



Jonathan C. Pattillo

Of Counsel

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Jonathan Pattillo represents clients in all aspects of litigation. His practice focuses on the defense of claims-related general liability, automobile liability, product liability, premises liability and personal injury. Jonathan has successfully handled injury cases brought against homeowners' associations and other public areas.

When claims arise, Jonathan maps a resolution plan designed to determine likely exposure, identify resolution options and ultimately conclude in outcomes that adhere to prescribed guidelines. While focused on effectively managing the entire litigation process, Jonathan understand that clients prefer quick and cost-effective solutions to complex and potentially protracted liability cases.

Education

- Baylor University School of Law (J.D., 2010)
- Duke University

Bar Admissions

- Nevada

Court Admissions

- U.S. District Court, District of Nevada

Awards & Honors

Selected for inclusion in *The Best Lawyers in America® Ones to Watch™*, 2024-2025

Services

- Complex Tort & General Casualty
- Admiralty & Marine

Client Wins

Lowry & Pattillo Win Summary Judgment for Retailer

Michael Lowry (Partner-Las Vegas) and Jonathan Pattillo (Associate-Las Vegas) obtained summary judgment in the United States District Court, District of Nevada, for a retail client named in a slip and fall action. The plaintiff alleged that customers were frequently stealing food by eating it inside the client's store and then throwing the used containers on the floor, creating slip and fall hazards. However, there was no evidence that this alleged activity caused the hazard that the plaintiff found after her fall. The district court concluded that the plaintiff lacked evidence demonstrating the retailer had permitted a virtually continuous hazard to exist, granting Wilson Elser's motion for summary judgment.

Felder and Patillo Obtain Favorable Ruling for Jet Ski Rental Company in Wrongful Death Case

Otis Felder (Partner-Los Angeles, CA) and Jonathan Patillo (Associate-Las Vegas, NV) obtained a favorable ruling from the United States District Court for the District of Nevada, which denied a motion for sanctions against our client jet ski rental company in a wrongful death lawsuit. The plaintiffs had sought spoliation sanctions, alleging that the rental company failed to preserve video footage related to a 2020 jet ski rental transaction. Wilson Elser was brought in after the original counsel failed to bring a limitation action in federal court. The court ruled in favor of the rental company, finding that the plaintiffs failed to establish a duty to preserve the footage at the time it was automatically deleted. Through their representation, Otis and Jonathan were able to show the court that the company acted properly and in good faith throughout this process. The denial of sanctions eliminates any adverse inference against the company and strengthens its defense as the case proceeds. The case also is significant in discussing the various standards with respect to preservation of evidence and issues concerning spoliation.

Lowry and Pattillo Earn Defense Decision in Protracted Binding Arbitration

Michael Lowry (Partner-Las Vegas) and Jonathan Pattillo (Associate-Las Vegas) earned a defense decision following a 16-day binding arbitration for Wilson Elser's client, a landscaping subcontractor. The dispute arose during the construction of a large mobile home park. The general contractor and the owner had a falling out prior to the project's completion, leading to litigation that expanded to include various subcontractors. After the protracted arbitration hearing, the arbitrator agreed with the owner's assertion that our client breached its subcontract. However, the arbitrator also concurred with Michael and Jonathan's arguments that no damages were incurred as a result of the breach. This decision resulted in a net win for Wilson Elser's client.

Lowry and Pattillo Achieve Affirmance in Mold Exposure Case

Michael Lowry (Partner-Las Vegas, NV) and Jonathan Pattillo (Associate-Las Vegas, NV) obtained summary judgment for a unit owners association for a residential building near the Las Vegas Strip. The plaintiff alleged he sustained injuries after exposure to mold in the building. However, the plaintiff never responded to requests for admission regarding key elements of his claim. As a result, the requests were deemed admitted and the district court agreed with Michael and Jonathan's assertion that the plaintiff's responses were

inadequate and failed to address the substance of the requests, and that summary judgment was proper. The plaintiff then appealed, arguing summary judgment was improper for a variety of reasons. Nevada's Court of Appeals rejected these arguments and affirmed summary judgment. It noted the plaintiff had not preserved many of his arguments and those that he had preserved did not support reversal.

Lowry and Pattillo Obtain Summary Judgment for Grocer Defeating Slip/Trip and Fall Claim

Michael Lowry (Partner-Las Vegas) and Jonathan Pattillo (Associate-Las Vegas) obtained summary judgment in Nevada's Eighth Judicial District Court on behalf of a regional grocer. The plaintiff alleged she was injured after slipping and falling in one of the client's Las Vegas stores. At the close of discovery, Michael and Jonathan moved for summary judgment because no evidence was shown indicating how or why the alleged hazard was created. The court concurred, determining the plaintiff failed to show that our client created the hazard that caused her to slip, was unable to produce admissible evidence that our client received actual notice of the hazard before the slip occurred and failed to produce sufficient evidence to create a genuine dispute as to any material facts in relation to breach of duty and causation. The court then granted Wilson Elser's summary judgment motion in favor of the grocer client.

Lowry and Pattillo's Discovery Strategy Leads to Voluntary Dismissal

Michael Lowry (Partner-Las Vegas, NV) and Jonathan Pattillo (Associate-Las Vegas, NV) proposed and executed a discovery strategy that eventually led to a voluntary dismissal. The firm's client was named in a slip-and-fall case where the claimant alleged a complex fracture resulted in medical bills exceeding \$350,000. The client was suspicious that the fall did not happen within an area the client controlled. Over the course of months, Michael and Jonathan were able to gather facts from the plaintiff and other defendants that eventually confirmed the client's suspicions. The plaintiff later agreed to voluntarily dismiss as to the firm's client without indemnity.

Lowry and Pattillo Obtain Summary Judgment for Retailer in Slip-and-Fall Case

Michael Lowry (Partner-Las Vegas, NV) and Jonathan Pattillo (Associate-Las Vegas, NV) obtained summary judgment in the U.S. District Court, District of Nevada for a national discount retailer. The plaintiff alleged she was injured after slipping and falling on a spill in one of our retailer client's Las Vegas stores. However, Michael and Jonathan obtained video that documented the spill was created just seven minutes before the fall. While the parties disputed whether Nevada law considers the length of time a spill existed as an element of notice, the court concluded even if that was considered, summary judgment was appropriate given the factual circumstances of the spill's creation.

Lowry and Pattillo Secure Summary Judgment for RV Dealership

Michael Lowry (Partner-Las Vegas) and Jonathan Pattillo (Associate-Las Vegas) were granted summary judgment in the Eighth Judicial District Court in Las Vegas on behalf of an RV dealership client against a warranty claim. After purchasing an RV, the plaintiffs alleged they immediately began experiencing problems, and filed suit seeking to unwind the purchase and consequential damages. The court granted Michael and Jonathan summary judgment at the end of discovery, as the plaintiffs had not designated an expert witness to explain how the RV's systems worked and why the system was allegedly

defective. Also, the losses plaintiffs alleged were economic losses, and finally, plaintiffs had not preserved the RV in a way that provided the dealership meaningful access to assess its condition. The plaintiffs did not dispute these points, instead arguing dismissal without prejudice was appropriate per Rule 41(a)(2). As the statute of limitations on the contract had not yet expired, that would have allowed them to re-file the case. The court rejected that argument, noting it came just 48 days before the start of the trial stack to which the case was assigned. The customer later dismissed in lieu of appealing in exchange for a waiver of costs.

Lowry & Pattillo Obtain Summary Judgment for UOA

Michael Lowry (Partner-Las Vegas) and Jonathan Pattillo (Associate-Las Vegas) obtained summary judgment in the Eighth Judicial District Court, Las Vegas, for Wilson Elser's client, a unit owners association for a residential building near the Las Vegas Strip. The plaintiff alleges he sustained injuries after exposure to mold in the building. However, the plaintiff never responded to requests for admission regarding key elements of his claim. As a result, the requests were deemed admitted. The court agreed with Michael and Jonathan's assertion that the plaintiff's responses were inadequate and failed to address the substance of the requests and that summary judgment was proper.

Lowry and Pattillo Obtain Summary Judgment Due to Lack of Expert Testimony

Michael Lowry (Partner-Las Vegas) and Jonathan Pattillo (Associate-Las Vegas) obtained summary judgment in Nevada's federal court for a regional grocer client. The plaintiff alleged he was injured after slipping and falling in one of the client's Las Vegas stores. As a rule, Nevada requires medical expert testimony to satisfy the causation element in a negligence claim. An "obvious injury" exception exists, but did not apply to the injuries alleged. The district court concluded that the plaintiff had not met his obligation under FRCP 26(a)(2) to disclose medical expert testimony regarding medical causation and granted summary judgment.

Lowry & Pattillo Help Property Owner Prevail in Title Dispute

Michael Lowry (Partner-Las Vegas) and Jonathan Pattillo (Associate-Las Vegas) achieved summary judgment in the Las Vegas Eighth Judicial District Court on behalf of a Homeowners Association (HOA) in a mixed-use tower. The HOA sued a ground-level commercial tenant in a dispute involving ownership and possession of a particular space. The tenant then counterclaimed against the HOA and Michael and Jonathan were retained to defend against the counterclaim. At the end of discovery, the district court granted summary judgment to the HOA, concluding the tenant lacked the facts required to prove any of its counterclaims. The tenant then agreed to dismiss the counterclaim with prejudice rather than pursue an appeal.

Lowry and Pattillo Achieve Favorable Settlement for Las Vegas Resort

Michael Lowry (Partner-Las Vegas, NV) and Jonathan Pattillo (Associate-Las Vegas, NV) obtained a favorable settlement in the Eighth Judicial District Court on behalf of a resort on the Las Vegas strip. The general liability case involved a plaintiff who was on the premises working for a florist at a wedding. A separate vendor installed a chuppah, which collapsed on the plaintiff, who then alleged a mild traumatic brain injury and sought nearly \$60,000 in medical bills and loss of income. During discovery Michael and Jonathan obtained post-event emails from the plaintiff's employer that documented the resort had no involvement

with the chuppah and that the employer had expressed concerns to the vendor about the chuppah's integrity. After these facts were confirmed via the employers' depositions, the resort moved for summary judgment and the plaintiff accepted a de minimis settlement before the motion could be heard.

Lowry and Pattillo Obtain Favorable Settlement for Mass Transit Provider

Michael Lowry (Partner-Las Vegas, NV) and Jonathan Pattillo (Associate-Las Vegas, NV) obtained a favorable settlement on behalf of a mass transit provider in the Las Vegas Eighth Judicial District Court for a case where a passenger alleged he was injured in a rear-end collision. The passenger claimed the accident re-aggravated a healing break in his left arm and resulted in medical bills exceeding \$100,000. He testified the injury happened because he braced for the rear-end collision with his left arm, causing him severe pain at the scene. Michael and Jonathan used the bus's onboard surveillance video to demonstrate that the man never braced with his left arm. He was also walking and talking amicably after the rear-end collision occurred. The plaintiff also gave medical testimony that contradicted his own medical records. Michael and Jonathan obtained a settlement for the firm's client of less than \$5,000.

Lowry and Pattillo Obtain Summary Judgment on Lack of Expert Testimony

Michael Lowry (Partner-Las Vegas, NV) and Jonathan Pattillo (Associate-Las Vegas, NV) obtained summary judgment in Eighth Judicial District Court on behalf of a client that provides mass transit services. A tractor-trailer turned in front of a bus and a passenger on the bus alleged injury and filed suit. After discovery closed, Michael and Jonathan moved for summary judgment, arguing the plaintiff had not produced the medical experts required under the circumstances to prove damages. The plaintiff argued his injuries were obvious and did not require medical experts. The district court agreed with Michael and Jonathan, noting the injuries required expert testimony to prove causation and the plaintiff lacked expert testimony to meet that burden. Without any provable damages, summary judgment was entered against the plaintiff.

Lowry and Pattillo Granted Summary Judgment for Department Store Client in Civil Rights, Defamation Case

Las Vegas partner Michael Lowry and associate Jonathan Pattillo were granted summary judgment for the firm's department store retail chain client in United States District Court, District of Nevada. The plaintiff alleged that the store had cooperated with police and other stores in an investigation of an organized retail theft group, which violated his civil rights under color of state law per 42 USC 1983, defamed him by identifying him as being involved in the crime and resulted in his false imprisonment. The charges stemming from the investigation were dropped when the plaintiff noted he was incarcerated for unrelated convictions when the retail thefts occurred. Michael and Jonathan argued that someone who is already incarcerated cannot be falsely imprisoned by someone else and that there were no strong indicators of a conspiracy present. In granting summary judgment to the firm's client, the judge also concluded there is a limited privilege to defame for people reporting crimes and cooperating with police. The limits of that privilege were not breached here.

Lowry and Pattillo Obtain Summary Judgment in Slip and Fall Case for Retail Client

Las Vegas partner Michael Lowry and associate Jonathan Pattillo obtained summary

judgment for a national big box retailer on a slip and fall claim, filed in United States District Court, District of Nevada. Plaintiff, a customer of the store, alleged she fell due to wet conditions on the retail floor. Michael and Jonathan argued the plaintiff's claims conflicted even with the testimony of her own husband as to whether there was any wet substance present. Even assuming there was something wet on the floor though, the federal judge granted summary judgment for the firm's client because the customer lacked evidence indicating the store had actual or constructive notice it was there.

Lowry and Pattillo Obtain Dismissal of Case in Which Claimant Never Completed the Process to Open Discovery

Michael Lowry (Partner-Las Vegas, NV) and Jonathan Pattillo (Associate-Las Vegas, NV) were retained by a national department store to defend against a lawsuit alleging store security had falsely imprisoned and injured a customer. The customer was criminally convicted of shoplifting at the store, but still insisted that he had been wrongly detained and falsely imprisoned by store security. The claimant filed multiple motions with the Eighth Judicial District Court seeking to expand the store's liability, but never completed the process to open discovery. When confronted with a motion to dismiss for not timely opening discovery, the claimant blamed delays due to COVID-19, but the court pointed to the multiple motions he had been able to file despite the pandemic. The court then granted the motion to dismiss.

Lowry and Pattillo Obtain Summary Judgment – Plaintiffs Unable to Prove Damages

Michael Lowry (Partner-Las Vegas) and Jonathan Pattillo (Associate-Las Vegas) represented a client that provides mass transit services in Las Vegas in a case before the Eighth Judicial District Court. A vehicle struck the client's bus and two passengers on the bus asserted the collision injured them. After discovery closed, Michael and Jonathan moved for summary judgment, arguing the plaintiffs had not disclosed the medical experts required under the circumstances to prove damages. The district court agreed, concluding the disclosures the plaintiffs served did not comply with the substantive requirements for designating non-retained experts. Without any provable damages, summary judgment was entered against the plaintiffs.

Lowry and Pattillo Defend Subcontractor Payment Claim

Michael Lowry (Partner-Las Vegas) and Jonathan Pattillo (Associate-Las Vegas) obtained a defense judgment from a Las Vegas court after a bench trial in Las Vegas. The trial involved a retailer that hired a building services vendor that in turn hired a subcontractor to provide HVAC services to Las Vegas properties. The subcontractor performed the services and billed the vendor. The vendor was paid by the retailer, but then did not pay the subcontractor. The vendor's business collapsed, disappeared and was not a party at trial. The trial was about whether the retailer should be forced to pay twice for the subcontractor's work. Under Nevada mechanic's lien law that would be the result, but the subcontractor admittedly never recorded a mechanic's lien. The subcontractor instead argued either the retailer was bound by the vendor's contract or was alternatively unjustly enriched. Weeks after the bench trial, the Eighth Judicial District Court entered judgment for the retailer. It concluded there was no contract binding the retailer to the subcontractor. It also concluded there was no unjust enrichment under these circumstances because the subcontractor's payment rights were restricted under its contract with the vendor.

