

**IN THE COURT OF COMMON PLEAS
MONTGOMERY COUNTY, OHIO**

JORDAN REYES,	:	CASE NO. 2025 CV 01254
1400 CLIFTON AVE.	:	
CINCINNATI, OHIO 45220	:	JUDGE OLIVIA D. EDWARDS
Plaintiff,	:	
 	:	
v.	:	<u>TRIAL BINDER - PLAINTIFF</u>
 	:	<u>ATTORNEY</u>
DANTE MILES,	:	
3214 BELMONT PARK DR.	:	
DAYTON, OHIO 45424	:	
Defendant.	:	
	:	
	:	

ARBITRATION DATE: April 23, 2026, 6pm

Trial Team:

Julia Pohl, pohlja@mail.uc.edu, Lead Attorney
Erin Grummel, grummeel@mail.uc.edu, Closing Attorney
Cheyenne Drew, drewcm@mail.uc.edu, Attorney 1
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Jake Fada, fadajr@mail.uc.edu, Attorney 3

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Ruba Hill, hilalra@mail.uc.edu, Witness 3

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Information regarding the parties and the attorneys

PLAINTIFF

Plaintiff: Jordan Reyes, 26 year old law student at University of Cincinnati

Role: Pedestrian

DOB: 04/17/1998

Address: 1400 Clifton Ave, Cincinnati, OH 45220

Phone: (513) 555-2173

Profile: Originally from Santa Rosa, California, Jordan relocated to Cincinnati in 2023. Jordan resides in off-campus housing and is an active member of several student organizations, including the Latino Law Students Association and the Public Interest Law Group.

Jordan sustained injuries including a pelvic fracture, a concussion, and an exacerbation of a prior lumbar spine condition. Jordan underwent emergency care in Nashville and continued treatment over the following year including physical therapy, an orthopedic consultation, chiropractic care, and ultimately back surgery. Jordan claims the injuries have limited their ability to participate in school activities and complete summer internship opportunities.

Income Documentation: Jordan worked part-time as a law clerk for the Hamilton County Public Defender's Office in fall 2024 and spring 2025, earning approximately \$16.75/hour for 20 hours per week. They also completed minor freelance editing work for a legal writing professor, amounting to \$600 total over the course of three months

Plaintiff Attorney: John C. Pryor, Esq. (32154)

Address: 1250 Beech Street, Cincinnati, OH 45202

Phone: (513) 555-2222

Fax: (513) 921 01123

Email: prosecutor@lawyer.com

DEFENDANT

Defendant: Dante Miles, 33 year old Zoomzy rideshare driver

Role: Driver

DOB: 09/02/1991

Address: 3214 Belmont Park Dr, Dayton, OH 45424

Phone: (937) 555-6142

Profile: Miles has been driving for Zoomzy for the past two years and was completing a passenger fare in downtown Nashville at the time of the incident. Dante was operating his vehicle within the scope of his Zoomzy contract and carries liability insurance through Zoomzy's commercial policy. Dante has a clean criminal record and a valid driver's license, though his driving record reflects two minor violations: a speeding ticket from 2020 (8 mph over the limit) and a citation for failing to use a turn signal in 2022. Dante asserts he had the green light and that Jordan entered the crosswalk suddenly, leaving insufficient time to stop.

Defendant Attorney: David B. Shelby, Esq. (12345)

Address: 4942 Single Street, Cincinnati, OH 45202

Phone: (513) 222-5555

Fax: (513) 894-5612

Email: defense@lawyer.com

Pleadings, motions and discovery responses

Jurisdiction: Court of Common Pleas, Montgomery County

COMPLAINT

Filed: February 12, 2026

Filed By: Plaintiff

Summary: This complaint alleges that Defendant, Dante Miles, negligently operated his vehicle and struck Plaintiff, Jordan Reyes, while she was lawfully in a marked crosswalk, causing serious injuries. Plaintiff alleges that Defendant breached his duty of care by failing to maintain proper lookout and failing to yield the right of way. This negligence resulted in direct physical injuries, ongoing medical issues, disruption to her education, and diminished her earning capacity. The complaint seeks compensatory damages for medical expenses, pain and suffering, economic losses, and demands a trial by jury. Overall, the case presents a relatively strong negligence claim with ultimate strength depending on comparative fault arguments.

 Reyes v. Miles Complaint

MOTION FOR EXTENSION

Filed: February 20, 2026

Filed By: Defendant

Summary: Requesting a brief extension of time to respond to the complaint, citing a recent change in counsel and the need for additional time to review the case. Defense counsel represented that the request was made in good faith, would not prejudice the opposing party, and was unopposed by Plaintiff's counsel.

Key deadline:

March 5, 2026

Status: Motion Granted – new response deadline of March 15, 2026

 Reyes v. Miles Motion

ANSWER

Filed: February 20, 2026

Filed By: Defendant

Summary: This answer generally denies liability for the accident and disputes that he acted negligently or caused the Plaintiff's injuries. While admitting basic facts, Defendant denies Plaintiff was lawfully in the crosswalk, denies she had the right of way, and denies her injuries

were caused by his conduct. Defendant raises several affirmative defenses including comparative negligence, asserting Plaintiff's actions contributed to the incident; no breach of duty, maintaining he was operating his vehicle lawfully and in compliance with traffic laws; assumption of risk, asserting that Plaintiff knowingly engaged in risky behavior upon entering the crosswalk; pre-existing conditions, suggesting her injuries may not have been caused by the incident; and failure to mitigate, arguing that her damages may be reduced if she did not take reasonable steps to limit her harm. The answer frames the case as a dispute over liability, causation and the extent of damages, with significant focus shifting fault to the Plaintiff.

Key deadlines:

March 21, 2026 – Answer to Complaint

March 31, 2026 – Extended Time to Answer

 Reyes v. Miles Answer

JOINT DISCOVERY PLAN

Filed: March 8, 2026

Filed By: Joint

Summary: The Joint Discovery Plan sets forth the parties' agreed schedule and scope for discovery, following their Rule 26(f) conference. It establishes deadlines for initial disclosures, expert reports, depositions, and motions, with discovery focused primarily on the Plaintiff's alleged injuries and damages. The parties anticipate using standard discovery methods, report no unusual issues regarding electronic data, privilege, or public records, and expect to be ready for mediation in early May 2026.

Key deadlines:

March 15, 2026 – Initial disclosures exchanged

April 1, 2026 – Plaintiff's expert witness list due

April 15, 2026 – Plaintiff's expert reports due

April 15, 2026 – Defendant's expert witness list due

May 1, 2026 – Defendant's expert reports due

May 8, 2026 – Depositions completed

May 10, 2026 – Discovery cutoff

May 15, 2026 – Dispositive motions deadline

Early May 2026 – Anticipated mediation window

 Reyes v Miles Joint Discovery Plan

PLAINTIFF'S FIRST SET - RFP

Filed: March 26, 2026

Filed By: Plaintiff

Summary: Filed under Ohio Civ. R. 35(A), Plaintiff seeking evidence including rideshare app data, GPS and vehicle telemetry, trip logs, login/logout records, and communications from the app. The request also includes any exhibits or expert materials Defendant intends to use at trial and covers a 24-hour period before and two hours after the incident. The production is designated as continuing and requires supplementation if additional responsive information is discovered.

Key deadlines:

April 23, 2026 – Production of Documents

Status: Unresponsive

 Reyes v. Miles RFP

PLAINTIFF'S FIRST SET - INTERROGATORIES

Filed: March 26, 2026

Filed By: Plaintiff

Summary: Plaintiff's interrogatories seek sworn written responses from Defendant detailing the circumstances of the alleged driving incident, including Defendant's actions before, during, and after the event, as well as driving conditions and vehicle operation. The discovery also aims to establish Defendant's use of a rideshare platform at the time, including trip activity, passenger information, and routing details. In addition, it requests identification of post-incident statements, vehicle maintenance and condition information, and any potential impairment from alcohol or drugs.

Key deadlines:

April 23, 2026 – Production of Interrogatories

Status: Unresponsive

 Reyes v. Miles Interrogatories

STIPULATED DISMISSAL

Filed: April 3, 2026

Filed By: Joint

Summary: Joint agreement between the parties to voluntarily dismiss the case in its entirety without prejudice. The dismissal indicates that all claims and counterclaims are being withdrawn by mutual stipulation of counsel, allowing the matter to be refiled in the future if permitted.

 Reyes v. Miles StipDis

REQUEST FOR ADMISSIONS

Filed: April 3, 2026

Filed By: Plaintiff

Summary: Plaintiff's Requests for Admissions seek to narrow liability by obtaining binding admissions regarding Defendant's operation of the vehicle and the absence of alternative contributing causes such as mechanical failure or visibility obstructions. The request aims to authenticate alleged post-incident text messages and use them to establish Defendant's awareness of the collision and potentially distracted driving or in-vehicle activity at the time.

Status: Unresponsive

MOTION TO COMPEL INTERROGATORIES

Filed: April 10, 2026

Filed By: Plaintiff

Summary: Filed under Ohio Civ. R. 37 seeking to compel Defendant to respond fully to the First Set of Interrogatories. The motion alleges Defendant failed to answer within the required 28-day period after service on May 1, 2022. Plaintiff also states that counsel attempted to resolve the issue informally through good-faith efforts, including written follow-ups on June 1 and June 14, 2022, but those efforts were unsuccessful, necessitating court intervention.

Key deadlines:

May 28, 2022 – Production of Interrogatories

April 24, 2026 – Compelled Production of Interrogatories

Status: Motion Granted – Defendant has 14 days of entry to respond

 Reyes v. Miles Compel

SETTLEMENT DEMAND

Filed: April 10, 2026

Filed By: Plaintiff

Summary: Pre-trial settlement demand seeking resolution of the case. Plaintiff's theory of liability, asserting failure to maintain proper lookout and distraction related to rideshare activity as the cause of the incident. Claimed damages, including medical expenses, lost wages, pain and suffering, and projected future earning capacity losses, and values the case at over \$700,000. The demand offers to settle the matter for \$250,000 as a good-faith compromise and requests a response within 14 business days.

Key deadline:

April 24, 2026

Status: Unresponsive

 Reyes v. Miles Settlement

Information regarding witnesses

Witness #1: Patricia James

Name: Patricia James

Address: 501 Jefferson St, Apt 3B, Nashville, TN 37208

Phone: (615)555-7843

Occupation: Bartender, Midtown Grill

Date of Statement: March 16, 2025

Statement:

I was taking my break outside Midtown Grill around 9:20 PM when I saw someone stepping into the crosswalk at the corner of 5th and Jefferson. They looked to have the walk signal, though I couldn't see it directly. The person seemed to pause briefly before walking across, and I didn't notice them on their phone. A gray sedan came through the intersection and hit them. It didn't seem like the car was speeding, but it happened really fast. The driver pulled over immediately.

Witness #2 - Malik Robinson

Name: Malik Robinson

Address: 16 N. 5th Ave, Nashville, TN 37207

Phone: (615)555-3098

Occupation: Food Delivery Driver

Date of Statement: March 16, 2025

Statement:

I was stopped at the red light on Jefferson, facing westbound, when I saw someone step into the street from the corner. They had their head down, definitely looking at a phone. I don't think they saw the car coming. The Camry had a green light and wasn't going too fast. There wasn't time to stop when the pedestrian walked out. The signal was green for the car—I know because I was waiting for my turn.

Witness #3 - Evan Torres

Name: Evan Torres

Address: 800 Jefferson St., Nashville, TN 37208

Phone: (615)555-1221

Occupation: Hotel Front Desk Clerk

Date of Statement: March 17, 2025

Statement:

I was standing at the front desk window of the Wilshire Hotel, across from the intersection. I didn't see the actual moment of impact, but I heard the noise. When I looked up, I saw the pedestrian lying in the crosswalk and the driver stopping his car and getting out right away. Several people rushed over to help. I heard someone say there might be video from the sandwich shop next door, but I don't know if it shows much.

Information regarding expert witnesses

Expert #1: Dr. Karim Bhatt, M.D.

Role: Ongoing treating physician

Specialty: Board-certified neurosurgeon (spine surgery focus)

Experience: 14+ years; fellowship in spinal surgery (Johns Hopkins); residency (Cleveland Clinic)

Expert Witness History: ~12 prior cases in both plaintiff and defense roles

Deposition Date: March 12, 2026

Deposition Location: UC Neurosurgery, 325 Clifton Avenue, Cincinnati, Ohio

Medical Evaluation & Diagnosis

- First evaluated plaintiff in October 2025 for lower back pain with radiating leg symptoms.
- MRI imaging showed a left-sided L5-S1 disc herniation with S1 nerve root compression.
- Diagnosed condition as lumbar radiculopathy caused by disc herniation.
- No prior imaging or medical records indicated pre-existing disc herniation or neurological impairment.

Treatment & Surgical Intervention

- Conservative treatment was attempted first (medication and physical therapy) but failed.
- Physician recommended and performed L5-S1 microscopic discectomy on December 2, 2025.
- Surgery confirmed disc protrusion compressing the S1 nerve root and successfully decompressed it.
- Post-operative follow-up showed significant improvement in pain and mobility, with no complications.

Causation Opinions

Within a reasonable degree of medical certainty, testified that:

- The traumatic event described in the case caused or significantly aggravated the spinal injury.
- The injury pattern and symptom progression are consistent with blunt-force trauma and fall impact.
- There was no evidence of prior condition sufficient to explain the severity of symptoms.

Prognosis & Future Care

- Patient has improved but not fully recovered
- Residual back pain may persist or fluctuate long-term
- Increased risk of future spinal degeneration at L5-S1
- Possible need for:
 - Physical therapy
 - Steroid injections
 - Potential future surgery (recurrence risk estimated at 10–15%)

Functional Limitations

- Lifting restriction: under 15 pounds
- Limit prolonged sitting and require periodic breaks
- Continued monitoring for recurrence of radicular symptoms

Medical Necessity & Relevance

- Surgery was medically necessary due to failed conservative care and neurological symptoms affecting daily function
- Opinions directly support causation, injury severity, and future damages in the litigation

Strength for Plaintiff:

- Strong on injury existence, severity, and medical necessity

Weakness for Plaintiff:

- Moderate vulnerability only on causation framing (cause vs aggravation)

Strength for Defendant:

- Best argument is aggravation or pre-existing degenerative condition

Weakness for Defendant:

- Inability to dispute:
 - MRI findings
 - Surgical confirmation
 - Post-incident symptom progression

Expert #2: Dr. Allison Sheppard, Ph.D.

Role: Forensic economist & vocational rehabilitation expert

Qualifications: PhD in Economics (UW–Madison), Master’s in Rehabilitation Counseling, Certified Rehabilitation Counselor

Experience: 20+ years in vocational analysis; qualified expert in 50+ state and federal cases

Deposition Date: March 19, 2026

Location: Remote (Zoom deposition)

Scope of Evaluation

Retained by plaintiff to assess:

- Pre-incident vs post-incident earning capacity
- Vocational limitations caused by injury

Reviewed:

- Academic records and resume
- Medical records and neurosurgical testimony
- Employment references and deposition materials
- Labor market data (Bureau of Labor Statistics)
- Conducted in-person vocational interview and testing of plaintiff

Pre-Injury Earning Capacity

Plaintiff projected to earn approximately \$76,000–\$85,000 annually within five years of graduation

Career trajectory based on:

- Strong academic performance
- Legal internship and clerkship experience
- Path toward litigation or public interest law

Post-Injury Earning Capacity

Reduced capacity due to physical limitations affecting stamina, mobility, and work endurance

Likely career restriction to:

- Legal writing
- Policy research or lower-intensity legal roles
- Estimated earnings reduced to \$50,000–\$60,000 annually

Economic Loss Analysis

Total projected future economic loss: \$528,000 to \$635,000

Model included:

- Multiple career scenarios (litigation, public interest, policy work)
- Inflation and discount rate adjustments (2%)
- Retirement age projection (67)

Vocational Impact Findings

- Injury permanently limits ability to:
 - Work long hours
 - Perform high-intensity litigation work
 - Travel extensively for legal practice
- Plaintiff remains motivated but vocational ceiling is reduced
- Opinions based on medical records and neurosurgical testimony

Expert Opinion

- Within a reasonable degree of professional certainty:
 - Reduced earning capacity is permanent in nature
 - Plaintiff's career trajectory has been materially altered by injury
- Written report prepared and submitted to counsel

[W Reyes v. Miles Sheppard Report.docx](#)

The evaluation is based on:

- Law school academic and employment records
- Plaintiff's resume and deposition testimony
- Medical records including surgical and rehabilitation documentation
- Employer recommendation letter
- U.S. Bureau of Labor Statistics earnings data
- Independent vocational interview and testing (Feb. 5, 2026)

Pre-Injury Vocational Profile

Plaintiff was a law student with strong academic performance and prior legal clerkship experience, positioned for a litigation or public interest law career. Her projected post-graduation earning potential was estimated at \$76,000–\$85,000 annually within five years based on comparable market data.

Post-Injury Vocational Limitations

Due to spinal injury-related restrictions, Plaintiff is limited in her ability to perform:

- High-intensity litigation work
- Extended sitting, travel, or courtroom-heavy roles

She continues to experience chronic pain and reduced stamina and may require ongoing or future medical treatment. She retains cognitive and legal skills but is functionally restricted to lower-demand roles.

Post-Injury Earning Capacity

Estimated annual earnings after injury are reduced to approximately:

- \$50,000–\$60,000, primarily in legal research, compliance, or policy-related positions.

Economic Loss Analysis

Using a 2% discount rate, career progression modeling, and retirement age assumptions (67), projected losses include:

Scenario A: Litigation career loss → \$635,000

Scenario B: Public interest law reduction → \$528,000

These estimates exclude secondary losses such as medical expenses or early retirement effects.

Chronology

2020-2023

- Defendant has minor driving history (2020 speeding ticket; 2022 failure to signal citation)
- Plaintiff is pursuing legal education and developing a public interest/litigation career path

2024-2025

- Plaintiff works part-time as a law clerk for the Hamilton County Public Defender's Office (~20 hours/week at \$16.75/hour)
- Plaintiff also performs limited freelance legal writing/editing work (~\$600 total over three months)
- Plaintiff enrolled as a second-year law student at University of Cincinnati College of Law

March 15, 2025

- Plaintiff is a pedestrian in downtown Nashville at a marked crosswalk
- Defendant is operating a 2022 Toyota Camry as a contracted rideshare driver for Zoomzy
- Collision occurs at intersection of 5th Avenue and Jefferson Street
- Liability dispute arises:
 - Plaintiff: had right-of-way (walk signal)
 - Defendant: pedestrian entered suddenly / inattentive (alleged phone use)
- Surveillance video exists but is partially obstructed and inconclusive

March 2025

Plaintiff treated for:

- Pelvic fracture
- Concussion
- Lumbar spine aggravation

Emergency care followed by ongoing treatment begins.

Mid-Late 2025

Plaintiff undergoes continued medical care:

- Physical therapy
- Orthopedic treatment

- Chiropractic care

MRI evidence develops showing L5-S1 disc herniation with nerve compression (as later confirmed by neurosurgeon).

Conservative care fails; surgery ultimately recommended.

December 2, 2025 – Surgery

- Dr. Karim Bhatt performs L5-S1 microscopic discectomy.
- Intraoperative confirmation of disc herniation compressing S1 nerve root.
- Surgery successful with decompression achieved.

December 2025

- Plaintiff reports significant improvement in leg pain and mobility.
- Residual back pain remains.
- Medical opinion notes continued risk of degeneration and recurrence.

February 5, 2026 – Vocational Evaluation

- Plaintiff undergoes vocational assessment with Dr. Allison Sheppard.
- Evaluation includes interview, academic/employment review, and labor market analysis.
- Pre-incident earning capacity estimated at \$76K–\$85K within 5 years post-graduation.
- Post-incident earning capacity reduced to \$50K–\$60K.

March 12, 2026 – Neurosurgeon Deposition

Dr. Karim Bhatt testifies:

- Injury = L5-S1 disc herniation
- Surgery medically necessary
- Trauma caused or significantly aggravated condition
- Some permanent limitations and recurrence risk (10–15%)

March 15, 2026 – Economic Report

Dr. Allison Sheppard issues vocational/economic loss report:

- Future loss: \$528,000–\$635,000
- Career trajectory reduced due to physical limitations
- Permanent earning capacity reduction concluded

March 19, 2026 – Vocational Deposition

Dr. Sheppard testifies:

- Pre-injury earning projection: \$76K–\$85K
- Post-injury earning capacity: \$50K–\$60K
- Loss modeled across multiple legal career paths
- Opinions based on medical restrictions and labor data

March 26, 2026 – Plaintiff Discovery Phase

Plaintiff serves:

- Interrogatories (fault, driving behavior, rideshare activity, impairment)
- Requests for Production (GPS, rideshare logs, vehicle data, communications)
- Requests for Admissions (liability framing, distraction, causation narrative)

April 3, 2026 – Settlement Demand

Plaintiff issues demand letter:

- Liability theory: negligent driving + distraction via rideshare activity
- Damages claimed: ~\$725,960
- Settlement demand: \$250,000
- Includes medical, lost wages, pain & suffering, and future earnings loss

April 10, 2026 – Discovery Motion

- Plaintiff files Motion to Compel Interrogatories due to lack of responses.
- Court grants motion; orders Defendant to respond within 14 days.

April 13, 2026

Plaintiff Requests for Admissions served to:

- Establish driver identity
- Eliminate mechanical/visibility defenses
- Authenticate alleged admissions/text messages
- Narrow liability issues for trial

Cast of Characters

Defense Attorney

David B. Shelby #12345

Address: 4942 Single Street, Cincinnati, OH 45202

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Parties

Jordan Reyes - Plaintiff

Dante Miles - Defendant

Witnesses

Patricia James

Malik Robinson

Evan Torres

Expert Witnesses

Dr. Karim Bhatt, M.D., UC Neurosurgery Associates

Dr. Allison Sheppard, Ph.D.

Key figures

Reporting Officer: Sgt. L. Griffin, Metropolitan Nashville Police Department Bade #20831

ER Physician: Dr. Emily Chen, MD, Vanderbilt University Medical Center, Emergency Department

Orthopedic: Dr. Samuel Freedman, DO, Nashville Ortho Group

Radiologist: J. Kim, MD

Primary Physician: Dr. Natasha Singh, MD, UC Student Health Services

Physical Therapist: Laura Kim, PT, DPT, UC Health Physical Therapy Center

Chiropractor: Dr. Tina Ortega, DC, Midtown Chiropractic Center

Claims Adjuster: Erica James, Summit Casualty Insurance

Legal Research

INTRODUCTION

This is a federal civil negligence action arising from a vehicle-pedestrian collision. Plaintiff Jordan Reyes, a 26 year old law student, was struck on March 15, 2025, at approximately 9:20pm by a 2022 Toyota Camry driven by a 33 year old rideshare driver Dante Miles. The incident occurred while Ms. Reyes was crossing in a marked crosswalk at the intersection of 5th and Jefferson St in Nashville. Plaintiff alleges that Defendant failed to yield the right of way, resulting in physical injuries including a pelvic fracture, concussion and lumbar spine condition requiring surgery along with physical therapy, chiropractic care and mental health care. Plaintiff seeks damages for medical expenses, lost potential earnings, pain and suffering and the impact on her education and career.

DISPUTED FACTS: The parties dispute whether the crosswalk signal was illuminated. Surveillance footage and witness statements are inconclusive. According to witness statements, the traffic signal was green for Miles. Additionally, other witness statements and contemporaneous text messages suggest Ms. Reyes was using her phone at the time of the incident.

ISSUE

The issue is whether Jordan Reyes has a legally recognized negligence cause of action against Dante Miles for injuries sustained in the vehicle-pedestrian collision on March 15, 2025.

RULES

The rule is if a defendant owes a duty of due care to the plaintiff, breaches that duty through a careless act, and that act is both the actual cause and proximate cause of legally recognized damages, then the defendant is liable for negligence.

- A) A cause of action exists when the law recognizes a party's right to seek damages for a legal harm.

B) Negligence is a common civil cause of action. Negligence occurs when one fails to exercise the level of care required by the circumstances. The five elements required to establish a claim of negligence are duty, breach of duty, cause-in-fact, proximate cause and damages.

1. Duty: A legal obligation requiring a person to conform to a certain standard of care toward others to prevent foreseeable harm. A duty exists when the law recognizes a relationship between the parties that requires one to act or refrain from acting in a particular way.
2. Breach of Duty: The failure to meet the standard of care owed. A breach occurs when a defendant's actions or omissions fall short of what a reasonably prudent person would do under similar circumstances.
3. Cause-in-Fact: But for the defendant's actions, the harm would not have occurred.
4. Proximate Cause: Limits liability to harms that are reasonably foreseeable consequences of the defendant's actions.
5. Damages: The plaintiff must have suffered legally recognized harm or injury such as physical injury, medical expense, lost wages and pain and suffering.
6. Comparative Negligence: Reduces plaintiff's recovery in proportion to their own percentage of fault in causing the harm.

ANALYSIS

In our case, Defendant Dante Miles owed a reasonable duty of care to Plaintiff Jordan Reyes and breached that duty when he struck her with his vehicle. Reyes sustained foreseeable injuries and damages.

1. Duty: Dante Miles, a driver, owed a reasonable legal duty of care to pedestrian, Jordan Reyes, in a crosswalk at the intersection of 5th and Jefferson in Nashville. *Drivers must*

yield the right of way to pedestrians in marked crosswalks. Drivers have a duty to avoid colliding with pedestrians and to exercise reasonable care to prevent foreseeable harm, including using the vehicle's horn or braking when necessary.

2. Breach of Duty: Miles may have breached his duty if a factfinder determines his behavior and actions contributed to the collision. Miles admitted to braking but did not indicate use of other measures to avoid collision such as slowing at the intersection or using his horn when he noticed Ms. Reyes looking down, possibly at her phone, before entering the crosswalk despite having a green traffic signal and driving within the speed limit. *A breach occurs when a driver fails to exercise reasonable care to avoid foreseeable harm.*
3. Cause-in-Fact: Miles' failure to yield or take additional precautions, but for Ms. Reyes would not have been struck in the crosswalk and sustained her injuries. Prior to the collision, Ms. Reyes was attending law school and working as a law clerk part time at the Hamilton County Public Defender's Office. Despite a pre-existing lumbar condition, she was functioning without the use of mobility aides and had an active social life. Following the incident, Ms. Reyes was diagnosed with a fractured pelvis, a concussion and exacerbation of her lumbar condition resulting in surgery. Records show that these injuries could not otherwise be explained by another event or condition. *Evidence shows that Ms. Reyes' injuries would not have occurred but for Miles' breach of duty.*
4. Proximate Cause: Ms. Reyes' injuries were a foreseeable consequence of Miles' actions. A reasonable driver would anticipate that failing to yield to a pedestrian could result in serious physical injuries and require medical treatment. While surgery was not immediate, it was foreseeable that a pedestrian could experience worsening physical injuries and long-term medical complications as a result of the collision. *These injuries are within the zone of risk from Miles' breach of duty.*
5. Damages: Ms. Reyes has suffered both acute and long term physical injuries, will incur additional long term medical expenses, loss of future earnings, and has endured pain and suffering. Ms. Reyes' initial medical expenses have been covered by third-party, Zoomzy, insurance. But she will require ongoing medical care related to her injury. Expert testimony has shown Ms. Reyes' career has been impacted by her physical injuries, including her inability to sit for long durations and reduced energy. Her

education was impacted with loss of an internship, inability to participate in moot court or law review last semester and impacted her overall GPA and resume. This has also impacted her future earning potential by 2%, resulting between \$528,000 to \$635,000 loss according to expert testimony. Ms. Reyes was prescribed Sertraline for anxiety and is currently receiving mental health services through her college's student services. Her social life has suffered as a result of the accident as well. *Physical injuries, medical expenses, lost income, and pain and suffering are recoverable damages resulting from Miles' breach of duty.*

6. Affirmative Defenses: Ms. Reyes' own negligence could reduce, but not necessarily bar, her recovery. Ms. Reyes may have been required to yield right of way to Miles and failed to exercise reasonable care for her own safety, contributing to the accident with the vehicle. Strong corroborating witness testimony from Malik Robinson, who testified to waiting at the red light on Jefferson facing westbound, supports Miles' account of having the right of way. Additionally, the witness stated Reyes was not attentive to traffic and looking at their phone at the time of the collision. Contemporaneous text messages show Reyes had already had issues as a pedestrian with other drivers that night. Ms. Reyes texted approximately 10 minutes before the collision - "I swear if one more car almost hits me on this road". Surveillance video obtained by police verifies that westbound traffic had a green signal. Miles has a relatively clean driving record and Zoomzy's independent investigation found Miles followed all protocols and traffic laws. *Ms. Reyes' recovery may be reduced by her proportion of fault, but comparative negligence does not bar recovery.*

CONCLUSION

Therefore, Jordan Reyes has a valid negligence claim against Dante Miles for the injuries she sustained in the vehicle-pedestrian collision on March 15, 2025. Additionally, her recovery may be reduced by her proportion of fault.

Trial exhibits

Master Exhibit Index

E-1: Police Report

Description: Police report by Sgt. Griffin

Category: Liability Exhibits

Admitted (Y/N)

Notes:

Conflicting witness statements

*No citations issued

*Liability unclear

*Surveillance footage confirms green traffic signal but not pedestrian

E-2: Surveillance Footage

Description: Footage from Hotel security

Category: Liability Exhibits

Admitted (Y/N)

Notes:

*Pedestrian signal is obstructed and cannot confirm

E-3: Scene Photos

Description:

Category: Liability Exhibits

Admitted (Y/N)

Notes:

E-4: Rideshare logs

Description:

Category: Liability Exhibits

Admitted (Y/N)

Notes:

E-5: Witness Statements

Description: Statements from three eye witnesses at the scene

Category: Liability Exhibits

Admitted (Y/N)

Notes:

Witness #1 - Supports lawfully crossing and refutes distracted, comparative negligence
*Uncertain

Witness #2 - Supports defenses allegations of distracted, comparative negligence
*Strong defense witness

Witness #3 - Corroborates surveillance footage existence
*Lacks substantive value for either side

E-6: Text Messages

Description: Contemporaneous messages from Plaintiff's phone

Category: Liability Exhibits

Admitted (Y/N)

Notes:

Shows traffic conditions were dangerous that evening
Contemporaneous injury evidence (hitting head, long term progression)
Direct party admission

E-7: ER Records

Description:

Category: Medical Records

Admitted (Y/N)

Notes:

E-8: Primary Physician

Description: Notes from physician

Category: Medical Records

Admitted (Y/N)

Notes:

Confirms ongoing condition
Functional impact
Supports pain and suffering
*Pain described as mild
*Symptoms labeled anxiety

E-9: Chiropractor

Description: Notes from chiro

Category: Medical Records

Admitted (Y/N)

Notes:

Establishes limitations
Reinforces ongoing pain
*Points to intervening cause argument
*Shows a trend of improvement
*Does not indicate radicular symptoms

E-10: Physical Therapist

Description: Notes from PT

Category: Medical Records

Admitted (Y/N)

Notes:

Confirms injuries
Long duration of care supports ongoing problems
*Indicates symptoms are intermittent and not continuous
*Improvements are clearly shown

E-11: Neurosurgeon

Description: Records from major surgery performed

Category: Medical Records

Admitted (Y/N)

Notes:

MRI confirms severity of injury
Demonstrates probability of future problems
*Substantial relief from surgery
*Speculative future risk

E-12: Orthopedic

Description:

Category: Medical Records

Admitted (Y/N)

Notes:

E-13: Insurance Correspondence

Description: Emails from third party insurance agency covering medical bills

Category: Medical Records

Admitted (Y/N)

Notes:

E-14: Jordan Reyes Deposition

Description: Deposition taken on March 2, 2026

Category: Depositions

Admitted (Y/N)

Notes:

Accident and injury description is consistent

*Plaintiff claims phone was in her pocket but evidence points to the opposite.

E-15: Dante Miles

Description: Deposition taken on March 5, 2026

Category: Depositions

Admitted (Y/N)

Notes:

Claimed he was not in the app or using phone

*Consistently claims traffic light was green and was lawfully driving within speed limit

E-16: Dr. Bhatt

Description: Deposition taken on March 12, 2026

Category: Depositions

Admitted (Y/N)

Notes:

Supports trauma induced injuries

*Does not rule out degenerative conditions contributing factor

E-17: Dr. Sheppard

Description: Deposition taken on March 19, 2026

Category: Deposition

Admitted (Y/N)

Notes:

*Entire model is projection based

*No real world losses tied to injury

*Assumes career trajectory

E-18: Economic Loss Report

Description: Expert report regarding Plaintiff's economic losses summarizing pre-injury career trajectory vs. post-injury career trajectory

Category: Damages

Admitted (Y/N)

Notes:

Baseline earning valued at \$76k-\$85k

Post injury \$50k - \$60k

*Depends entirely upon opinion

E-19: Wage Records

Description:

Category: Damages

Admitted (Y/N)

Notes:

E-20: Chart of loss projections

Description:

Category: Demonstrative

Admitted (Y/N)

Notes:

E-21: Daily life visuals

Description:

Category: Demonstrative

Admitted (Y/N)

Notes:

E-22: Timeline

Description:

Category: Demonstrative

Admitted (Y/N)

Notes:

E-23: Intersection Diagram

Description:

Category: Demonstrative

Admitted (Y/N)

Notes:

Liability Exhibits

E-1: Police Report

[W Reyes v. Mile Police Rep.docx](#)

E-2: Surveillance Footage

E-3: Scene Photos

[R Reyes v. Miles Surveillance.png](#)

E-4: Rideshare logs

E-5: Witness Statements

[W Reyes v. Miles Wit Statements.docx](#)

E-6: Text Messages

[W Reyes v. Miles Text Messages.docx](#)

Medical Records

E-7: ER Records

E-8: Primary Physician

[W Reyes v. Miles Primary Records.pdf.docx](#)

E-9: Chiropractor

[W Reyes v. Miles Chiro Records.pdf.docx](#)

E-10: Physical Therapist

[W Reyes v. Miles PT Records.docx](#)

E-11: Neurosurgeon

[W Reyes v. Miles Neuro Records.docx](#)

E-12: Orthopedic

E-13: Insurance Correspondence

[W Reyes v. Miles Insurance.docx](#)

Depositions

E-14: Jordan Reyes

[W Reyes v. Miles Reyes Depo.docx](#)

E-15: Dante Miles

[W Reyes v. Miles Miles Depo.docx](#)

E-16: Dr. Bhatt

[W Reyes v. Miles Bhatt Depo.docx](#)

E-17: Dr. Sheppard

[w Reyes v. Miles Sheppard Depo.docx](#)

Damages

E-18: Economic Loss Report

[w Reyes v. Miles Sheppard Report.docx](#)

E-19: Wage Records

Demonstrative

E-20: Chart of loss projections

E-21: Daily life visuals

E-22: Timeline

E-23: Intersection Diagram

Trial outline

Case Theme - “Right of way carries responsibility”

Even with a green light, a driver must maintain heightened awareness at controlled intersections. Dante Miles failed to exercise reasonable care when a visible pedestrian was in a marked, lit crosswalk, resulting in a preventable collision that permanently altered Jordan Reyes’ ability to pursue her chosen legal career.

Legal Theory

Negligence based on failure to maintain proper lookout and reasonable care under the conditions

Elements of Proof

1. Duty
 - a. Drivers owe duty of reasonable care at intersections
 - b. Enhanced duty where there are marked crosswalks and pedestrians present
2. Breach (Facts to prove)
 - a. Plaintiff was in marked crosswalk
 - b. Intersection was lit / no obstructions / visible conditions
 - c. Driver had time and opportunity to stop
 - d. Driver failed to maintain adequate lookout
 - e. Divided attention from passenger drop off
 - f. Busy intersection requires heightened vigilance
3. Causation
 - a. Driver’s inattention caused a failure to see the pedestrian in time
 - b. Collision occurred despite visibility in a controlled intersection
4. Damages
 - a. Severe spinal injury required surgery
 - b. Permanent limitations affecting legal career and social life
 - c. Reduced earning capacity

Key Timeline

Plaintiff entered a clearly marked, lit crosswalk.

Defendant approached a controlled intersection with pedestrians present

Defendant failed to observe and react properly

Collision occurred despite avoidable conditions

Key Facts to Emphasize

Visibility and Opportunity to Avoid

1. Marked crosswalk
2. Lit intersection
3. Plaintiff not hidden

Driver Conduct

1. Green light does not remove duty of care
2. Failure to maintain continuous lookout
3. Distraction due to passenger argument

Case Weaknesses

Allegation: Plaintiff was on the phone

This creates comparative fault narrative and can reduce damages

Response:

1. Driver must always anticipate pedestrians in crosswalk zones
2. Witnesses accounts are inconsistent and unreliable to the Plaintiff's use of her phone

Witness Order

Witness #1 - testify to the accident

Witness #2 - testify to the injuries sustained and impact

Expert #1 - testify to the career damage and economic loss

Opening Theme

At a marked crosswalk, drivers are expected to see what is in front of them. This case is about a failure of attention at exactly the moment when attention mattered most.

Closing Argument Outline

1. Responsibility & failure of lookout
2. Opportunity to avoid impact
3. Life impact on career & permanent medical consequences
4. Comparative fault does not outweigh driver's negligence

This is a visibility and failure to maintain lookout case, not a right-of-way case.

Attorney's Notes

Confirm the following:

- Lit intersection
- App data logs

To Do List

4/15/26: Complete Trial Binder

4/16/26: Complete Trial Brief Draft

4/17/26: Complete Trial Brief Final Draft

4/20/26: Turn over exhibit and witness list to opposing counsel