

CLERK OF THE COURT

Electronically Filed
Dec 09 2013 02:27 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

NOTC
JOHN OHLSON, ESQ.
Bar Number 1672
275 Hill Street, Suite 230
Reno, Nevada 89501
Telephone: (775) 323-2700
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

VIVIAN MARIE LEE HARRISON,

Plaintiff,

Case No.: A-13-687300-C
Dept. No.: 1

vs.

NORTON A. ROITMAN, M.D.; DOES
I-X and ROE CORPORATIONS I-X,

NOTICE OF APPEAL

Defendants.

Notice is hereby given that Plaintiff, VIVIAN MARIE LEE HARRISON, by and through her counsel, JOHN OHLSON, ESQ., appeals to the Supreme Court of the State of Nevada from this Court's Order Granting Defendant Norton A. Roitman, M.D.'s Motion to Dismiss Plaintiff's Complaint With Prejudice, entered on November 19, 2013. A copy of this Court's Order is attached as Exhibit "1."

DATED this 3rd day of December, 2013.

/s/ John Ohlson
John Ohlson, ESQ.
Nevada Bar No. 1672
275 Hill Street, Suite 230
Reno, Nevada 89501
(775) 323-2700
Attorney for Plaintiff
Vivian Marie Lee Harrison

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John H. Cotton, Esq.
Brianna Smith, Esq.
Cotton, Driggs, Walch, Holley,
Woloson & Thompson
400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101

/s/ Robert M. May
Robert M. May

SCHEDULE OF EXHIBITS

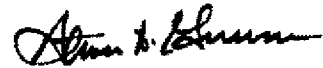
EXHIBIT 1: Order Granting Defendant Norton A. Roitman, M.D.'s
Motion to Dismiss Plaintiff's Complaint With Prejudice

EXHIBIT 1

EXHIBIT 1

ORIGINAL

Electronically Filed
11/19/2013 08:48:30 AM



CLERK OF THE COURT

ORDER

JOHN H. COTTON, ESQ.
Nevada Bar No. 005268
BRIANNA SMITH, ESQ.
Nevada Bar No. 11795
COTTON, DRIGGS, WALCH,
HOLLEY, WOLOSON & THOMPSON
400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101
Telephone: 702/791-0308
Facsimile: 702/791-1912
Attorneys for Defendant Norton A. Roitman, M.D.

DISTRICT COURT

CLARK COUNTY, NEVADA

VIVIAN MARIE LEE HARRISON,

Plaintiff.

v.

NORTON A. ROITMAN, M.D.; DOES I-X and
ROE CORPORATIONS I-X,

Defendants.

Case No.: A-13-687300-C

Dept. No.: 1

Hearing Dates: 10/8/2013 (Oral Argument)
10/21/2013 (In Chambers)

**ORDER GRANTING DEFENDANT NORTON A. ROITMAN, M.D.'S MOTION TO
DISMISS PLAINTIFF'S COMPLAINT WITH PREJUDICE**

On October 8, 2013, Defendant Norton A. Roitman, M.D.'s Motion to Dismiss Plaintiff's Complaint with Prejudice came on for hearing before the Honorable Kenneth Cory in Department 1. Oral argument was entertained and Plaintiff requested the opportunity to provide supplemental briefing which was granted by the Court.

On October 9, 2013, Plaintiff submitted her Supplemental Points and Authorities. On October 15, 2013, Defendants submitted his Reply to Plaintiff's Supplemental Points and Authorities. The pleadings and papers filed, including the original Motion and Opposition thereto came on for hearing in chambers on October 21, 2013. The Court having reviewed the Defendant's Motion to Dismiss, Plaintiff's Opposition, and supplemental points and authorities

<input checked="" type="checkbox"/> Filed	<input checked="" type="checkbox"/> For Judgment	FINAL DISPOSITION
<input checked="" type="checkbox"/> Set Judgment	<input checked="" type="checkbox"/> Non-Jury Trial	<input type="checkbox"/> Time Limit Expired
<input checked="" type="checkbox"/> Dismissed	<input checked="" type="checkbox"/> Jury Trial	<input type="checkbox"/> Dismissed (with or without prejudice)
<input checked="" type="checkbox"/> Transferred		<input type="checkbox"/> Judgment Satisfied Paid in Full

1 from both parties, hereby enters the following Findings of Fact and Conclusions of Law in
2 granting Defendant's Motion to Dismiss with Prejudice:

3 **FINDINGS OF FACT**

4 1. On June 26, 2013, Plaintiff filed her Complaint. That Complaint asserted causes
5 of action for medical malpractice, intentional infliction of emotional distress, negligent infliction
6 of emotional distress and civil conspiracy.

7 2. Per the Complaint, in and during years 2011 and 2012, Plaintiff Vivian Harrison
8 ("Plaintiff") was a party to a family court divorce case against her then-husband, Kirk Harrison
9 (herein "the divorce proceeding"). (*Complaint*, ¶7).

10 3. During the divorce proceeding, Mr. Harrison retained a forensic psychiatric
11 expert, Norton Roitman, M.D., to provide a psychiatric analysis of Plaintiff. (*Id.*, ¶8).

12 4. Plaintiff alleges that Dr. Roitman's psychiatric analysis dated June 9, 2011,
13 diagnosed Plaintiff with narcissistic personality disorder and provided an analysis, conclusions
14 and diagnosis regarding Plaintiff without ever having met Plaintiff. (*Id.*, ¶¶9-14).

15 5. Plaintiff further alleges that by rendering the psychiatric analysis, Dr. Roitman
16 fell below the standard of care and caused injury and harm to Plaintiff. (*Id.*, ¶14).

17 6. Dr. Roitman filed a Motion to Dismiss on September 4, 2013.

18 7. On October 8, 2013, oral argument was entertained by the Court and Plaintiff
19 requested the opportunity to provide supplemental briefing which was granted by the Court.

20 8. On October 9, 2013, Plaintiff filed her Supplemental Points and Authorities.

21 9. Also on October 9, 2013, Plaintiff filed an Amended Complaint alleging the same
22 causes of action for medical malpractice, intentional infliction of emotional distress, negligent
23 infliction of emotional distress and civil conspiracy all derived from the same allegations
24 concerning Dr. Roitman's psychiatric analysis.
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26
27
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1 10. On October 15, 2013, Dr. Roitman filed his Reply to Plaintiff's Supplemental
2 Points and Authorities, and sought dismissal of Plaintiff's Amended Complaint with prejudice on
3 the basis of absolutely immunity.

4 11. A subsequent in chambers hearing on Dr. Roitman's Motion to Dismiss was held
5 October 21, 2013.

6
7 CONCLUSIONS OF LAW

8 1. "Absolute immunity [is granted] to all statements made in the course of, or
9 incidental to, a judicial proceeding, so long as they are relevant to the proceedings." *Sahara*
10 *Gaming Corp. v. Culinary Workers Union Local 226*, 115 Nev. 212, 218, 984 P.2d 164, 168
11 (1999)(citations omitted). "This has been the policy and rule in Nevada for the last seventy years
12 and the privilege includes administrative hearings, quasi-judicial proceedings as well as judicial
13 actions. It is in the public's right to know what transpires in the legal proceedings of this state
14 and that is paramount to the fact someone may occasionally make false and malicious
15 statements." *Id.*, 115 Nev. at 219, 984 P.2d at 168.

16
17 2. This Court finds *Bruce v. Byrne-Stevens & Assocs. Eng'rs. Inc.*, 113 Wash. 2d
18 123 (1989) as authority on this issue.

19 3. The Court holds that "[w]itnesses in judicial pleadings are absolutely immune
20 from suit based on their testimony." *Bruce v. Byrne-Stevens & Assocs. Eng'rs. Inc. et al.*, 113
21 Wash. 2d 123 (1989).

22
23 4. The immunity extends not only to expert testimony, but also acts,
24 communications and expert reports which occur in connection with the preparation for the matter
25 in controversy. *Bruce v. Byrne-Stevens & Assocs. Eng'rs. Inc.*, 113 Wash. 2d 123, 136, (1989).

26 5. Accordingly, absolute immunity extends to all of the present causes of action
27 naming Dr. Roitman, including medical malpractice, intentional infliction of emotional distress.
28

1 negligent infliction of emotional distress, and civil conspiracy.

2 Based upon the foregoing, it is hereby ORDERED, ADJUDGED AND DECREED that
3 Defendant's Motion to Dismiss the Plaintiff's Complaint is GRANTED WITH PREJUDICE and
4 JUDGMENT is entered in favor of Defendant and against Plaintiff.

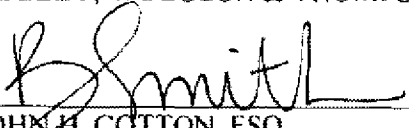
5 It is further ORDERED, ADJUGED AND DECREED that as a result of dismissal with
6 prejudice, Plaintiff's Amended Complaint is also hereby DISMISSED WITH PREJUDICE.

7
8 DATED: Nov 15, 2013.

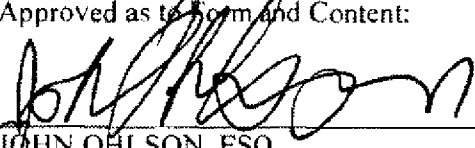
9
10 
11 HONORABLE KENNETH CORY
DISTRICT COURT JUDGE

12 Submitted By:

13 COTTON, DRIGGS, WALCH,
14 HOLLEY, WOLOSON & THOMPSON

15 
16 JOHN H. COTTON, ESQ.
17 Nevada Bar No. 005268
18 BRIANNA SMITH, ESQ.
19 Nevada Bar No. 11795
20 400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101
Attorneys for Defendant Norton A. Roitman, M.D.

21 Approved as to Form and Content:

22 
23 JOHN OHLSON, ESQ.
24 Nevada Bar Number 1672
25 275 Hill Street, Suite 230
26 Reno, Nevada 89501
Attorney for Plaintiff Vivian Marie Lee Harrison


CLERK OF THE COURT

ASTA
JOHN OHLSON, ESQ.
Bar Number 1672
275 Hill Street, Suite 230
Reno, Nevada 89501
Telephone: (775) 323-2700
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

VIVIAN MARIE LEE HARRISON,

Plaintiff,

Case No.: A-13-687300-C
Dept. No.: 1

vs.

NORTON A. ROITMAN, M.D.; DOES
I-X and ROE CORPORATIONS I-X,

**CASE APPEAL
STATEMENT**

Defendants.

Plaintiff/Appellant, VIVIAN MARIE LEE HARRISON, by and through her attorney, JOHN OHLSON, ESQ., and pursuant to NRAP 3(f), submits her Case Appeal Statement, as follows:

1. The appellant filing this case appeal statement is Plaintiff, VIVIAN MARIE LEE HARRISON.

2. The judge who issued the Order Granting Defendant Norton A. Roitman, M.D.'s Motion to Dismiss Plaintiff's Complaint With Prejudice is THE HONORABLE KENNETH CORY.

3. Counsel for Appellant, VIVIAN MARIE LEE HARRISON, is:

JOHN OHLSON, ESQ.
NV Bar. No. 1672
275 Hill Street, Suite 230
Reno, Nevada 89501

1 4. Respondent in this appeal is NORTON A. ROITMAN, M.D.
2 Representing Respondent on appeal is:

3 John H. Cotton, Esq.
4 Brianna Smith, Esq.
5 Cotton, Driggs, Walch, Holley, Woloson & Thompson
6 400 South Fourth Street, Third Floor
7 Las Vegas, Nevada 89101

8 5. Appellant is not aware of any attorney appearing in this case that is
9 not licensed to practice law in Nevada.

10 6. Appellant was represented by counsel named in paragraph three,
11 above, in the district court proceedings.

12 7. Appellant will be represented by counsel named in paragraph three,
13 above, in these appellate proceedings. Appellant has retained counsel to
14 represent her in this case.

15 8. Appellant has not been granted leave to proceed *in forma pauperis*.

16 9. The proceedings commenced in the district court upon the
17 Appellant's June 26, 2013, Complaint.

18 10. Plaintiff/Appellant sued the Defendant for medical malpractice,
19 negligent and intentional emotional distress, and civil conspiracy based upon a
20 psychological report prepared by the Defendant that, among other things,
21 diagnosed Plaintiff/Appellant with narcissistic personality disorder based solely
22 on information provided by a third person and despite that he had never met or
23 seen Plaintiff/Appellant, that was used against her in litigation to which she was a
24 party. The district court granted the Defendant's motion to dismiss the complaint
25 with prejudice. Plaintiff/Appellant appeals the district court's November 19,
26 2013, Order Granting Defendant Norton A. Roitman, M.D.'s Motion to Dismiss
27 Plaintiff's Complaint With Prejudice.

28 11. This case not has previously been the subject of any other appeal or
 writ proceeding before this Court.

12. This appeal does not involve child custody or visitation.

13. This appeal does not involve the possibility of settlement.

DATED this 3rd day of December, 2013.

/s/ John Ohlson
John Ohlson, ESQ.
Nevada Bar No. 1672
275 Hill Street, Suite 230
Reno, Nevada 89501
(775) 323-2700
Attorney for Plaintiff/Appellant
Vivian Marie Lee Harrison

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John H. Cotton, Esq.
Brianna Smith, Esq.
Cotton, Driggs, Walch, Holley,
Woloson & Thompson
400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101

/s/ Robert M. May
Robert M. May

CASE SUMMARY
CASE SUMMARY
CASE NO. A-13-687300-C

Vivian Lee Harrison, Plaintiff(s)
vs.
Norton Roitman, M.D., Defendant(s)

§
§
§
§
§

Location: **Department 1**
Judicial Officer: **Cory, Kenneth**
Filed on: **08/21/2013**
Case Number History:
Cross-Reference Case Number: **A687300**

CASE INFORMATION

Statistical Closures

11/19/2013 Motion to Dismiss (By Defendant)

Case Type: **Negligence - Medical/Dental**

Case Flags: **Med Mal Case**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-13-687300-C
Court Department 1
Date Assigned 08/27/2013
Judicial Officer Cory, Kenneth

PARTY INFORMATION

Plaintiff

Lee Harrison, Vivian Marie

Lead Attorneys

Ohlson, John
Retained
7753238678(W)

Defendant

Roitman, Norton A, M.D.

Cotton, John H
Retained
702-791-0308(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

08/21/2013



Order for Change of Venue
Filed By: Defendant Roitman, Norton A, M.D.
Order Changing Venue

08/27/2013



Substitution of Attorney
Filed by: Defendant Roitman, Norton A, M.D.
Substitution of Attorney

08/27/2013



Peremptory Challenge
Filed by: Defendant Roitman, Norton A, M.D.
Peremptory Challenge

08/27/2013



Notice of Department Reassignment

09/04/2013



Motion to Dismiss
Filed By: Defendant Roitman, Norton A, M.D.
Defendant Norton A. Roitman, MD.'s Motion to Dismiss Complaint

09/20/2013












Opposition to Motion to Dismiss
Filed By: Plaintiff Lee Harrison, Vivian Marie
Plaintiff's Opposition to Defendant's Motion to Dismiss

10/03/2013



Reply

CASE SUMMARY
CASE SUMMARY
CASE NO. A-13-687300-C

	<p>Filed by: Defendant Roitman, Norton A, M.D. <i>Defendant Norton A. Roitman, M.D.'s Reply in Support of Motion to Dismiss Plaintiff's Complaint with Prejudice</i></p>
10/08/2013	<p> Motion to Dismiss (9:00 AM) (Judicial Officer: Cory, Kenneth) 10/08/2013, 10/21/2013 <i>Defendant Norton A. Roitman, MD.'s Motion to Dismiss Complaint</i> <i>Parties Present: Attorney Ohlson, John</i> <i>Attorney Smith, Brianna</i> <i>Plaintiff Lee Harrison, Vivian Marie</i></p>
10/09/2013	<p> Amended Complaint Filed By: Plaintiff Lee Harrison, Vivian Marie <i>Amended Complaint</i></p>
10/09/2013	<p> Supplemental Points and Authorities Filed by: Plaintiff Lee Harrison, Vivian Marie <i>Supplemental Points and Authorities</i></p>
10/15/2013	<p> Supplement Filed by: Defendant Roitman, Norton A, M.D. <i>Defendant Norton A. Roitman, M.D.'s Supplemental Reply in Support of His Motion to Dismiss Plaintiff's Complaint with Prejudice</i></p>
11/18/2013	<p> Notice of Entry of Order Filed By: Defendant Roitman, Norton A, M.D. <i>Notice of Entry of Order</i></p>
11/19/2013	<p> Order Granting Motion Filed By: Defendant Roitman, Norton A, M.D. <i>Order Granting Defendant Norton A. Roitman, M.D.'s Motion to Dismiss Plaintiff's Complaint with Prejudice</i></p>
11/19/2013	<p> Notice of Entry of Order Filed By: Defendant Roitman, Norton A, M.D. <i>Amended Notice of Entry of Order</i></p>
11/19/2013	<p>Order of Dismissal With Prejudice (Judicial Officer: Cory, Kenneth) Debtors: Vivian Marie Lee Harrison (Plaintiff) Creditors: Norton A Roitman, MD. (Defendant) Judgment: 11/19/2013, Docketed: 11/26/2013</p>
12/03/2013	<p> Notice Filed By: Plaintiff Lee Harrison, Vivian Marie <i>Notice of Appeal</i></p>
12/03/2013	<p> Case Appeal Statement Filed By: Plaintiff Lee Harrison, Vivian Marie <i>Case Appeal Statement</i></p>

DATE	FINANCIAL INFORMATION						
	<p>Defendant Roitman, Norton A, M.D.</p> <table> <tr> <td>Total Charges</td><td>270.00</td></tr> <tr> <td>Total Payments and Credits</td><td>270.00</td></tr> <tr> <td>Balance Due as of 12/5/2013</td><td>0.00</td></tr> </table> <p>Plaintiff Lee Harrison, Vivian Marie</p>	Total Charges	270.00	Total Payments and Credits	270.00	Balance Due as of 12/5/2013	0.00
Total Charges	270.00						
Total Payments and Credits	270.00						
Balance Due as of 12/5/2013	0.00						

CASE SUMMARY
CASE SUMMARY
CASE NO. A-13-687300-C

Total Charges	0.00
Total Payments and Credits	0.00
Balance Due as of 12/5/2013	0.00

CIVIL COVER SHEET

-Clark County, Nevada

Case No.

(Assigned by Clerk's Office)

A-13-687300-C
XIV**I. Party Information**

Plaintiff(s) (name/address/phone):

VIVIAN MARIE LEE HARRISON

Defendant(s) (name/address/phone):

NORTON A. ROITMAN, M.D.

Attorney (name/address/phone): John Ohlson

275 Hill St., Ste. 230

Reno, NV 89501

(775)323-2700

Attorney (name/address/phone): Edward J. Lemons,

LEMONS, GRUNDY & EISENBERG

6005 Plumas St., 3rd Fl

Reno, NV 89519

(775) 786-6868

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)☐ **Arbitration Requested****Civil Cases**

Real Property	Torts	
<input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Title to Property <input type="checkbox"/> Foreclosure <input type="checkbox"/> Liens <input type="checkbox"/> Quiet Title <input type="checkbox"/> Specific Performance <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property <input type="checkbox"/> Partition <input type="checkbox"/> Planning/Zoning	Negligence <input type="checkbox"/> Negligence – Auto <input checked="" type="checkbox"/> Negligence – Medical/Dental <input type="checkbox"/> Negligence – Premises Liability (Slip/Fall) <input type="checkbox"/> Negligence – Other	<input type="checkbox"/> Product Liability <input type="checkbox"/> Product Liability/Motor Vehicle <input type="checkbox"/> Other Torts/Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Torts/Defamation (Libel/Slander) <input type="checkbox"/> Interfere with Contract Rights <input type="checkbox"/> Employment Torts (Wrongful termination) <input type="checkbox"/> Other Torts <input type="checkbox"/> Anti-trust <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Insurance <input type="checkbox"/> Legal Tort <input type="checkbox"/> Unfair Competition

A-13-687300-C
CCS
Civil Cover Sheet
2849630**Probate****Other Civil Filing Types**

Estimated Estate Value: _____

- ☐ **Summary Administration**
☐ **General Administration**
☐ **Special Administration**
☐ **Set Aside Estates**
☐ **Trust/Conservatorships**
☐ Individual Trustee
☐ Corporate Trustee
☐ **Other Probate**

- ☐ **Construction Defect**
☐ Chapter 40
☐ General
☐ **Breach of Contract**
☐ Building & Construction
☐ Insurance Carrier
☐ Commercial Instrument
☐ Other Contracts/Acct/Judgment
☐ Collection of Actions
☐ Employment Contract
☐ Guarantee
☐ Sale Contract
☐ Uniform Commercial Code
☐ **Civil Petition for Judicial Review**
☐ Foreclosure Mediation
☐ Other Administrative Law
☐ Department of Motor Vehicles
☐ Worker's Compensation Appeal

☐ **Appeal from Lower Court** (also check applicable civil case box)

- ☐ Transfer from Justice Court
☐ Justice Court Civil Appeal

☐ **Civil Writ**

- ☐ Other Special Proceeding

☐ **Other Civil Filing**

- ☐ Compromise of Minor's Claim
☐ Conversion of Property
☐ Damage to Property
☐ Employment Security
☐ Enforcement of Judgment
☐ Foreign Judgment – Civil
☐ Other Personal Property
☐ Recovery of Property
☐ Stockholder Suit
☐ Other Civil Matters

III. Business Court Requested (Please check applicable category; for Clark or Washoe Counties only.)

- | | | |
|-----------------------------------------------|--------------------------------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> NRS Chapters 78-88 | <input type="checkbox"/> Investments (NRS 104 Art. 8) | <input type="checkbox"/> Enhanced Case Mgmt/Business |
| <input type="checkbox"/> Commodities (NRS 90) | <input type="checkbox"/> Deceptive Trade Practices (NRS 598) | <input type="checkbox"/> Other Business Court Matters |
| <input type="checkbox"/> Securities (NRS 90) | <input type="checkbox"/> Trademarks (NRS 600A) | |

8/21/13

1 from both parties, hereby enters the following Findings of Fact and Conclusions of Law in
2 granting Defendant's Motion to Dismiss with Prejudice:

3
4 **FINDINGS OF FACT**

5 1. On June 26, 2013, Plaintiff filed her Complaint. That Complaint asserted causes
6 of action for medical malpractice, intentional infliction of emotional distress, negligent infliction
7 of emotional distress and civil conspiracy.

8 2. Per the Complaint, in and during years 2011 and 2012, Plaintiff Vivian Harrison
9 ("Plaintiff") was a party to a family court divorce case against her then-husband, Kirk Harrison
10 (herein "the divorce proceeding"). (*Complaint*, ¶7).

11 3. During the divorce proceeding, Mr. Harrison retained a forensic psychiatric
12 expert, Norton Roitman, M.D., to provide a psychiatric analysis of Plaintiff. (*Id.*, ¶8).

13 4. Plaintiff alleges that Dr. Roitman's psychiatric analysis dated June 9, 2011,
14 diagnosed Plaintiff with narcissistic personality disorder and provided an analysis, conclusions
15 and diagnosis regarding Plaintiff without ever having met Plaintiff. (*Id.*, ¶¶9-14).

16 5. Plaintiff further alleges that by rendering the psychiatric analysis, Dr. Roitman
17 fell below the standard of care and caused injury and harm to Plaintiff. (*Id.*, ¶14).

18 6. Dr. Roitman filed a Motion to Dismiss on September 4, 2013.

19 7. On October 8, 2013, oral argument was entertained by the Court and Plaintiff
20 requested the opportunity to provide supplemental briefing which was granted by the Court.

21 8. On October 9, 2013, Plaintiff filed her Supplemental Points and Authorities.

22 9. Also on October 9, 2013, Plaintiff filed an Amended Complaint alleging the same
23 causes of action for medical malpractice, intentional infliction of emotional distress, negligent
24 infliction of emotional distress and civil conspiracy all derived from the same allegations
25 concerning Dr. Roitman's psychiatric analysis.
26
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1 10. On October 15, 2013, Dr. Roitman filed his Reply to Plaintiff's Supplemental
2 Points and Authorities, and sought dismissal of Plaintiff's Amended Complaint with prejudice on
3 the basis of absolutely immunity.

4 11. A subsequent in chambers hearing on Dr. Roitman's Motion to Dismiss was held
5 October 21, 2013.

6
7 CONCLUSIONS OF LAW

8 1. "Absolute immunity [is granted] to all statements made in the course of, or
9 incidental to, a judicial proceeding, so long as they are relevant to the proceedings." *Sahara*
10 *Gaming Corp. v. Culinary Workers Union Local 226*, 115 Nev. 212, 218, 984 P.2d 164, 168
11 (1999)(citations omitted). "This has been the policy and rule in Nevada for the last seventy years
12 and the privilege includes administrative hearings, quasi-judicial proceedings as well as judicial
13 actions. It is in the public's right to know what transpires in the legal proceedings of this state
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15 statements." *Id.*, 115 Nev. at 219, 984 P.2d at 168.

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17 2. This Court finds *Bruce v. Byrne-Stevens & Assocs. Eng'rs, Inc.*, 113 Wash. 2d
18 123 (1989) as authority on this issue.

19 3. The Court holds that "[w]itnesses in judicial pleadings are absolutely immune
20 from suit based on their testimony." *Bruce v. Byrne-Stevens & Assocs. Eng'rs., Inc. et al.*, 113
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24 communications and expert reports which occur in connection with the preparation for the matter
25 in controversy. *Bruce v. Byrne-Stevens & Assocs. Eng'rs, Inc.*, 113 Wash. 2d 123, 136, (1989).


26 5. Accordingly, absolute immunity extends to all of the present causes of action
27 naming Dr. Roitman, including medical malpractice, intentional infliction of emotional distress.
28

1 negligent infliction of emotional distress, and civil conspiracy.

2 Based upon the foregoing, it is hereby ORDERED, ADJUDGED AND DECREED that
3 Defendant's Motion to Dismiss the Plaintiff's Complaint is GRANTED WITH PREJUDICE and
4 JUDGMENT is entered in favor of Defendant and against Plaintiff.

5 It is further ORDERED, ADJUGED AND DECREED that as a result of dismissal with
6 prejudice, Plaintiff's Amended Complaint is also hereby DISMISSED WITH PREJUDICE.

7
8 DATED: Aug 15, 2013.

9
10 
11 HONORABLE KENNETH CORY
DISTRICT COURT JUDGE *to*

12 Submitted By:

13 COTTON, DRIGGS, WALCH,
14 HOLLEY, WOLOSON & THOMPSON

15 
16 JOHN H. COTTON, ESQ.

17 Nevada Bar No. 005268

BRIANNA SMITH, ESQ.

18 Nevada Bar No. 11795

400 South Fourth Street, Third Floor

19 Las Vegas, Nevada 89101

20 *Attorneys for Defendant Norton A. Roitman, M.D.*

21 Approved as to Form and Content:

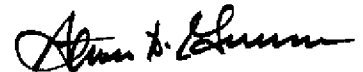
22 
23 JOHN OHLSON, ESQ.

24 Nevada Bar Number 1672

275 Hill Street, Suite 230

25 Reno, Nevada 89501

26 *Attorney for Plaintiff Vivian Marie Lee Harrison*



CLERK OF THE COURT

1 **NEOJ**
2 JOHN H. COTTON, ESQ.
3 Nevada Bar No. 005268
4 BRIANNA SMITH, ESQ.
5 Nevada Bar No. 11795
6 COTTON, DRIGGS, WALCH,
7 HOLLEY, WOLOSON & THOMPSON
8 400 South Fourth Street, Third Floor
9 Las Vegas, Nevada 89101
10 Telephone: 702/791-0308
11 Facsimile: 702/791-1912
12 *Attorneys for Defendant Norton A. Roitman, M.D.*

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 VIVIAN MARIE LEE HARRISON,

11 Plaintiff,

12 v.

13 NORTON A. ROITMAN, M.D.; DOES I-X and
14 ROE CORPORATIONS I-X,

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Case No.: A-13-687300-C
Dept. No.: 1

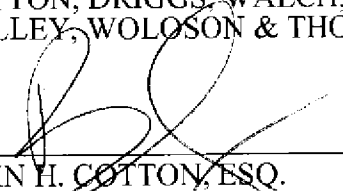
**AMENDED NOTICE OF ENTRY OF
ORDER**

17 TO: PLAINTIFF AND HER COUNSEL OF RECORD:

18 PLEASE TAKE NOTICE that an Order was entered in the above entitled matter on the 18th
19 day of November 2013, a **file stamped** copy of which is attached hereto.

20 Dated this 19 day of November 2013.

21
22 COTTON, DRIGGS, WALCH,
23 HOLLEY, WOLOSON & THOMPSON

24 
25 JOHN H. COTTON, ESQ.
26 Nevada Bar No. 005268
27 BRIANNA SMITH, ESQ.
28 Nevada Bar No. 11795
400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101
Attorneys for Defendant Norton A. Roitman, M.D.


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JOHN OHLSON, ESQ.
275 Hill Street, Suite 230
Reno, Nevada 89501
Attorney for Plaintiff Vivian Marie Lee Harrison

Harri E. Egan
An employee of Cotton, Driggs, Walch, Holley, Woloson & Thompson

ORIGINAL

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11/19/2013 08:48:30 AM



CLERK OF THE COURT

ORDER

JOHN H. COTTON, ESQ.
Nevada Bar No. 005268
BRIANNA SMITH, ESQ.
Nevada Bar No. 11795
COTTON, DRIGGS, WALCH,
HOLLEY, WOLOSON & THOMPSON
400 South Fourth Street, Third Floor
Las Vegas, Nevada 89101
Telephone: 702/791-0308
Facsimile: 702/791-1912
Attorneys for Defendant Norton A. Roitman, M.D.

DISTRICT COURT

CLARK COUNTY, NEVADA

VIVIAN MARIE LEE HARRISON.

Plaintiff,

v.

NORTON A. ROITMAN, M.D.; DOES I-X and
ROE CORPORATIONS I-X,

Defendants.

Case No.: A-13-687300-C

Dept. No.: 1

**Hearing Dates: 10/8/2013 (Oral Argument)
10/21/2013 (In Chambers)**

**ORDER GRANTING DEFENDANT NORTON A. ROITMAN, M.D.'S MOTION TO
DISMISS PLAINTIFF'S COMPLAINT WITH PREJUDICE**

On October 8, 2013, Defendant Norton A. Roitman, M.D.'s Motion to Dismiss Plaintiff's Complaint with Prejudice came on for hearing before the Honorable Kenneth Cory in Department 1. Oral argument was entertained and Plaintiff requested the opportunity to provide supplemental briefing which was granted by the Court.

On October 9, 2013, Plaintiff submitted her Supplemental Points and Authorities. On October 15, 2013, Defendants submitted his Reply to Plaintiff's Supplemental Points and Authorities. The pleadings and papers filed, including the original Motion and Opposition thereto came on for hearing in chambers on October 21, 2013. The Court having reviewed the Defendant's Motion to Dismiss, Plaintiff's Opposition, and supplemental points and authorities

<input type="checkbox"/> Settle	<input type="checkbox"/> Non Judmt	FINAL DISPOSITIONS <input type="checkbox"/> Time Limit Expired <input type="checkbox"/> Dismissed (with or without prejudice) <input type="checkbox"/> Judgment Satisfied/Paid in Full
<input type="checkbox"/> Settle Judgment	<input type="checkbox"/> Non Jury Trial	
<input type="checkbox"/> Default Judgment	<input type="checkbox"/> Jury Trial	
<input type="checkbox"/> Withdrawn		
<input type="checkbox"/> Transferred		

1 from both parties, hereby enters the following Findings of Fact and Conclusions of Law in
2 granting Defendant's Motion to Dismiss with Prejudice:

3 **FINDINGS OF FACT**

4 1. On June 26, 2013, Plaintiff filed her Complaint. That Complaint asserted causes
5 of action for medical malpractice, intentional infliction of emotional distress, negligent infliction
6 of emotional distress and civil conspiracy.

7
8 2. Per the Complaint, in and during years 2011 and 2012, Plaintiff Vivian Harrison
9 ("Plaintiff") was a party to a family court divorce case against her then-husband, Kirk Harrison
10 (herein "the divorce proceeding"). (*Complaint*, ¶7).

11 3. During the divorce proceeding, Mr. Harrison retained a forensic psychiatric
12 expert, Norton Roitman, M.D., to provide a psychiatric analysis of Plaintiff. (*Id.*, ¶8).

13 4. Plaintiff alleges that Dr. Roitman's psychiatric analysis dated June 9, 2011,
14 diagnosed Plaintiff with narcissistic personality disorder and provided an analysis, conclusions
15 and diagnosis regarding Plaintiff without ever having met Plaintiff. (*Id.*, ¶¶9-14).

16 5. Plaintiff further alleges that by rendering the psychiatric analysis, Dr. Roitman
17 fell below the standard of care and caused injury and harm to Plaintiff. (*Id.*, ¶14).

18 6. Dr. Roitman filed a Motion to Dismiss on September 4, 2013.

19 7. On October 8, 2013, oral argument was entertained by the Court and Plaintiff
20 requested the opportunity to provide supplemental briefing which was granted by the Court.

21 8. On October 9, 2013, Plaintiff filed her Supplemental Points and Authorities.

22 9. Also on October 9, 2013, Plaintiff filed an Amended Complaint alleging the same
23 causes of action for medical malpractice, intentional infliction of emotional distress, negligent
24 infliction of emotional distress and civil conspiracy all derived from the same allegations
25 concerning Dr. Roitman's psychiatric analysis.
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1 10. On October 15, 2013, Dr. Roitman filed his Reply to Plaintiff's Supplemental
2 Points and Authorities, and sought dismissal of Plaintiff's Amended Complaint with prejudice on
3 the basis of absolutely immunity.

4 11. A subsequent in chambers hearing on Dr. Roitman's Motion to Dismiss was held
5 October 21, 2013.

6
7 **CONCLUSIONS OF LAW**

8 1. "Absolute immunity [is granted] to all statements made in the course of, or
9 incidental to, a judicial proceeding, so long as they are relevant to the proceedings." *Sahara*
10 *Gaming Corp. v. Culinary Workers Union Local 226*, 115 Nev. 212, 218, 984 P.2d 164, 168
11 (1999)(citations omitted). "This has been the policy and rule in Nevada for the last seventy years
12 and the privilege includes administrative hearings, quasi-judicial proceedings as well as judicial
13 actions. It is in the public's right to know what transpires in the legal proceedings of this state
14 and that is paramount to the fact someone may occasionally make false and malicious
15 statements." *Id.*, 115 Nev. at 219, 984 P.2d at 168.

16
17 2. This Court finds *Bruce v. Byrne-Stevens & Assocs. Eng'rs, Inc.*, 113 Wash. 2d
18 123 (1989) as authority on this issue.

19 3. The Court holds that "[w]itnesses in judicial pleadings are absolutely immune
20 from suit based on their testimony." *Bruce v. Byrne-Stevens & Assocs. Eng'rs, Inc. et al.*, 113
21 Wash. 2d 123 (1989).

22
23 4. The immunity extends not only to expert testimony, but also acts,
24 communications and expert reports which occur in connection with the preparation for the matter
25 in controversy. *Bruce v. Byrne-Stevens & Assocs. Eng'rs, Inc.*, 113 Wash. 2d 123, 136, (1989).

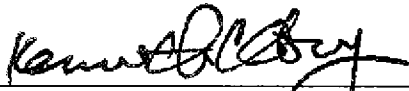
26 5. Accordingly, absolute immunity extends to all of the present causes of action
27 naming Dr. Roitman, including medical malpractice, intentional infliction of emotional distress,
28

1 negligent infliction of emotional distress, and civil conspiracy.

2 Based upon the foregoing, it is hereby ORDERED, ADJUDGED AND DECREED that
3 Defendant's Motion to Dismiss the Plaintiff's Complaint is GRANTED WITH PREJUDICE and
4 JUDGMENT is entered in favor of Defendant and against Plaintiff.

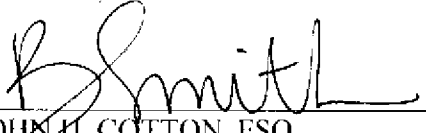
5 It is further ORDERED, ADJUGED AND DECREED that as a result of dismissal with
6 prejudice, Plaintiff's Amended Complaint is also hereby DISMISSED WITH PREJUDICE.

7
8 DATED: Nov 15, 2013.


9
10 
11 HONORABLE KENNETH CORY
DISTRICT COURT JUDGE *to*

12 Submitted By:

13 COTTON, DRIGGS, WALCH,
14 HOLLEY, WOLOSON & THOMPSON

15 
16 JOHN H. COTTON, ESQ.
17 Nevada Bar No. 005268
18 BRIANNA SMITH, ESQ.
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21 Approved as to Form and Content:

22 
23 JOHN OHLSON, ESQ.
24 Nevada Bar Number 1672
25 275 Hill Street, Suite 230
26 Reno, Nevada 89501
Attorney for Plaintiff Vivian Marie Lee Harrison

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Medical/Dental

COURT MINUTES

October 08, 2013

A-13-687300-C Vivian Lee Harrison, Plaintiff(s)
vs.
Norton Roitman, M.D., Defendant(s)

October 08, 2013 9:00 AM Motion to Dismiss

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER: Beverly Sigurnik

REPORTER:

PARTIES

PRESENT:	Lee Harrison, Vivian Marie	Plaintiff
	Ohlson, John	Attorney
	Smith, Brianna	Attorney

JOURNAL ENTRIES

- Court disclosed its step son had treated with Dr. Roitman years ago. Counsel advised there was no issue and they could proceed. Ms. Smith gave summary of case wherein Dr. Roitman was hired as a forensic doctor by the Plaintiff's ex-husband during their divorce. Ms. Smith argued the Dr. is immune from this loss suit as to anything during the prior proceedings. Mr. Ohlson gave summary of divorce proceedings and ex-husband hiring Dr. Roitman to do a mental evaluation of the Plaintiff. A draft was given to Dr. Roitman, he made some changes signed off on it and it was used during the custody hearing. Mr. Ohlson argued the Dr. should have never signed off as he never evaluated the Plaintiff. Statements by the Court as to this going before the Court in which this happened. Mr. Ohlson argued the Plaintiff has seen a psychologist who has cleared her of the things in the report. Dr. Roitman violated the standard. Statements by the Court. Ms. Smith argued the facts are will not change, the Dr. rendered an opinion. Further argued immunity and they could have waived to exclude the Dr. from trial. COURT ORDERED, Counsel to supplement their briefs as to immunity. Ms. Smith argued as to having a medical malpractice case if not under the care of the dr. Plaintiff has not pled any duty by the Dr. Mr. Ohlson argued NRS 41(A).009. COURT ORDERED, matter CONTINUED to this Court's Chamber calendar.

A-13-687300-C

CONTINUED TO: 10/21/13 CHAMBERS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Negligence - Medical/Dental

COURT MINUTES

October 21, 2013

A-13-687300-C

Vivian Lee Harrison, Plaintiff(s)

vs.

Norton Roitman, M.D., Defendant(s)

October 21, 2013

3:00 AM

Motion to Dismiss

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Michele Tucker

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Defendant Norton A. Roitman, MD.'s Motion to Dismiss Complaint

In accordance with the authorities submitted by the Defendant, most particularly Bruce v. Byrne-Stevens & Associates Engineers, Inc., 113 Wash. 2d 123 (1989), the defendant enjoyed absolute immunity for his testimony. This privilege also extends to any report submitted by the witness during or in preparation for the matter in controversy. Absolute immunity extends to all the present causes of action naming Dr. Roitman, including medical malpractice, intentional infliction of emotional distress, negligent infliction of emotional distress, and civil conspiracy. Accordingly, COURT ORDERS the Motion to Dismiss the Plaintiff's Complaint GRANTED WITH PREJUDICE.

Ms. Smith to prepare the Order.

CLERK'S NOTE: The above minute order has been distributed to: Brianna Smith, Esq. and John Ohlson, Esq. via e-mail. /mlt



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

JOHN OHLSON, ESQ.
275 HILL ST., SUITE 230
RENO, NV 89501

DATE: December 5, 2013
CASE: A687300

RE CASE: VIVIAN MARIE LEE HARRISON vs. NORTON A. ROITMAN, M.D.

NOTICE OF APPEAL FILED: December 3, 2013

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS NOT TRANSMITTED HAVE BEEN MARKED:

- ☒ **\$250 – Supreme Court Filing Fee****
 - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☒ **\$24 – District Court Filing Fee (Make Check Payable to the District Court)****
- ☒ **\$500 – Cost Bond on Appeal (Make Check Payable to the District Court)****
 - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☐ **Case Appeal Statement**
 - NRAP 3 (a)(1), Form 2
- ☐ **Order**
- ☐ **Notice of Entry of Order**

***Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.*

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing.** and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; ORDER GRANTING DEFENDANT NORTON A. ROITMAN, M.D.'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT WITH PREJUDICE; AMENDED NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF DEFICIENCY

VIVIAN MARIE LEE HARRISON,

Plaintiff(s),

vs.

NORTON A. ROITMAN, M.D.,

Defendant(s),

Case No: A687300

Dept No: I

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 5 day of December 2013.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk