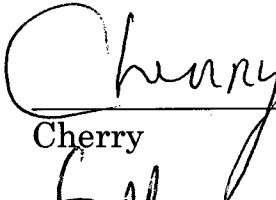
This is an appeal from a district court judgment on a jury verdict under the short trial program in a tort action. Eighth Judicial District Court, Clark County; J. Charles Thompson, Senior Judge.

This lawsuit involves claims for damages arising from an automobile accident in a parking lot. The sole issue on appeal is whether the short trial judge abused his discretion in redacting portions of appellants' expert witness report that was presented to the jury as part of the short trial. Appellants argue that the redacted portions of the expert report simply provided information regarding what materials the expert reviewed to reach his opinions, and the information did not reach beyond the expert's qualifications. Respondent asserts that the redaction was proper because the information that was redacted went beyond the scope of a medical record review and the expert's qualifications.

We review a decision regarding the admissibility of expert testimony for an abuse of discretion. Hallmark v. Eldridge, 124 Nev. ___, ___, 189 P.3d 646, 650 (2008). Having reviewed the briefs and appendices on appeal, we conclude that there was no abuse of discretion in redacting


portions of the expert witness report. Id. (stating that one of the requirements for admissibility of expert testimony is that it must be limited to matters within the scope of the expert's specialized knowledge). The portions redacted included summaries of deposition testimony and other statements and conclusions beyond the scope of the medical record review that the expert was retained to perform. Also, the information within the redacted portions went beyond the qualifications of the expert witness. Therefore, the short trial judge did not abuse his discretion in redacting portions of the expert witness report. Id. Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, J.

Cherry

_____, J.

Saitta

_____, J.
Gibbons

cc: Chief Judge, Eighth Judicial District
Hon. J. Charles Thompson, Senior Judge
William F. Buchanan, Settlement Judge
Keith B. Gibson
Weiss & Weiss
Eighth District Court Clerk

¹Pursuant to NRAP 34(f)(1), we have determined that oral argument is not warranted in this appeal.