



**SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY
COURT OF APPEALS**

10,005 E. OSBORN RD. SCOTTSDALE, AZ 85256 (480)362.6315

JENNAH VILLALPANDO,
Appellant,

-V-

FRANCINE CARLOS-HOLLOWAY,
Appellee.

Case No.: AP-26-0004

(CV-25-4104)

OPINION AND ORDER

Before, REES, AUSTIN, and GUSS, Justices of the SRPMIC Court of Appeals.

An appeal from the SRPMIC Community Court concerning Case No.: CV-25-4104, the Honorable Judge Janaya L. Johnson, presiding.

Reed Anderson, SRPMIC Legal Services, for the Appellant.

Francine Carlos-Holloway, the Appellee.

OPINION DELIVERED BY JUSTICE REES.

This is an appeal from the Community Court's *ORDER (Bench Trial Judgement)*, dated January 21, 2026, finding the Appellee liable for injuries to Appellant caused by her dogs -- and awarding the Appellant \$480.00 in lost wages and \$480.00 in pain and suffering. The Appellant seeks appellate review of the trial court's decision to not include the Appellant's medical bills in its calculation of damages for pain and suffering. For the reasons set forth below, we REVERSE the trial court's *ORDER (Bench Trial Judgement)* and REMAND the matter for reconsideration of damages consistent with this Opinion.

I.

The facts of the case are not in dispute. On the morning of July 25, 2024, the Appellant was attacked by four dogs owned by the Appellee, while the Appellant was patronizing the

Appellee's business. As a result of the attack Appellant received injuries that required medical attention which included, among other things, stitches.

Appellant filed a Civil Complaint on July 14, 2025. After the trial, the trial court issued an *ORDER (Bench Trial Judgment)*, which awarded the Appellant \$480.00 for lost wages and \$480.00 for pain and suffering. In doing so, the trial court seemed to find that fair compensation included actual pecuniary loss, such as lost wages and pain and suffering. The amount that was awarded by the trial court for pain and suffering is exactly the same as the amount awarded for lost wages. It is clear that the trial court directly correlated the amount awarded in pain and suffering to the amount of pecuniary loss.

The Appellant provided evidence of her injuries and medical expenses during the trial. See Index Sheet No. 29, Plaintiff's Exhibit at 20 (Plaintiff's Exhibit H)(January 21, 2026). Due to being treated at Indian Health Service ("IHS") facilities, there were no out-of-pocket expenses in relation to treatment for the injuries sustained by the Appellant. The trial court's *ORDER (Bench Trial Judgment)* was very thin on facts and reasoning, but it appears as though it took a very narrow view of loss by only looking at what the obvious and immediate financial implications to the Appellant were—lost wages.

The Appellant appealed the trial court's ruling, arguing in her *Principal Brief* that the trial court erred in not considering her medical expenses in calculating damages. The Appellee, for unknown reasons, did not file a principal brief.

II.

In this appeal, we are presented with the following issue: in tort cases involving bodily injuries, are the trial courts required, under statute or otherwise, to consider a party's medical

expenses in calculating damages, even if the medical expenses are paid by a third party? The standards of review that this Court applies to questions presented are: *de novo*, abuse of discretion, clearly erroneous, and substantial evidence.¹ Questions of law, statutory interpretation, and jurisdiction are reviewed under the *de novo* standard which means “to review anew or afresh . . . as if the [Court of Appeals] was sitting as the trial court.”² The question presented in this case involve statutory interpretation and questions of law. Therefore, the question presented will be reviewed under the *de novo* standard.³

III.

The Salt River Rules of Civil Procedure provides that “Where the injury inflicted was the result of negligence of the defendant, the judgement shall fairly compensate the injured party for the loss suffered.” SR.R.Civ.P. 5-24(c). There is no question that the Appellant’s injury was caused by the negligence of the Appellee. Thus, this case boils down to how should the court determine fair compensation for the loss suffered as a result of the negligence of another. -Fair compensation should be grounded in the principles of fairness and substantial justice.

The ideas of fairness and substantial justice are - foundational tenets of the Community’s ordinances and part of the Community’s core values.⁴ It is the responsibility of the Community courts to recognize the common law principles of fairness and substantial justice when determining cases. It is important to note that in tort cases the Community courts are not restricted

¹ Rule 12(c)(6), Rules of Civil Appellate Procedure, Appendix, Rules Committee Note.

² *Panzullo v. Salt River Gaming Ent.*, APC-22-0001 at 6 (SR App. Ct. Aug. 17, 2022).

³ *In the Matter of N.A.F., Fragua v. Antone*, APJ-19-0002 (“Under the *de novo* standard of review, this Court affords no deference to the lower court’s determination and reviews the case on the same standard applied by the trial court.”).

⁴ See S.R.O. § 4-1(b) (instructing courts to apply certain laws “in order to do substantial justice to the parties in the dispute”); Rules of Civil Appellate Procedure, Rule 1 (instructing this Court to construe court rules liberally “to promote substantial justice and fairness to the parties”); Rules of Criminal Appellate Procedure, Rule 1 (mirroring Rule 1 of the Civil Appellate Rules).

to the common law of the Community, but can look to the common law of the state for guidance. See Code Sec. 4-1(b).

IV.

While the Salt River Rules of Civil Procedure do require fair compensation for injuries suffered on account of the negligence of another person, the Rules provide no guidance on exactly what is fair compensation. *Id.* Thus courts are left to make that determination. And in this case the fairness question is, if a plaintiff may in fact be liable for the total amount of their medical expenses, is it fair to not consider those expenses in awarding damages. Most, if not all, health insurance companies have subrogation provisions in their policies that permit the insurer to recover amounts it paid for medical treatment resulting from injuries for which the insured has a legal right to obtain compensation from a third party.

While IHS can work differently than traditional insurance, federal law allows IHS to seek subrogation for the personal injury claims. 25 U.S.C. § 1682 provides, "...the Indian Health Service may seek subrogation of claims including but not limited to auto accident claims, including no-fault claims, personal injury, disease, or disability claims, and worker's compensation claims..." In fact, by using the SRPMIC IHS facilities, patients sign paperwork which assigns their right to recover from a third party to IHS; the caveat is that IHS would need to assert those rights. 42 U.S.C. § 2651. This means that the IHS can recover the money it paid for the Appellant's injuries.

By awarding the Appellant damages that are substantially lower than the IHS medical bills, the trial court put the Appellant in a position where her recovery would be completely wiped out if the IHS asserted a lien on the damages award. Therefore, we hold that the trial court must

consider Appellant's medical expenses because, absent that consideration, the damages award cannot constitute fair compensation.

V.

In not considering the medical expenses covered by health insurance, the trial court did not fairly compensate the Appellant because it based the award for pain and suffering on the pecuniary damage award. The trial court in its *ORDER (Bench Trial Judgement)* awarded the Appellant \$480.00 in damages for lost wages and \$480.00 in damages for pain and suffering. January 21, 2026, Hearing Audio Recording at 2:29:47 - 2:30:52. So, it is clear that the trial court determined the Appellant was entitled damages for pain and suffering. However, because there is no language in the trial court's *ORDER (Bench Trial Judgement)* to justify its calculation of pain and suffering, we can only presume that the trial court doubled the amount of lost wages.

If we were to follow the method used by the trial court to determine the amount of damages to award for pain and suffering, it would almost certainly lead to egregiously unfair results in direct conflict with SR.R.Civ.P. 5-24(c). For example, imagine a case where a person is unemployed and contracts an infection resulting in a leg amputation. The person's medical expenses are covered through IHS. Under the trial court's method of determining pain and suffering damages, the person would receive nothing because the medical bills were covered by IHS. Moreover, because the person was not employed, there would be no pecuniary damages for lost wages. Without pecuniary damages, the trial court cannot determine pain and suffering damages. This certainly is not the fair compensation contemplated in SR.R.Civ.P 5-24(c). Also, receiving no compensation for injuries sustained due to the fault of another does not comport with

the principles of fairness and substantial justice consistently recognized by this Court.⁵

While this scenario is extreme, it emphasizes the problem with not considering medical expenses when calculating damages. In this case, the Appellant was bit by several dogs and received stitches. She will have permanent scarring, and she testified that she experiences post-traumatic stress because of the incident. However, because the medical expenses were covered by IHS, the Appellant was only awarded \$480.00 for pain and suffering. We find that this amount is not fair compensation for the injuries suffered as a result of the negligence of the Appellee under SR.R.Civ.P 5-24(c). For the reasons above, this Court finds that the trial court erred in not considering damages for medical expenses.

VI.

The trial court recognized that awards for pain and suffering are typically 1.5x – 5x the amount of pecuniary damages awarded. January 21, 2026, Hearing Audio Recording at 2:29:47 - 2:30:52. While these calculation amounts are well settled, the trial court decided to award the Appellant only 1x the amount awarded in pecuniary damages, with no explanation. *Id.* Since the Rules and SRPMIC laws do not indicate how one is to determine where on the continuum of 1.5x to 5x to choose in calculating the amount damages to award in pain and suffering, this Court takes this opportunity to provide guidance on the matter.

The Community Code grants this Court discretion to utilize, as a resource in determining issues of law, cases decided by state and federal jurisdictions. Community Code § 5-1(c). Almost

⁵ See generally *In the Matter of the Estate of Lynford Edwardo Lopez, Sr. and Concerning: Raven Lopez and Michelle Thomas*, APC-25-0007 (addressing motion to promote fairness and substantial justice); *Correa v. SRPMIC*, AP-25-0008 (discussing principles of fairness and substantial justice); *Martinez v. Grey*, AP-25-0003 ("The notions of fairness and substantial justice were pervasive in the Community's ordinances and part of the Community's morals.").

100 years ago, the Arizona Supreme Court provided the following guidance on this issue that still rings true today:

[p]hysical pain and suffering in consequence of a wrong occasioning an injury are proper elements of damage. No rule has been devised for measuring and compensating in money the injured party for such consequences. Concededly, the damages on that account should be fair and reasonable, free from sentimental or fanciful standards, and based upon the facts disclosed, such as the length of the suffering, the nature of the injuries, the age, health, habits, and pursuit of the injured party; they must have a basis in the evidence actually submitted; they cannot be arrived at by conjecture or speculation.

Coppinger v. Broderick, 37 Ariz. 473, 476 (1931). As such, this Court holds that in determining the amount to award for pain and suffering, the trial court should examine the following: 1. the length of the suffering; 2. the nature and severity of the injuries; 3. the age of the injured party; 4. the health of the injured party; 5. the habits of the injured party; and 6. the occupation of the injured party.

There will be cases that warrant multiplying the pecuniary damages by less than 1.5, and cases where multiplying pecuniary damages by more than 5 is appropriate. Nonetheless, the reasoning of the trial court should be grounded in the facts in evidence. Accordingly, we also hold that all orders and judgments of the trial court must provide findings of fact, conclusions of law, and reasoning supporting the order or judgment. This is especially true for cases such as this. The trial court must provide methods and reasons for calculating damages awarded to the Appellant.

The trial court's *ORDER (Final Judgment)* is REVERSED and REMANDED to re-examine the damages awarded to the Appellant in accordance with our holdings.

SO ORDERED this 2nd day of July, 2026.



SEAL

Electronically approved 7/2/2026

/s/

Joshua Rees, **Justice**

Electronically approved 7/2/2026

/s/

Joseph Austin, **Justice**

Electronically approved 7/2/2026

/s/

Mary Guss, **Justice**