

1
2 LEE E SZYMBORSKI
3 4605 Black Stallion Avenue
4 North Las Vegas, Nevada 89031
5 702-609-6762
6 PLAINTIFF IN PROPER PERSON

7
8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

28
ORIGINAL FILED
Aug 25 3 17 PM '14

Electronically Filed
Sep 02 2014 09:33 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

10 LEE E. SZYMBORSKI,
11 PLAINTIFF IN PROPER PERSON

12 -vs-

CASE NO. A-14-700178-C

DEPT. NO. XXX1

13 SPRING MOUNTAIN TREATMENT
14 CENTER, DARRYL DUBROCA, in his official
15 capacity, DOES 1-XX, inclusive, and ROE
16 CORPORATIONS 1-XX, inclusive,
17 Defendant(s).

A-14-700178-C
NOAS
Notice of Appeal
4174120



18 NOTICE OF APPEAL

19 Notice is hereby given that LEE E SZYMBORSKI., PLAINTIFF IN PROPER PERSON,
20 hereby appeals to the Supreme Court of Nevada from NOTICE OF ENTRY OF ORDER
21 ON DEFENDANT SPRING MOUNTAIN TREATMENT CENTER AND DARRYL
22 DUBROCA'S MOTION TO DISMISS ENTERED ON The 23rd Day of July, 2014

23
24 SIGNATURE
25 Lee E. Szymborski
26 4605 Black Stallion Avenue
27 North Las Vegas, Nevada
28 89031

FILED

MAY 20 2014

Alfonso L. Hernandez
CLERK OF COURT

1
2 ORDR

3 EIGHTH JUDICIAL DISTRICT COURT

4 CLARK COUNTY, NEVADA

5 LEE SZYMBORSKI

6 Plaintiff,

7 vs.

Case No. A-14-700178

8 SPRING MOUNTAIN TREATMENT CENTER

Dep't No. XXXI

9 Defendant.

10 ORDER GRANTING IN PART AND DENYING IN PART PETITIONER'S APPLICATION TO PROCEED IN

11 FORMA PAUPERIS

12 The Court, having reviewed Petitioner Lee Szymborski's Application to Proceed *In Forma*
13 *Pauperis* and all information therein submitted to this Court,

14 ORDERS the Application GRANTED IN PART AND DENIED IN PART.

15 In addition to the instant Application, Petitioner contacted Department IX chambers to
16 request a refund of the civil filing fee in the amount of \$270.00 that Petitioner paid on May 2, 2014.¹
17 Unfortunately, this Court is unable to issue refunds of filing fees paid, and this Court cannot issue a
18 *nunc pro tunc* order in this situation. The \$270.00 fee therefore stands paid, and Petitioner's request
19 for a refund is DENIED. However, in light of Petitioner's income amount, and after taking into
20 consideration the expensive nature of protracted litigation, this Court GRANTS the Application as to
21 all future fees.

22 /

23 /

24 /

25 /

26
27 ¹ This Court notes that Department IX staff attempted to communicate the contents of this order to Petitioner on May
28 9th, 12th, and 13th via the phone number provided on Petitioner's application. Despite several attempts, no phone contact
could be made with Petitioner.

RECEIVED
JENNIFER TOGLIATTI
DISTRICT JUDGE
DEPARTMENT IX
MAY 20 2014
CLERK OF THE COURT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on or about the date filed, she served the foregoing Order Denying In Part Granting in Part the Application to Proceed in Forma Pauperis by mailing a copy to Defendant as listed below:

LEE E. SZYMBORSKI
4605 BLACK STALLION AVE
NORTH LAS VEGAS NV 89031

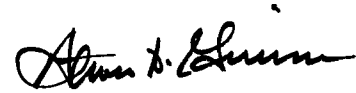

ROSE NAJERA
JEA, DEPARTMENT IX

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding Decision and Order filed in District Court case number A-14-700178-C DOES NOT contain the social security number of any person.

/s/ ROSE NAJERA Date 5/20/14
Judicial Executive Assistant



CLERK OF THE COURT

ASTA

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF CLARK**

LEE E. SZYMBORSKI,

Plaintiff(s),

vs.

SPRING MOUNTAIN TREATMENT CENTER;
DARRYL DUBROCA,

Defendant(s),

Case No: A-14-700178-C

Dept No: XXXI

CASE APPEAL STATEMENT

1. Appellant(s): Lee E. Szymborski

2. Judge: Joanna Kishner

3. Appellant(s): Lee E. Szymborski

Counsel:

Lee E. Szymborski
4605 Black Stallion Ave.
N. Las Vegas, NV 89031

4. Respondent (s): Spring Mountain Treatment Center; Darryl Dubroca

Counsel:

Michael Prangle, Esq.
1160 N. Town Center Dr., Ste. 200
Las Vegas, NV 89144

1 5. Appellant(s)'s Attorney Licensed in Nevada: N/A

2 Permission Granted: N/A

3 Respondent(s)'s Attorney Licensed in Nevada: Yes

4 Permission Granted: N/A

5 6. Appellant Represented by Appointed Counsel In District Court: No

6 7. Appellant Represented by Appointed Counsel On Appeal: N/A

7 8. Appellant Granted Leave to Proceed in Forma Pauperis**: Yes, May 20, 2014

8 **Expires 1 year from date filed

9 Appellant Filed Application to Proceed in Forma Pauperis: N/A

10 9. Date Commenced in District Court: May 2, 2014

11 10. Brief Description of the Nature of the Action: NEGLIGENCE - Medical/Dental

12 Type of Judgment or Order Being Appealed: Judgment

13 11. Previous Appeal: No

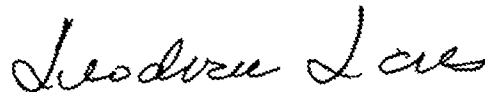
14 Supreme Court Docket Number(s): N/A

15 12. Child Custody or Visitation: N/A

16 13. Possibility of Settlement: Unknown

17 Dated This 28 day of August 2014.

18 Steven D. Grierson, Clerk of the Court

19 

20 Teodora Jones, Deputy Clerk

21 200 Lewis Ave

22 PO Box 551601

23 Las Vegas, Nevada 89155-1601

24 (702) 671-0512

DEPARTMENT 31
CASE SUMMARY
CASE NO. A-14-700178-C

Lee Szymborski, Plaintiff(s)
vs.
Spring Mountain Treatment Center, Defendant(s)

§
§
§
§
§

Location: **Department 31**
Judicial Officer: **Kishner, Joanna S.**
Filed on: **05/02/2014**
Cross-Reference Case Number: **A700178**

CASE INFORMATION

Statistical Closures

07/23/2014 Motion to Dismiss (By Defendant)

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

Case Flags: **Appealed to Supreme Court**
Med Mal Case
In Forma Pauperis Granted

*Granted in Part and Denied in Part
as of 20/5/2014*

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number A-14-700178-C
Court Department 31
Date Assigned 05/02/2014
Judicial Officer Kishner, Joanna S.

PARTY INFORMATION

Plaintiff

Szymborski, Lee E

Lead Attorneys

Pro Se

702-609-6762(H)

Defendant

Dubroca, Darryl

Removed: 07/23/2014

Dismissed

Prangle, Michael E.

Retained

7028896400(W)

Spring Mountain Treatment Center

Prangle, Michael E.

Retained

7028896400(W)

DATE

EVENTS & ORDERS OF THE COURT

INDEX

05/02/2014



Complaint

Filed By: Plaintiff Szymborski, Lee E

Complaint

05/02/2014



Application to Proceed in Forma Pauperis

Filed By: Plaintiff Szymborski, Lee E

Application to Proceed in Forma Pauperis

05/20/2014



Order Granting

Filed By: Plaintiff Szymborski, Lee E

Order Granting in Part and Denying in Party Petitioner's Application to Proceed In Forma Pauperis

05/22/2014



Initial Appearance Fee Disclosure

Filed By: Defendant Spring Mountain Treatment Center

Spring Mountain Treatment Center's Initial Appearance Fee Disclosure

05/22/2014













Motion to Dismiss






Filed By: Defendant Spring Mountain Treatment Center

DEPARTMENT 31
CASE SUMMARY
CASE NO. A-14-700178-C

Defendant Spring Mountain Treatment Center's Motion to Dismiss

05/29/2014	 Initial Appearance Fee Disclosure Filed By: Defendant Dubroca, Darryl <i>Darryl Dubroca Initial Appearance Fee Disclosure</i>
05/29/2014	 Joinder Filed By: Defendant Dubroca, Darryl <i>Darryl Dubroca's Joinder to Spring Mountain Treatment Center's Motion to Dismiss</i>
06/13/2014	 Opposition to Motion Filed By: Plaintiff Szymborski, Lee E <i>Opposition to Motion to Dismiss Complaint</i>
06/24/2014	 Media Request and Order <i>Media Request And Order Allowing Camera Access To Court Proceedings</i>
06/24/2014	Motion to Dismiss (9:30 AM) (Judicial Officer: Bonaventure, Joseph T.) <i>Defendant Spring Mountain Treatment Center's Motion to Dismiss</i>
06/24/2014	Joinder (9:30 AM) (Judicial Officer: Bonaventure, Joseph T.) <i>Darryl Dubroca's Joinder to Spring Mountain Treatment Center's Motion to Dismiss</i>
06/24/2014	 All Pending Motions (9:30 AM) (Judicial Officer: Bonaventure, Joseph T.)
06/25/2014	 Certificate of Service Filed by: Defendant Spring Mountain Treatment Center <i>Certificate of Service via Hand Delivery of Defendant Spring Mountain Treatment Center and Darryl Dubroca's Motion to Bar Media Presence During Pre-Trial Hearings on an Order Shortening Time</i>
06/27/2014	 Order Setting Medical/Dental Malpractice Status Check <i>Order Setting Medical/Dental Malpractice Status Check and Trial Setting Conference</i>
07/11/2014	Status Check (3:00 AM) (Judicial Officer: Kishner, Joanna S.) <i>Status Check: Order 6/24/14</i>
07/17/2014	 Order Scheduling Status Check <i>Order Scheduling Status Check</i>
07/23/2014	 Order to Statistically Close Case <i>Civil Order to Statistically Close Case</i>
07/23/2014	 Order for Dismissal Filed By: Defendant Spring Mountain Treatment Center <i>Order on Defendant Spring Mountain Treatment Center and Darryl Dubroca's Motion to Dismiss</i>
07/23/2014	Order of Dismissal With Prejudice (Judicial Officer: Kishner, Joanna S.) Debtors: Lee E Szymborski (Plaintiff) Creditors: Spring Mountain Treatment Center (Defendant), Darryl Dubroca (Defendant) Judgment: 07/23/2014, Docketed: 07/30/2014
07/30/2014	 Notice of Entry of Order Filed By: Defendant Spring Mountain Treatment Center

DEPARTMENT 31
CASE SUMMARY
CASE NO. A-14-700178-C

	<i>Notice of Entry of Order on Defendant Spring Mountain Treatment Center and Darryl Dubroca's Motion to Dismiss</i>
08/07/2014	 Motion to Reconsider Filed By: Plaintiff Szymborski, Lee E <i>Motion for Reconsideration, or in the Alternative, Motion to Set Aside</i>
08/07/2014	 Notice of Motion Filed By: Plaintiff Szymborski, Lee E <i>Notice of Motion on Motion for Reconsideration, or in the Alternative, Motion to Set Aside</i>
08/12/2014	CANCELED Status Check: Medical/Dental Malpractice (1:00 PM) (Judicial Officer: Wiese, Jerry A) <i>Vacated - Case Closed</i>
08/25/2014	 Opposition Filed By: Defendant Spring Mountain Treatment Center <i>Spring Mountain Treatment Center and Darryl Dubroca's Opposition to Plaintiff's Motion for Reconsideration or in the Alternative, Motion to Set Aside</i>
08/25/2014	 Certificate of Mailing Filed By: Plaintiff Szymborski, Lee E
08/25/2014	 Notice of Appeal Filed By: Plaintiff Szymborski, Lee E
09/12/2014	Motion For Reconsideration (3:00 AM) (Judicial Officer: Kishner, Joanna S.) Events: 08/07/2014 Notice of Motion <i>Notice of Motion on Motion for Reconsideration, or in the Alternative, Motion to Set Aside</i>
DATE	FINANCIAL INFORMATION

Defendant Dubroca, Darryl	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 8/28/2014	0.00
Defendant Spring Mountain Treatment Center	
Total Charges	223.00
Total Payments and Credits	223.00
Balance Due as of 8/28/2014	0.00
Plaintiff Szymborski, Lee E	
Total Charges	270.00
Total Payments and Credits	270.00
Balance Due as of 8/28/2014	0.00



CIVIL COVER SHEET

County, Nevada

Case No. _____
(Assigned by Clerk's Office)

A-14-700178-C
XXXI

29

I. Party Information

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

Attorney (name/address/phone):

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

Attorney (name/address/phone):

II. Nature of Controversy (Please check applicable bold category and applicable subcategory, if appropriate)

☐ Arbitration Requested

Civil Cases

Real Property

- ☐ Landlord/Tenant
 - ☐ Unlawful Detainer
- ☐ Title to Property
 - ☐ Foreclosure
 - ☐ Liens
 - ☐ Quiet Title
 - ☐ Specific Performance
- ☐ Condemnation/Eminent Domain
- ☐ Other Real Property
 - ☐ Partition
 - ☐ Planning/Zoning

Torts

Negligence

- ☐ Negligence - Auto
- ☒ Negligence - Medical/Dental
- ☐ Negligence - Premises Liability (Slip/Fall)
- ☒ Negligence - Other (LS)

Product Liability

- ☐ Product Liability/Motor Vehicle
- ☐ Other Torts/Product Liability

Intentional Misconduct

- ☐ Torts/Defamation (Libel/Slander)
- ☐ Interfere with Contract Rights

Employment Torts (Wrongful termination)

Other Torts

- ☐ Anti-trust
- ☐ Fraud/Misrepresentation
- ☐ Insurance
- ☒ Legal Tort (LS)
- ☐ Unfair Competition

Probate

- Estimated Estate Value: _____
- ☐ Summary Administration
 - ☐ General Administration
 - ☐ Special Administration
 - ☐ Set Aside Estates
 - ☐ Trust/Conservatorships
 - ☐ Individual Trustee
 - ☐ Corporate Trustee
 - ☐ Other Probate

Other Civil Filing Types

- ☐ Construction Defect
 - ☐ Chapter 40
 - ☐ General
- ☐ Breach of Contract
 - ☐ Building & Construction
 - ☐ Insurance Carrier
 - ☐ Commercial Instrument
 - ☐ Other Contracts/Act/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 (LS)
- ☐ Employment Security
- ☐ Enforcement of Judgment
- ☒ Foreign Judgment - Civil (LS)
- ☒ Other Personal Property (LS)
- ☐ Recovery of Property
- ☐ Stockholder Suit
- ☒ Other Civil Matters (LS)

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

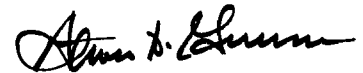
- ☐ NRS Chapters 78-88
- ☐ Investments (NRS 104 Art. 8)
- ☒ Enhanced Case Mgmt/Business
- ☐ Commodities (NRS 90)
- ☐ Deceptive Trade Practices (NRS 598)
- ☐ Other Business Court Matters
- ☐ Securities (NRS 90)
- ☐ Trademarks (NRS 600A)

Date

Signature of Initiating party or representative

See other side for family-related case filings

RECEIVED
MAY 02 2014
CLERK OF THE COURT



CLERK OF THE COURT

ORDR

Michael Prangle, Esq.
Nevada Bar No. 8619
Kerry J. Doyle, Esq.
Nevada Bar No. 10571
HALL PRANGLE & SCHOONVELD, LLC
1160 N. Town Center Dr., Ste. 200
Las Vegas, NV 89144
(702) 889-6400 – Office
(702) 384-6025 – Facsimile
Email: efile@hpslaw.com
Attorneys for Defendant
Spring Mountain Treatment Center
and Darryl Dubroca

**DISTRICT COURT
CLARK COUNTY, NEVADA**

LEE E. SZYMBORSKI,

Plaintiff,

vs.

SPRING MOUNTAIN TREATMENT
CENTER, DARRYL DUBROCA, in his
official capacity, DOES I-XX, inclusive, and
ROE CORPORATIONS I-XX, inclusive,

Defendants.

CASE NO.: A-14-700178-C
DEPT. NO.: XXXI

**ORDER ON DEFENDANT SPRING
MOUNTAIN TREATMENT CENTER
AND DARRYL DUBROCA'S MOTION
TO DISMISS**

*before Sr. Judge Joseph Bonaventura
sitting for*

ORDER

Defendants Spring Mountain Treatment Center and Darryl Dubroca's Motion to Dismiss, having come on regularly for hearing on June 24, 2014, in Department XXXI, the Honorable Joanna S. Kishner presiding; LEE E. SZYMBORSKI appeared pro se, KERRY J. DOYLE, ESQ., appeared on behalf of Defendants, SPRING MOUNTAIN TREATMENT CENTER, and DARRYL DUBROCA; the Court having considered the pleadings on file and having heard oral argument from the parties, good cause appearing therefore, the Court finds and orders as follows:

IT IS ORDERED, ADJUDGED, AND DECREED that, **Defendant Spring Mountain Treatment Center, and Darryl Dubroca's Motion to Dismiss** is GRANTED. Mr.


HALL PRANGLE & SCHOONVELD, LLC
1160 NORTH TOWN CENTER DRIVE
SUITE 200
LAS VEGAS, NEVADA 89144
TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

HALL PRANGLE & SCHOONVELD, LLC
1160 NORTH TOWN CENTER DRIVE
SUITE 200
LAS VEGAS, NEVADA 89144
TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

1 Szymborski's claims are based upon allegations of medical malpractice. As a result, the
2 Complaint is required to be supported by a medical expert affidavit pursuant to NRS 41A.071.
3 Mr. Szymborski failed to provide the requisite affidavit and as a result, both Spring Mountain
4 Treatment Center and Mr. Dubroca are hereby dismissed from the instant action.

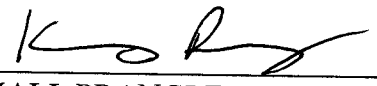
5 **IT IS SO ORDERED.**

6 DATED this 21 day of July, 2014.

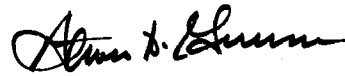
7  JOANNA S. KISHNER

8 DISTRICT COURT JUDGE

9 Submitted By:

10 
11
12 HALL PRANGLE & SCHOONVELD, LLC
13 KENNETH M. WEBSTER, ESQ.
14 Nevada Bar No.: 7205
15 KERRY J. DOYLE, ESQ.
16 Nevada Bar No.: 10571
17 1160 N. Town Center Dr., Ste. 200
18 Las Vegas, NV 89144
19 *Attorneys for Defendants Summerlin Hospital*

20
21
22
23
24
25
26
27
28
4844-0011-1900, v. 1



CLERK OF THE COURT

1 **NEOJ**

2 Michael Prangle, Esq.
3 Nevada Bar No. 8619
4 Kerry J. Doyle, Esq.
5 Nevada Bar No. 10571
6 HALL PRANGLE & SCHOONVELD, LLC
7 1160 N. Town Center Dr., Ste. 200
8 Las Vegas, NV 89144
9 (702) 889-6400 – Office
10 (702) 384-6025 – Facsimile
11 Email: efile@hpslaw.com
12 *Attorneys for Defendant Spring Mountain*
13 *Treatment Center and Darryl Dubroca*

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

11 LEE E. SZYMBORSKI,

12 Plaintiff,

13 vs.

14 SPRING MOUNTAIN TREATMENT
15 CENTER, DARRYL DUBROCA, in his
16 official capacity, DOES I-XX, inclusive, and
17 ROE CORPORATIONS I-XX, inclusive,

18 Defendants.

CASE NO.: A-14-700178-C
DEPT. NO.: XXXI

**NOTICE OF ENTRY OF ORDER ON
DEFENDANT SPRING MOUNTAIN
TREATMENT CENTER AND DARRYL
DUBROCA'S MOTION TO DISMISS**

19 Please take notice that an Order granting Defendants Spring Mountain Treatment Center
20 and Darryl Dubroca's Motion to Dismiss was entered in the above entitled Court on the 23rd day
21 of July, 2014, a copy of which is attached hereto.

22 DATED this 30th day of July, 2014.

23 HALL PRANGLE & SCHOONVELD, LLC

24 /s/: Kerry J. Doyle, Esq.

25 KERRY J. DOYLE, ESQ.

26 Nevada Bar No.: 10571

27 1160 N. Town Center Dr., Ste. 200

28 Las Vegas, NV 89144

Attorneys for Defendants Summerlin Hospital

///

HALL PRANGLE & SCHOONVELD, LLC
1160 NORTH TOWN CENTER DRIVE
SUITE 200
LAS VEGAS, NEVADA 89144
TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I am an employee of Hall Prangle & Schoonveld, LLC; that on the 30th day of July, 2014, I served a true and correct copy of the foregoing **NOTICE OF ENTRY OF ORDER ON DEFENDANT SPRING MOUNTAIN TREATMENT CENTER AND DARRYL DUBROCA'S MOTION TO DISMISS** in a sealed envelope, via US Mail, first class postage pre-paid to the following parties at their last known address as an email for electronic service as not been provided by Plaintiff:

Lee E. Szymborski
4605 Black Stallion Avenue
Las Vegas, Nevada 89031
Plaintiff in Proper Person

/s/: Audrey Ann Stephanski

An employee of Hall Prangle & Schoonveld, LLC

4851-0812-9564, v. 1


CLERK OF THE COURT

ORDR

Michael Prangle, Esq.
Nevada Bar No. 8619
Kerry J. Doyle, Esq.
Nevada Bar No. 10571
HALL PRANGLE & SCHOONVELD, LLC
1160 N. Town Center Dr., Ste. 200
Las Vegas, NV 89144
(702) 889-6400 – Office
(702) 384-6025 – Facsimile
Email: efile@hpslaw.com
Attorneys for Defendant
Spring Mountain Treatment Center
and Darryl Dubroca

**DISTRICT COURT
CLARK COUNTY, NEVADA**

LEE E. SZYMBORSKI,

Plaintiff,

vs.

SPRING MOUNTAIN TREATMENT
CENTER, DARRYL DUBROCA, in his
official capacity, DOES I-XX, inclusive, and
ROE CORPORATIONS I-XX, inclusive,

Defendants.

CASE NO.: A-14-700178-C
DEPT. NO.: XXXI

**ORDER ON DEFENDANT SPRING
MOUNTAIN TREATMENT CENTER
AND DARRYL DUBROCA'S MOTION
TO DISMISS**

*before Sr. Judge Joseph Bonaventura,
sitting for*

ORDER

Defendants Spring Mountain Treatment Center and Darryl Dubroca's Motion to Dismiss, having come on regularly for hearing on June 24, 2014, in Department XXXI, the Honorable Joanna S. Kishner presiding; LEE E. SZYMBORSKI appeared pro se, KERRY J. DOYLE, ESQ., appeared on behalf of Defendants, SPRING MOUNTAIN TREATMENT CENTER, and DARRYL DUBROCA; the Court having considered the pleadings on file and having heard oral argument from the parties, good cause appearing therefore, the Court finds and orders as follows:


IT IS ORDERED, ADJUDGED, AND DECREED that, **Defendant Spring Mountain Treatment Center, and Darryl Dubroca's Motion to Dismiss** is GRANTED. Mr.

HALL PRANGLE & SCHOONVELD, LLC
1160 NORTH TOWN CENTER DRIVE
SUITE 200
LAS VEGAS, NEVADA 89144
TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

1 Szymborski's claims are based upon allegations of medical malpractice. As a result, the
2 Complaint is required to be supported by a medical expert affidavit pursuant to NRS 41A.071.
3 Mr. Szymborski failed to provide the requisite affidavit and as a result, both Spring Mountain
4 Treatment Center and Mr. Dubroca are hereby dismissed from the instant action.

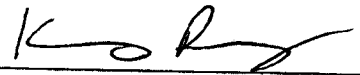
5 **IT IS SO ORDERED.**

6 DATED this 21 day of July, 2014.

7  JOANNA S. KISHNER

8  DISTRICT COURT JUDGE

9 Submitted By:

10 
11
12 HALL PRANGLE & SCHOONVELD, LLC
13 KENNETH M. WEBSTER, ESQ.
14 Nevada Bar No.: 7205
15 KERRY J. DOYLE, ESQ.
16 Nevada Bar No.: 10571
17 1160 N. Town Center Dr., Ste. 200
18 Las Vegas, NV 89144
19 *Attorneys for Defendants Summerlin Hospital*

20 4844-0011-1900, v. 1
21
22
23
24
25
26
27
28

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

June 24, 2014

A-14-700178-C Lee Szymborski, Plaintiff(s)
vs.
Spring Mountain Treatment Center, Defendant(s)

June 24, 2014

9:30 AM

All Pending Motions

HEARD BY: Bonaventure, Joseph T.

COURTROOM: RJC Courtroom 12B

COURT CLERK: Sandra Harrell

RECORDER: Rachelle Hamilton

REPORTER:

PARTIES

PRESENT: Doyle, Kerry J. Attorney
 Szymborski, Lee E Plaintiff

JOURNAL ENTRIES

- DEFENDANT SPRING MOUNTAIN TREATMENT CENTER'S MOTION TO DISMISS...DARRYL DUBROCA'S JOINDER TO SPRING MOUNTAIN TREATMENT CENTER'S MOTION TO DISMISS

Mr. Doyle states he was not served with opposition, happened to notice opposition online late yesterday. Court noted to Mr. Szymborski documents must be properly served. Mr. Doyle argued medical malpractice claim, no affidavit. Mr. Szymborski argued this is an action of negligence, has nothing to do with medical malpractice. Further arguments by Mr. Szymborski. Court stated its findings and ORDERED, Defendant Spring Mountain Treatment Center's Motion to Dismiss and the Joinder thereto are GRANTED; both Spring Mountain Treatment Center and Darryl Dubroca are Dismissed. Mr. Doyle to prepare the order, circulating to Plaintiff. Matter SET for Status Check regarding receipt of proposed order.

7/11/14 STATUS CHECK: ORDER (CHAMBERS)

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 ON DEFENDANT SPRING MOUNTAIN TREATMENT CENTER AND DARRYL DUBROCA'S MOTION TO DISMISS; NOTICE OF ENTRY OF ORDER ON DEFENDANT SPRING MOUNTAIN TREATMENT CENTER AND DARRYL DUBROCA'S MOTION TO DISMISS; DISTRICT COURT MINUTES

LEE E. SZYMBORSKI,

Plaintiff(s),

vs.

SPRING MOUNTAIN TREATMENT
CENTER; DARRYL DUBROCA,

Defendant(s),

Case No: A700178

Dept No: XXXI

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 28 day of August 2014.

Steven D. Grierson, Clerk of the Court



Teodora Jones, Deputy Clerk