



Jon J. Carlston

Of Counsel

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Jon Carlston practices mainly in the area of insurance defense of individuals and companies, primarily against auto and premises liability claims. Over more than a decade practicing as a litigator in Nevada, Jon has resolved hundreds of claims via jury and bench trials, arbitration, mediation and negotiation. He handles claims of all levels of potential exposure and complexity using a detail-oriented, results-based approach for each case. Jon has the experience and capability to skillfully manage litigated claims through all phases of litigation to position each case for settlement or trial, if necessary. He endeavors to achieve the best outcome possible for his clients by custom-tailoring the defense to the facts of the case and the client's particular goals.

Jon brings a wide range of experience, including plaintiff-side personal injury litigation, in-house counsel for one of the country's largest home and auto insurance carriers handling both first- and third-party claims, and defense of a national transportation rideshare company. He also has significant appellate experience having briefed six cases to the Nevada Supreme Court including one oral argument and one published opinion.

Jon began his legal career as a judicial law clerk for a number of Nevada judges handling civil and domestic dockets in Clark County, Nevada. This experience gives him tremendous insight into how Nevada judges evaluate and rule on motions presented to Nevada courts.

Education

- University of Nevada, Las Vegas, William S. Boyd School of Law (J.D., 2007)
- Utah State University (B.S. Accounting, 2003)
- University of Utah (B.A. Spanish, 2004)

Services

- Transportation
- Hospitality
- Complex Tort & General Casualty
- Contractual/Extra-Contractual Liability Litigation

Bar Admissions

- Nevada

Court Admissions

- Nevada Supreme Court
- U.S. District Court, District of Nevada

Professional Affiliations

- Clark County Bar Association

Languages

- Spanish

Client Wins

Dodrill and Carlston Kick Out Negligent Entrustment Claim Against Car-Sharing Platform

Colt Dodrill (Of Counsel-Phoenix, AZ) and Jon Carlston (Of Counsel-Las Vegas, NV) prevailed on summary judgment for a client car-sharing platform in Nevada's Eighth Judicial District Court. Through our client, a non-party vehicle owner agreed to share his vehicle with a co-defendant who let the defendant driver operate the vehicle, which later stuck the plaintiff's vehicle. Colt and Jon argued that our client could not entrust a vehicle it, as a car-sharing program, did not control. Colt and Jon also argued that the law of negligent entrustment was not strict liability and did not extend to successive entrustments to unauthorized drivers. When the plaintiff argued Nevada's car rental statutes required our client to insure the vehicle as to all operators, Jon pointed the court to Nevada's new car-sharing statutes that except car-sharing programs from that rule. The court agreed and entered summary judgment in favor of our client, sparing them from burdensome discovery and substantial exposure for the plaintiff's personal injuries.

Dodrill and Carlston Obtain Dismissal Under New Peer-to-Peer Car-Sharing Statutes

Colt B. Dodrill (Of Counsel-Phoenix, AZ) and Jon Carlston (Of Counsel-Las Vegas, NV) prevailed on a motion to dismiss in Nevada state court in a negligent entrustment action against Wilson Elser's clients, a peer-to-peer car-sharing program and the shared vehicle's owners. The plaintiff's luxury tour bus suffered extensive property damage after a hit-and-run accident with the shared vehicle. Although it was unclear whether an authorized driver or car thief was behind the wheel, Colt and Jon argued that common law does not recognize successive entrustments. In an issue of first impression, Colt successfully navigated Nevada's recently enacted car-sharing statutes to convince the court that the clients need not investigate whether a license displayed by the authorized driver was valid. Colt also convinced the court that the client's insurance required by the new statutes was not the plaintiff's ticket to impose vicarious liability. Colt also argued that joint and several liability under the old car rental statutes took a backseat to the new peer-to-peer car-sharing statutes. In addition, Colt argued that amending the complaint and

allowing discovery would be futile. The court agreed and dismissed all claims against the client. This decision saved the client from significant exposure, burdensome discovery, and substantial costs and legal fees.