

Frank M. Peck 57106

HDSP Box 650

Indian Springs, NV. 89070

Plaintiff, pro se

DISTRICT COURT CLARK COUNTY, NEVADA

**FILED**

**AUG 17 2015**

Electronically Filed  
August 17, 2015 02:52 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

Frank M. Peck,  
Plaintiff,

CASE NO. A-14-708447-C

DEPT NO. 3

v.

Valley Hospital, et al,  
Defendants.

NOTICE OF APPEAL

NOTICE is hereby given that the Plaintiff  
Frank M. Peck pro se hereby APPEALS to the  
Supreme Court of Nevada from the ORDER  
Granting JUDGEMENT ON THE PLEADINGS entered on  
August 4th 2015 herein.

Dated 8-9-15

Electronically served / NOTICED on the registered parties per  
N.E.C.R. rule 9 (c).

Affirmation contains NO social security numbers of any  
person NRS 239B.030.

*Frank Peck*

Frank M. Peck Plaintiff, pro se.

A-14-708447-C  
NOAS  
Notice of Appeal  
4479991



RECEIVED  
AUG 17 2015  
CLERK OF THE COURT

Frank M. Peak 57106  
HDSB Box 650  
Indian Springs, NV. 89070

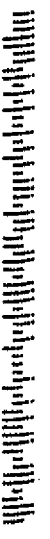
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NV 890  
13 AUG '15  
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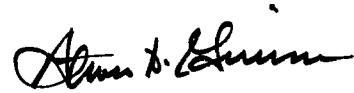
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08/13/2015  
US POSTAGE 39.00.485  
ZIP 89101  
011012602403

Clerk of the Court  
200 LEWIS AVE 3rd floor  
Las Vegas NV 89155-1160

Confidential legal mail

CONFIDENTIAL LEGAL MAIL





CLERK OF THE COURT

ASTA

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

FRANK M. PECK,

Plaintiff(s),

vs.

VALLEY HOSPITAL MEDICAL CENTER;  
MICHAEL D. BARNUM, M.D.; DAVID R. ZIPF,  
M.D.,

Defendant(s),

Case No: A-14-708447-C

Dept No: III

**CASE APPEAL STATEMENT**

1. Appellant(s): Frank M. Peck

2. Judge: David Barker

3. Appellant(s): Frank M. Peck

Counsel:

Frank M. Peck #57106  
P.O. Box 650  
Indian Springs, NV 89070

4. Respondent (s): Valley Hospital Medical Center; Michael D. Barnum, M.D.; David R. Zipf,  
M.D.

Counsel:

Kirill V. Mikhaylov, Esq.  
1160 N. Town Center Dr., Ste. 200  
Las Vegas, NV 89144

David J. Mortensen, Esq.  
7401 W. Charleston Blvd.  
Las Vegas, NV 89117

Arthur W. Tuverson, Esq.  
7201 W. Lake Mead Blvd., Suite 570  
Las Vegas, NV 89128

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

Respondent(s)'s Attorney Licensed in Nevada: Yes  
Permission Granted: N/A

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

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

8. Appellant Granted Leave to Proceed in Forma Pauperis\*\*: Yes, October 13, 2014  
*\*\*Expires 1 year from date filed*  
Appellant Filed Application to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: October 13, 2014

10. Brief Description of the Nature of the Action: TORT - Other

Type of Judgment or Order Being Appealed: Judgment

11. Previous Appeal: No

Supreme Court Docket Number(s): N/A

12. Child Custody or Visitation: N/A

13. Possibility of Settlement: Unknown

Dated This 18 day of August 2015.

Steven D. Grierson, Clerk of the Court



---

Heather Ungermann, Deputy Clerk  
200 Lewis Ave  
PO Box 551601  
Las Vegas, Nevada 89155-1601  
(702) 671-0512

cc: Frank M. Peck

DEPARTMENT 3  
**CASE SUMMARY**  
**CASE NO. A-14-708447-C**

**Frank Peck, Plaintiff(s)**  
**vs.**  
**Valley Hospital Medical Center, Defendant(s)**

§  
§  
§  
§  
§

Location: **Department 3**  
Judicial Officer: **Herndon, Douglas W.**  
Filed on: **10/13/2014**  
Cross-Reference Case Number: **A708447**

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**CASE INFORMATION**

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

Case Flags: **Appealed to Supreme Court**  
**Jury Demand Filed**  
**Automatically Exempt from Arbitration**  
**Med Mal Case**  
*Per Order Date 3/2/15 #38*  
**In Forma Pauperis Granted**  
*Granted to Frank Peck as of 10/13/2014*

---

**DATE**

**CASE ASSIGNMENT**

---

**Current Case Assignment**

Case Number	A-14-708447-C
Court	Department 3
Date Assigned	10/13/2014
Judicial Officer	Herndon, Douglas W.

