

1 NOAS
2 ROBERT L. EISENBERG (Nevada Bar No. 950)
3 Lemons, Grundy & Eisenberg
4 6005 Plumas Street, Third Floor
5 Reno, Nevada 89509
6 775-786-6868
7 775-786-9756
8 Email: rle@lge.net
9 ATTORNEYS FOR DEFENDANT


CLERK OF THE COURT

Electronically Filed
Mar 10 2016 02:19 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

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

12 BEAU R. ORTH,
13 Plaintiff,

Case No. A-11-648041
Dept. No. III

14 vs.

NOTICE OF APPEAL

15 ALBERT H. CAPANNA, M.D.
16 Defendant.

17
18 Notice is hereby given that defendant ALBERT H. CAPANNA, M.D., appeals to
19 the Nevada Supreme Court from the following orders and judgments: (1) the judgment
20 entered on October 26, 2015 (Exhibit 1); (2) the amended judgment entered on January
21 28, 2016 (Exhibit 2); (3) the order entered on February 10, 2016, regarding defendant's
22 motion for application of statutes (Exhibit 3); and (4) the order entered on February 10,
23 2016, regarding defendant's motion for new trial or for amendment of judgment
24 (Exhibit 4). Defendant also appeals from all other orders and judgments made final and
25 appealable for the foregoing.

26 DATED: March 7, 2016


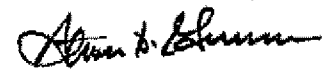

ROBERT L. EISENBERG (#950)
Lemons, Grundy & Eisenberg
6005 Plumas Street, Third Floor
Reno, Nevada 89519
Phone: 775-786-6868
Fax: 775-786-9716
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EXHIBIT 1

EXHIBIT 1



CLERK OF THE COURT

EGLET  PRINCE

1 **JGJV**
2 **DENNIS M. PRINCE, ESQ.**
Nevada Bar No.: 5092
3 **TRACY A. EGLET, ESQ.**
Nevada Bar No. 6419
4 **DANIELLE TARMU, ESQ.**
Nevada Bar No.: 11727
5 **EGLET PRINCE**
6 400 South Seventh Street, 4th Floor
Las Vegas, NV 89101
7 (702) 450-5400
8 *Attorneys for Plaintiff*

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

12 **BEAU R. ORTH,**

13
14 **Plaintiff,**

15
16 **vs.**

17 **ALBERT H. CAPANNA, M.D.;**
18 **DOES I through X; ROE BUSINESS ENTITIES**
19 **I through X, inclusive,**

20 **Defendants.**
21 _____

) **CASE NO.: A-11-648041-C**

)
) **DEPT. NO.: III**

) **JUDGMENT UPON THE**
) **JURY VERDICT**

22 This action came on for trial before the Court and the jury, the District Judge Douglas
23 Herndon, presiding. The jury returned its verdict on September 2, 2015, after being duly
24 instructed on the law and having heard all of the evidence.

25
26 The jury have found in favor of the Plaintiff, and against the Defendant, ALBERT H.
27 CAPANNA, M.D., judgment is hereby entered as follows:
28

1	PAST DAMAGES:	
2	Past Medical and Related Expenses	\$ 136,300.49
3	Past Pain, Suffering, Disability,	
4	and Loss of Enjoyment of Life	<u>+\$1,800,000.00</u>
5		
6	Total Past Damages:	\$1,936,300.49
7	FUTURE DAMAGES:	
8	Future Medical and Related Expenses	\$ 350,000.00
9	Future Pain, Suffering, Disability	
10	and Loss of Enjoyment of Life	<u>+ \$2,000,000.00</u>
11		
12	Total Future Damages:	\$2,350,000.00
13		
14	TOTAL DAMAGES	<u>\$4,286,300.49</u>

15 IT IS FURTHER ORDERED, AJUDGED and DECREED that Plaintiff's past damages
 16 in the amount of One Million Nine Hundred Thirty Six Thousand Three Hundred Dollars and 49
 17 Cents (\$1,936,300.49), shall bear prejudgment interest at the rate of 5.25% per annum from the
 18 date of service of Summons and Complaint, on December 13, 2011, through September 2, 2015
 19 as follows:

20 **PRE-JUDGMENT INTEREST:**

21	(From 12/13/11 through 9/2/15	\$ 373,190.00
22	(1,340 days x \$278.50 per day)	

23 IT IS FURTHER ORDERED, ADJUDGED and DECREED that Plaintiff shall be
 24 entitled his taxable costs in an amount to be determined by the Court.

25 NOW THEREFORE, Judgment Upon the Jury Verdict is hereby entered in favor of
 26 Plaintiff and against Defendant in the amount of Four Million Six Hundred Fifty Nine Four
 27 Hundred Ninety Dollars and 49 Cents (\$4,659,490.49).
 28

1 This Judgment shall bear interest at the lawful rate until it is duly satisfied.

2 DATED this 30 day of September, 2015.

3

4

5

6

7

8 Respectfully Submitted by:
9 **EGLET-PRINCE**

10

11 **DENNIS M. PRINCE, ESQ.**

12 Nevada Bar No. 5092

13 **TRACY A. ELGET, ESQ.**

14 Nevada Bar No. 6419

15 **DANIELLE TARMU, ESQ.**

16 Nevada Bar No. 11727

17 400 South Seventh Street, Suite 400

18 Las Vegas, Nevada 89101

19 *Attorney for Plaintiff*

20

21

22

23

24

25

26

27

28

DISTRICT COURT JUDGE

EXHIBIT 2

EXHIBIT 2



CLERK OF THE COURT

1 AJ
2 **DENNIS M. PRINCE, ESQ.**
Nevada Bar No.: 5092
3 **TRACY A. EGLET, ESQ.**
Nevada Bar No. 6419
4 **DANIELLE TARMU, ESQ.**
Nevada Bar No.: 11727
5 **EGLET PRINCE**
6 400 South Seventh Street, 4th Floor
Las Vegas, NV 89101
7 (702) 450-5400
8 *Attorneys for Plaintiff*

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

12 **BEAU R. ORTH,**

13
14 Plaintiff,

15
16 vs.

17 **ALBERT H. CAPANNA, M.D.;**
18 **DOES I through X; ROE BUSINESS ENTITIES**
19 **I through X, inclusive,**

20 Defendants.
21

) **CASE NO.: A-11-648041-C**

)
) **DEPT. NO.: III**

)
) **AMENDED JUDGMENT**
) **UPON THE JURY VERDICT**

22 This action came on for trial before the Court and the jury, the District Judge Douglas
23 Herndon, presiding. The jury returned its verdict on September 2, 2015, after being duly
24 instructed on the law and having heard all of the evidence. The jury having found in favor of the
25 Plaintiff, and against the Defendant, ALBERT H. CAPANNA, M.D., judgment is hereby entered
26 as follows:
27
28

EGLET PRINCE

PAST DAMAGES:

Past Medical and Related Expenses	\$ 136,300.49
Past Pain, Suffering, Disability, and Loss of Enjoyment of Life	<u>+\$ 350,000.00¹</u>
Total Past Damages:	\$ 486,300.49

FUTURE DAMAGES:

Future Medical and Related Expenses	\$ 350,000.00 ²
Total Future Damages:	\$ 350,000.00

TOTAL DAMAGES	<u>\$ 836,300.49</u>
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IT IS FURTHER ORDERED, AJUDGED and DECREED that Plaintiff's past damages in the amount of Four Hundred Eighty Six Thousand Three Hundred Dollars and 49 Cents (\$486,300.49), shall bear prejudgment interest at the rate of 5.25% per annum from the date of service of Summons and Complaint, on December 8, 2011, through January 4, 2015 as follows:

PRE-JUDGMENT INTEREST:

(From 12/8/11 through 1/19/16 (1,503 days x \$69.95 per day)	\$ 105,134.85
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IT IS FURTHER ORDERED, ADJUDGED and DECREED that Plaintiff shall be entitled his taxable costs in an amount to be determined by the Court.

¹ Pursuant to NRS 41A.035, the amount of Plaintiff's past and future damages for pain, suffering, disability, and loss of enjoyment of life was reduced from a total of \$3,800,000.00 to \$350,000.00.

² Pursuant to NRS 42.021, the future medical and related expenses damages shall be paid in three periodic payments. The first payment of \$175,000.00 shall be paid within six months after entry of the amended judgment. The second periodic payment of \$88,000.00 shall be paid within one year after entry of the amended judgment. The final periodic payment of \$87,000.00 shall be paid within 18 months after entry of the amended judgment.

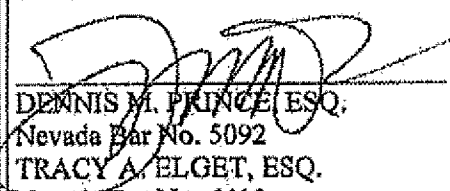
1 NOW THEREFORE, Judgment Upon the Jury Verdict is hereby entered in favor of
2 Plaintiff and against Defendant in the total amount of Nine Hundred Forty-One Thousand
3 Four- Hundred Thirty-Five Dollars and 34 Cents (\$941,435.34).
4

5 The total amount of this Judgment shall bear interest at the lawful rate until it is fully
6 satisfied.

7 DATED this 25 day of January, 2016.
8

9
10 
11 DISTRICT COURT JUDGE
12

13 Respectfully Submitted by:
14 EGLET PRINCE

15 
16 DENNIS M. PRINCE, ESQ.

17 Nevada Bar No. 5092

18 TRACY A. ELGET, ESQ.

19 Nevada Bar No. 6419

20 DANIELLE TARMU, ESQ.

21 Nevada Bar No. 11727

22 400 South Seventh Street, Suite 400

23 Las Vegas, Nevada 89101

24 Attorney for Plaintiff
25
26
27
28

EXHIBIT 3

EXHIBIT 3

ORIGINAL

Electronically Filed
02/10/2016 11:53:07 AM

1. ORDR

2. ROBERT L. EISENBERG (Nevada Bar No. 950)

3. Lemons, Grundy & Eisenberg

4. 6005 Plumas Street, Third Floor

5. Reno, Nevada 89509

6. 775-786-6868

7. 775-786-9756

8. Email: rlc@lge.net

9. Anthony D. Lauria

10. Nevada Bar No. 4114

11. LAURIA TOKUNAGA GATES & LINN, LLP

12. 601 South Seventh Street, 2nd Floor

13. Las Vegas, NV 89101

14. Tel: (702) 387-8633

15. Fax: (702) 387-8635

16. ATTORNEYS FOR DEFENDANT

17. IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
18. IN AND FOR THE COUNTY OF CLARK

19. BEAU R. ORTH,

20. Plaintiff,

Case No. A-11-648041

Dept. No. III

21. vs.

22. ALBERT H. CAPANNA, M.D.

23. Defendant.

ORDER REGARDING
DEFENDANT'S MOTION
FOR APPLICATION OF
NRS 41A.035 and 42.021

24. This matter was heard by the Court on December 16, 2015. Dennis M. Prince, of
25. Eglet Prince, appeared on behalf of Plaintiff Orth. Anthony D. Lauria, of Lauria
26. Tokunaga Gates & Linn, LLP, and Robert L. Eisenberg, of Lemons, Grundy &
27. Eisenberg, appeared on behalf of Defendant Capanna. Having considered the motion
28. papers and the oral arguments by counsel, the Court hereby rules as follows:

///

NRS 41A.035

This statute imposes a cap of \$350,000 on noneconomic damages.¹ The Court finds that statute is applicable and that Plaintiff's noneconomic damages must not exceed \$350,000. Nevertheless, the Court denies Defendant's request to apportion noneconomic damages between past and future damages. The Court finds that the entire \$350,000 amount of noneconomic damages should be attributed to past damages.

NRS 42.021

Subsections (3) through (8) of this statute deal with periodic payments for future damages. The Court finds that the statutory provisions for periodic payments apply to the amount awarded by the jury for future medical expenses, i.e., \$350,000. The Court finds that this portion of the judgment shall be paid in three periodic payments. The first payment will be the amount of \$175,000, which consists of one-half of the future medical expenses awarded by the jury. This amount will be paid within six months after entry of the amended judgment. The second periodic payment will be the amount of \$88,000, which will be paid within one year after entry of the amended judgment. The final periodic payment will be the amount of \$87,000, which will be paid within 18 months after entry of the amended judgment.

The Court also finds that the \$350,000 amount of future medical expenses awarded by the jury shall draw post-judgment interest, pursuant to NRS 17.130(2), from the time of entry of the judgment until satisfied, with post-judgment interest to be adjusted as each periodic payment is made.

It is so ORDERED.

DATED: February 4, 2016


DISTRICT COURT JUDGE

¹ The Court has also dealt with application of this statute in the Order Regarding Defendant's Motion for Amendment of the Judgment.

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Order initially prepared by:

 4114

ROBERT L. EISENBERG
(Nv. Bar No. 0950)
Lemons, Grundy & Eisenberg
6005 Plumas Street, Third Floor
Reno, Nevada 89519
775-786-6868
Email: rlc@lge.net
Attorneys for Defendant

EXHIBIT 4

EXHIBIT 4

ORIGINAL

1 ORDR

2 ROBERT L. EISENBERG (Nevada Bar No. 950)

3 Lemons, Grundy & Eisenberg

4 6005 Plumas Street, Third Floor

5 Reno, Nevada 89509

6 775-786-6868

7 775-786-9756

8 Email: rlc@lge.net

9 Anthony D. Lauria

10 Nevada Bar No. 4114

11 LAURIA TOKUNAGA GATES & LINN, LLP

12 601 South Seventh Street, 2nd Floor

13 Las Vegas, NV 89101

14 Tel: (702) 387-8633

15 Fax: (702) 387-8635

16 ATTORNEYS FOR DEFENDANT

17
18 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
19 IN AND FOR THE COUNTY OF CLARK

20 BEAU R. ORTH,

21 Plaintiff,

Case No. A-11-648041

Dept. No. III

22 vs.

23 ALBERT H. CAPANNA, M.D.

24 Defendant.

ORDER REGARDING
DEFENDANT'S MOTION
FOR NEW TRIAL, OR IN
THE ALTERNATIVE, FOR
AMENDMENT OF
JUDGMENT

25 This matter was heard by the Court on December 16, 2015. Dennis M. Prince, of
26 Eglet Prince, appeared on behalf of Plaintiff Orth. Anthony D. Lauria, of Lauria
27 Tokunaga Gates & Linn, LLP, and Robert L. Eisenberg, of Lemons, Grundy &
28 Eisenberg, appeared on behalf of Defendant Capanna. Having considered the motion
papers and the oral arguments by counsel, the Court hereby rules as follows:

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The Court also finds no basis for a new trial regarding MRI presentations at trial. And the Court finds no basis for a new trial on other issues raised in Defendant's Motion for New Trial.

Motion for Amendment of Judgment

It is so ORDERED.

DISTRICT COURT JUDGE

ROBERT L. EISENBERG
(Nv. Bar No. 0950)
Lemons, Grundy & Eisenberg
6005 Plumas Street, Third Floor
Reno, Nevada 89519
775-786-6868
Email: rie@lge.net
Attorneys for Defendant

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am employee of Lemons, Grundy & Eisenberg and that on this date I caused the foregoing documents to be e-filed with the Clerk of Clark County, Nevada and therefore served upon those persons designated by the parties in the E-Service Master List for the above-referenced matter in the Eighth Judicial district Court eFiling System in accordance with the mandatory electronic service Requirements as follows:

Anthony D. Lauria
Alauria@ltglaw.net

Kimberly L. Johnson
Kjohnson@ltglaw.net

Dennis M. Prince
Tracy A. Eglet
Danielle Tarmu
eservice@egletlaw.com

DATED

3/7/16


an Employee of Lemons, Grundy & Eisenberg

1 ASTA

2 ROBERT L. EISENBERG (Nevada Bar No. 950)



CLERK OF THE COURT

3 Lemons, Grundy & Eisenberg

4 6005 Plumas Street, Third Floor

5 Reno, Nevada 89509

6 775-786-6868

7 775-786-9756

8 Email: rle@lge.net

9 ATTORNEYS FOR DEFENDANT

10
11 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
12 IN AND FOR THE COUNTY OF CLARK

13 BEAU R. ORTH,

Plaintiff,

Case No. A-11-648041

Dept. No. III

14 vs.

CASE APPEAL STATEMENT

15 ALBERT H. CAPANNA, M.D.

Defendant.

16
17 Pursuant to NRAP 3(f), Defendant ALBERT H. CAPANNA, M.D. hereby
18 submits the following case appeal statement:

19 A. District court case number and caption, showing names of all parties to
20 the proceedings (without using et al.): The full case numbers and captions, showing
21 names of all parties, are shown above; the parties are as follows:

22 Beau R. Orth, Plaintiff
23 Albert H. Capanna, M.D., Defendant
24 Case No. A-11-648041, Dept. No. III

25 B. Name of judge who entered order or judgment being appealed: Honorable
26 Douglas Herndon.

27 C. Name of each appellant, and name and address of counsel for each
28 appellant:

ALBERT H. CAPANNA, M.D., is represented by the following counsel:

Robert L. Eisenberg
Lemons, Grundy & Eisenberg
6005 Plumas Street, Third Floor
Reno, Nevada 89519; and

1
2 Anthony D. Laura
3 Lauria, Tokanaga, Gates & Linn
4 601 S. Seventh Avenue
Las Vegas, Nevada 89101

5 D. Name of each respondent, and name and address of each respondent's
6 appellate counsel, if known: Respondent BEAU R. ORTH is represented by the
7 following counsel:

8 Dennis Prince
9 Eglet Prince
400 S. Seventh Street #400
10 Las Vegas, Nevada 89101

11 E. Whether attorneys identified in subparagraph D are not licensed to
12 practice law in Nevada; and if so, whether the district court granted permission to
13 appear under SCR 42 (include copy of district court order granting permission): All are
14 licensed in Nevada

15 F. Whether appellant was represented by appointed counsel in the district
16 court or on appeal: No appointed counsel; retained counsel only.

17 G. Whether any appellant was granted leave to proceed *in forma pauperis*:
18 No.

19 H. Date proceedings were commenced in district court: September 8, 2011

20 I. Brief description of nature of the action and result in district court,
21 including type of judgment or order being appealed and relief granted by district court:
22 Medical malpractice action resulting in money judgment in favor of
23 plaintiff/respondent.


24 J. Whether case was previously subject of appeal or writ proceeding in
25 Nevada Supreme Court or Court of Appeals, and if so, caption and docket number of
26 prior proceeding: No.

27 K. Whether appeal involves child custody or visitation: No.
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L. Whether appeal involves possibility of settlement: Yes.

DATED: March 7, 2016


ROBERT L. EISENBERG (#950)
Lemons, Grundy & Eisenberg
6005 Plumas Street, Third Floor
Reno, Nevada 89519
Phone: 775-786-6868
Fax: 775-786-9716
Email: rle@lge.net

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am employee of Lemons, Grundy & Eisenberg and that on this date I caused the foregoing documents to be e-filed with the Clerk of Clark County, Nevada and therefore served upon those persons designated by the parties in the E-Service Master List for the above-referenced matter in the Eighth Judicial district Court eFiling System in accordance with the mandatory electronic service Requirements as follows:

Anthony D. Lauria
Alauria@ltglaw.net

Kimberly L. Johnson
Kjohnson@ltglaw.net

Dennis M. Prince
Tracy A. Eglet
Danielle Tarmu
eservice@egletlaw.com

DATED

3/7/14


an Employee of Lemons, Grundy & Eisenberg

1 NOCB
2 ROBERT L. EISENBERG (Nevada Bar No. 950)
3 Lemons, Grundy & Eisenberg
4 6005 Plumas Street, Third Floor
5 Reno, Nevada 89509
6 775-786-6868
7 775-786-9756
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9 ATTORNEYS FOR DEFENDANT


CLERK OF THE COURT

10
11
12 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
13 IN AND FOR THE COUNTY OF CLARK

14 BEAU R. ORTH,
15
16 Plaintiff,

Case No. A-11-648041
Dept. No. III

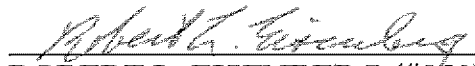
17 vs.

NOTICE OF COST BOND

18 ALBERT H. CAPANNA, M.D.
19 Defendant.

20
21 Please take notice that ALBERT H. CAPANNA, M.D. has posted cash (check)
22 in the amount of \$500 for the costs on appeal, pursuant to NRAP 7.

23 DATED: March 7, 2016

24
25
26
27
28

ROBERT L. EISENBERG (#950)
Lemons, Grundy & Eisenberg
6005 Plumas Street, Third Floor
Reno, Nevada 89519
Phone: 775-786-6868
Fax: 775-786-9716
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am employee of Lemons, Grundy & Eisenberg and that on this date I caused the foregoing documents to be e-filed with the Clerk of Clark County, Nevada and therefore served upon those persons designated by the parties in the E-Service Master List for the above-referenced matter in the Eighth Judicial district Court eFiling System in accordance with the mandatory electronic service Requirements as follows:

Anthony D. Lauria
Alauria@ltglaw.net

Kimberly L. Johnson
Kjohnson@ltglaw.net

Dennis M. Prince
Tracy A. Eglet
Danielle Tarmu
eservice@egletlaw.com

DATED

3/7/16


an Employee of Lemons, Grundy & Eisenberg

DEPARTMENT 3
CASE SUMMARY
CASE NO. A-11-648041-C

Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

§
§
§
§
§

Location: **Department 3**
Judicial Officer: **Herndon, Douglas W.**
Filed on: **09/08/2011**
Case Number History:
Cross-Reference Case Number: **A648041**

CASE INFORMATION

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

Case Flags: **Appealed to Supreme Court
Jury Demand Filed
Automatically Exempt from Arbitration
Commissioner Bulla Recused
Med Mal Case**

DATE

CASE ASSIGNMENT

Current Case Assignment

Case Number	A-11-648041-C
Court	Department 3
Date Assigned	08/07/2013
Judicial Officer	Herndon, Douglas W.





PARTY INFORMATION

Plaintiff	Orth, Beau R	<i>Lead Attorneys</i> Prince, Dennis M <i>Retained</i> 7022286800(W)
Defendant	Capanna, MD, Albert H	Lauria, Anthony D <i>Retained</i> 702-387-8633(W)

DATE















EVENTS & ORDERS OF THE COURT

INDEX














09/08/2011	 Complaint Filed By: Plaintiff Orth, Beau R <i>Complaint</i>	
09/08/2011	Case Opened	
09/08/2011	Med Mal Case	
11/16/2011	 Affidavit of Due Diligence Filed By: Plaintiff Orth, Beau R <i>Affidavit of Due Diligence</i>	
11/29/2011	 Ex Parte Application Party: Plaintiff Orth, Beau R <i>Ex Parte Application to Effectuate Service of Process on Defendant by Certified Mail Pursuant to NRS 14.090(b)</i>	
12/07/2011	 Order Granting Filed By: Plaintiff Orth, Beau R <i>Order Granting Ex Parte Application to Effectuate Service of Process on Defendant by</i>	

DEPARTMENT 3
CASE SUMMARY
CASE NO. A-11-648041-C

Certified Mail Pursuant to NRS 14.090(b)












12/13/2011	 Notice of Service Party: Plaintiff Orth, Beau R <i>Notice of Service of Summons and Complaint By Certified Mail Pursuant to NRS 14.090(b)</i>
01/11/2012	 Initial Appearance Fee Disclosure Filed By: Defendant Capanna, MD, Albert H <i>Initial Appearance Fee Disclosure</i>
01/11/2012	 Demand for Jury Trial Filed By: Defendant Capanna, MD, Albert H <i>Defendant Albert H. Capanna, M.D.'s Demand for Jury Trial</i>
01/11/2012	 Answer to Complaint Filed by: Defendant Capanna, MD, Albert H <i>Defendant Albert H. Capanna, M.D.'s Answer to Plaintiff's Complaint</i>
01/25/2012	 Notice of Early Case Conference Filed By: Plaintiff Orth, Beau R <i>Notice of NRCP 16.1 Early Case Conference</i>
02/16/2012	 Peremptory Challenge Filed by: Defendant Capanna, MD, Albert H <i>Peremptory Challenge of Judge</i>
02/16/2012	 Notice of Department Reassignment
03/16/2012	 Joint Case Conference Report Filed By: Plaintiff Orth, Beau R <i>Joint Case Conference Report</i>
03/27/2012	 Scheduling Order <i>Scheduling Order</i>
07/06/2012	 Order Setting Medical/Dental Malpractice Status Check Filed By: Plaintiff Orth, Beau R <i>Order Setting Medical/Dental Malpractice Status Check and Trial Setting Conference</i>
08/08/2012	 Status Check: Medical/Dental Malpractice (9:00 AM) (Judicial Officer: Cory, Kenneth)
09/12/2012	 Peremptory Challenge Filed by: Plaintiff Orth, Beau R <i>Peremptory Challenge</i>
09/12/2012	 Notice of Department Reassignment
02/05/2013	 Status Check: Medical/Dental Malpractice (1:00 PM) (Judicial Officer: Wiese, Jerry A.)
02/22/2013	Order Setting Civil Jury Trial, Pre-Trial, and Calendar Call <i>Order Setting Civil Jury Trial (MedMal Firm Setting)</i>

DEPARTMENT 3
CASE SUMMARY
CASE NO. A-11-648041-C

06/25/2013	 Stipulation and Order to Extend Discovery Deadlines Filed By: Defendant Capanna, MD, Albert H <i>Stipulation and Order to Extend Discovery Deadlines (First Request)</i>
06/25/2013	 Notice of Entry of Order Filed By: Defendant Capanna, MD, Albert H <i>Notice of Entry of Order</i>
08/06/2013	 Status Check: Medical/Dental Malpractice (9:00 AM) (Judicial Officer: Wiese, Jerry A.)
08/08/2013	 Amended Order Setting Jury Trial <i>Amended Order Setting Civil Jury Trial</i>
08/09/2013	 Designation of Expert Witness Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Designation of Expert Witnesses</i>
12/03/2013	 Stipulation and Order to Extend Discovery Deadlines Filed By: Plaintiff Orth, Beau R <i>Stipulation and Order to Extend Discovery (Second Request)</i>
12/04/2013	 Notice of Entry of Stipulation and Order Filed By: Plaintiff Orth, Beau R <i>Notice of Entry of Stipulation and Order</i>
12/12/2013	CANCELED Pre Trial Conference (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Judge</i>
12/18/2013	CANCELED Calendar Call (9:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Vacated - per Commissioner</i>
01/02/2014	CANCELED Calendar Call (9:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Judge</i>
01/06/2014	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Vacated - per Commissioner</i>
02/03/2014	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Sturman, Gloria) <i>Vacated - per Judge</i>
02/04/2014	 Status Check: Medical/Dental Malpractice (8:30 AM) (Judicial Officer: Wiese, Jerry A.)
02/14/2014	 Amended Order Setting Jury Trial <i>2nd Amended Order Setting Civil Jury Trial</i>
07/08/2014	 Substitution of Attorney Filed by: Defendant Capanna, MD, Albert H <i>Substitution of Attorneys</i>
08/12/2014	 Status Check: Medical/Dental Malpractice (8:30 AM) (Judicial Officer: Wiese, Jerry A.)
08/12/2014	 Status Check: Discovery (8:30 AM) (Judicial Officer: Bulla, Bonnie)
08/13/2014	 Amended Order Setting Jury Trial

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Amended Order Setting Civil Jury Trial (Med Mal Firm Set)

08/20/2014	 Notice of Change of Address Filed By: Plaintiff Orth, Beau R <i>Notice of Change of Address</i>
09/12/2014	CANCELED Status Check: Compliance (11:00 AM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - per Commissioner</i>
09/19/2014	 Discovery Commissioners Report and Recommendations Filed By: Defendant Capanna, MD, Albert H <i>Discovery Commissioner's Report and Recommendations</i>
09/22/2014	 Notice of Entry of Order Filed By: Defendant Capanna, MD, Albert H <i>Notice of Entry of Order</i>
10/01/2014	CANCELED Calendar Call (9:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Vacated - per Judge</i>
10/13/2014	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Vacated - per Judge</i>
11/14/2014	 Designation of Expert Witness Filed By: Defendant Capanna, MD, Albert H <i>Initial Expert Witness Disclosure Statement of Defendant Albert H. Capanna, M.D.</i>
11/14/2014	 Designation of Expert Witness Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Designation of Expert Witnesses</i>
11/19/2014	 Designation of Expert Witness Filed By: Plaintiff Orth, Beau R <i>Plaintiff's First Supplement to Designation of Expert Witnesses</i>
02/03/2015	 Status Check: Medical/Dental Malpractice (8:30 AM) (Judicial Officer: Wiese, Jerry A.)
02/03/2015	 Status Check: Discovery (8:30 AM) (Judicial Officer: Bulla, Bonnie)
02/04/2015	 Amended Order Setting Jury Trial <i>Amended Order Setting Civil Jury Trial (Medical Malpractice)</i>
02/11/2015	 Notice of Change of Hearing <i>Notice of Change of Hearing</i>
03/04/2015	CANCELED Calendar Call (9:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Vacated - Superseding Order</i>
03/09/2015	CANCELED Status Check: Compliance (2:00 PM) (Judicial Officer: Bulla, Bonnie) <i>Vacated - Per Setting Slip</i>
03/18/2015	 Deposition Filed By: Defendant Capanna, MD, Albert H <i>Notice of taking Deposition of the Custodian of Records-Person Most Knowledgeable for Desert Institute of Spine Care Billing and Payment Information</i>

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03/18/2015	 Deposition Filed By: Defendant Capanna, MD, Albert H <i>Notice of Taking Deposition of the Custodian of Records-Person Most Knowledgeable for McKenna and Ruggeroli Pain Specialists Billing and Payment Information</i>
03/18/2015	 Deposition Filed By: Defendant Capanna, MD, Albert H <i>Notice of Taking Deposition of the Custodian of Records-Person Most Knowledgeable for Surgical Arts Center Billing and Payment Information</i>
03/23/2015	 Discovery Commissioners Report and Recommendations Filed By: Defendant Capanna, MD, Albert H <i>Discovery Commissioner's Report and Recommendations</i>
03/25/2015	 Notice of Deposition Filed By: Defendant Capanna, MD, Albert H <i>Notice of Taking Deposition of Plaintiff, Beau R. Orth</i>
03/30/2015	 Notice of Vacating Deposition Filed By: Defendant Capanna, MD, Albert H <i>Notice Vacating Deposition of the Custodian of Records-Person Most Knowledgeable for Desert Institute of Spine Care Billing and Payment Information</i>
03/30/2015	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Vacated - Superseding Order</i> <i>Jury Trial Medical Malpractice (set during sweeps)</i>
04/02/2015	 Deposition Filed By: Defendant Capanna, MD, Albert H <i>First Amended Notice of Taking Deposition of the Custodian of Records-Person Most Knowledgeable for McKenna and Ruggeroli Pain Specialists billing and Payment Information (change of location & date)</i>
04/02/2015	 Deposition Filed By: Defendant Capanna, MD, Albert H <i>First Amended Notice of Taking deposition of the Custodian of Records-Person Most Knowledgeable for Surgical Arts Center Billing and Payment Information</i>
04/08/2015	 Designation of Expert Witness Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Second Supplement to Designation of Expert Witnesses</i>
04/15/2015	 Deposition Filed By: Defendant Capanna, MD, Albert H <i>First Amended Notice of Taking Deposition of the Custodian of Records-Person Most Knowledgeable for Desert Institute of Spine Care Billing and Payment Information</i>
04/15/2015	 Notice of Association of Counsel Filed By: Plaintiff Orth, Beau R <i>Notice of Association of Counsel</i>
05/05/2015	 Notice of Deposition Filed By: Defendant Capanna, MD, Albert H <i>Notice of Taking Deposition of Anthony C. Ruggeroli, M.D.</i>

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05/08/2015	 Notice to Vacate Deposition Filed by: Defendant Capanna, MD, Albert H <i>Notice Vacating Deposition of the Custodian of Records-Person Most Knowledgeable for Desert Institute of Spine Care Billing and Payment Information.</i>
05/15/2015	 Deposition Filed By: Defendant Capanna, MD, Albert H <i>Second Amended Notice of Taking Deposition of the Custodian of Records-Person Most Knowledgeable for Desert Institute of Spine Care Billing and Payment Information.</i>
05/28/2015	 Deposition Filed By: Defendant Capanna, MD, Albert H <i>Second Amended Notice of Taking Deposition of the Custodian of Records-Person Most Knowledgeable for Desert Institute of Spine Care Billing and Payment Information</i>
05/29/2015	 Designation of Expert Witness Filed By: Defendant Capanna, MD, Albert H <i>Supplemental Expert Witness Disclosure Statement of Defendant Albert H. Capanna, M.D.</i>
06/01/2015	 Amended Notice of Taking Deposition Filed By: Defendant Capanna, MD, Albert H <i>Amended Notice of Taking Deposition of Andrew Cash, M.D.</i>
06/02/2015	 Amended Notice of Taking Deposition Filed By: Defendant Capanna, MD, Albert H <i>Second Amended Notice of Taking Deposition of Andrew Cash, M.D.</i>
06/03/2015	 Deposition Filed By: Defendant Capanna, MD, Albert H <i>Third Amended Notice of Taking Deposition of the Custodian of Records-Person Most Knowledgeable for Desert Institute of Spine Care Billing and Payment Information</i>
06/15/2015	 Designation of Expert Witness Filed By: Defendant Capanna, MD, Albert H <i>Supplemental Expert Witness Disclosure Statement of Defendant Albert H. Capanna, M.D.</i>
06/18/2015	 Designation of Expert Witness Filed By: Defendant Capanna, MD, Albert H <i>Supplemental Expert Witness Disclosure Statement of Defendant Albert H. Capanna, M.D.</i>
06/19/2015	 Amended Notice of Taking Deposition Filed By: Defendant Capanna, MD, Albert H <i>Third Amended Notice of Taking Deposition of Andrew Cash, M.D.</i>
06/19/2015	 Designation of Expert Witness Filed By: Defendant Capanna, MD, Albert H <i>Supplemental Expert Witness Disclosure Statement of Defendant Albert H. Capanna, M.D.</i>
06/22/2015	 Motion in Limine Filed By: Defendant Capanna, MD, Albert H <i>Defendant's Motions in Limine</i>
06/22/2015	 Notice of Hearing Filed By: Defendant Capanna, MD, Albert H

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Notice of Hearing

06/22/2015	 Omnibus Motion In Limine Filed by: Plaintiff Orth, Beau R <i>Plaintiff's Omnibus Motion in Limine No. 1</i>
06/22/2015	 Motion in Limine Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Motion in Limine No. 2: to Exclude Irrelevant and/or Unduly Prejudicial Information</i>
06/22/2015	 Motion in Limine Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Motion in Limine No. 3: to Exclude Prior Unrelated Medical Conditions</i>
06/22/2015	 Motion in Limine Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Motion in Limine No. 4: Permit Treating Physicians to Testify as to Causation, Diagnosis, Prognosis, Future Treatment, and Extent of Disability Without a Formal Expert Report</i>
06/22/2015	 Motion Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Motion No. 5 to Allow Parties to Present a Jury Questionnaire Prior to Voir Dire</i>
06/22/2015	 Motion in Limine Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Motion in Limine No. 6 to Limit Defendant's Experts' Testimony to the Opinions and Bases Set Forth in Their Expert Reports</i>
06/24/2015	 Notice to Vacate Deposition Filed by: Defendant Capanna, MD, Albert H <i>Notice Vacating Deposition of The Custodian of Records-Person Most Knowledgeable for Desert Institute of Spine Care Billing and Payment Information</i>
07/02/2015	 Deposition Filed By: Defendant Capanna, MD, Albert H <i>Fourth Amended Notice of Taking Deposition of the Custodian of Records-Person Most Knowledgeable for Desert Institute of Spine Care Billing and Payment Information</i>
07/09/2015	 Opposition Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Opposition to Defendant's Motion in Limine</i>
07/09/2015	 Opposition to Motion in Limine Filed By: Defendant Capanna, MD, Albert H <i>Defendant's Response and Opposition to Plaintiff's Omnibus Motion in Limine No. 1</i>
07/09/2015	 Opposition to Motion in Limine Filed By: Defendant Capanna, MD, Albert H <i>Defendant's Response and Opposition to Plaintiff's Motion in Limine No. 2: to Exclude Irrelevant and/or Unduly Prejudicial Information</i>
07/09/2015	 Opposition to Motion in Limine Filed By: Defendant Capanna, MD, Albert H

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Defendant's Response and Opposition to Plaintiff's Motion in Limine No. 3: to Exclude Prior Unrelated Medical Conditions

07/09/2015	 Opposition to Motion in Limine Filed By: Defendant Capanna, MD, Albert H <i>Defendant's Response and Opposition to Plaintiff's Motion in Limine No. 4: Permit Treating Physicians to Testify as to Causation, Diagnosis, Prognosis, Future Treatment, and Extent of Disability Without a Formal Expert Report</i>
07/09/2015	 Opposition to Motion in Limine Filed By: Defendant Capanna, MD, Albert H <i>Defendant's Response and Limited Opposition to Plaintiff's Motion in Limine No. 5: to Allow Parties to Present a Jury Questionnaire Prior to Voir Dire</i>
07/09/2015	 Opposition to Motion in Limine Filed By: Defendant Capanna, MD, Albert H <i>Defendant's Response and Limited Opposition to Plaintiff's Motion in Limine No. 6: to Limit Defendant's Expert's Testimony to the Opinions and Bases Set Forth in Their Reports</i>
07/13/2015	 Motion Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Motion to Declare NRS 42.021 and NRS 41A.035 Unconstitutional</i>
07/20/2015	 Pre-Trial Disclosure Party: Plaintiff Orth, Beau R <i>Plaintiff's Pre-Trial Disclosure Pursuant to NRCP 16.1(a)(3)</i>
07/21/2015	 Pre-trial Memorandum Filed by: Plaintiff Orth, Beau R <i>Plaintiff's Pre-Trial Memorandum</i>
07/21/2015	 Pre-Trial Disclosure Party: Defendant Capanna, MD, Albert H <i>Defendant Albert H. Capanna, M.D.'s Pretrial Disclosure Pursuant to NRCP 16.1(a)(3)</i>
07/21/2015	 Pre-Trial Disclosure Party: Defendant Capanna, MD, Albert H <i>Defendant Albert H. Capanna, M.D.'s Supplemental Pretrial Disclosure Pursuant to NRCP 16.1(a)(3)</i>
07/22/2015	 Motion Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Motion for a Rebuttable Presumption Jury Instruction Pursuant to NRS 41A.100</i>
07/22/2015	 Calendar Call (9:00 AM) (Judicial Officer: Herndon, Douglas W.)
07/22/2015	 Designation of Expert Witness Filed By: Defendant Capanna, MD, Albert H <i>Supplemental Expert Witness Disclosure Statement of Defendant Albert H. Capanna, M.D.</i>
07/23/2015	 Pre-Trial Disclosure Party: Defendant Capanna, MD, Albert H <i>Defendant Albert H. Capanna, M.D.'s Second Supplemental Pretrial Disclosure Pursuant to NRCP 16.1(a)(3)</i>

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07/27/2015	 Errata Filed By: Defendant Capanna, MD, Albert H <i>Defendant Albert H. Capanna, M.D.'s Errata to Defendant Albert H. Capanna, M.D.'s Pretrial Disclosure and Supplemental Pretrial Disclosures</i>
07/27/2015	 Errata Filed By: Defendant Capanna, MD, Albert H <i>Defendant Albert H. Capanna, M.D.'s Errata to Supplement to NRCP 16.1 Early Case Conference Disclosure of Witnesses and Documents</i>
07/27/2015	 Designation of Expert Witness Filed By: Defendant Capanna, MD, Albert H <i>Supplemental Expert Witness Disclosure Statement of Defendant Albert H. Capanna, M.D.</i>
07/27/2015	 Pre-Trial Disclosure Party: Defendant Capanna, MD, Albert H <i>Defendant Albert H. Capanna, M.D.'s Third Supplemental Pretrial Disclosure Pursuant to NRCP 16.1(a)(3)</i>
07/27/2015	 Supplemental Filed by: Defendant Capanna, MD, Albert H <i>Defendant Albert H. Capanna, M.D.'s Supplement to NRCP 16.1 Early Case Conference Disclosure of Witnesses and Documents</i>
07/28/2015	 Motion Filed By: Defendant Capanna, MD, Albert H <i>Defendant's Trial Brief and Motion to Limit Damages to those Caused by Acts of Alleged Negligence</i>
07/28/2015	 Motion Filed By: Defendant Capanna, MD, Albert H <i>Defendant's Motion re Application of NRS 50.275 and to Exclude Testimony regarding Future Treatment and Surgery Made Without Scientific Basis</i>
07/30/2015	 Opposition to Motion Filed By: Defendant Capanna, MD, Albert H <i>Defendant's Opposition to Plaintiff's Motion to Declare NRS 42.021 and NRS 41A.035 Unconstitutional</i>
08/03/2015	 Reply in Support Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Reply in Support of Omnibus Motion in Limine No. 1</i>
08/03/2015	 Reply in Support Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Reply in Support of Motion in Limine No. 5: to Allow Parties to Present a Jury Questionnaire Prior to Voir Dire</i>
08/03/2015	 Reply in Support Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Reply in Support of Motion in Limine No. 6: to Limit Defendant's Experts' Testimony to the Opinions and Bases Set Forth in Their Expert Reports</i>
08/03/2015	 Reply in Support Filed By: Plaintiff Orth, Beau R

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Plaintiff's Reply in Support of Motion in Limine No. 4: to Permit Treating Physicians to Testify as to Causation, Diagnosis, Prognosis, Future Treatment, and Extent of Disability Without a Formal Expert Report

08/03/2015	 Objection Filed By: Defendant Capanna, MD, Albert H <i>Defendant Albert H. Capanna, M.D.'s Objection to Plaintiff's Pretrial Disclosure Pursuant to NRCP 16.1(a)(3)(c)</i>
08/03/2015	 Status Check: Medical/Dental Malpractice (8:30 AM) (Judicial Officer: Wiese, Jerry A.)
08/03/2015	 Reply to Opposition Filed by: Defendant Capanna, MD, Albert H <i>Reply to Opposition to Defendant's Motions in Limine</i>
08/03/2015	 Reply in Support Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Reply in Support of Motion in Limine No. 2: to Exclude Irrelevant and/or Unduly Prejudicial Information</i>
08/03/2015	 Reply in Support Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Reply in Support of Motion in Limine No. 3: to Exclude Prior Unrelated Medical Conditions</i>
08/04/2015	 Motion to Strike Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Motion to Strike Defendant's Untimely Disclosures on Order Shortening Time</i>
08/07/2015	 Opposition Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Opposition to Defendant's Trial Brief and Motion to Limit Damages to Those Caused by Acts of Alleged Negligence</i>
08/07/2015	 Opposition Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Opposition to Defendant's Motion Re Application of NRS 50.275 and to Exclude Testimony Regarding Future Treatment and Surgery Made Without Scientific Basis</i>
08/07/2015	 Reply to Opposition Filed by: Plaintiff Orth, Beau R <i>Plaintiff's Reply to Defendant's Opposition to Plaintiff's Motion to Declare NRS 42.021 and NRS 41A.035 Unconstitutional</i>
08/09/2015	 Opposition and Countermotion Filed By: Defendant Capanna, MD, Albert H <i>Defendant's Opposition to Plaintiff's Motion to Strike Untimely Disclosures and Counter-Motion to Exclude Improper "Supplemental" Disclosures and Claims for Future Damages</i>
08/10/2015	 Opposition to Motion Filed By: Defendant Capanna, MD, Albert H <i>Defendant's Opposition to Plaintiff's Motion for a Rebuttable Presumption Jury Instruction Pursuant to NRS 41A.100</i>
08/12/2015	 Pre-trial Memorandum

















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	Filed by: Defendant Capanna, MD, Albert H <i>Defendant Albert H. Capanna, M.D.'s Pre-Trial Memorandum</i>
08/12/2015	 Brief Filed By: Defendant Capanna, MD, Albert H <i>Trial Brief re Limited Hearsay Exception for Statements Made to a Physician</i>
08/12/2015	 Brief Filed By: Defendant Capanna, MD, Albert H <i>Defendant's Trial Brief re NRS 42.021 and Introduction of Evidence of Benefits Payable to Plaintiff; Requirement that Plaintiff Obtain Medical Insurance Pursuant to Affordable Care Act Which Will Cover Claimed Future Medical Costs; Request for Periodic Payments for Any Award for Future Damages Over \$50,000</i>
08/12/2015	 Reply to Opposition Filed by: Defendant Capanna, MD, Albert H <i>Reply to Opposition to Defendant's Motion re Application of NRS 50.275 and to Exclude Testimony regarding Future Treatment and Surgery Made Without Scientific Basis</i>
08/13/2015	 Reply in Support Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Reply in Support of Motion for a Rebuttable Presumption Jury Instruction Pursuant to NRS 41A.100</i>
08/13/2015	 Reply in Support Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Reply in Support of Motion to Strike Untimely Disclosures and Opposition to Defendant's Counter-Motion to Exclude Improper "Supplemental" Disclosures and Claims for Future Damages</i>
08/14/2015	Omnibus Motion in Limine (1:00 PM) (Judicial Officer: Herndon, Douglas W.) <i>Defendant's Motions in Limine</i>
08/14/2015	Motion in Limine (1:00 PM) (Judicial Officer: Herndon, Douglas W.) <i>Plaintiff's Motion in Limine No. 2: to Exclude Irrelevant and/or Unduly Prejudicial Information</i>
08/14/2015	Motion in Limine (1:00 PM) (Judicial Officer: Herndon, Douglas W.) <i>Plaintiff's Motion in Limine No. 3: to Exclude Prior Unrelated Medical Conditions</i>
08/14/2015	Motion in Limine (1:00 PM) (Judicial Officer: Herndon, Douglas W.) <i>Plaintiff's Motion in Limine No. 4: Permit Treating Physicians to Testify as to Causation, Diagnosis, Prognosis, Future Treatment, and Extent of Disability Without a Formal Expert Report</i>
08/14/2015	Motion in Limine (1:00 PM) (Judicial Officer: Herndon, Douglas W.) <i>Plaintiff's Motion in Limine No. 6: to Limit Defendant's Experts' Testimony to the Opinions and Bases Set Forth in Their Expert Reports</i>
08/14/2015	Motion (1:00 PM) (Judicial Officer: Herndon, Douglas W.) <i>Plaintiff's Motion No. 5 to Allow Parties to Present a Jury Questionnaire Prior to Voir Dire</i>
08/14/2015	Omnibus Motion in Limine (1:00 PM) (Judicial Officer: Herndon, Douglas W.) <i>Plaintiff's Omnibus Motion in Limine No. 1</i>
08/14/2015	Motion (1:00 PM) (Judicial Officer: Herndon, Douglas W.) <i>Plaintiff's Motion to Declare NRS 42.021 and NRS 41A.035 Unconstitutional</i>
08/14/2015	Motion (1:00 PM) (Judicial Officer: Herndon, Douglas W.)

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	<i>Plaintiff's Motion for a Rebuttable Presumption Jury Instruction Pursuant to NRS 41A.100</i>
08/14/2015	Motion (1:00 PM) (Judicial Officer: Herndon, Douglas W.) <i>Defendant's Motion re Application of NRS 50.275 and to Exclude Testimony regarding Future Treatment and Surgery Made Without Scientific Basis</i>
08/14/2015	Motion (1:00 PM) (Judicial Officer: Herndon, Douglas W.) <i>Defendant's Trial Brief and Motion to Limit Damages to those Caused by Acts of Alleged Negligence</i>
08/14/2015	Motion to Strike (1:00 PM) (Judicial Officer: Herndon, Douglas W.) <i>Plaintiff's Motion to Strike Defendant's Untimely Disclosures on Order Shortening Time</i>
08/14/2015	Opposition and Countermotion (1:00 PM) (Judicial Officer: Herndon, Douglas W.) <i>Defendant's Opposition to Plaintiff's Motion to Strike Untimely Disclosures and Counter-Motion to Exclude Improper "Supplemental" Disclosures and Claims for Future Damages</i>
08/14/2015	 All Pending Motions (1:00 PM) (Judicial Officer: Herndon, Douglas W.)
08/17/2015	CANCELED Jury Trial (10:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Vacated</i> <i>Med Mal Sweeps</i>
08/19/2015	 Motion (10:00 AM) (Judicial Officer: Herndon, Douglas W.) 08/19/2015-08/21/2015 <i>Defendant's Trial Brief and Motion to Limit Damages to those Caused by Acts of Alleged Negligence</i>
08/19/2015	 Jury Trial - FIRM (10:30 AM) (Judicial Officer: Herndon, Douglas W.) 08/19/2015-08/21/2015, 08/24/2015-08/28/2015, 08/31/2015-09/02/2015
08/20/2015	 Brief Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Trial Brief No. 1</i>
08/21/2015	 Receipt of Copy Filed by: Plaintiff Orth, Beau R <i>Receipt of Copy</i>
08/21/2015	 Recorders Transcript of Hearing <i>Recorder's Partial Transcript of Proceedings: Jury Trial - Day 1 August 19, 2015</i>
08/21/2015	 Jury List
08/22/2015	 Order Filed By: Plaintiff Orth, Beau R <i>Order Regarding Plaintiff's Motion to Declare NRS 42.021 and NRS 41A.035 UnConstitutional</i>
08/22/2015	 Order Filed By: Plaintiff Orth, Beau R <i>Order Regarding Plaintiff's Motion to Strike Untimely Disclosures on Order Shortening Time</i>
08/25/2015	 Brief Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Trial Brief No. 2 (regarding collections notices)</i>

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08/26/2015	 Recorders Transcript of Hearing <i>Partial Transcript of Proceedings Trial by Jury - Day 3 Plaintiff's Opening Statements Only</i>
08/26/2015	 Media Request and Order Party: Plaintiff Orth, Beau R <i>Media Request And Order Allowing Camera Access To Court Proceedings</i>
08/26/2015	 Media Request and Order Party: Plaintiff Orth, Beau R <i>Media Request And Order Allowing Camera Access To Court Proceedings</i>
08/27/2015	 Jury Instructions Party: Plaintiff Orth, Beau R <i>Plaintiff's Amended Proposed Jury Instructions</i>
08/27/2015	 Jury Instructions Party: Plaintiff Orth, Beau R <i>Plaintiff's Proposed Jury Instructions</i>
08/27/2015	 Recorders Transcript of Hearing <i>Transcript of Proceedings Jury Trial - Testimony of Dr. Allan Belzberg August 24, 2015</i>
08/28/2015	 Recorders Transcript of Hearing <i>Transcript of Proceedings Excerpt of Jury Trial 4 Testimony of Andrw Cash August 24, 2015</i>
08/31/2015	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceedings Jury Trial - Testimony of Dr. Frank Yoo August 25, 2015</i>
08/31/2015	 Jury Instructions Party: Defendant Capanna, MD, Albert H <i>Defendant's Proposed Jury Instructions</i>
09/01/2015	 Amended Jury List <i>Amended Jury</i>
09/01/2015	 Jury Instructions
09/02/2015	 Recorders Transcript of Hearing <i>Recorder's Transcript Re: All Pending Motions 08/14/15</i>
09/02/2015	 Recorders Transcript of Hearing <i>Recorder's Transcript of Jury Trial - Day 8; Testimony of Albert Capanna 08-28-15</i>
09/02/2015	 Jury Verdict
09/02/2015	 Request <i>Request for Application of N.R.S. 41A.035, N.R.S. 42.021</i>
09/09/2015	 Ex Parte Application Party: Defendant Capanna, MD, Albert H

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Defendant's Ex Parte Application for Motion to Stay Entry of Judgment Pending Motion to Apply Provisions of NRS 41A.035 and NRS. 42.021

09/11/2015	 Recorders Transcript of Hearing Party: Plaintiff Orth, Beau R <i>Partial Transcript of Proceedings Trial by Jury Day 9, Direct Examination of Dr. Marc Kaye Only August 31, 2015</i>
09/11/2015	 Recorders Transcript of Hearing Party: Plaintiff Orth, Beau R <i>Partial Transcript of Proceedings Trial by Jury Day 10, Plaintiff's Rebuttal Closing Statements Only September 1, 2015</i>
09/25/2015	 Opposition Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Opposition to Defendant's Ex Parte Application for Motion to Stay Entry of Judgment Pending Motion to Apply Provisions of NRS 41A.035 and NRS 42.021</i>
10/01/2015	 Memorandum of Costs and Disbursements Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Memorandum of Costs and Disbursements</i>
10/02/2015	 Notice of Intent Filed By: Defendant Capanna, MD, Albert H <i>Notice of Intent to File Motion to Retax and Settle the Costs</i>
10/06/2015	 Motion to Retax Filed By: Defendant Capanna, MD, Albert H <i>Motion to Retax and Settle the Costs</i>
10/14/2015	 Motion to Stay (9:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Defendant's Ex Parte Application for Motion to Stay Entry of Judgment Pending Motion to Apply Provisions of NRS 41A.035 and NRS. 42.021</i>
10/23/2015	 Motion Filed By: Defendant Capanna, MD, Albert H <i>Motion for Application of NRS 41A.035, NRS 42.021</i>
10/26/2015	 Judgment on Jury Verdict Filed By: Plaintiff Orth, Beau R <i>Judgment Upon the Jury Verdict</i>
10/26/2015	Judgment Plus Legal Interest (Judicial Officer: Herndon, Douglas W.) Debtors: Albert H Capanna, MD (Defendant) Creditors: Beau R Orth (Plaintiff) Judgment: 10/26/2015, Docketed: 11/02/2015 Total Judgment: 4,659,490.49
10/27/2015	 Objection Filed By: Defendant Capanna, MD, Albert H <i>Defendant Albert H. Capanna, M.D.'s Objection to Judgment on the Jury Verdict</i>
10/27/2015	 Opposition Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Opposition to Defendant's Motion to Retax and Settle the Costs</i>



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10/28/2015	 Notice of Entry of Judgment Filed By: Plaintiff Orth, Beau R <i>Notice of Entry of Order</i>
10/30/2015	 Reply to Opposition Filed by: Defendant Capanna, MD, Albert H <i>Defendant's Reply to Plaintiff's Opposition to Defendant's Motion to Retax and Settle The Costs</i>
11/04/2015	 Opposition Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Opposition to Defendant's Motion for Application of NRS 41A.035 [AND] NRS 42.021</i>
11/09/2015	Motion to Retax (3:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Defendant's Motion to Retax and Settle the Costs</i>
11/09/2015	 Motion for New Trial Filed By: Defendant Capanna, MD, Albert H <i>Defendant's Motion for New Trial, or In The Alternative, For Amendment of Judgment</i>
11/10/2015	 Recorders Transcript of Hearing <i>Partial Transcript of Proceedings Trial by Jury Day 3 August 21, 2015</i>
11/11/2015	 Reply to Opposition Filed by: Defendant Capanna, MD, Albert H <i>Reply to Opposition to Motion for Application of N.R.S. 41A.035 and N.R.S. 42.021</i>
11/12/2015	 Notice of Association of Counsel Filed By: Defendant Capanna, MD, Albert H <i>Notice of Association of Counsel</i>
11/16/2015	 Motion for Attorney Fees Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Motion for Attorney's Fees</i>
11/16/2015	 Recorders Transcript of Hearing <i>Recorder's Partial Transcript of Proceedings Jury Trial Day 4; Bench Conferences and Testimony of Andrew Cash Not Previously Transcribed August 24, 2015</i>
11/16/2015	 Recorders Transcript of Hearing <i>Recorder's Partial Transcript of Proceedings Jury Trial Day 5; Bench Conferences and Proceedings Not Previously Transcribed August 25, 2015</i>
11/16/2015	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceedings Jury Trial Day 6 August 26, 2015</i>
11/16/2015	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceedings Jury Trial Day 7 August 27, 2015</i>
11/17/2015	 Recorders Transcript of Hearing <i>Recorder's Partial Transcript of Proceedings Jury Trial Day 8 August 28, 2015</i>





DEPARTMENT 3
CASE SUMMARY
CASE NO. A-11-648041-C

11/17/2015	 Recorders Transcript of Hearing <i>Recorder's Partial Transcript of Proceedings Jury Trial Day 9 August 31, 2015</i>
11/18/2015	Motion (9:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Argument: Motions</i>
11/18/2015	Motion (9:00 AM) (Judicial Officer: Herndon, Douglas W.) 11/18/2015, 12/16/2015 <i>Defendant's Motion for Application of NRS 4LA.035, NRS 42.021</i>
11/18/2015	 All Pending Motions (9:00 AM) (Judicial Officer: Herndon, Douglas W.)
11/18/2015	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceedings Jury Trial, Day 11, September 2, 2015</i>
11/18/2015	 Recorders Transcript of Hearing <i>Recorder's Transcript of Proceedings Defendant's Ex Parte Application for Motion to Stay Entry of Judgment Pending Motion to Apply Provisions of NRS 4LA.035 and NRS 42.021, October 14, 2015</i>
11/23/2015	 Recorders Transcript of Hearing <i>Transcript of Proceedings Jury Trial Day 10 September 1, 2015</i>
12/01/2015	 Order Filed By: Plaintiff Orth, Beau R <i>Order Regarding Plaintiff's Motions in Limine</i>
12/02/2015	 Opposition Filed By: Defendant Capanna, MD, Albert H <i>Opposition to Motion for Attorney's Fees</i>
12/02/2015	 Opposition Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Opposition to Defendant's Motion for New Trial, or in the Alternative For Amendment of Judgment</i>
12/03/2015	 Notice of Entry of Order Filed By: Plaintiff Orth, Beau R <i>Notice of Entry of Order</i>
12/10/2015	 Stipulation and Order Filed by: Defendant Capanna, MD, Albert H <i>Stipulation and Order to Continue Hearings</i>
12/11/2015	 Reply to Opposition Filed by: Defendant Capanna, MD, Albert H <i>Defendant's Reply to Opposition to Motion for New Trial, or in the Alternative, For Amendment of Judgment</i>
12/15/2015	 Reply in Support Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Reply in Support of Motion for Attorney's Fees</i>
12/16/2015	Motion for New Trial (9:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Defendant's Motion for New Trial, or In The Alternative, For Amendment of Judgment</i>

DEPARTMENT 3
CASE SUMMARY
CASE NO. A-11-648041-C

12/16/2015	 All Pending Motions (9:00 AM) (Judicial Officer: Herndon, Douglas W.)
12/21/2015	Motion for Attorney Fees and Costs (3:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Plaintiff's Motion for Attorney Fees and Costs</i>
12/23/2015	 Recorders Transcript of Hearing <i>Recorder's Transcript of Defendant's Motion for New Trial, or in the Alternative, for Amendment of Judgment; and Defendant's Motion for Application fo NRS 41A.035, NRS 42.021</i>
01/28/2016	 Amended Judgment Filed By: Plaintiff Orth, Beau R <i>Amended Judgment Upon the Jury Verdict</i>
01/28/2016	Amended Verdict (Judicial Officer: Herndon, Douglas W.) Debtors: Albert H Capanna, MD (Defendant) Creditors: Beau R Orth (Plaintiff) Judgment: 01/28/2016, Docketed: 09/04/2015 Total Judgment: 941,435.34
02/01/2016	CANCELED Status Check: Medical/Dental Malpractice (8:30 AM) (Judicial Officer: Wiese, Jerry A.) <i>Vacated</i>
02/03/2016	 Notice of Entry of Judgment Filed By: Plaintiff Orth, Beau R <i>Notice of Entry of Judgment</i>
02/10/2016	 Order Filed By: Defendant Capanna, MD, Albert H <i>Order Regarding Defendant's Motion for New Trial, or in the Alternative, for Amendment of Judgment</i>
02/10/2016	 Order Filed By: Defendant Capanna, MD, Albert H <i>Order Regarding Defendant's Motion for Application of NRS 41A.035 and 42.021</i>
02/11/2016	 Notice of Entry of Order Filed By: Defendant Capanna, MD, Albert H <i>Notice of Entry of Order</i>
02/11/2016	 Notice of Entry of Order Filed By: Defendant Capanna, MD, Albert H <i>Notice of Entry of Order</i>
03/04/2016	 Motion to Strike Filed By: Plaintiff Orth, Beau R <i>Plaintiff's Motion to Strike New Arguments and Law Raised in Defendant's Reply Related to His Motion for New Trial on Order Shortening Time</i>
03/04/2016	 Receipt of Copy Filed by: Plaintiff Orth, Beau R <i>Receipt of Copy</i>
03/07/2016	

DEPARTMENT 3
CASE SUMMARY
CASE NO. A-11-648041-C

	 Notice of Appeal Filed By: Defendant Capanna, MD, Albert H <i>Notice of Appeal</i>	
03/07/2016	 Case Appeal Statement Filed By: Defendant Capanna, MD, Albert H <i>Case Appeal Statement</i>	
03/07/2016	 Notice of Filing Cost Bond Filed By: Defendant Capanna, MD, Albert H <i>Notice of Cost Bond</i>	
03/08/2016	 Opposition Filed By: Defendant Capanna, MD, Albert H <i>Opposition to Motion to Strike</i>	
03/16/2016	Motion to Strike (9:00 AM) (Judicial Officer: Herndon, Douglas W.) <i>Plaintiff's Motion to Strike New Arguments and Law Raised in Defendant's Reply Related to His Motion for New Trial on Order Shortening Time</i>	

DATE	FINANCIAL INFORMATION	
	Defendant Capanna, MD, Albert H	
	Total Charges	247.00
	Total Payments and Credits	247.00
	Balance Due as of 3/9/2016	0.00
	Plaintiff Orth, Beau R	
	Total Charges	270.00
	Total Payments and Credits	270.00
	Balance Due as of 3/9/2016	0.00

CIVIL COVER SHEET

A - 11 - 648041 - C

Clark County, Nevada

Case No. _____

XXVII

(Assigned by Clerk's Office)

I. Party Information

Plaintiff(s) (name/address/phone): BEAU R. ORTH

Defendant(s) (name/address/phone): ALBERT H. CAPANNA, MD

Attorney (name/address/phone):

Dennis M. Prince, Prince & Keating, 3230 S. Buffalo Drive,
Suite 108, Las Vegas, Nevada 89117 (702) 228-6800

Attorney (name/address/phone):

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	<input type="checkbox"/> 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
Probate	Other Civil Filing Types	
<input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside Estates <input type="checkbox"/> Trust/Conservatorships <input type="checkbox"/> Individual Trustee <input type="checkbox"/> Corporate Trustee <input type="checkbox"/> Other Probate	<input type="checkbox"/> Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> General <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Building & Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Other Contracts/Acct/Judgment <input type="checkbox"/> Collection of Actions <input type="checkbox"/> Employment Contract <input type="checkbox"/> Guarantee <input type="checkbox"/> Sale Contract <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Civil Petition for Judicial Review <input type="checkbox"/> Other Administrative Law <input type="checkbox"/> Department of Motor Vehicles <input type="checkbox"/> Worker's Compensation Appeal	<input type="checkbox"/> Appeal from Lower Court (also check applicable civil case box) <input type="checkbox"/> Transfer from Justice Court <input type="checkbox"/> Justice Court Civil Appeal <input type="checkbox"/> Civil Writ <input type="checkbox"/> Other Special Proceeding <input type="checkbox"/> Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Conversion of Property <input type="checkbox"/> Damage to Property <input type="checkbox"/> Employment Security <input type="checkbox"/> Enforcement of Judgment <input type="checkbox"/> Foreign Judgment – Civil <input type="checkbox"/> Other Personal Property <input type="checkbox"/> Recovery of Property <input type="checkbox"/> Stockholder Suit <input type="checkbox"/> Other Civil Matters

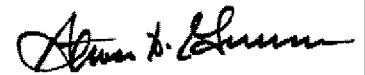
III. Business Court Requested (Please check applicable category, for Clark or Washoe Counties only.)

- | | | |
|---|--|---|
| <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) | |

09/8/11

Date

Signature of initiating party or representative



CLERK OF THE COURT

1 JGJV

2 DENNIS M. PRINCE, ESQ.

Nevada Bar No.: 5092

3 TRACY A. EGLET, ESQ.

Nevada Bar No. 6419

4 DANIELLE TARMU, ESQ.

Nevada Bar No.: 11727

5 EGLET PRINCE

6 400 South Seventh Street, 4th Floor

Las Vegas, NV 89101

7 (702) 450-5400

8 Attorneys for Plaintiff

9
10 DISTRICT COURT

11 CLARK COUNTY, NEVADA

12 BEAU R. ORTH,

13
14 Plaintiff,

15 vs.

16 ALBERT H. CAPANNA, M.D.;

17 DOES I through X; ROE BUSINESS ENTITIES

18 I through X, inclusive,

19
20 Defendants.

) CASE NO.: A-11-648041-C

)
) DEPT. NO.: III

)
) **JUDGMENT UPON THE**
) **JURY VERDICT**

21
22 This action came on for trial before the Court and the jury, the District Judge Douglas
23 Herndon, presiding. The jury returned its verdict on September 2, 2015, after being duly
24 instructed on the law and having heard all of the evidence.

25
26 The jury have found in favor of the Plaintiff, and against the Defendant, ALBERT H.
27 CAPANNA, M.D., judgment is hereby entered as follows:
28

EGLET PRINCE

PAST DAMAGES:

Past Medical and Related Expenses	\$ 136,300.49
Past Pain, Suffering, Disability, and Loss of Enjoyment of Life	<u>+\$1,800,000.00</u>
Total Past Damages:	\$1,936,300.49

FUTURE DAMAGES:

Future Medical and Related Expenses	\$ 350,000.00
Future Pain, Suffering, Disability and Loss of Enjoyment of Life	+ <u>\$2,000,000.00</u>
Total Future Damages:	\$2,350,000.00

TOTAL DAMAGES **\$4,286,300.49**

IT IS FURTHER ORDERED, AJUDGED and DECREED that Plaintiff's past damages in the amount of One Million Nine Hundred Thirty Six Thousand Three Hundred Dollars and 49 Cents (\$1,936,300.49), shall bear prejudgment interest at the rate of 5.25% per annum from the date of service of Summons and Complaint, on December 13, 2011, through September 2, 2015 as follows:

PRE-JUDGMENT INTEREST:

(From 12/13/11 through 9/2/15 \$ 373,190.00
(1,340 days x \$278.50 per day)

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Plaintiff shall be entitled his taxable costs in an amount to be determined by the Court.

NOW THEREFORE, Judgment Upon the Jury Verdict is hereby entered in favor of Plaintiff and against Defendant in the amount of Four Million Six Hundred Fifty Nine Four Hundred Ninety Dollars and 49 Cents (\$4,659,490.49).

1 This Judgment shall bear interest at the lawful rate until it is duly satisfied.

2 DATED this 30 day of September, 2015.

3
4
5 DISTRICT COURT JUDGE
6
7

8 Respectfully Submitted by:
9 EGLET-PRINCE

10 DENNIS M. PRINCE, ESQ.

11 Nevada Bar No. 5092

12 TRACY A. ELGET, ESQ.

13 Nevada Bar No. 6419

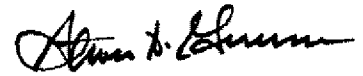
14 DANIELLE TARMU, ESQ.

15 Nevada Bar No. 11727

16 400 South Seventh Street, Suite 400

17 Las Vegas, Nevada 89101

18 Attorney for Plaintiff
19
20
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28



CLERK OF THE COURT

1 **NEOJ**
2 **DENNIS M. PRINCE, ESQ.**

3 Nevada Bar No. 5092

4 **TRACY A. EGLET, ESQ.**

5 Nevada Bar No. 6419

6 **DANIELLE TARMU, ESQ.**

7 Nevada Bar No. 11727

8 **EGLET PRINCE**

9 400 South Seventh Street, #400

10 Las Vegas, Nevada 89101

11 *eservice@egletlaw.com*

12 (702) 450-5400 phone

13 (702) 450-5451 facsimile

14 Attorneys for Plaintiff

15 *Beau R. Orth*

16 **DISTRICT COURT**

17 **CLARK COUNTY, NEVADA**

18 **BEAU R. ORTH,**

19 Plaintiff,

20 vs.

21 **ALBERT H. CAPANNA, M.D.;**
22 **DOES I through X; ROE BUSINESS**
23 **ENTITIES I through X, inclusive,**

24 Defendants.

CASE NO. : A-11-648041-C

DEPT. NO. : III

NOTICE OF ENTRY OF ORDER

EGLET PRINCE

1 PLEASE TAKE NOTICE that a Judgment Upon The Jury Verdict was signed on
2 September 30, 2015 and entered in the above-entitled action on October 26, 2015, a copy of
3 which is attached hereto as **Exhibit "1."**
4

5 Respectfully submitted this 28th day of October, 2015.

6 **EGLET PRINCE**

7
8 /s/ Danielle Tarmu
9 DENNIS M. PRINCE, ESQ.
10 Nevada Bar No.: 5092
11 TRACY A. EGLET, ESQ.
12 Nevada Bar No.: 6419
13 DANIELLE TARMU, ESQ.
14 Nevada Bar No.: 11727
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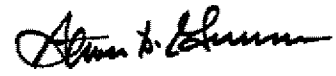
CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of EGLET PRINCE, and that on October 27th, 2015, I caused the foregoing document entitled **NOTICE OF ENTRY OF ORDER** to be served upon those persons designated by the parties in the E-Service Master List for the above-referenced matter in the Eighth Judicial District Court eFiling System in accordance with the mandatory electronic service requirements of Administrative Order 14-2 and the Nevada Electronic Filing and Conversion Rules.

Anthony D. Lauria, Esq.
 Kimberly L. Johnson, Esq.
 LAURIA, TOKUNAGA GATES &
 LINN, LLP
 601 South Seventh Street
 2nd Floor
 Las Vegas, NV 89101
 Office: (702) 387-8633
 Fax: (702) 387-8635
Alauria@ltglaw.net
Kjohnson@ltglaw.net
 Attorneys for Defendant
Albert H. Capanna, M.D.

/s/ Brittney Glover
 an Employee of EGLET PRINCE

EXHIBIT “1”



CLERK OF THE COURT

1 JGJV
2 DENNIS M. PRINCE, ESQ.
Nevada Bar No.: 5092
3 TRACY A. EGLET, ESQ.
Nevada Bar No. 6419
4 DANIELLE TARMU, ESQ.
Nevada Bar No.: 11727
5 EGLET PRINCE
6 400 South Seventh Street, 4th Floor
Las Vegas, NV 89101
7 (702) 450-5400
8 Attorneys for Plaintiff

9
10 DISTRICT COURT
11 CLARK COUNTY, NEVADA

12 BEAU R. ORTH,) CASE NO.: A-11-648041-C
13)
14 Plaintiff,) DEPT. NO.: III
15)
16 vs.) JUDGMENT UPON THE
17) JURY VERDICT
18)
19 ALBERT H. CAPANNA, M.D.;)
DOES I through X; ROE BUSINESS ENTITIES)
I through X, inclusive,)
20 Defendants.)
21 _____)

22 This action came on for trial before the Court and the jury, the District Judge Douglas
23 Herndon, presiding. The jury returned its verdict on September 2, 2015, after being duly
24 instructed on the law and having heard all of the evidence.

25
26 The jury have found in favor of the Plaintiff, and against the Defendant, ALBERT H.
27 CAPANNA, M.D., judgment is hereby entered as follows:
28

PAST DAMAGES:

Past Medical and Related Expenses	\$ 136,300.49
Past Pain, Suffering, Disability, and Loss of Enjoyment of Life	<u>+\$1,800,000.00</u>
Total Past Damages:	\$1,936,300.49

FUTURE DAMAGES:

Future Medical and Related Expenses	\$ 350,000.00
Future Pain, Suffering, Disability and Loss of Enjoyment of Life	+ <u>\$2,000,000.00</u>
Total Future Damages:	\$2,350,000.00

TOTAL DAMAGES	<u>\$4,286,300.49</u>
----------------------	------------------------------

IT IS FURTHER ORDERED, AJUDGED and DECREED that Plaintiff's past damages in the amount of One Million Nine Hundred Thirty Six Thousand Three Hundred Dollars and 49 Cents (\$1,936,300.49), shall bear prejudgment interest at the rate of 5.25% per annum from the date of service of Summons and Complaint, on December 13, 2011, through September 2, 2015 as follows:

PRE-JUDGMENT INTEREST:

(From 12/13/11 through 9/2/15 (1,340 days x \$278.50 per day)	\$ 373,190.00
--	---------------

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Plaintiff shall be entitled his taxable costs in an amount to be determined by the Court.

NOW THEREFORE, Judgment Upon the Jury Verdict is hereby entered in favor of Plaintiff and against Defendant in the amount of Four Million Six Hundred Fifty Nine Four Hundred Ninety Dollars and 49 Cents (\$4,659,490.49).

1 This Judgment shall bear interest at the lawful rate until it is duly satisfied.

2 DATED this 30 day of September, 2015.

3
4
5 DISTRICT COURT JUDGE
6

7 Respectfully Submitted by:
8 ~~EGLET PRINCE~~

9
10 DENNIS M. PRINCE, ESQ.

11 Nevada Bar No. 5092

12 TRACY A. ELGET, ESQ.

13 Nevada Bar No. 6419

14 DANIELLE TARMU, ESQ.

15 Nevada Bar No. 11727

16 400 South Seventh Street, Suite 400

17 Las Vegas, Nevada 89101

18 Attorney for Plaintiff
19
20
21
22
23
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25
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28

DISTRICT COURT
CLARK COUNTY, NEVADA

CASE NO.: A-11-648041-C
DEPT. NO.: III

AMENDED JUDGMENT
UPON THE JURY VERDICT

This action came on for trial before the Court and the jury, the District Judge Douglas Herndon, presiding. The jury returned its verdict on September 2, 2015, after being duly instructed on the law and having heard all of the evidence. The jury having found in favor of the Plaintiff, and against the Defendant, ALBERT H. CAPANNA, M.D., judgment is hereby entered as follows:

EGLET  PRINCE

PAST DAMAGES:

Past Medical and Related Expenses \$ 136,300.49

Past Pain, Suffering, Disability,
and Loss of Enjoyment of Life +\$ 350,000.00¹

Total Past Damages: \$ 486,300.49

FUTURE DAMAGES:

Future Medical and Related Expenses \$ 350,000.00²

Total Future Damages: \$ 350,000.00

TOTAL DAMAGES \$ 836,300.49

IT IS FURTHER ORDERED, AJUDGED and DECREED that Plaintiff's past damages in the amount of Four Hundred Eighty Six Thousand Three Hundred Dollars and 49 Cents (\$486,300.49), shall bear prejudgment interest at the rate of 5.25% per annum from the date of service of Summons and Complaint, on December 8, 2011, through January 4, 2015 as follows:

PRE-JUDGMENT INTEREST:

(From 12/8/11 through 1/19/16 \$ 105,134.85
(1,503 days x \$69.95 per day)

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Plaintiff shall be entitled his taxable costs in an amount to be determined by the Court.

¹ Pursuant to NRS 41A.035, the amount of Plaintiff's past and future damages for pain, suffering, disability, and loss of enjoyment of life was reduced from a total of \$3,800,000.00 to \$350,000.00.

² Pursuant to NRS 42.021, the future medical and related expenses damages shall be paid in three periodic payments. The first payment of \$175,000.00 shall be paid within six months after entry of the amended judgment. The second periodic payment of \$88,000.00 shall be paid within one year after entry of the amended judgment. The final periodic payment of \$87,000.00 shall be paid within 18 months after entry of the amended judgment.


1 NOW THEREFORE, Judgment Upon the Jury Verdict is hereby entered in favor of
2 Plaintiff and against Defendant in the total amount of **Nine Hundred Forty-One Thousand**
3 **Four- Hundred Thirty-Five Dollars and 34 Cents (\$941,435.34).**

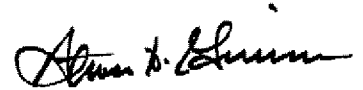
4 The total amount of this Judgment shall bear interest at the lawful rate until it is fully
5 satisfied.
6

7 DATED this 25 day of January, 2016.

8
9
10 
11 DISTRICT COURT JUDGE

12 Respectfully Submitted by:
13 **EGLET PRINCE**

14 
15 DENNIS M. PRINCE, ESQ.
16 Nevada Bar No. 5092
17 TRACY A. ELGET, ESQ.
18 Nevada Bar No. 6419
19 DANIELLE TARMU, ESQ.
20 Nevada Bar No. 11727
21 400 South Seventh Street, Suite 400
22 Las Vegas, Nevada 89101
23 *Attorney for Plaintiff*
24
25
26
27
28



CLERK OF THE COURT

1 **NJUD**

2 DENNIS M. PRINCE, ESQ.

3 Nevada Bar No. 5092

4 TRACY A. EGLET, ESQ.

5 Nevada Bar No. 6419

6 DANIELLE TARMU, ESQ.

7 Nevada Bar No. 11727

8 **EGLET PRINCE**

9 400 South Seventh Street, #400

10 Las Vegas, Nevada 89101

11 *eservice@egletlaw.com*

12 (702) 450-5400 phone

13 (702) 450-5451 facsimile

14 Attorneys for Plaintiff

15 *Beau R. Orth*

16 **DISTRICT COURT**

17 **CLARK COUNTY, NEVADA**

18 **BEAU R. ORTH,**

19 Plaintiff,

20 vs.

21 **ALBERT H. CAPANNA, M.D.;**
22 **DOES I through X; ROE BUSINESS**
23 **ENTITIES I through X, inclusive,**

24 Defendants.

CASE NO. : A-11-648041-C

DEPT. NO. : III

NOTICE OF ENTRY OF JUDGMENT

EGLET PRINCE

1 PLEASE TAKE NOTICE that a Amended Judgment Upon The Jury Verdict was signed
2 on January 25, 2016 and entered in the above-entitled action on January 28, 2016, a copy of
3 which is attached hereto as **Exhibit "1."**

4
5 Respectfully submitted this 3rd day of February, 2016.

6 **EGLET PRINCE**

7
8 /s/ Danielle Tarmu
9 DENNIS M. PRINCE, ESQ.
10 Nevada Bar No.: 5092
11 TRACY A. EGLET, ESQ.
12 Nevada Bar No.: 6419
13 DANIELLE TARMU, ESQ.
14 Nevada Bar No.: 11727
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of EGLET PRINCE, and that on February 3rd, 2016, I caused the foregoing document entitled **NOTICE OF ENTRY OF JUDGMENT** to be served upon those persons designated by the parties in the E-Service Master List for the above-referenced matter in the Eighth Judicial District Court eFiling System in accordance with the mandatory electronic service requirements of Administrative Order 14-2 and the Nevada Electronic Filing and Conversion Rules.

Anthony D. Lauria, Esq.
 Kimberly L. Johnson, Esq.
 LAURIA, TOKUNAGA GATES &
 LINN, LLP
 601 South Seventh Street
 2nd Floor
 Las Vegas, NV 89101
 Office: (702) 387-8633
 Fax: (702) 387-8635
Alauria@ltglaw.net
Kjohnson@ltglaw.net
 Attorneys for Defendant
Albert H. Capanna, M.D.

/s/ Brittney Glover
 an Employee of EGLET PRINCE

EXHIBIT “1”


CLERK OF THE COURT

AJ
DENNIS M. PRINCE, ESQ.
Nevada Bar No.: 5092
TRACY A. EGLET, ESQ.
Nevada Bar No. 6419
DANIELLE TARMU, ESQ.
Nevada Bar No.: 11727
EGLET PRINCE
400 South Seventh Street, 4th Floor
Las Vegas, NV 89101
(702) 450-5400
Attorneys for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

BEAU R. ORTH,

Plaintiff,

vs.

ALBERT H. CAPANNA, M.D.;
DOES I through X; ROE BUSINESS ENTITIES
I through X, inclusive,
Defendants.

) CASE NO.: A-11-648041-C

) DEPT. NO.: III

) AMENDED JUDGMENT
) UPON THE JURY VERDICT

This action came on for trial before the Court and the jury, the District Judge Douglas Herndon, presiding. The jury returned its verdict on September 2, 2015, after being duly instructed on the law and having heard all of the evidence. The jury having found in favor of the Plaintiff, and against the Defendant, ALBERT H. CAPANNA, M.D., judgment is hereby entered as follows:

PAST DAMAGES:

Past Medical and Related Expenses	\$ 136,300.49
Past Pain, Suffering, Disability, and Loss of Enjoyment of Life	+\$ 350,000.00 ¹
Total Past Damages:	\$ 486,300.49

FUTURE DAMAGES:

Future Medical and Related Expenses	\$ 350,000.00 ²
Total Future Damages:	\$ 350,000.00

TOTAL DAMAGES \$ 836,300.49

IT IS FURTHER ORDERED, AJUDGED and DECREED that Plaintiff's past damages in the amount of Four Hundred Eighty Six Thousand Three Hundred Dollars and 49 Cents (\$486,300.49), shall bear prejudgment interest at the rate of 5.25% per annum from the date of service of Summons and Complaint, on December 8, 2011, through January 4, 2015 as follows:

PRE-JUDGMENT INTEREST:

(From 12/8/11 through 1/19/16 \$ 105,134.85
(1,503 days x \$69.95 per day)

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Plaintiff shall be entitled his taxable costs in an amount to be determined by the Court.

¹ Pursuant to NRS 41A.035, the amount of Plaintiff's past and future damages for pain, suffering, disability, and loss of enjoyment of life was reduced from a total of \$3,800,000.00 to \$350,000.00.

² Pursuant to NRS 42.021, the future medical and related expenses damages shall be paid in three periodic payments. The first payment of \$175,000.00 shall be paid within six months after entry of the amended judgment. The second periodic payment of \$88,000.00 shall be paid within one year after entry of the amended judgment. The final periodic payment of \$87,000.00 shall be paid within 18 months after entry of the amended judgment.

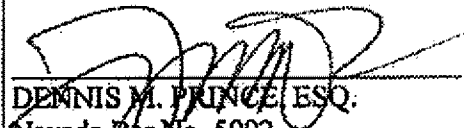
1 NOW THEREFORE, Judgment Upon the Jury Verdict is hereby entered in favor of
2 Plaintiff and against Defendant in the total amount of Nine Hundred Forty-One Thousand
3 Four- Hundred Thirty-Five Dollars and 34 Cents (\$941,435.34).
4

5 The total amount of this Judgment shall bear interest at the lawful rate until it is fully
6 satisfied.

7 DATED this 25 day of January, 2016.

8
9
10 
11 DISTRICT COURT JUDGE

12 Respectfully Submitted by:
13 EGLET PRINCE

14 
15 DENNIS M. PRINCE, ESQ.
16 Nevada Bar No. 5092
17 TRACY A. ELGET, ESQ.
18 Nevada Bar No. 6419
19 DANIELLE TARMU, ESQ.
20 Nevada Bar No. 11727
21 400 South Seventh Street, Suite 400
22 Las Vegas, Nevada 89101
23 Attorney for Plaintiff
24
25
26
27
28

ORIGINAL

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1 ORDR

2 ROBERT L. EISENBERG (Nevada Bar No. 950)

3 Lemons, Grundy & Eisenberg

6005 Plumas Street, Third Floor

4 Reno, Nevada 89509

775-786-6868

5 775-786-9756

Email: rlc@lge.net

6 Anthony D. Lauria

7 Nevada Bar No. 4114

8 LAURIA TOKUNAGA GATES & LINN, LLP

601 South Seventh Street, 2nd Floor

9 Las Vegas, NV 89101

10 Tel: (702) 387-8633

Fax: (702) 387-8635

11 ATTORNEYS FOR DEFENDANT

12
13 IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
14 IN AND FOR THE COUNTY OF CLARK

15 BEAU R. ORTH,

Plaintiff,

Case No. A-11-648041

Dept. No. III

16
17 vs.

18 ALBERT H. CAPANNA, M.D.

Defendant.

ORDER REGARDING
DEFENDANT'S MOTION
FOR APPLICATION OF
NRS 41A.035 and 42.021

19
20 _____/
21
22 This matter was heard by the Court on December 16, 2015. Dennis M. Prince, of
23 Eglet Prince, appeared on behalf of Plaintiff Orth. Anthony D. Lauria, of Lauria
24 Tokunaga Gates & Linn, LLP, and Robert L. Eisenberg, of Lemons, Grundy &
25 Eisenberg, appeared on behalf of Defendant Capanna. Having considered the motion
26 papers and the oral arguments by counsel, the Court hereby rules as follows:

27 ///
28

NRS 41A.035

This statute imposes a cap of \$350,000 on noneconomic damages.¹ The Court finds that statute is applicable and that Plaintiff's noneconomic damages must not exceed \$350,000. Nevertheless, the Court denies Defendant's request to apportion noneconomic damages between past and future damages. The Court finds that the entire \$350,000 amount of noneconomic damages should be attributed to past damages.

NRS 42.021

Subsections (3) through (8) of this statute deal with periodic payments for future damages. The Court finds that the statutory provisions for periodic payments apply to the amount awarded by the jury for future medical expenses, i.e., \$350,000. The Court finds that this portion of the judgment shall be paid in three periodic payments. The first payment will be the amount of \$175,000, which consists of one-half of the future medical expenses awarded by the jury. This amount will be paid within six months after entry of the amended judgment. The second periodic payment will be the amount of \$88,000, which will be paid within one year after entry of the amended judgment. The final periodic payment will be the amount of \$87,000, which will be paid within 18 months after entry of the amended judgment.

The Court also finds that the \$350,000 amount of future medical expenses awarded by the jury shall draw post-judgment interest, pursuant to NRS 17.130(2), from the time of entry of the judgment until satisfied, with post-judgment interest to be adjusted as each periodic payment is made.

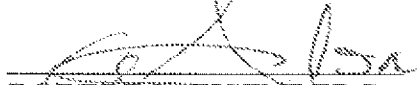
It is so ORDERED.

DATED: February 4, 2016


DISTRICT COURT JUDGE

¹ The Court has also dealt with application of this statute in the Order Regarding Defendant's Motion for Amendment of the Judgment.

1 Order initially prepared by:

2 
3 ROBERT L. EISENBERG

4 (Nv. Bar No. 0950)

5 Lemons, Grundy & Eisenberg

6 6005 Plumas Street, Third Floor

7 Reno, Nevada 89519

8 775-786-6868

9 Email: rle@lge.net

10 *Attorneys for Defendant*
11
12
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CLERK OF THE COURT

1 **NEOJ**

2 Anthony D. Lauria

3 Nevada Bar No.: 4114

4 Kimberly L. Johnson

5 Nevada Bar No.: 10554

6 **LAURIA TOKUNAGA GATES & LINN, LLP**

7 601 South Seventh Street, 2nd Floor

8 Las Vegas, Nevada 89101

9 (702) 387-8633; Fax: (702) 387-8635

10 Attorneys for *Defendant* **ALBERT H. CAPANNA,**

11 **M.D.**

7 **DISTRICT COURT**

8 **CLARK COUNTY NEVADA**

9 **BEAU R. ORTH,**

10 Plaintiff,

11 v.

12 **ALBERT H. CAPANNA, M.D.; DOES**
13 **I THROUGH X; ROE BUSINESS**
14 **ENTITIES I THROUGH X,**

15 Defendants.

CASE NO. : A-11-648041-C

DEPT. NO. : 3

NOTICE OF ENTRY OF ORDER

16 **NOTICE IS HEREBY GIVEN** that the above-entitled court entered its Order
17 on February 4, 2016, a copy of which is attached.

18 Dated: February 11, 2016.

19 **LAURIA TOKUNAGA GATES & LINN, LLP**

20 By: **/s/ ANTHONY D. LAURIA**

21 Anthony D. Lauria

22 Nevada Bar No.: 4114

23 601 South Seventh Street

24 Las Vegas, Nevada 89101

25 Attorneys for Defendant

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2 Pursuant to N.R.C.P. 5(b), I certify that I am an employee of Lauria Tokunaga
3 Gates & Linn, and that on the 11th day of February 2016, I served a true and correct
4 copy of the foregoing **NOTICE OF ENTRY OF ORDER**:

- 6 ☐ By placing same to be deposited for mailing in the United States
7 Mail, in a sealed envelope upon which first class postage was
prepared in Las Vegas, Nevada; and/or
- 8 X Via electronic mail; and/or
- 9 ☐ Via facsimile; and/or
- 0 ☐ Via Receipt of Copy to the interested parties

as follows:

Dennis M. Prince, Esq.
Eglet Prince
400 S. 7th Street, Box 1, Suite 400
Las Vegas, Nevada 89101
Attorneys for Plaintiff
BEAU R. ORTH

8 /s/ CARRIE C. TAYLOR
9 Carrie C. Taylor, an employee of
Lauria Tokunaga Gates & Linn

ORIGINAL

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02/10/2016 11:53:07 AM

1. ORDR
2. ROBERT L. EISENBERG (Nevada Bar No. 950)
3. Lemons, Grundy & Eisenberg
4. 6005 Plumas Street, Third Floor
5. Reno, Nevada 89509
6. 775-786-6868
7. 775-786-9756
8. Email: rlc@lge.net


CLERK OF THE COURT

6. Anthony D. Lauria
7. Nevada Bar No. 4114
8. LAURIA TOKUNAGA GATES & LINN, LLP
9. 601 South Seventh Street, 2nd Floor
10. Las Vegas, NV 89101
11. Tel: (702) 387-8633
12. Fax: (702) 387-8633
13. ATTORNEYS FOR DEFENDANT

13. IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
14. IN AND FOR THE COUNTY OF CLARK

15. BEAU R. ORTH,

Plaintiff,

Case No. A-11-648041

Dept. No. III

17. vs.

18. ALBERT H. CAPANNA, M.D.

Defendant.

ORDER REGARDING
DEFENDANT'S MOTION
FOR APPLICATION OF
NRS 41A.035 and 42.021

20. _____/

22. This matter was heard by the Court on December 16, 2015. Dennis M. Prince, of
23. Eglet Prince, appeared on behalf of Plaintiff Orth. Anthony D. Lauria, of Lauria
24. Tokunaga Gates & Linn, LLP, and Robert L. Eisenberg, of Lemons, Grundy &
25. Eisenberg, appeared on behalf of Defendant Capanna. Having considered the motion
26. papers and the oral arguments by counsel, the Court hereby rules as follows:

27. ///

NRS 41A.035

This statute imposes a cap of \$350,000 on noneconomic damages.¹ The Court finds that statute is applicable and that Plaintiff's noneconomic damages must not exceed \$350,000. Nevertheless, the Court denies Defendant's request to apportion noneconomic damages between past and future damages. The Court finds that the entire \$350,000 amount of noneconomic damages should be attributed to past damages.

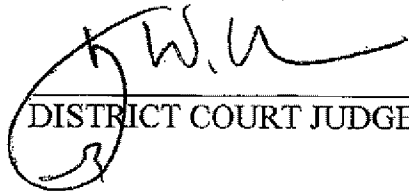
NRS 42.021

Subsections (3) through (8) of this statute deal with periodic payments for future damages. The Court finds that the statutory provisions for periodic payments apply to the amount awarded by the jury for future medical expenses, i.e., \$350,000. The Court finds that this portion of the judgment shall be paid in three periodic payments. The first payment will be the amount of \$175,000, which consists of one-half of the future medical expenses awarded by the jury. This amount will be paid within six months after entry of the amended judgment. The second periodic payment will be the amount of \$88,000, which will be paid within one year after entry of the amended judgment. The final periodic payment will be the amount of \$87,000, which will be paid within 18 months after entry of the amended judgment.

The Court also finds that the \$350,000 amount of future medical expenses awarded by the jury shall draw post-judgment interest, pursuant to NRS 17.130(2), from the time of entry of the judgment until satisfied, with post-judgment interest to be adjusted as each periodic payment is made.

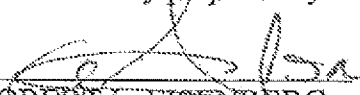
It is so ORDERED.

DATED: February 4, 2016


DISTRICT COURT JUDGE

¹ The Court has also dealt with application of this statute in the Order Regarding Defendant's Motion for Amendment of the Judgment.

1 Order initially prepared by:

2  4114
3 ROBERT L. EISENBERG

4 (Nv. Bar No. 0950)

5 Lemons, Grundy & Eisenberg

6 6005 Plumas Street, Third Floor

7 Reno, Nevada 89519

8 775-786-6868

9 Email: rlc@lge.net

10 *Attorneys for Defendant*
11
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ORIGINAL

ORDR

ROBERT L. EISENBERG (Nevada Bar No. 950)

Lemons, Grundy & Eisenberg

6005 Plumas Street, Third Floor

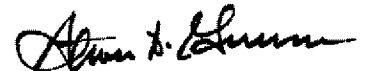
Reno, Nevada 89509

775-786-6868

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Email: rlc@lge.net

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02/10/2016 11:50:25 AM



CLERK OF THE COURT

Anthony D. Lauria

Nevada Bar No. 4114

LAURIA TOKUNAGA GATES & LINN, LLP

601 South Seventh Street, 2nd Floor

Las Vegas, NV 89101

Tel: (702) 387-8633

Fax: (702) 387-8635

ATTORNEYS FOR DEFENDANT

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

BEAU R. ORTH,

Plaintiff,

Case No. A-11-648041

Dept. No. III

vs.

ALBERT H. CAPANNA, M.D.

Defendant.

ORDER REGARDING
DEFENDANT'S MOTION
FOR NEW TRIAL, OR IN
THE ALTERNATIVE, FOR
AMENDMENT OF
JUDGMENT

This matter was heard by the Court on December 16, 2015. Dennis M. Prince, of Eglet Prince, appeared on behalf of Plaintiff Orth. Anthony D. Lauria, of Lauria Tokunaga Gates & Linn, LLP, and Robert L. Eisenberg, of Lemons, Grundy & Eisenberg, appeared on behalf of Defendant Capanna. Having considered the motion papers and the oral arguments by counsel, the Court hereby rules as follows:

///

Motion for New Trial

The Court finds that Defendant has not established grounds for a new trial, pursuant to NRCP 59. The Court affirms its pretrial rulings dealing with discovery and evidence relating to expert witnesses. The Court finds no basis to grant a new trial, pursuant to NRCP 59, regarding discussions about insurance in *voir dire*, jury instructions or arguments by plaintiff's counsel.

The Court also finds no basis for a new trial regarding MRI presentations at trial. And the Court finds no basis for a new trial on other issues raised in Defendant's Motion for New Trial.

Accordingly, the Motion for New Trial is denied.

Motion for Amendment of Judgment

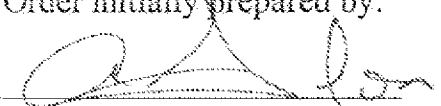
This motion seeks an amendment of the judgment, to comply with NRS 41A.035, which imposes a cap on noneconomic damages. Having considered the motion papers and the arguments of counsel, the Court hereby grants the Motion for Amendment of the Judgment. The noneconomic damages will be reduced to \$350,000. This amount will apply entirely to the past noneconomic damages.

It is so ORDERED.

DATED: Feb 4, 2016


DISTRICT COURT JUDGE

Order initially prepared by:

 4414
ROBERT L. EISENBERG

(Nv. Bar No. 0950)

Lemons, Grundy & Eisenberg

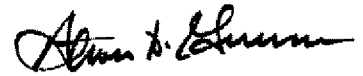
6005 Plumas Street, Third Floor

Reno, Nevada 89519

775-786-6868

Email: rlc@lge.net

Attorneys for Defendant



CLERK OF THE COURT

NEOU
Anthony D. Lauria
Nevada Bar No.: 4114
Kimberly L. Johnson
Nevada Bar No.: 10554
LAURIA TOKUNAGA GATES & LINN, LLP
601 South Seventh Street, 2nd Floor
Las Vegas, Nevada 89101
(702) 387-8633; Fax: (702) 387-8635
Attorneys for *Defendant* ALBERT H. CAPANNA,
M.D.

DISTRICT COURT
CLARK COUNTY NEVADA

BEAU R. ORTH,

Plaintiff,

v.

ALBERT H. CAPANNA, M.D.; DOES
I THROUGH X; ROE BUSINESS
ENTITIES I THROUGH X,

Defendants.

CASE NO. : A-11-648041-C
DEPT. NO. : 3

NOTICE OF ENTRY OF ORDER

NOTICE IS HEREBY GIVEN that the above-entitled court entered its Order
on February 4, 2016, a copy of which is attached.

Dated: February 11, 2016.

LAURIA TOKUNAGA GATES & LINN, LLP

By: /s/ ANTHONY D. LAURIA
Anthony D. Lauria
Nevada Bar No.: 4114
601 South Seventh Street
Las Vegas, Nevada 89101
Attorneys for Defendant

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ORIGINAL

1 ORDR

2 ROBERT L. EISENBERG (Nevada Bar No. 950)

3 Lemons, Grundy & Eisenberg

4 6005 Plumas Street, Third Floor

5 Reno, Nevada 89509

6 775-786-6868

7 775-786-9756

8 Email: rlc@lge.net

9 Anthony D. Lauria

10 Nevada Bar No. 4114

11 LAURIA TOKUNAGA GATES & LINN, LLP

12 601 South Seventh Street, 2nd Floor

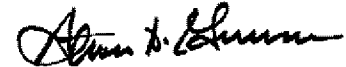
13 Las Vegas, NV 89101

14 Tel: (702) 387-8633

15 Fax: (702) 387-8635

16 ATTORNEYS FOR DEFENDANT

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CLERK OF THE COURT

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

19 BEAU R. ORTH,

20 Plaintiff,

Case No. A-11-648041

Dept. No. III

21 vs.

22 ALBERT H. CAPANNA, M.D.

23 Defendant.

ORDER REGARDING
DEFENDANT'S MOTION
FOR NEW TRIAL, OR IN
THE ALTERNATIVE, FOR
AMENDMENT OF
JUDGMENT

24 This matter was heard by the Court on December 16, 2015. Dennis M. Prince, of
25 Eglet Prince, appeared on behalf of Plaintiff Orth. Anthony D. Lauria, of Lauria
26 Tokunaga Gates & Linn, LLP, and Robert L. Eisenberg, of Lemons, Grundy &
27 Eisenberg, appeared on behalf of Defendant Capanna. Having considered the motion
28 papers and the oral arguments by counsel, the Court hereby rules as follows:

///

Motion for New Trial

The Court finds that Defendant has not established grounds for a new trial, pursuant to NRCP 59. The Court affirms its pretrial rulings dealing with discovery and evidence relating to expert witnesses. The Court finds no basis to grant a new trial, pursuant to NRCP 59, regarding discussions about insurance in *voir dire*, jury instructions or arguments by plaintiff's counsel.

The Court also finds no basis for a new trial regarding MRI presentations at trial. And the Court finds no basis for a new trial on other issues raised in Defendant's Motion for New Trial.

Accordingly, the Motion for New Trial is denied.

Motion for Amendment of Judgment


This motion seeks an amendment of the judgment, to comply with NRS 41A.035, which imposes a cap on noneconomic damages. Having considered the motion papers and the arguments of counsel, the Court hereby grants the Motion for Amendment of the Judgment. The noneconomic damages will be reduced to \$350,000. This amount will apply entirely to the past noneconomic damages.

It is so ORDERED.

DATED: Feb 4, 2016


DISTRICT COURT JUDGE

Order initially prepared by:


ROBERT L. EISENBERG

(Nv. Bar No. 0950)

Lemons, Grundy & Eisenberg
6005 Plumas Street, Third Floor
Reno, Nevada 89519

775-786-6868

Email: rie@lge.net

Attorneys for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

August 08, 2012

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

**August 08, 2012 9:00 AM Status Check:
Medical/Dental
Malpractice**

HEARD BY: Cory, Kenneth **COURTROOM:** Complex Litigation Center
Wiese, Jerry A.

COURT CLERK: Dulce Romea
Alice Jacobson
Sharon Coffman
Aaron Carbajal
Vanessa Ward

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Attorney(s) present: Michael Kane and John Cotton.

The Med-Mal Status Check was conducted by a panel consisting of Judges Jerry A. Wiese II and Kenneth C. Cory. Pursuant to EDCR 1.30, due to unavailability of the court or counsel, CHIEF JUDGE ORDERED case is REASSIGNED to Dept. 12.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

February 05, 2013

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

**February 05, 2013 1:00 PM Status Check:
Medical/Dental
Malpractice**

HEARD BY: Wiese, Jerry A. **COURTROOM:** Complex Litigation Center

COURT CLERK: Alice Jacobson
Sylvia Perez
Andrea Natali
Katrina Hernandez
Michelle Jones

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Appearances by: Adam Schneider and Michael Kane.

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

2/3/14 1:00 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

August 06, 2013

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

**August 06, 2013 9:00 AM Status Check:
Medical/Dental
Malpractice**

HEARD BY: Wiese, Jerry A. **COURTROOM:** Complex Litigation Center

COURT CLERK: Sylvia Perez
Alice Jacobson
Sharon Coffman
Teresa Slade
Keri Cromer

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Attorneys present: Adam Schneider and Evan Schwab

The Med-Mal Status Check was conducted by Judge Jerry A. Wiese II. Colloquy regarding status of the case. COURT ORDERED, trial date VACATED AND RESET. Pursuant to EDCR 1.30, due to the unavailability of the Dept. or counsel, CHIEF JUDGE ORDERED, case TRANSFERRED to Dept. 3. FURTHER, matter SET on next Med-Mal Status Check.

1/6/14 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

February 04, 2014

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

**February 04, 2014 8:30 AM Status Check:
Medical/Dental
Malpractice**

HEARD BY: Wiese, Jerry A. **COURTROOM:** Complex Litigation Center

COURT CLERK: Sylvia Perez
Alice Jacobson
Sharon Coffman
Athena Trujillo
Melissa Murphy
Andrea Natali

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Parties Present: Garnet Beal, Adam Schneider

Colloquy regarding status of the case and Trial setting. Parties anticipated 5 days for trial. COURT ORDERED, matter SET for trial and CONTINUED to next Med-Mal Status Check.

10/13/14 JURY TRIAL (DEPT 03)

CLERK'S NOTE: Court inadvertently gave an inaccurate trial date set for 10/12/14, the above minute order has been AMENDED to reflect the correct trial setting for Department 03.// mm 02/07/14

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

August 12, 2014

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

**August 12, 2014 8:30 AM Status Check:
Medical/Dental
Malpractice**

HEARD BY: Wiese, Jerry A. **COURTROOM:** Complex Litigation Center

COURT CLERK: Keri Cromer
Alice Jacobson
Michelle Jones
Melissa Murphy
Andrea Natali

RECORDER:

REPORTER:

PARTIES

PRESENT: Beal, Garnet E. Attorney
Lauria, Anthony D Attorney

JOURNAL ENTRIES

- The Med-Mal Status Check was conducted by Judge Jerry A. Wiese II. Mr. Lauria stated he filed a motion for a new trial setting; anticipated 8 days for trial. COURT ORDERED, trial date VACATED and RESET. DIRECTED, counsel to meet with Commissioner Bulla.

3/30/15 - JURY TRIAL MEDICAL MALPRACTICE (SET DURING SWEEPS) (DEPT. 3)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

August 12, 2014

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

August 12, 2014 8:30 AM Status Check: Discovery

HEARD BY: Bulla, Bonnie **COURTROOM:** Complex Litigation Center

COURT CLERK: Jennifer Lott

RECORDER:

REPORTER:

PARTIES

PRESENT: Beal, Garnet E. Attorney
 Lauria, Anthony D Attorney

JOURNAL ENTRIES

- Dept. 3; March 30, 2015 Trial date. COMMISSIONER RECOMMENDED, discovery cutoff EXTENDED to 1/9/2015; adding parties, amended pleadings, and initial expert disclosures DUE 10/9/14; rebuttal expert disclosures DUE 11/10/14; FILE dispositive motions by 2/9/2015. Mr. Beal confirmed Pltf had additional treatment two months ago.

Mr. Lauria to prepare the Report and Recommendations, and Mr. Beal to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Lauria to appear at status check hearing to report on the Report and Recommendations.

9/12/14 11:00 a.m. Status Check: Compliance

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

February 03, 2015

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

**February 03, 2015 8:30 AM Status Check:
Medical/Dental
Malpractice**

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 10D

COURT CLERK: Alice Jacobson
Treva Palmer
Tena Jolley
Michelle Jones
Keri Cromer

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Attorneys present: Richard Englemann and Paul Cardinale

The Med-Mal Status Check was conducted by Judge Jerry A. Wiese II. Colloquy regarding status of case. COURT ORDERED, trial date VACATED and RESET due to the unavailability of the Dept. or counsel. FURTHER , matter SET on next Med-Mal Status Check.

8/17/2015: MED-MAL JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

February 03, 2015

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

February 03, 2015 8:30 AM Status Check: Discovery

HEARD BY: Bulla, Bonnie **COURTROOM:** RJC Jury Deliberation Room
10th Floor - North

COURT CLERK: Jennifer Lott

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Attorneys present: Richard Englemann and Paul Cardinale.

Dept. 3; 8/17/15 Trial date. Commissioner previously Recused from this case. Mr. Englemann stated deposition clean up is needed, and Dr. Capanna's deposition is still needed.

COMMISSIONER RECOMMENDED, discovery cutoff EXTENDED to 5/29/15; FILE dispositive motions by 6/29/15.

Mr. Cardinale to prepare the Report and Recommendations, and Mr. Englemann to approve as to form and content. A proper report must be timely submitted within 10 days of the hearing. Otherwise, counsel will pay a contribution. Mr. Cardinale to appear at status check hearing to report on the Report and Recommendations.

3/6/15 11:00 a.m. Status Check: Compliance

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

July 22, 2015

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

July 22, 2015 9:00 AM Calendar Call

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

COURT CLERK: Shelly Landwehr

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT: Lauria, Anthony D Attorney
Prince, Dennis M Attorney

JOURNAL ENTRIES

- Parties announced ready for trial. Mr. Prince stated his expert would need to be on early in the trial and requested jury selection begin on 8/19/15 with witnesses to start on 8/24/15. Mr. Lauria expressed concern stating there are six surgeons that will be testifying. Representations by Mr. Lauria regarding defendant's upcoming motion. Colloquy. COURT ORDERED, trial date VACATED and RESET. FURTHER, all current pending motions RESCHEDULED to 8/10/15.

08/10/15 1:00 PM ALL PENDING MOTIONS

08/19/15 10:30 AM JURY TRIAL (FIRM)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

August 03, 2015

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

**August 03, 2015 8:30 AM Status Check:
Medical/Dental
Malpractice**

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 15D

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

RECORDER:

REPORTER:

PARTIES

PRESENT: Lauria, Anthony D Attorney
Prince, Dennis M Attorney

JOURNAL ENTRIES

- The Med-Mal Status Check was conducted by Judge Jerry A. Wiese II. Colloquy regarding status of the case. COURT ORDERED, trial date STANDS, matter SET on next Med-Mal Status Check.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

August 14, 2015

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

August 14, 2015 1:00 PM All Pending Motions

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

COURT CLERK: Alan Castle

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT: Cardinale, Paul A. Attorney
 Lauria, Anthony D Attorney
 Prince, Dennis M Attorney
 Tarmu, Danielle A. Attorney

JOURNAL ENTRIES

- Plaintiff's Omnibus Motion in Limine No. 1

Item #1 Court Finds Hypothetical medicals are okay if based on something that will be explained later in the case by the evidence or if there is some reasonable inference to what is in the plaintiff's medical records.

#2 Exclude Reference to Plaintiff being a malingerer, magnifying symptoms or manifesting secondary gain motives COURT ORDERED, GRANTED;

#3 Exclude Reference to Defense Medical Examiners as "Independent." COURT ORDERED, GRANTED;

#4 COURT Finds it not improper to say Plaintiff is asking for more than what the "evidence" suggests, however, not proper to for an amount less than Plaintiff expect to receive. COURT ORDERED, GRANTED;

#5 Exclude reference to taxation. No opposition. COURT ORDERED, GRANTED;

#6 Exclude reference to treating physicians on unrelated cases. COURT Finds if similar not unfair to ask about treating practices and being retained as an expert, but not appropriate to ask number of times expert worked counsel. COURT ORDERED, GRANTED IN PART / DENIED IN PART

#7 Exclude collateral sources. Addressed. COURT ORDERED, DENIED WITHOUT PREJUDICE.

Defendant's [Omnibus] Motions in Limine

#1 Exclude evidence relating to malpractice insurance coverage - COURT ORDERED, GRANTED;

#2 Exclude evidence relating to other claims - COURT admonished counsel and Finds sometimes regardless of the case, the witness will infer just by talking and make irrelevant statements. COURT ORDERED, GRANTED;

#3 Exclude evidence relating to Plaintiff's Nevada State Board of Medical Examiners' Complaint COURT ORDERED, GRANTED;

#4 Exclude evidence from Plaintiff's expert's report and testimony regarding Nevada Board of Medical Examiner's Complaint. COURT ORDERED, GRANTED

#5 Seek permission from Court during opening for demonstratives that are not stipulated; or Court and parties must go over beforehand; especially proposed evidence;

#6 Exclude evidence of claims for lost wages. No opposition. COURT ORDERED, GRANTED;

#7 Exclude evidence relating to medical matter by Plaintiff or lay witness. COURT ORDERED, GRANTED;

#8 Exclude evidence relating to the residence of defense counsel. No opposition. COURT ORDERED, GRANTED;

#9 Exclude evidence of alleged acts of negligence not the legal and proximate cause of harm to Plaintiff. COURT ORDERED, GRANTED;

#10 Exclude personal opinions and preferences of Plaintiff's experts. COURT ORDERED, GRANTED;

#11 Exclude opinions by Plaintiff's expert other than those provided at deposition, or, contained in expert's report. COURT Finds it would not be proper to supplement opinion at trial unless there is notice pursuant to the rules. COURT ORDERED, CONDITIONALLY GRANTED;

#12 Exclude testimony from an untimely identified expert witness. No opposition. COURT ORDERED, GRANTED;

#13 Sequence of testifying witness. COURT Finds asking generally who will be testifying is helpful for smoother flow and schedule planning. COURT ORDERED, GRANTED;

#14 Exclusionary rule INVOKED.

#15 COURT Finds there will be considerable 'crossover' based on the variety of medical disciplines, which is not necessarily cumulative as much as a different perspective. COURT ORDERED, GRANTED;

#16 Exclude reference to failure to call a doctor or witness. COURT Finds there may be comment from both sides if relevant to the case. COURT ORDERED, DENIED.

- Plaintiff's Motion in Limine No. 2: to Exclude Irrelevant and/or Unduly Prejudicial Information
COURT ORDERED, GRANTED.

Plaintiff's Motion in Limine No. 3: to Exclude Prior Unrelated Medical Conditions
COURT ORDERED, GRANTED.

Plaintiff's Motion in Limine No. 4: Permit Treating Physicians to Testify as to Causation, Diagnosis, Prognosis, Future Treatment, and Extent of Disability Without a Formal Expert Report
COURT ORDERED, GRANTED.

Plaintiff's Motion No. 5 to Allow Parties to Present a Jury Questionnaire Prior to Voir Dire
COURT FINDS WITHDRAWN; not practical due to timing.

Plaintiff's Motion in Limine No. 6: to Limit Defendant's Experts' Testimony to the Opinions and Bases Set Forth in Their Expert Reports
COURT ORDERED, GRANTED.

Plaintiff's Motion to Declare NRS 42.021 and NRS 41A.035 Unconstitutional
NRS 42.021 Actions based on professional negligence of providers of health care: Introduction of certain evidence relating to collateral benefits; restrictions on source of collateral benefits; payment of future damages by periodic payments. COURT FINDS the law says the statute passes constitutional scrutiny at this time and ORDERED, motion DENIED.

NRS 41A.035 Limitation on amount of award for noneconomic damages. In an action for injury or death against a provider of health care based upon professional negligence, the injured plaintiff may recover noneconomic damages, but the amount of noneconomic damages awarded in such an action must not exceed \$350,000. COURT FINDS the law says the statute passes constitutional scrutiny at

this time and the support of the ballot measure. COURT ORDERED, DENIED.

Plaintiff's Motion to Strike Defendant's Untimely Disclosures on Order Shortening Time
COURT ORDERED, DENIED.

Defendant's Opposition to Plaintiff's Motion to Strike Untimely Disclosures and Counter-Motion to
Exclude Improper "Supplemental" Disclosures and Claims for Future Damages
COURT ORDERED, DENIED.

Plaintiff's Motion for a Rebuttable Presumption Jury Instruction Pursuant to NRS 41A.100
COURT thinks Plaintiff is entitled and Finds inclined to give instruction, but DEFERRED RULING
until after the evidence has been presented and not be given as a pre-instruction.

Defendant's Motion re Application of NRS 50.275 and to Exclude Testimony regarding Future
Treatment and Surgery Made Without Scientific Basis
COURT ORDERED, DENIED.

Defendant's Trial Brief and Motion to Limit Damages to those Caused by Acts of Alleged Negligence
CONTINUED TO 8/19/15 @ 10:00 a.m.

8/19/15 10:00 a.m. Defendant's Trial Brief and Motion to Limit Damages to those Caused by Acts of
Alleged Negligence /// Jury Trial

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

August 19, 2015

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

August 19, 2015 10:00 AM Motion

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

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Capanna, MD, Albert H	Defendant
	Cardinale, Paul A.	Attorney
	Lauria, Anthony D	Attorney
	Orth, Beau R	Plaintiff
	Prince, Dennis M	Attorney
	Tarmu, Danielle A.	Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED.

CONTINUED TO: 8/20/15 12:00 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

August 19, 2015

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

August 19, 2015 10:30 AM Jury Trial - FIRM

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

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Capanna, MD, Albert H	Defendant
	Cardinale, Paul A.	Attorney
	Lauria, Anthony D	Attorney
	Orth, Beau R	Plaintiff
	Prince, Dennis M	Attorney
	Tarmu, Danielle A.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Discussion regarding Voir Dire and Jury selection. Mr. Prince advised parties have stipulated to majority of exhibits with the exception of medical bills. Colloquy regarding billing.

PROSPECTIVE JURY PANEL PRESENT: Introductions by Court and counsel. Clerk called roll of the prospective jury panel. Voir Dire of panel. .

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Colloquy regarding challenges for cause.

PROSPECTIVE JURY PANEL PRESENT: Voir Dire of panel.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Colloquy regarding scheduling.

CONTINUED TO: 8/20/15 12:00 PM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

August 20, 2015

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

August 20, 2015	12:00 AM	Motion	Defendant's Trial Brief and Motion to Limit Damages to those Caused by Acts of Alleged Negligence
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HEARD BY: Herndon, Douglas W.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Capanna, MD, Albert H	Defendant
	Cardinale, Paul A.	Attorney
	Lauria, Anthony D	Attorney
	Orth, Beau R	Plaintiff
	Prince, Dennis M	Attorney
	Tarmu, Danielle A.	Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED.

CONTINUED TO: 8/21/15 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

August 20, 2015

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

August 20, 2015 12:00 AM Jury Trial - FIRM

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

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Capanna, MD, Albert H	Defendant
	Cardinale, Paul A.	Attorney
	Lauria, Anthony D	Attorney
	Orth, Beau R	Plaintiff
	Prince, Dennis M	Attorney
	Tarmu, Danielle A.	Attorney

JOURNAL ENTRIES

- OUTSIDE PRESENCE OF THE PROSPECTIVE JURY PANEL: Discussion regarding schedule and testimony of expert witnesses.

PROSPECTIVE JURY PANEL PRESENT: Juror #20 was excused for cause as she was delayed at a doctor's appointment. Voir Dire by Plaintiff s continued. Voir dire by Defense.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Court made a record of the bench conference as to challenges for cause.

PROSPECTIVE OF JURY PANEL PRESENT: Court admonished jury and excused for the evening.

CONTINUED TO: 8/21/15 8:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

August 21, 2015

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

August 21, 2015 8:30 AM Motion

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

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Capanna, MD, Albert H	Defendant
	Cardinale, Paul A.	Attorney
	Lauria, Anthony D	Attorney
	Orth, Beau R	Plaintiff
	Prince, Dennis M	Attorney
	Tarmu, Danielle A.	Attorney

JOURNAL ENTRIES

- Arguments by Mr. Lauria as to the computation of damages and the additional \$350,000 being requested. Arguments by Mr. Prince as to future damages, noting error that was filed in disclosure form. Court stated FINDINGS and ORDERED, Motion DENIED, noting he will allow future damages. Mr. Lauria requested he make a standing objection as to statements in opening as to future damages. Court GRANTED requested and noted he should raise standing objection during testimony. Arguments as to Mr. Lauria requesting to exclude questions regarding defendant going to law school. Arguments by Mr. Prince. Court GRANTED request to exclude reference that defendant attended law school. Further arguments by Mr. Prince as to Dr. Capanna's testimony, opposing any diagrammatic drawings of procedure. Court stated counsel may cross-examine witnesses regarding any drawings.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

August 21, 2015

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

August 21, 2015 8:30 AM Jury Trial - FIRM

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

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Capanna, MD, Albert H	Defendant
	Cardinale, Paul A.	Attorney
	Lauria, Anthony D	Attorney
	Orth, Beau R	Plaintiff
	Prince, Dennis M	Attorney
	Tarmu, Danielle A.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Mr. Lauria noted objection to questioning regarding insurance during Voir dire and concern the jury has been prejudiced, therefore, requested a mistrial. Arguments by Mr. Prince. Court DENIED request for mistrial.

PROSPECITVE JURY PANEL PRESENT: Voir dire continued.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Peremptory challenge exercised. Discussion regarding Motion in Limine as to expert testimony regarding family history. Arguments by counsel as to Motion to Limit Damages to those Caused by Acts of Alleged Negligence. Court stated FINDINGS and ORDERED, Motion DENIED. Discussion regarding Dr. Capanna's testimony.

JURY PANEL PRESENT: Jury SELECTED and SWORN. Opening statements by Mr. Prince. Opening statements by Mr. Lauria. Court ADMONISHED and EXCUSED jury for the weekend

recess. COURT ORDERED, trial CONTINUED.

CONTINUED TO: 8/24/15 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

August 24, 2015

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

August 24, 2015 9:00 AM Jury Trial - FIRM

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

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Capanna, MD, Albert H	Defendant
	Cardinale, Paul A.	Attorney
	Lauria, Anthony D	Attorney
	Orth, Beau R	Plaintiff
	Prince, Dennis M	Attorney
	Tarmu, Danielle A.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY PANEL: Counsel stated stipulation as to exhibits and noted objections for the record. Colloquy regarding scheduling of witness testimony.

JURY PANEL PRESENT: Testimony and exhibits presented (see worksheets). DEPOSITION PUBLISHED IN OPEN COURT.

OUTSIDE THE PRESENCE OF THE JURY: Mr. Prince noted objection to the record regarding Dr. Belzberg's testimony. Arguments by Mr. Lauria. Court stated questions as to supplemental report are permitted.

JURY PRESENT: Testimony and Exhibits presented (see worksheets).

Court admonished jury and excused for the evening.

CONTINUED TO: 8/25/15 11:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

August 25, 2015

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

August 25, 2015 11:00 AM Jury Trial - FIRM

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

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Capanna, MD, Albert H	Defendant
	Cardinale, Paul A.	Attorney
	Lauria, Anthony D	Attorney
	Orth, Beau R	Plaintiff
	Prince, Dennis M	Attorney
	Tarmu, Danielle A.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Mr. Lauria noted objection as to Dr. Yoo's as to need of future treatment, noting report was untimely. Discussion regarding questioning of witness.

JURY PRESENT: Testimony and exhibits presented. (See worksheet).

OUTSIDE THE PRESENCE OF THE JURY: Discussion regarding availability of witnesses.

JURY PRESENT: Testimony and exhibits presented. (See worksheets).

CONTINUED TO: 8/26/15 10:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

August 26, 2015

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

August 26, 2015 10:30 AM Jury Trial - FIRM

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

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Capanna, MD, Albert H	Defendant
	Cardinale, Paul A.	Attorney
	Lauria, Anthony D	Attorney
	Orth, Beau R	Plaintiff
	Prince, Dennis M	Attorney
	Tarmu, Danielle A.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Mr. Lauria requested Mr. Prince provide a copy of the cd be provided to the court of the demonstrative images. Court stated any power point presentation and demonstrative exhibits prior to the end of trial.

JURY PRESENT: Testimony and exhibits presented (See worksheet).

OUTSIDE THE PRESENCE OF THE JURY: Discussion regarding document to be discussed during testimony of Dr. Capanna. Mr. Prince argued document has been stipulated to in the exhibits. Arguments by Mr. Lauria. Court granted request to exclude testimony about suspension.

JURY PRESENT: Court noted question regarding suspension be stricken. Testimony and exhibits presented (See Worksheet).

OUTSIDE PRESENCE OF THE JURY: Discussion regarding objections.

CONTINUED TO: 8/26/15 10:30 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

August 27, 2015

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

August 27, 2015 10:30 AM Jury Trial - FIRM

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

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Capanna, MD, Albert H	Defendant
	Cardinale, Paul A.	Attorney
	Lauria, Anthony D	Attorney
	Orth, Beau R	Plaintiff
	Prince, Dennis M	Attorney
	Tarmu, Danielle A.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Mr. Lauria requested court sign an order for counsel to obtain medical records. ORDER SIGNED IN OPEN COURT.

JURY PRESENT: Testimony and exhibits presented. (See worksheet).

CONTINUED TO: 8/27/15 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

August 28, 2015

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

August 28, 2015 9:00 AM Jury Trial - FIRM

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

COURT CLERK: April Watkins

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Capanna, MD, Albert H	Defendant
	Cardinale, Paul A.	Attorney
	Lauria, Anthony D	Attorney
	Orth, Beau R	Plaintiff
	Prince, Dennis M	Attorney
	Tarmu, Danielle A.	Attorney

JOURNAL ENTRIES

- OUTSIDE PRESENCE OF THE JURY:

Colloquy regarding witnesses and testimony.

JURY PRESENT:

Testimony and exhibits presented. (See worksheets).

OUTSIDE THE PRESENCE OF THE JURY:

Mr. Lauria moved for Rule 50(a) Motion and argued in support. Colloquy. Further argument by Mr. Lauria. Opposition by Mr. Prince. COURT ORDERED, motion DENIED. Court noted Pltf. will be withdrawing Ruggeroli claim and counsel precluded from bringing it up. Additional argument by

Mr. Lauria.

Jury instructions argued by counsel and not settled.

Court recessed.

CONTINUED TO: 8/31/15 8:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

August 31, 2015

A-11-648041-C	Beau Orth, Plaintiff(s) vs. Albert Capanna, MD, Defendant(s)
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August 31, 2015 8:00 AM Jury Trial - FIRM

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

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Capanna, MD, Albert H	Defendant
	Cardinale, Paul A.	Attorney
	Lauria, Anthony D	Attorney
	Orth, Beau R	Plaintiff
	Prince, Dennis M	Attorney
	Tarmu, Danielle A.	Attorney

JOURNAL ENTRIES

- JURY PRESENT: Testimony and exhibits presented. (See worksheet).

OUTSIDE THE PRESENCE OF THE JURY: Defense rests. Plaintiff's rebuttal witness sworn and testified. (See worksheet). Plaintiff rests. Court ADMONISHED jury and excused for the evening.

OUTSIDE THE PRESENCE OF THE JURY: Jury Instructions settled on the record. Mr. Prince moved for Rule 50(a) Motion and argued in support. Colloquy. Arguments by Mr. Lauria. Further arguments by Mr. Prince. COURT ORDERED, motion DENIED. Colloquy regarding exhibits.

CONTINUED TO: 9/1/15 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

September 01, 2015

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

September 01, 2015 10:00 AM Jury Trial - FIRM

HEARD BY: Herndon, Douglas W.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Capanna, MD, Albert H	Defendant
	Cardinale, Paul A.	Attorney
	Lauria, Anthony D	Attorney
	Orth, Beau R	Plaintiff
	Prince, Dennis M	Attorney
	Tarmu, Danielle A.	Attorney

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Discussion regarding exhibits and Jury Instructions.

JURY PRESENT: Court read jury instructions to the jury. Closing arguments by Mr. Prince.

OUTSIDE THE PRESENCE OF THE JURY: Mr. Lauria noted for the record objection regarding slide that was used during closing argument. COURT SO NOTED.

JURY PRESENT: Closing arguments continued. At the hour of 4.42 p.m., the Jury retired to begin deliberations.

CONTINUED TO: 9/2/15 10:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

September 02, 2015

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

September 02, 2015 10:00 AM Jury Trial - FIRM

HEARD BY: Herndon, Douglas W.

COURTROOM: RJC Courtroom 16C

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT:	Capanna, MD, Albert H	Defendant
	Lauria, Anthony D	Attorney
	Orth, Beau R	Plaintiff
	Prince, Dennis M	Attorney
	Tarmu, Danielle A.	Attorney

JOURNAL ENTRIES

- JURY PRESENT: Jury returned at 10:00 a.m. for deliberations. At the hour of 12.29 p.m., the Jury returned with a verdict for the Plaintiff. Jury polled. Court thanked and excused jury.

Request for Application of N.R.S. 41A.035, N.R.S. 42.021 FILED IN OPEN COURT.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

October 14, 2015

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

October 14, 2015 9:00 AM Motion to Stay

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

COURT CLERK: Deborah Miller

RECORDER:

REPORTER:

PARTIES

PRESENT: Lauria, Anthony D Attorney
Prince, Dennis M Attorney

JOURNAL ENTRIES

- Mr. Lauria argued judgment is improper as it exceed \$350,000, noting he filed a pleading the day of the verdict. Arguments by Mr. Prince argued as to the lack of procedural basis to stay Entry of Judgment. Further arguments by counsel. COURT ORDERED, Motion DENIED; Mr. Lauria to file appropriate motions. COURT FURTHER ORDERED, Briefing schedule SET as follows: defense to file motion on or before October 23, 2015; plaintiff to reply on or before November 4, 2014; defense to reply on or before November 13, 2015, matter SET for argument. Discussion regarding Entry of Judgment.

Discussion regarding whether or not the PowerPoint with the MRI cuts was marked as a court exhibit. Court stated he does not recall it being marked as an exhibit, however, it will need to be submitted if they were ordered by the Court.

11/18/15 9:00 AM ARGUMENT: MOTIONS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

November 18, 2015

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

November 18, 2015 9:00 AM All Pending Motions

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

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- Argument: Motions...Defendant's Motion for Application of NRS 41A.035, NRS 42.021

Court stated counsel is requesting matter be continued until December 16, 2015 when the Motion for New Trial is set to be heard. COURT SO ORDERED.

CONTINUED TO: 12/16/15 9:00 AM

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Malpractice - Medical/Dental

COURT MINUTES

December 16, 2015

A-11-648041-C Beau Orth, Plaintiff(s)
vs.
Albert Capanna, MD, Defendant(s)

December 16, 2015 9:00 AM All Pending Motions

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

COURT CLERK: Deborah Miller

RECORDER: Sara Richardson

REPORTER:

PARTIES

PRESENT: Eisenberg, Robert L. Attorney
 Lauria, Anthony D Attorney
 Prince, Dennis M Attorney

JOURNAL ENTRIES

- DEFENDANT'S MOTION FOR NEW TRIAL, OR IN THE ALTERNATIVE, FOR AMENDMENT OF JUDGMENT...DEFENDANT'S MOTION FOR APPLICATION OF NRS 41A.035, NRS. 42.021

Court noted that the Motion for Attorney Fees and Costs will be done on his chambers calendar to allow him time to review all the billings. As to Defendant's Motion for a New Trial, Counsel submitted on the motion. Court stated FINDINGS and ORDERED, motion DENIED, noting the allegations fall under the seventh category of error in law.

As to Defendant's Motion for Application of NRS 41A.035, NRS 42.021, Mr. Lauria argued NRS 41A.035 and NRS 42.021 are mandatory per the statute. Arguments by Mr. Prince as to the jury award and the constitutionality of NRS 41A.035. Discussion regarding judgment of order. Mr. Prince to provide copies to the defense prior to signature in the future. Further arguments by counsel as to periodic payments and future damages. COURT ORDERED, Motion GRANTED as to 41A, Pain and Suffering awards reduced to \$350,000, noting law is constitutional; interest will start accruing at the time of the order. COURT FURTHER ORDERED, Motion GRANTED as to 42.021, periodic payments

set as follows: \$175,000 to be paid within six months, \$88,000 to be paid at the period of twelve months, and the remaining \$87,000 to be paid at the period of 18 months. Mr. Prince inquired as to the security for the payments. Mr. Eisenberg noted the statute states if the judgment debtor is not adequately insured, the Court can require security adequate to it. Court stated an amended judgment will be prepared and Mr. Prince will provide a copy to Mr. Lauria prior to signature. Further discussion regarding insurance. Court stated he will make the ruling on fees and costs and Mr. Prince may litigate security for the periodic payments in writing if he believes they should be entitled to it. Mr. Lauria to prepare orders on motions. Mr. Lauria noted for the record that he and Mr. Prince had an agreement that there would be no attempt to execute on the judgments until all the post trial orders are noticed or filed. Mr. Prince stated that he is not agreeing to counsel's representations. Further discussion regarding execution of judgment. Mr. Prince agreed to not seek any execution of judgment until the amended judgment order, order on today's motions, and order regarding Court's decision on fees and costs are filed.

Beau Orth vs. Albert Capanna, M.D.
Case No. A-11-648041-C; Department III

PLAINTIFF'S TRIAL EXHIBITS

	Description	Stipulated	Objected	Offered	Admitted
1.	Medical records from International Neuroscience (P00001 – P00096)	X		8-24-15	8-24-15
2.	Billing records from International Neuroscience (P00097 – P00099)	X			
3.	Medical records from Desert Institute of Spine Care (P00100 – P00225)	X			
4.	Billing records from Desert Institute of Spine Care (P00226)	X			
5.	Medical records from Steinberg Diagnostic Medical Imaging (P00227 – P00232)	X			
6.	Billing records from Steinberg Diagnostic Medical Imaging (P00233 – P00235)	X			
7.	Medical records from McKenna and Ruggeroli Pain Specialists (P00236 – P00257)	X			
8.	Billing records from McKenna and Ruggeroli Pain Specialists (P00258 – P00259)	X			
9.	Medical records from Surgical Arts Center (P00260 – P00445) <i>P00318 removed by stipulation of counsel</i>	X			
10.	Billing records from Surgical Arts Center (P00446 – P00448)	X			
11.	Medical records from Desert Radiologists (P00449 – P00451)	X			
12.	Billing records from Desert Radiologists (P00452 – P00454)	X			
13.	Medical records from Axiom Imaging of Las Vegas (P00455 – P00457)	X			
14.	Medical records from Clinical Neurology Specialists (P00458 – P00473)	X			
15.	Medical records from Keith Kleven Physical Therapy (P00474 – P00714)	X			

	Description	Stipulated	Objected	Offered	Admitted
16.	Billing records from Keith Kleven Physical Therapy (P00715 – P00737)	X		8-24-15	8-24-15
17.	Medical records from University Medical Center (P00738 – P00793)	X			
18.	Billing records from University Medical Center (P00794 – P00798)	X			
19.	Medical records from Southern Hills Hospital (P00799 – P01045)	X			
20.	Billing records from Southern Hills Hospital (P01046 – P01052)	X			
21.	Billing records from Radiology Specialists (P01053 – P01054)	X			
22.	Medical records from PBS Anesthesia (P01055 – P01058)	X			
23.	Billing records from PBS Anesthesia (P01059)	X			
24.	Billing records from Andrew L. Zak, M.D. (P01060 – P02062)	X			
25.	Billing records from ProCare Medical Center (P01063)	X			
26.	Life Expectancy Table (P01064 – P01065)	X			
27.	Medical Billing Summary (P01066)		X	8-24-15	not Admitted
28.	University Medical Center – Call Sheet, July, 2008 – January, 2012 DMC (P01064 – P01111) P01067		X		not Admitted
29.	University Medical Center – Surgery Schedule of Albert Capanna, M.D., 1/1/2008 – 5/11/2015 (P01112 – P01125)		X		not Admitted
30.	Consent for Operation	8-24-15			not Admitted

DEFENDANT'S EXHIBIT LIST

TRIAL DATE: Aug. 19, 2015

Case No.: A648041	Clerk: <i>Debbie Miller</i>
Dept.: III Judge: Douglas Herdon	Recorder: <i>Sara Richardson</i>
Pltf(s): Beau Orth	Pltf's Counsel: Dennis M. Prince, Esq.
	Jo
Deft(s): Albert H. Capanna, M.D.	Deft's Counsel: Anthony D. Lauria, Esq.
	Paul A. Cardinale, Esq.

Exh. No.	Description	Date Offered	Obj.	Date Admitted
A	Plaintiff's Complaint filed on September 8, 2011			
B	Defendant's Answer to Plaintiff's Complaint filed on January 11, 2012			
C	Medical records from Michael Milligan, M.D./A. Scott Martin, M.D. Bates Stamped: <i>C001 - C028</i>	<i>8-24-15</i>	<i>YCO</i>	<i>NOT Admitted</i>
D	Billing records from Michael Milligan, M.D. / A.S. Martin, M.D. Bates Stamped: <i>D001 - D029</i>	<i>8-24-15</i>	<i>Stop</i>	<i>8-24-15</i>
E	Medical records from Desert Radiologist Bates Stamped: <i>E001 - E017</i>			
F	Billing records from Desert Radiologist Bates Stamped: <i>F001</i>			
G	Medical records from McKenna and Ruggeroli Pain Specialists Bates Stamped: <i>G001 - G119</i>			
H	Billing records from McKenna and Ruggeroli Pain Specialists Bates Stamped: <i>H001 - H004</i>			
I	Medical records from Clinical Neurology Specialists Bates Stamped: <i>I001 - I009</i>			
J	Billing records from Clinical Neurology Specialists Bates Stamped: <i>J001</i>			
K	Medical records from International Neuroscience (Dr. Capanna) Bates Stamped: <i>K001 - K119</i>			
L	Billing records from International Neuroscience (Dr. Capanna) <i>L001 - L003</i>			

DEFENDANT'S EXHIBIT LIST

TRIAL DATE: Aug. 19, 2015

Exh. No.	Description	Date Offered	Obj.	Date Admitted
	<i>Bates Stamped:</i>			
M	Medical records from Axion Imaging of Las Vegas <i>Bates Stamped: m001-m005</i>	8-24-15	stip	8-24-15
N	Medical records from University Medical Center <i>Bates Stamped: N001-N059</i>			
O	Billing records from University Medical Center <i>Bates Stamped: 0001-005</i>			
P	Medical and billing records from PBS Anesthesia <i>Bates Stamped: P001-P005</i>			
Q	Billing records from PBS Anesthesia <i>Bates Stamped: Q001</i>			
R	Medical records from Steinberg Diagnostic Medical Imaging <i>Bates Stamped: 0273-0285 R001-R002</i>			
S	Billing records from Steinberg Diagnostic Medical Imaging <i>Bates Stamped: 0273-0285 S001</i>			
T	Medical records from Desert Institute of Spine Care (Dr. Cash) <i>Bates Stamped: 0287-0354 T001-T121</i>			
U	Billing records from Desert Institute of Spine Care (Dr. Cash) <i>Bates Stamped: 0355 U001-U002</i>			
V	Updated billing records from Desert Institute of Spine Care (Dr. Cash) <i>V001-V028</i>			
W	Medical records from Southern Hills Hospital <i>Bates Stamped: W001-W247</i>			
X	Billing records from Southern Hills Hospital <i>Bates Stamped: 0606-0614 X001-X009</i>			

DEFENDANT'S EXHIBIT LIST

TRIAL DATE: Aug. 19, 2015

Exh. No.	Description	Date Offered	Obj.	Date Admitted
Y	Medical records from Keith Kleven Physical Therapy Bates Stamped: 0615-0732 Y001 - Y128	8-24-15	Slip	8-24-15
Z	Billing records from Keith Kleven Physical Therapy Bates Stamped: 0733-0742 Z001 - Z013			
AA	Billing records from Andrew L. Zak, M.D. Bates Stamped: 0743-0745 AA001 - A003			
BB	Desert Radiologists, Medical Imaging Report dated 8/31/12 Bates Stamped: B001 - B002			
CC	Billing records from Desert Radiologists (Zotec Partners) dated 8/31/12 Bates Stamped: CC001 - CC002			
DD	Records from UCLV Athletic Training DD001-DD025	8-24-15	yes	8-24-15
EE	Plaintiff's Answers to Defendant's Interrogatories	8-24-15	yes	8-31-15
FF	Plaintiff's Response to Defendant's Request for Production of Documents	8-24-15	yes	Court Exhibit #13
GG	Plaintiff's Supplement to Response to Defendant's Request for Production of Documents			not Admitted
HH	Plaintiff's Response to Defendant's Second Set of Request for Production of Documents			
II	Plaintiff's Answers to Defendant's Second Set of Interrogatories			
JJ	Plaintiff's Response to Defendant's Third Set of Request for Production of Documents			
KK	Plaintiff's Answers to Defendant's Third Set of Interrogatories			
LL	Plaintiff's Response to Defendant's Fourth Set of Request for Production of Documents			Court Exhibit #14 8-31-15
MM	Plaintiff's Response to Defendant's Request for Admissions			not Admitted

DEFENDANT'S EXHIBIT LIST

TRIAL DATE: Aug. 19, 2015

Exh. No.	Description	Date Offered	Obj.	Date Admitted
NN	Curriculum Vitae, Testimony List and Fee Schedule for Allan Belzberg, B.Sc., M.D., FRCS	8-24-15	yco	8-24-15
OO	Expert Report prepared by Allan Belzberg, B.Sc., M.D., FRCS			not Admitted
PP	Supplemental Expert Report prepared by Allan Belzberg, B.Sc., M.D., FRCS dated 7/20/15			
QQ	Curriculum Vitae, Testimony List and Fee Schedule for Marc D. Kaye, M.D.			
RR	Expert Report prepared by Marc D. Kaye, M.D. dated 8/5/13			
SS	Power Point prepared by Marc D. Kaye, M.D.			
TT	Updated Power Point prepared by Marc D. Kaye, M.D.			
UU	Curriculum Vitae, Testimony and Fee Schedule for Reynold L. Rimoldi, M.D.			
VV	Expert Report prepared by Reynold L. Rimoldi, M.D. dated 7/17/13			
WW	Supplemental Expert Report prepared by Reynold L. Rimoldi, M.D. dated 5/26/15			
XX	Supplemental Expert Report prepared by Reynold L. Rimoldi, M.D. dated 7/24/15			
YY	Steinberg Diagnostic Medical Imaging and records which include an MRI of the lumbar spine dated 3/21/14	8-24-15	stip	8-24-15
ZZ	Steinberg Diagnostic Medical Imaging billing records	8-24-15	stip	8-24-15
AAA	Surgical Arts Center billing including facility for injections by Dr. Ruggeroli on 3/26/14, 4/16/14, and 5/14/14			
BBB	Medical records from Surgical Arts Center			
CCC	Updated billing from Desert Institute of Spine Care through 3/18/14 (Dr. Cash)			
DDD	UNLV - MRI Lumbar spine dated 2/8/10			not Admitted

DEFENDANT'S EXHIBIT LIST

TRIAL DATE: Aug. 19, 2015

Exh. No.	Description	Date Offered	Obj.	Date Admitted
EEE	Axion Imaging – MRI Lumbar spine dated 9/2/10	8-24-15	stop	not Admitted
FFF	Axion Imaging – MRI Lumbar spine dated 9/2/10	1	1	
GGG	Dr. Capanna's Operative Report	8-24-15	stop	8-24-15
HHH	Dr. Cash's Operative Report	8-24-15	stop	8-24-15
III	Dr. Ruggeroli's Operative Report dated 4/16/14	8-24-15	stop	8-24-15
JJJ	Desert Radiologists, MRI taken 2/3/2009	8-24-15		NOT Admitted
KKK	Desert Radiologists, MRI taken 2/18/2010			
LLL	Desert Radiologists, MRI taken 8/31/2012			
MMM	Steinberg Diagnostics, MRI Lumbar taken 10/6/2010			
NNN	Steinberg Diagnostics, MRI Lumbar taken 3/13/2014			
OOO	Desert Institute of Spine Care, X-ray, Lumbar dated 10/12/10			
PPP	Desert Institute of Spine Care, X-ray, Lumbar dated 11/3/2010			
QQQ	Desert Institute of Spine Care, X-ray, Lumbar dated 12/1/2010			
RRR	Desert Institute of Spine Care, X-ray, Lumbar dated 2/8/2011			
SSS	Desert Institute of Spine Care, X-ray, Lumbar dated 8/28/2012			
TTT	Desert Institute of Spine Care, X-ray, Lumbar dated 10/12/10			
UUU	Article entitled Microdiscectomy for the treatment of lumbar disc herniation: an evaluation of reoperations and long-term outcomes, Evid Base Spine Care J., 2014	8-24-15	6/10	Not Admitted

DEFENDANT'S EXHIBIT LIST

TRIAL DATE: **Aug. 19, 2015**

Exh. No.	Description	Date Offered	Obj.	Date Admitted
	Oct; 5(2): 77-86.			
VVV	Article entitled Limited microdiscectomy for lumbar disk herniation: a retrospective long-term outcome analysis, J. Spinal Disord Tech., 2014 Feb; 27(1):E8-E13.	8-24-15	yes	not Admitted
WWW	Article entitled Recurrent disc herniation and long-term back pain after primary lumbar discectomy: review of outcomes reported for limited versus aggressive disc removal, Neurosurgery, 2009 Feb; 64(2):338-44.			
XXX	Article entitled Long-term back pain after a single-level discectomy for radiculopathy: incidence and health care cost analysis, J Neurosurg Spine, 2010 Feb; 12(2):178-82.			
YYY	Article entitled Microdiscectomy for the treatment of lumbar disc herniation: an evaluation of reoperations and long-term outcomes, Evid Based Spine Care J., 2014 Oct; 5(2):77-86.			
ZZZ	Article entitled Mid- to long-term outcome of disc excision in adolescent disc herniation, Spine J, 2006 Jul-Aug; 6(4):380-4.			
AAAA	Article entitled The outcomes of lumbar microdiscectomy in a young, active population: correlation by herniation type and level, Spine (Phila Pa 1976). 2008 Jan 1; 33(1):33-8.			
BBBB	Article entitled Minimally invasive surgery for lumbar disc herniation: a systematic review and meta-analysis, Eur Spine J. 2014 May;23(5):1021-43.			
CCCC	Article entitled Is the rate of re-operation after primary lumbar microdiscectomy affected by surgeon grade or intra-operative lavage of the disc space? Br J Neurosurg., 2014 Apr; 28(2):247-51			
DDDD	Article entitled Reoperation for recurrent lumbar disc herniation: a study over a 20-year period in a Japanese population, J Orthop Sci., 2012 Mar; 17(2): 107-13.			

DEFENDANT'S EXHIBIT LIST

TRIAL DATE: Aug. 19, 2015

Exh. No.	Description	Date Offered	Obj.	Date Admitted
EEEE	Article entitled Long-term outcomes of lumbar microdiscectomy in a working class sample, Neurocirugia (Astur), 2011 Ju: 22(3):235-44.	8-24-15	yes	not Admitted
FFFF	Article entitled The efficacy of minimally invasive discectomy compared with open discectomy: a meta-analysis of prospective randomized controlled trial, J. Neurosurg Spine, 2012 May; 16(5):452-62.			
GGGG	Article entitled Reoperation rate after surgery for lumbar spinal stenosis without spondylolisthesis: a nationwide cohort study. Spine J. 2013 Oct; 13(10):1230-7.			
HHHH	Article entitled 5-year reoperation rates after different types of lumbar spine surgery. Spine (Phila Pa 1976). 1988 Apr 1; 23(7):814-20.			
IIII	Article entitled Revision surgery following operations for lumbar stenosis. J Bone Joint Surg Am. 2011 Nov 2; 93(21):1979-86.			
JJJJ	Article entitled Surgery for spinal stenosis: long-term reoperation rates, health care cost, and impact of instrumentation. Spine (Phila Pa 1976). 2014 May 20; 39(12):978-87.			
KKKK	Article entitled Complications, reoperation rates, and health-care cost following surgical treatment of lumbar spondylolisthesis. J Bone Joint Surg. Am, 2013 Nov 6; 95(21):e 162.			
LLLL	Article entitled Reoperation rate after surgery for lumbar herniated intervertebral disc disease: nationwide cohort study. Spine (Phila Pa 1976). 2013 Apr 1; 38(7):581-90			
MMMM	Article entitled Repeat surgery after lumbar decompression for herniated disc: the quality implications of hospital and surgeon variation. Spine J. 2012 Feb; 12(2):89-97			

DEFENDANT'S EXHIBIT LIST

TRIAL DATE: Aug. 19, 2015

Exh. No.	Description	Date Offered	Obj.	Date Admitted
NNNN	Article entitled Risk of multiple reoperations after lumbar discectomy: a population-based study. Spine (Phila Pa 1976). 2003 Mar 15; 28(6):621-7	8-24-15 Yoo		not Admitted
OOOO	The deposition transcript of Beau Orth, dated April 14, 2015, and any exhibits thereto.	8-25-15 N		Court Exhibit #17 9-2-15
PPPP	The deposition transcript of Albert Capanna, M.D. dated January 15, 2015, and any exhibits thereto.	8-26-15 N		Court Exhibit #18 9-2-15
QQQQ	The deposition transcript of Allan Belzberg, M.D. dated May 29, 2015, and any exhibits thereto.	8-24-15 N		Court Exhibit #16 9-2-15
RRRR	The deposition transcript of Marc Kaye, M.D., dated June 15, 2015, and any exhibits thereto	8-31-15 N		Court Exhibit #19 9-2-15
SSSS	The deposition transcript of Reynold Rimoldi, M.D. dated June 17, 2015, and any exhibits thereto	not offered or Admitted		
TTTT	The deposition transcript of Michelle Bennion, dated April 7, 2015, and any exhibits thereto	not offered or Admitted		
UUUU	The deposition transcript of Eileen Rinaldi, dated April 8, 2015, and any exhibits thereto			
VVVV	The deposition transcript of Anthony Ruggeroli, M.D., dated May 21, 2015, and any exhibits thereto.			
WWWW	The deposition transcript of Frank Yoo, M.D., dated May 26, 2015, and any exhibits thereto			
XXXX	The deposition transcript of Andrew Cash, M.D., dated June 17, 2015, and any exhibits thereto.			
YYYY	The deposition transcript of Andrew Cash, M.D., dated June 23, 2015, and any exhibits thereto			
ZZZZ	The deposition transcript of Andrew Cash, M.D., dated May 27, 2015, and any exhibits thereto			
AAAAA	The deposition transcript of Stephanie Saxon, dated July 8, 2015, and any exhibits thereto			
BBBBB	Affidavit of Kevin Yoo, M.D. dated 9/7/2011	8-24-15 Yoo		not Admitted
CCCCC	Expert Report prepared by Kevin Yoo, M.D. undated and served on 7/17/15			
DDDDD	Supplemental Expert Report by Kevin Yoo, M.D. dated 7/17/2015			
EEEEE	Expert Report prepared by Andrew Cash, M.D. dated 4/1/2015			

DEFENDANT'S EXHIBIT LIST

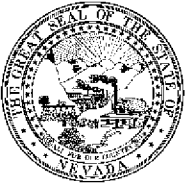
TRIAL DATE: Aug. 19, 2015

Exh. No.	Description	Date Offered	Obj.	Date Admitted
FFFFF	Expert Report prepared by Anthony Ruggeroli, M.D. dated 4/27/2015	8-24-15	yoo	Not Admitted
GGGGG	Supplemental Expert Report prepared by Andrew Cash, M.D. dated 7/28/2015			
HHHHH	Medical Report prepared by Andrew Cash, M.D. dated 2/25/2011			
IIIII	Medical report prepared by Andrew Cash, M.D. dated 4/21/2011			
JJJJJ	Medical report prepared by Andrew Cash, M.D. dated 9/6/2012			
KKKKK	Medical report prepared by Andrew Cash dated 9/6/2012			
LLLLL	Medical report prepared by Andrew Cash dated 3/13/2014			
MMMMM	Medical report prepared for Andrew Cash, M.D. dated 3/19/2014			
NNNNN	McKenna, Ruggeroli and Helmi Pain Specialists notes			
OOOOO	Andrew Cash, M.D. letter to Eglet Prince dated May 14, 2015			
	Prior testimony of Dr. Frank Yoo	Not offered		Admitted
	Prior testimony of Andrew Cash, M.D.			
	Prior testimony of Anthony Ruggeroli, M.D.			
PPPPP	Chief Complaint - Decont Institute	8-31-15	yoo	
QAAAA	Letter dated 4-5-15			Not Admitted
RRRRR	Dr. Cash Bog - 3-1-07			
SSSSS	Billing for Dr. Cash	8-1-15	N	8-1-15
TTTTT	Affidavit of Timothy Spears	8-31-15	yoo	8-31-15

COURT'S EXHIBITS

CASE NO. A648041

	Date Offered	Objection	Date Admitted
1) Demonstrative	8/24/15	N	8/24/15
2) Demonstrative	8/24/15	N	8/24/15
3) Juror # 1 Question	8/25/15	N	8/25/15
4) Juror # 4 Question	8/26/15	N	8/26/15
5) Juror # 10 Question	8/26/15	Didn't Read	8/26/15
6) Juror # 6 Question	8/27/15	N	8/27/15
7) Juror # 1 Question	8/27/15	N	8/27/15
8) Juror # 6 Question	8/27/15	N	8/27/15
9) Juror # 10 Question	8/29/15	N	8/29/15
10) Juror # 3 Question	8/31/15	Y	8/31/15
11) Juror # 1 Question	8/31/15	Not Asked	8/31/15
12) Juror # 1 Question	8/31/15	Not Asked	8/31/15
13) Defense Exhibit EE	8/31/15	N	8/31/15
14) Defense Exhibit LL	8/31/15	N	8/31/15
15) Plaintiffs Opening Powerpoint	9/2/15	N	9/2/15
16) Deposition of Allan Belzberg, MD	8-24-15	N	9/2/15
17) Deposition of Beau Onth	8-25-15	N	9/2/15
18) Deposition of Albert Capanna MD	8-26-15	N	9/2/15
19) Deposition of Marc D. Kaye, M.D.	8/3/15	—	9/2/15



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

ROBERT L. EISENBERG
6005 PLUMAS ST., THIRD FLOOR
RENO, NV 89509

DATE: March 9, 2016
CASE: A648041

RE CASE: BEAU R. ORTH vs. ALBERT H. CAPANNA, M.D.

NOTICE OF APPEAL FILED: March 7, 2016

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT TRANSMITTED HAVE BEEN MARKED:**

- ☒ **\$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)****
 - 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**

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.

*****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.***

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; NOTICE OF COST BOND; DISTRICT COURT DOCKET ENTRIES; CIVIL COVER SHEET; JUDGMENT UPON THE JURY VERDICT; NOTICE OF ENTRY OF ORDER; AMENDED JUDGMENT UPON THE JURY VERDICT; NOTICE OF ENTRY OF JUDGMENT; ORDER REGARDING DEFENDANT'S MOTION FOR APPLICATION OF NRS 41A.035 AND 42.021; NOTICE OF ENTRY OF ORDER; ORDER REGARDING DEFENDANT'S MOTION FOR NEW TRIAL, OR IN THE ALTERNATIVE, FOR AMENDMENT OF JUDGMENT; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

BEAU R. ORTH,

Plaintiff(s),

vs.

ALBERT H. CAPANNA, M.D.,

Defendant(s),

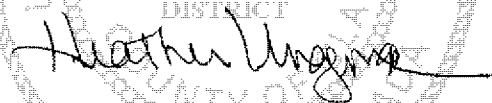
Case No: A648041

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 9 day of March 2016.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk