

April 14, 2025

The City of Sparks

RE:

My Client:

Nancy Baker

Date of Loss:

December 2, 2023

1. FACTS & LIABILITY

On December 2, 2023, Ms. Baker was a lawful invitee upon the premises in front of the Nugget Casino Resort on Victorian Avenue in Sparks, Washoe County, Nevada (the “**premises**” or “**subject premises**”), operated by the City of Sparks. Ms. Baker was on the premises to attend the Sparks Parade, an event hosted by the City of Sparks. She and her husband positioned themselves in front of the Nugget Casino Resort to enjoy the festivities. Between 2:00 p.m. and 2:30 p.m., they decided to leave the parade and walked northwest from the intersection of Pyramid Way and Victorian Avenue toward Victorian Plaza Circle. While walking eastbound on the sidewalk toward Pyramid Way, Ms. Baker encountered a hazardous defect in the sidewalk—a raised section that had been marked with a spray-painted number 49, indicating prior knowledge of the defect by the City of Sparks or its contractor. Despite this knowledge, no repairs, barriers, or warnings were provided. Tragically, Ms. Baker tripped on the raised section and fell forward, instinctively extending her right arm to break her fall. The impact caused a visible and painful fracture to her right wrist, leaving her unable to raise her hand. The severity of her injury was immediately apparent. Ms. Baker’s encounter with the dangerous condition on the subject premises resulted in her suffering serious injuries to her right wrist, including a visible and painful fracture that rendered her unable to move her hand.

As evidenced by the photographs below,¹ the December 2, 2023, incident involved a dangerous condition.



2. INJURIES & TREATMENTS

The below tables are non-exhaustive lists/summaries of the injuries and treatments Ms. Baker sustained as a direct and proximate result of the December 2, 2023, incident.

REMSA Health	
Timeline	December 2, 2023
No. Visits	1
Summary	On December 2, 2023, emergency medical services were dispatched to the scene of the incident. Upon arrival, emergency medical personnel found Ms. Baker sitting crisscrossed on the ground, holding her right arm. Ms. Baker complained of pain in her right arm. Emergency medical personnel determined that Ms. Baker required additional treatment and care, placed her right arm in a splint and sling, and transported her to Renown Regional Medical Center for further evaluation and treatment.
Documents	<ul style="list-style-type: none"> ● Exhibit 2 - REMSA Health - Records ● Exhibit 3 - REMSA Health - Bills

Renown Health	
Timeline	December 2, 2023 - December 4, 2023
No. Visits	2

¹ Exhibit 1 - Property Damage Photographs

Summary

On December 2, 2023, Ms. Baker presented to the emergency department via emergency medical services for emergent treatment and care. Upon arrival, Ms. Baker complained of pain in her right hand and wrist. The attending emergency physician ordered X-rays of Ms. Baker's right wrist, which revealed, in relevant part, the following:

- **X-ray of the Right Wrist:**
 - **Extensively comminuted intra-articular fracture of the distal right radius with 100% displacement.**
 - **Fracture of the distal right ulnar metadiaphyseal junction and ulnar styloid.**

After a clinical examination and review of Ms. Baker's diagnostic imaging, the attending emergency physician diagnosed Ms. Baker with a **closed Colles' fracture of the right radius** and prescribed Oxycodone. The attending emergency physician referred Ms. Baker for orthopedic consultation for further evaluation of her injuries.

Later that day, Ms. Baker presented to Dr. Eric Nielsen, M.D., for an orthopedic consultation and treatment. Upon arrival, Ms. Baker complained of pain in her right hand and wrist. After a clinical examination and review of Ms. Baker's diagnostic imaging, Dr. Nielsen diagnosed Ms. Baker with a **closed Colles' fracture of the right radius** and recommended Ms. Baker undergo a **closed reduction of the displaced angulated right Colles' distal radius**.

On December 3, 2023, Ms. Baker returned to the emergency department for emergent treatment and care. Upon arrival, Ms. Baker complained of pain in her right hand and wrist with associated numbness in her right first digit. The attending emergency physician also ordered an X-ray of Ms. Baker's right wrist, which revealed, in relevant part, the following:

- **X-ray of the Right Wrist:**
 - **Intra-articular comminuted distal right radius fracture was again seen with a slight increase in the dorsal displacement.**
 - **The stable appearance of the distal ulnar fractures.**

After a clinical examination and review of Ms. Baker's diagnostic imaging, the attending emergency physician diagnosed Ms. Baker with a **closed right intra-articular distal radius fracture** and **closed right distal diaphyseal ulna fracture**, admitted her for in-patient observation, and referred her for orthopedic surgery consultation for further evaluation.

On December 4, 2023, Ms. Baker presented to Dr. Markus Loeffler, M.D., for orthopedic surgery evaluation and consultation. Ms. Baker complained of right

	<p>wrist and hand pain and numbness in her right first digit. After a clinical examination and review of Ms. Baker's diagnostic imaging, Dr. Loeffler performed an open reduction and internal fixation of the right intra-articular distal radius and ulna. Dr. Loeffler noted that Ms. Baker tolerated the procedure well and recommended that she remain non-weight-bearing on her right wrist. Dr. Loeffler discharged Ms. Baker from in-patient care and recommended she follow up for outpatient care for suture removal and X-rays of her right wrist in two weeks.</p>
Documents	<ul style="list-style-type: none">● Exhibit 4 - Renown Health - Records● Exhibit 5 - Renown Health - Bills

Reno Orthopedic Center

Timeline	December 3, 2023 - March 21, 2024
No. Visits	21
Summary	<p>On December 4, 2023, Ms. Baker presented to Dr. Markus Loeffler, M.D., at which time she underwent an open reduction and internal fixation of her distal radius and ulna.</p> <p>On December 21, 2023, Ms. Baker returned to Dr. Loeffler for an orthopedic surgery progress examination. Upon arrival, Ms. Baker complained of right wrist pain post-operatively. Dr. Loeffler ordered an X-ray of Ms. Baker's right wrist, which revealed, in relevant part, the following:</p> <ul style="list-style-type: none">● <u>X-ray of the Right Wrist:</u><ul style="list-style-type: none">○ The implants were in a good position without any evidence of loosening or failure. Alignment is maintained. <p>After a clinical examination and review of Ms. Baker's diagnostic imaging, Dr. Loeffler diagnosed Ms. Baker with a closed fracture of the distal ends of the right radius and ulna and referred Ms. Baker for occupational therapy and recommended she return for re-examination.</p> <p>On January 3, 2024, Ms. Baker presented to Mr. Eric Galvan, O.T., for occupational therapy consultation and treatment. Upon arrival, Ms. Baker complained of right wrist pain. After a clinical examination and review of Ms. Baker's diagnostic imaging, Mr. Thao diagnosed Ms. Baker with a closed fracture of the distal ends of the right radius and ulna and recommended a treatment plan that consisted of, but was not limited to, the following: therapeutic exercises, hot and cold packs, ultrasound, manual therapy, massage therapy, and a home exercise program.</p>

On January 25, 2024, Ms. Baker returned to Mr. Galvan for an occupational therapy progress examination. Ms. Baker complained of right wrist pain. After a clinical examination, Mr. Galvan recommended Ms. Baker continue with her prescribed occupational therapy treatment plan.

Documents

- Exhibit 7 - Reno Orthopedic Center - Records
- Exhibit 8 - Reno Orthopedic Center - Bills

3. DAMAGES

3.1. Total Projected Claim Value

Elements of Damages	
Economic Damages	
Past Medical Expenses	\$75,757.77
Non-Economic Damages	
Pain and Suffering	\$344,960.00
Total Damages	\$430,384.38

3.2. Past Medical Expenses

To date, Ms. Baker has incurred medical expenses as itemized below.

Provider	Treatment Period	Amount Charged	Supporting Document(s)
REMSA Health	12/2/2023	\$2,005.00	Exhibit 3
Renown Health	12/2/2023 - 12/4/2023	\$61,046.77	Exhibit 5
Reno Radiological Associates	12/2/2023 - 12/3/2023	\$180.00	Exhibit 6
Reno Orthopedic Center	12/3/2023 - 3/21/2024	\$12,526.00	Exhibit 8
Total		\$75,757.77	

If you dispute any of Ms. Baker's medical treatment or bills as unnecessary or unreasonable, please specify the disputed items in writing. Otherwise, we will assume you agree with the necessity and reasonableness of her medical treatments and bills.

3.3. Past and Future Pain and Suffering

Nevada allows for our client to be compensated for non-economic damages. Non-economic damages, as defined by Nev. Rev. Stat. § 41A.011 includes damages to compensate for pain, suffering, inconvenience, physical impairment, disfigurement, and other pecuniary damages. These damages account for the physical pain and emotional distress or anguish that a person deals with after a collision or intentional harm by another person. The emotional portion of these damages often factors in depression, anxiety, loss of sleep, and other mental symptoms that accompany the pain and the physical injuries sustained. Where the plaintiff's injury or disability is clear and readily observable, no expert testimony is required for an award of future pain, suffering, anguish, and disability. *Krause Inc. v. Little*, 117 Nev. 929, 938, 34 P.3d 566, 572 (2001); *Gutierrez v. Sutton Vending Service, Inc.*, 80 Nev. 562, 565-66, 397 P.2d 3, 4-5 (1964); *Paul v. Imperial Palace, Inc.*, 111 Nev. 1544, 1548, 908 P.2d 226, 229 (1995).

Mrs. Baker suffered significant pain and limitations following a collision caused by a defective sidewalk. The impact of the fall resulted in a severe fracture to her right wrist, requiring surgery with screws and plates to stabilize the injury. Mrs. Baker experienced persistent pain, swelling, and restricted range of motion in her right wrist and hand, which severely impacted her ability to perform daily activities. She struggled with dressing, combing her hair, writing, opening doors, cutting food, using keys in locks, opening jars, typing, cooking, lifting, carrying, and pushing or pulling objects. These limitations extended to her inability to make a full fist and perform fine motor tasks, such as holding and carrying small items. Despite ongoing occupational therapy, Mrs. Baker continued to experience pain, numbness, tingling sensations, and weakness in her right hand and wrist, which hindered her functional use. Her therapy plans included exercises to improve range of motion, strength, and coordination, as well as pain management and edema control. The injury also caused emotional distress, as Mrs. Baker faced frustration and a diminished quality of life due to her inability to engage in activities she once enjoyed. Her husband expressed frustration with the city for failing to address the hazardous sidewalk, which had been marked but left unrepaired. Mrs. Baker's recovery remains ongoing, with a prognosis of gradual improvement through continued therapy and adherence to her home exercise program.

4. DEMAND TO SETTLE

We are making a demand for \$200,000.000. Please respond within 30 days. Thank you.

Best,

/s/ Josh Dahan

Joshua Dahan, Esq.

Richard Harris Law Firm

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