---

**PARTY INFORMATION**

---

		<i>Lead Attorneys</i>
<b>Plaintiff</b>	<b>Peck, Frank M</b>	<b>Pro Se</b>
<b>Defendant</b>	<b>Barnum, Michael D, M.D.</b>	<b>Mortensen, David J.</b> <i>Retained</i> 7023847000(W)
	<b>Valley Hospital Medical Center</b>	<b>Mikhaylov, Kirill V.</b> <i>Retained</i> 702-880-9222(W)
	<b>Zipf, David R, M.D.</b>	<b>Tuverson, Arthur W.</b> <i>Retained</i> 7026317855(W)




---

**DATE**















**EVENTS & ORDERS OF THE COURT**

**INDEX**

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10/13/2014	 Application to Proceed in Forma Pauperis Filed By: Plaintiff Peck, Frank M <i>Motion to Proceed in Forma Pauperis</i>	
10/13/2014	 Order to Proceed In Forma Pauperis Granted for: Plaintiff Peck, Frank M <i>Order to Proceed In Forma Pauperis</i>	
10/13/2014	 Inmate Filed - Complaint Party: Plaintiff Peck, Frank M <i>Tort Action Medical Malpractice, Negligence Complaint NRS 41A.100 RES IPSA LOQUITUR</i>	

DEPARTMENT 3  
**CASE SUMMARY**  
**CASE NO. A-14-708447-C**

12/03/2014	 Affidavit of Service Filed By: Plaintiff Peck, Frank M Party Served: Defendant Zipf, David R, M.D. <i>Affidavit of Service - David R Zipf MD</i>
12/03/2014	 Affidavit of Service Filed By: Plaintiff Peck, Frank M Party Served: Defendant Barnum, Michael D, M.D. <i>Affidavit of Service - Michael D Barnum MD</i>
12/05/2014	 Ex Parte Motion Filed By: Plaintiff Peck, Frank M <i>Ex Parte Motion For Subpoena</i>
12/15/2014	 Initial Appearance Fee Disclosure Filed By: Defendant Zipf, David R, M.D. <i>Initial Appearance Fee Disclosure</i>
12/15/2014	 Answer to Complaint Filed by: Defendant Zipf, David R, M.D. <i>Defendant David R. Zipf, M.D.'s Answer to Plaintiff's Complaint</i>
12/15/2014	 Demand for Jury Trial Filed By: Defendant Zipf, David R, M.D. <i>Defendant David R. Zipf, M.D.'s Demand for Jury Trial</i>
02/09/2015	 Motion Filed By: Defendant Zipf, David R, M.D. <i>Defendant David R. Zipf, M.D.'s Motion to Re-Title on an Order Shortening Time</i>
02/10/2015	 Affidavit of Service <i>Valley Hospital Medical Center</i>
02/12/2015	 Answer to Complaint Filed by: Defendant Barnum, Michael D, M.D. <i>Defendant Michael D. Barnum, M.D.'s Answer to Plaintiff's Complaint</i>
02/12/2015	 Initial Appearance Fee Disclosure Filed By: Defendant Barnum, Michael D, M.D. <i>Initial Appearance Fee Disclosure</i>
02/12/2015	 Demand for Jury Trial Filed By: Defendant Barnum, Michael D, M.D. <i>Defendant Michael D. Barnum, M.D.'s Demand for Jury Trial</i>
02/17/2015	 Joinder To Motion Filed By: Defendant Barnum, Michael D, M.D. <i>Defendant Michael D. Barnum, M.D.'s Joinder to Defendant David R. Zipf, M.D.'s Motion to Re-Title on an Order Shortening Time</i>
02/18/2015	 <b>Motion</b> (9:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Defendant David R. Zipf, M.D.'s Motion to Re-Title on an Order Shortening Time</i>
02/18/2015	 Response

DEPARTMENT 3  
**CASE SUMMARY**  
**CASE NO. A-14-708447-C**

Filed by: Plaintiff Peck, Frank M  
*Response to Defendant David R Zipf MD's Motion to Re-Title on an Order Shortening Time*

03/02/2015



Initial Appearance Fee Disclosure

Filed By: Defendant Valley Hospital Medical Center  
*Defendant Valley Hospital Medical Center's Initial Appearance Fee Disclosure*

03/02/2015



Motion to Quash

Filed By: Defendant Valley Hospital Medical Center  
*Defendant Valley Hospital Medical Center's Motion to Quash Service of Plaintiff's Complaint for Failure to Satisfy NRCP 4(D) and to Dismiss Plaintiff's Complaint Pursuant to NRCP (4) (I) for Failure to Timely Service*

03/02/2015



Order Granting Motion

Filed By: Defendant Zipf, David R, M.D.  
*Order*

03/03/2015



Notice of Entry of Order

Filed By: Defendant Zipf, David R, M.D.  
*Notice of Entry of Order*

03/10/2015



Arbitration File

*Arbitration File*

03/16/2015



Opposition to Motion

Filed By: Plaintiff Peck, Frank M  
*Opposition to Defendant Vallery Hopsital Medical Center's Motion to Quash Service of Plaitiff's Complaint for Failure to Satisfy NRCP 4(d) and to Dismiss Plaintiff's Complaint Pursuant to NRCP 4(i) for Failure to Timely Serve*

03/16/2015



Not Found Affidavit

Filed By: Plaintiff Peck, Frank M

03/19/2015



Notice of Motion

Filed By: Plaintiff Peck, Frank M  
*Notice of and Motion for Subpoenas*

04/01/2015



Reply in Support

Filed By: Defendant Valley Hospital Medical Center  
*Defendant Valley Health System, LLC d/b/a Valley Hospital Medical Center's Reply Brief in Support of Its Motion to Quash Service of Plaintiff's Complaint for Failure to Satisfy NRCP 4 (d) and to Dismiss Plaintiff's Complaint Pursuant to NRCP(4)(I) for Failure to Timely Serve*

04/08/2015



**Motion to Quash Service** (9:00 AM) (Judicial Officer: Herndon, Douglas W.)

*Defendant Valley Hospital Medical Center's Motion to Quash Service of Plaintiff's Complaint for Failure to Satisfy NRCP 4(D) and to Dismiss Plaintiff's Complaint Pursuant to NRCP (4) (I) for Failure to Timely Serve*

04/16/2015



Order Granting Motion











Filed By: Defendant Valley Hospital Medical Center  
*Order Granting Defendant Valley Health System, LLC d/b/a Valley Hospital Medical Center's Motion to Quash Service of Plaintiff's Complaint for Failure to Satisfy NRCP 4(d) and to Dismiss Plaintiff's Complaint Pursuant to NRCP(4)(I) For Failure to Timely Serve*

04/16/2015

**Order of Dismissal** (Judicial Officer: Herndon, Douglas W.)  
Debtors: Frank M Peck (Plaintiff)








DEPARTMENT 3  
**CASE SUMMARY**  
**CASE NO. A-14-708447-C**

Creditors: Valley Hospital Medical Center (Defendant)  
Judgment: 04/16/2015, Docketed: 04/23/2015


04/20/2015	<b>Motion</b> (3:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Plaintiff's Motion for Subpoenas NRS 174.335</i>
04/21/2015	 Notice of Entry of Order Filed By: Defendant Valley Hospital Medical Center <i>Notice of Entry of Order</i>
04/28/2015	 Motion Filed By: Plaintiff Peck, Frank M <i>Motion for Meet and Confer Teleconference NRCp Rule 16.1(b)</i>
06/17/2015	 Motion for Judgment Filed By: Defendant Zipf, David R, M.D. <i>Defendant David R. Zipf, M.D.'s Motion for Judgment on the Pleadings and Supporting Affidavit of Danielle Woodrum, Esq.</i>
06/18/2015	 Notice of Motion Filed By: Defendant Zipf, David R, M.D. <i>Notice of Motion</i>
06/18/2015	 Disclosure Statement Party: Defendant Zipf, David R, M.D. <i>Fee Disclosure</i>
06/25/2015	 Motion to Strike Filed By: Defendant Zipf, David R, M.D. <i>Defendant David R. Zipf, M.D.'s Motion to Strike Punitive Damages</i>
06/26/2015	 Opposition Filed By: Plaintiff Peck, Frank M <i>Opposition to Defendant's David R. Zipf MD'S Motion for Judgment on the Pleadings</i>
07/02/2015	 Joinder To Motion Filed By: Defendant Barnum, Michael D, M.D. <i>Defendant Michael D. Barnum, M.D.'s Joinder to Defendant David R. Zipf, M.D.'s Motion to Strike Punitive Damages Claim</i>
07/02/2015	 Joinder to Motion For Summary Judgment Filed By: Defendant Barnum, Michael D, M.D. <i>Defendant Michael D. Barnum, M.D.'s Joinder to Defendant David R. Zipf, M.D.'s Motion for Judgment on the Pleadings</i>
07/09/2015	 Opposition to Motion Filed By: Plaintiff Peck, Frank M <i>Opposition to David R Zipf MD's Motion to Strike Punitive Damages</i>
07/15/2015	 Reply to Opposition Filed by: Defendant Zipf, David R, M.D. <i>Defendant David R. Zipf, M.D.'s Reply to Plaintiff's Opposition to Motion for Judgment on the Pleadings</i>
07/17/2015	 Reply



DEPARTMENT 3  
**CASE SUMMARY**  
**CASE NO. A-14-708447-C**

	Filed by: Defendant Barnum, Michael D, M.D. <i>REPLY TO PLAINTIFF'S OPPOSITION TO DEFENDANT BARNUM'S JOINDER TO DR. ZIPF'S MOTION FOR JUDGMENT ON THE PLEADINGS</i>
07/21/2015	 <b>Joinder</b> Filed By: Plaintiff Peck, Frank M <i>Joinder of Oppositions Already on File to Defendant Michael D Barnum's Joinder to Defendant David R Zipf's Motion for Judgment on the Pleadings and Motion to Strike Punitive Damages</i>
07/22/2015	<b>Motion for Summary Judgment</b> (9:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Defendant David R. Zipf, M.D.'s Motion for Judgment on the Pleadings and Supporting Affidavit of Danielle Woodrum, Esq.</i>
07/22/2015	<b>Joinder</b> (9:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Defendant Michael D. Barnum, M.D.'s Joinder to Defendant David R. Zipf, M.D.'s Motion for Judgment on the Pleadings</i>
07/22/2015	 <b>All Pending Motions</b> (9:00 AM) (Judicial Officer: Herndon, Douglas W.)
07/29/2015	 <b>Motion</b> Filed By: Plaintiff Peck, Frank M <i>Notice of and Motion for Teleconference or Audiovisual Appearance</i>
08/03/2015	 <b>Status Check: Medical/Dental Malpractice</b> (1:00 PM) (Judicial Officer: Wiese, Jerry A)
08/04/2015	 <b>Order Granting Judgment</b> Filed By: Defendant Zipf, David R, M.D. <i>Order</i>
08/04/2015	<b>Order</b> (Judicial Officer: Herndon, Douglas W.) Debtors: Frank M Peck (Plaintiff) Creditors: David R Zipf, MD. (Defendant) Judgment: 08/04/2015, Docketed: 08/11/2015
08/05/2015	<b>CANCELED Motion to Strike</b> (9:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Vacated</i> <i>Defendant David R. Zipf, M.D.'s Motion to Strike Punitive Damages</i>
08/05/2015	<b>CANCELED Joinder</b> (9:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Vacated</i> <i>Defendant Michael D. Barnum, M.D.'s Joinder to Defendant David R. Zipf, M.D.'s Motion to Strike Punitive Damages Claim</i>
08/06/2015	 <b>Notice of Entry of Order</b> Filed By: Defendant Barnum, Michael D, M.D. <i>Notice of Entry of Order Granting Defendant Michael D. Barnum, M.D.'s Joinder to Defendant David R. Zipf, M.D.'s Motion for Judgment on the Pleadings</i>
08/06/2015	 <b>Notice of Entry of Order</b> Filed By: Defendant Zipf, David R, M.D. <i>Notice of Entry of Order</i>
08/17/2015	 <b>Notice of Appeal</b> Filed By: Plaintiff Peck, Frank M <i>Notice of Appeal</i>

DEPARTMENT 3  
**CASE SUMMARY**  
**CASE NO. A-14-708447-C**

08/18/2015	 Case Appeal Statement Filed By: Plaintiff Peck, Frank M <i>Case Appeal Statement</i>	
09/02/2015	<b>CANCELED Motion</b> (9:00 AM) ( <b>Judicial Officer: Herndon, Douglas W.</b> ) <i>Vacated - per Order</i> <i>Notice of Motion: Motion for Teleconference or Audiovisual Appearance</i>	

DATE	FINANCIAL INFORMATION	
	<b>Defendant</b> Barnum, Michael D, M.D.	
	Total Charges	451.00
	Total Payments and Credits	451.00
	<b>Balance Due as of 8/18/2015</b>	<b>0.00</b>
	<b>Defendant</b> Valley Hospital Medical Center	
	Total Charges	223.00
	Total Payments and Credits	223.00
	<b>Balance Due as of 8/18/2015</b>	<b>0.00</b>
	<b>Defendant</b> Zipf, David R, M.D.	
	Total Charges	423.00
	Total Payments and Credits	423.00
	<b>Balance Due as of 8/18/2015</b>	<b>0.00</b>

## DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No.

(Assigned by Clerk's Office)

A-14-708447-C

III

**I. Party Information** (provide both home and mailing addresses if different)

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

Frank M Peck

Inmate # 57106

H DSP, Box 650

Indian Springs, NV. 89070

Attorney (name/address/phone):

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

Valley Hospital Medical Center

David R. Zopf M.D.

Michael D. Baenum MD

John Doest-V.

Attorney (name/address/phone):

**II. Nature of Controversy** (please select the one most applicable filing type below)**Civil Case Filing Types**

Real Property	Negligence	Torts
<b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input checked="" type="checkbox"/> Other Tort
<b>Probate</b> <b>Probate</b> (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		<b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

A-14-708447-C  
CCS  
Civil Cover Sheet  
4345321


Business Court filings should be filed using the Business Court civil coversheet.

10-13-14

Date

By Deputy Clerk

Signature of initiating party or representative

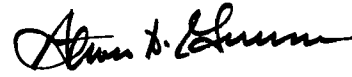
A. Belos

See other side for family-related case filings.

**ORDR**

ARTHUR W. TUVERSON, ESQ.  
Nevada State Bar No. 005156  
DANIELLE WOODRUM, ESQ.  
Nevada State Bar No. 012902  
LAW OFFICES OF ARTHUR W. TUVERSON  
A Limited Liability Partnership  
Including Professional Corporations  
7201 West Lake Mead Boulevard, Suite 570  
Las Vegas, Nevada 89128  
Telephone: (702) 631-7855  
Facsimile: (702) 631-5777  
[dwoodrum@awtlawoffice.com](mailto:dwoodrum@awtlawoffice.com)  
Attorney for Defendant DAVID R. ZIPF, M.D.

Electronically Filed  
08/04/2015 03:35:06 PM



CLERK OF THE COURT

**DISTRICT COURT****CLARK COUNTY, NEVADA**

\*\*\*\*

FRANK M. PECK,

Plaintiff,

v.

VALLEY HOSPITAL MEDICAL CENTER,  
et al., DAVID R. ZIPF, M.D., MICHAEL D.  
BARNUM, M.D., JOHN DOES I - V,

Defendants.

CASE NO.: A-14-708447-C  
DEPT. NO.: III

**ORDER**

Defendant DAVID R. ZIPF, M.D.'s Motion for Judgment on the Pleadings came on for hearing on July 22, 2015, at 9:00 a.m., in Department 3 of the Eighth Judicial District Court, Clark County, Nevada, with the Honorable Douglas W. Herndon presiding. Plaintiff FRANK PECK, was not present due to his incarceration at the Nevada Department of Corrections; William B. Palmer, Esq., of ALVERSON TAYLOR MORTENSEN & SANDERS, appeared on behalf of Defendant MICHAEL D. BARNUM, M.D.; and Danielle Woodrum, Esq., of the LAW OFFICE OF ARTHUR W. TUVERSON appeared for and on behalf of Defendant, DAVID R. ZIPF, M.D.

Having considered the pleadings filed herein and good cause appearing therefor:

///

**ORDER**

Page 1 of 2

1 IT IS HEREBY ORDERED that Defendant David R. Zipf, M.D.'s Motion for Judgment  
2 on the Pleadings and Defendant Michael D. Barnum's Joinder thereto are GRANTED.

3 IT IS FURTHER ORDERED that all future dates are VACATED and CASE CLOSED.

4 Dated this 30 day of July, 2015.

5  
6  
7   
8 DISTRICT COURT JUDGE  
9 

9 Respectfully Submitted:

10 LAW OFFICES OF ARTHUR W. TUVerson

11  
12 By 

13 ARTHUR W. TUVerson, ESQ.

14 Nevada State Bar No. 005156

15 DANIELLE WOODRUM, ESQ.

16 Nevada State Bar No. 012902

17 7201 West Lake Mead Boulevard, Suite 570

18 Las Vegas, Nevada 89128

19 (702) 631-7855

20 Attorneys for Defendant DAVID R. ZIPF, M.D.

  
CLERK OF THE COURT

1 **NEO**  
2 ALVERSON, TAYLOR, MORTENSEN & SANDERS  
3 DAVID J. MORTENSEN, ESQ.  
4 Nevada Bar No. 002547  
5 R. DOUGLAS KURDZIEL, ESQ.  
6 Nevada Bar No. 004658  
7 7401 West Charleston Boulevard  
8 Las Vegas, NV 89117-1401  
9 702-384-7000  
10 702-385-7000 (fax)  
11 **E-File: [efile@alversontaylor.com](mailto:efile@alversontaylor.com)**  
12 Attorneys for DEFENDANT  
13 Michael D. Barnum, M.D.

10 DISTRICT COURT  
11 CLARK COUNTY, NEVADA

12 FRANK M. PECK,

13 Plaintiff,

14 vs.

15 VALLEY HOSPITAL MEDICAL CENTER, et al.,  
16 DAVID R. ZIPF, M.D., MICHAEL D. BARNUM,  
17 M.D., JOHN DOES I - V,

18 Defendants.

CASE NO: A-14-708447-C  
DEPT NO: III

19  
20 **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT**  
21 **MICHAEL D. BARNUM, M.D.'S JOINDER TO DEFENDANT**  
22 **DAVID R. ZIPF, M.D.'S MOTION FOR JUDGMENT ON THE PLEADINGS**

23 PLEASE TAKE NOTICE that an Order granting Defendant Michael D. Barnum, M.D.'s  
24 Joinder to Defendant David R. Zipf, M.D.'s Motion for Judgment on the Pleadings, was entered

25 / / /

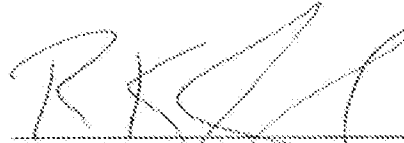
26 / / /

27 / / /

1 in the above-entitled matter on the 4<sup>th</sup> day of August, 2015, a copy of which is attached hereto.

2 DATED this 6<sup>th</sup> day of August, 2015.

3 ALVERSON, TAYLOR,  
4 MORTENSEN & SANDERS

5 

6 DAVID J. MORTENSEN, ESQ.

7 Nevada Bar No. 002547

8 R. DOUGLAS KURDZIEL, ESQ.

9 Nevada Bar No. 004658

10 7401 W. Charleston Boulevard

11 Las Vegas, NV 89117-1401

12 702-384-7000

13 E-File: [efile@alversontaylor.com](mailto:efile@alversontaylor.com)

14 Attorneys for DEFENDANT

15 Michael D. Barnum, M.D.





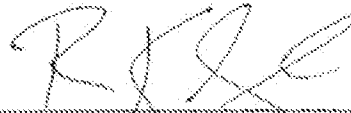
**AFFIRMATION**  
**Pursuant to N.R.S. 239B.030**

The undersigned does hereby affirm that the preceding **NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT MICHAEL D. BARNUM, M.D.'S JOINDER TO DEFENDANT DAVID R. ZIPF, M.D.'S MOTION FOR JUDGMENT ON THE PLEADINGS** filed in District Court Case No. A-14-708447-C.

X Does not contain the social security number of any person.

DATED this 6<sup>th</sup> day of August, 2015.

ALVERSON, TAYLOR,  
MORTENSEN & SANDERS

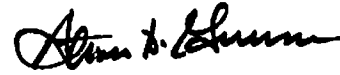


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Attorneys for DEFENDANT  
Michael D. Barnum, M.D.

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1 **ORDER**  
ARTHUR W. TUVERTSON, ESQ.  
2 Nevada State Bar No. 005156  
DANIELLE WOODRUM, ESQ.  
3 Nevada State Bar No. 012902  
LAW OFFICES OF ARTHUR W. TUVERTSON  
4 A Limited Liability Partnership  
Including Professional Corporations  
5 7201 West Lake Mead Boulevard, Suite 570  
Las Vegas, Nevada 89128  
6 Telephone: (702) 631-7855  
Facsimile: (702) 631-5777  
7 [dwoodrum@awtlawoffice.com](mailto:dwoodrum@awtlawoffice.com)  
Attorney for Defendant DAVID R. ZIPF, M.D.

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CLERK OF THE COURT

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

11 \*\*\*\*\*

12 FRANK M. PECK,

13 Plaintiff,

14 v.

15 VALLEY HOSPITAL MEDICAL CENTER,  
et al., DAVID R. ZIPF, M.D., MICHAEL D.  
16 BARNUM, M.D., JOHN DOES I - V,

17 Defendants.

CASE NO.: A-14-708447-C  
DEPT. NO.: III

**ORDER**

18  
19 Defendant DAVID R. ZIPF, M.D.'s Motion for Judgment on the Pleadings came on for  
20 hearing on July 22, 2015, at 9:00 a.m., in Department 3 of the Eighth Judicial District Court,  
21 Clark County, Nevada, with the Honorable Douglas W. Herndon presiding. Plaintiff FRANK  
22 PECK, was not present due to his incarceration at the Nevada Department of Corrections;  
23 William B. Palmer, Esq., of ALVERTON TAYLOR MORTENSEN & SANDERS, appeared on  
24 behalf of Defendant MICHAEL D. BARNUM, M.D.; and Danielle Woodrum, Esq., of the LAW  
25 OFFICE OF ARTHUR W. TUVERTSON appeared for and on behalf of Defendant, DAVID R.  
26 ZIPF, M.D.

27 Having considered the pleadings filed herein and good cause appearing therefor:

28 ///

1 IT IS HEREBY ORDERED that Defendant David R. Zipf, M.D.'s Motion for Judgment  
2 on the Pleadings and Defendant Michael D. Barnum's Joinder thereto are GRANTED.

3 IT IS FURTHER ORDERED that all future dates are VACATED and CASE CLOSED.

4 Dated this 30 day of July, 2015.

5  
6  
7   
8 DISTRICT COURT JUDGE  
9 

9 Respectfully Submitted:

10 LAW OFFICES OF ARTHUR W. TUVERTSON

11  
12 By 

13 ARTHUR W. TUVERTSON, ESQ.

14 Nevada State Bar No. 005156

15 DANIELLE WOODRUM, ESQ.

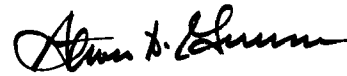
16 Nevada State Bar No. 012902

17 7201 West Lake Mead Boulevard, Suite 570

18 Las Vegas, Nevada 89128

19 (702) 631-7855

20 Attorneys for Defendant DAVID R. ZIPF, M.D.



CLERK OF THE COURT

1 **NEOJ**  
2 **ARTHUR W. TUVERSON, ESQ.**  
3 Nevada State Bar No. 005156  
4 **DANIELLE WOODRUM, ESQ.**  
5 Nevada State Bar No. 012902  
6 **LAW OFFICES OF ARTHUR W. TUVERSON**  
7 A Limited Liability Partnership  
8 Including Professional Corporations  
9 7201 West Lake Mead Boulevard, Suite 570  
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11 Telephone: (702) 631-7855  
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13 [dwoodrum@awtlawoffice.com](mailto:dwoodrum@awtlawoffice.com)  
14 Attorney for Defendant DAVID R. ZIPF, M.D.

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

11 \*\*\*\*\*

12 **FRANK M. PECK,**  
13 **Plaintiff,**

14 **v.**

15 **VALLEY HOSPITAL MEDICAL CENTER,**  
16 **et al., DAVID R. ZIPF, M.D., MICHAEL D.**  
17 **BARNUM, M.D., JOHN DOES I - V,**  
18 **Defendants.**

CASE NO.: A-14-708447-C  
DEPT. NO.: III

**NOTICE OF ENTRY OF ORDER**

19 PLEASE TAKE NOTICE that the Order granting Defendant David R. Zipf, M.D.'s  
20 Motion for Judgment on the Pleadings and Defendant Michael D. Barnum, M.D.'s Joinder  
21 thereto was entered in the above entitled action on the 4<sup>th</sup> day of August, 2015, a copy of which is  
22 attached hereto.

23  
24 DATED: August 6, 2015

LAW OFFICES OF ARTHUR W. TUVERSON

25  
26 BY: /s/ Danielle Woodrum

DANIELLE WOODRUM, ESQ.  
Nevada State Bar No. 012902  
7201 West Lake Mead Boulevard, Suite 570  
Las Vegas, Nevada 89128  
Attorneys for Defendant DAVID R. ZIPF, M.D.

**CERTIFICATE OF SERVICE**

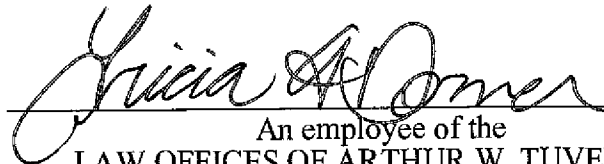
Pursuant to NRCP 5(b), I certify that I am an employee of the LAW OFFICES OF ARTHUR W. TUVERTSON, and that on this 6<sup>th</sup> day of August, 2015, I served a copy of **NOTICE OF ENTRY OF ORDER** as follows:

☒ By placing same to be deposited for mailing in the United States Mail, in a sealed envelope upon which first class postage was prepaid in Las Vegas, Nevada: and/or

Frank M. Peck, #57106  
HDSP Box 650  
Indian Springs, NV 89070  
Plaintiff Pro Per

☒ By Electronic Service through Eighth Judicial District Court to;

David J. Mortensen, Esq.  
ALVERSON TAYLOR MORTENSEN &  
SANDERS  
7401 W. Charleston Blvd.  
Las Vegas, NV 89117  
Facsimile (702) 385-7000  
[efile@alversontaylor.com](mailto:efile@alversontaylor.com)  
[dmortensen@alversontaylor.com](mailto:dmortensen@alversontaylor.com)  
[dkurdziel@alversontaylor.com](mailto:dkurdziel@alversontaylor.com)  
[smasia@alversontaylor.com](mailto:smasia@alversontaylor.com)  
Attorneys for Defendant Michael D. Barnum, M.D.

  
An employee of the  
LAW OFFICES OF ARTHUR W. TUVERTSON

**1 ORDER**

**2 ARTHUR W. TUVERSON, ESQ.**  
 Nevada State Bar No. 005156  
**3 DANIELLE WOODRUM, ESQ.**  
 Nevada State Bar No. 012902  
**4 LAW OFFICES OF ARTHUR W. TUVERSON**  
 A Limited Liability Partnership  
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**5 7201 West Lake Mead Boulevard, Suite 570**  
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**7 Facsimile: (702) 631-5777**  
**8 [dwoodrum@awtlawoffice.com](mailto:dwoodrum@awtlawoffice.com)**  
 Attorney for Defendant DAVID R. ZIPF, M.D.

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 08/04/2015 03:35:06 PM

  
 CLERK OF THE COURT

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

**11 \*\*\*\*\***

**12 FRANK M. PECK,**

**13 Plaintiff,**

**14 v.**

**15 VALLEY HOSPITAL MEDICAL CENTER,**  
 et al., DAVID R. ZIPF, M.D., MICHAEL D.  
**16 BARNUM, M.D., JOHN DOES I - V,**

**17 Defendants.**

CASE NO.: A-14-708447-C  
 DEPT. NO.: III

**ORDER**

**19 Defendant DAVID R. ZIPF, M.D.'s Motion for Judgment on the Pleadings came on for**  
**20 hearing on July 22, 2015, at 9:00 a.m., in Department 3 of the Eighth Judicial District Court,**  
**21 Clark County, Nevada, with the Honorable Douglas W. Herndon presiding. Plaintiff FRANK**  
**22 PECK, was not present due to his incarceration at the Nevada Department of Corrections;**  
**23 William B. Palmer, Esq., of ALVERSON TAYLOR MORTENSEN & SANDERS, appeared on**  
**24 behalf of Defendant MICHAEL D. BARNUM, M.D.; and Danielle Woodrum, Esq., of the LAW**  
**25 OFFICE OF ARTHUR W. TUVERSON appeared for and on behalf of Defendant, DAVID R.**  
**26 ZIPF, M.D.**

**27 Having considered the pleadings filed herein and good cause appearing therefor:**

**28 ///**

1 IT IS HEREBY ORDERED that Defendant David R. Zipf, M.D.'s Motion for Judgment  
2 on the Pleadings and Defendant Michael D. Barnum's Joinder thereto are GRANTED.

3 IT IS FURTHER ORDERED that all future dates are VACATED and CASE CLOSED.

4 Dated this 30 day of July, 2015.

5  
6  
7  
8   
DISTRICT COURT JUDGE  
9 

9 Respectfully Submitted:

10 LAW OFFICES OF ARTHUR W. TUVERSON

11  
12 By 

13 ARTHUR W. TUVERSON, ESQ.

Nevada State Bar No. 005156

14 DANIELLE WOODRUM, ESQ.

Nevada State Bar No. 012902

7201 West Lake Mead Boulevard, Suite 570

15 Las Vegas, Nevada 89128

(702) 631-7855

16 Attorneys for Defendant DAVID R. ZIPF, M.D.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Malpractice - Medical/Dental**

**COURT MINUTES**

**February 18, 2015**

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A-14-708447-C	Frank Peck, Plaintiff(s)
	vs.
	Valley Hospital Medical Center, Defendant(s)

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**February 18, 2015      9:00 AM      Motion**

**HEARD BY:** Herndon, Douglas W.      **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Keri Cromer

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Anastasia Noe, Esq., present for David R. Zipf, M.D. and Jared Herling, Esq. present for Michael D. Barnum, M.D.

Ms. Noe advised there was no opposition. This being appropriately served and there being no opposition filed, COURT ORDERED, Motion GRANTED. Court directed counsel to submit an order.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Malpractice - Medical/Dental**

**COURT MINUTES**

**April 08, 2015**

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A-14-708447-C	Frank Peck, Plaintiff(s) vs. Valley Hospital Medical Center, Defendant(s)
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**April 08, 2015                      9:00 AM                      Motion to Quash Service**

**HEARD BY:** Herndon, Douglas W.                      **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Kristen Brown

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Jaeger, Quincy                      Attorney
	Mikhaylov, Kirill V.                      Attorney
	Thomas, Melanie L.                      Attorney

**JOURNAL ENTRIES**

- Court noted the Pltf. is in the Nevada Department of Corrections, therefore, will rely on the pleadings filed without taking any argument. Court stated its findings and ORDERED, Motion GRANTED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Malpractice - Medical/Dental**

**COURT MINUTES**

**July 22, 2015**

---

A-14-708447-C	Frank Peck, Plaintiff(s)
	vs.
	Valley Hospital Medical Center, Defendant(s)

---

**July 22, 2015                      9:00 AM                      All Pending Motions**

**HEARD BY:** Herndon, Douglas W.                      **COURTROOM:** RJC Courtroom 16C

**COURT CLERK:** Shelly Landwehr

**RECORDER:** Sara Richardson

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	PALMER, WILLIAM B	Attorney
	Slezak, Thomas R	Attorney
	Woodrum, Danielle	Attorney

**JOURNAL ENTRIES**

- DEFENDANT DAVID R. ZIPF, M.D.'S MOTION FOR JUDGMENT ON THE PLEADINGS AND SUPPORTING AFFIDAVIT OF DANIELLE WOODRUM, ESQ., DEFENDANT MICHAEL D. BARNUM, M.D.'S JOINDER TO DEFENDANT DAVID R. ZIPF, M.D.'S MOTION FOR JUDGMENT ON THE PLEADINGS

Court noted Plaintiff Peck is currently incarcerated in the Nevada Department of Corrections and is not present. Court stated it would not entertain arguments and stated its findings. COURT ORDERED, motion GRANTED. Future dates VACATED. CASE CLOSED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Malpractice - Medical/Dental**

**COURT MINUTES**

**August 03, 2015**

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A-14-708447-C	Frank Peck, Plaintiff(s) vs. Valley Hospital Medical Center, Defendant(s)
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<b>August 03, 2015</b>	<b>1:00 PM</b>	<b>Status Check: Medical/Dental Malpractice</b>
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**HEARD BY:** Wiese, Jerry A

**COURTROOM:** RJC Courtroom 15D

**COURT CLERK:** Cynthia Moleres  
Shelley Boyle  
Alice Jacobson  
Natalie Ortega  
Robin Thomas

**RECORDER:**

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Mikhaylov, Kirill V.	Attorney
	Slezak, Thomas R	Attorney

**JOURNAL ENTRIES**

-

- Plaintiff not present. Attorneys Jill Chase, Esq., Charles S. Jackson, Esq., and Kristopher S. Rath, Esq. also present.

The Med-Mal Status Check was conducted by Judge Jerry A. Wiese II. Colloquy regarding status of the case. COURT ORDERED, matter CONTINUED to next Med-Mal Status Check.

# 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; NOTICE OF ENTRY OF ORDER GRANTING DEFENDANT MICHAEL D. BARNUM, M.D.'S JOINDER TO DEFENDANT DAVID R. ZIPF, M.D.'S MOTION FOR JUDGMENT ON THE PLEADINGS; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES

FRANK M. PECK,

Plaintiff(s),

vs.

VALLEY HOSPITAL MEDICAL CENTER;  
MICHAEL D. BARNUM, M.D.; DAVID R.  
ZIPF, M.D.,

Defendant(s),

Case No: A708447

Dept No: III

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 18 day of August 2015.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk